

Union Calendar No. 290

108TH CONGRESS
2^D SESSION

H. R. 3378

[Report No. 108-507]

To assist in the conservation of marine turtles and the nesting habitats
of marine turtles in foreign countries.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 2003

Mr. GILCHREST introduced the following bill; which was referred to the
Committee on Resources

MAY 20, 2004

Additional sponsors: Mr. FALEOMAVAEGA, Mr. PALLONE, Mr. ABERCROMBIE,
Mr. CASE, Mr. GREENWOOD, Mr. VAN HOLLEN, Mr. SHAW, Mr.
HASTINGS of Florida, Mr. FRANK of Massachusetts, Mr. OLVER, Ms.
BORDALLO, Mr. SAXTON, Mr. MARKEY, Ms. MCCOLLUM, Mr. DEUTSCH,
Ms. ROS-LEHTINEN, Mrs. CAPPES, Mr. FILNER, Mr. GEORGE MILLER of
California, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KILDEE, Mr.
MORAN of Virginia, Mrs. NAPOLITANO, Mrs. DAVIS of California, Mr.
ALLEN, Mr. DEFazio, Mr. INSLEE, Mr. WELDON of Florida, Mr. SAND-
ERS, Mr. GOSS, Mr. GRIJALVA, Mr. OWENS, Mr. WEXLER, Mr. WEINER,
Mr. UDALL of New Mexico, Mr. SERRANO, Mr. GALLEGLY, Mr. HONDA,
Ms. NORTON, Mr. RANGEL, Mr. ENGEL, Mr. CRENSHAW, and Mr.
BLUMENAUER

MAY 20, 2004

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Marine Turtle Con-
5 servation Act of 2003”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds that—

8 (1) marine turtle populations have declined to
9 the point that the long-term survival of the logger-
10 head, green, hawksbill, Kemp’s ridley, olive ridley,
11 and leatherback turtle in the wild is in serious jeop-
12 ardy;

13 (2) 6 of the 7 recognized species of marine tur-
14 tles are listed as threatened or endangered species
15 under the Endangered Species Act of 1973 (16
16 U.S.C. 1531 et seq.), and all 7 species have been in-
17 cluded in appendix I of CITES;

18 (3) because marine turtles are long-lived, late-
19 maturing, and highly migratory, marine turtles are
20 particularly vulnerable to the impacts of human ex-
21 ploitation and habitat loss;

1 (4) illegal international trade seriously threat-
2 ens wild populations of some marine turtle species,
3 particularly the hawksbill turtle;

4 (5) the challenges facing marine turtles are im-
5 mense, and the resources available have not been
6 sufficient to cope with the continued loss of nesting
7 habitats caused by human activities and the con-
8 sequent diminution of marine turtle populations;

9 (6) because marine turtles are flagship species
10 for the ecosystems in which marine turtles are
11 found, sustaining healthy populations of marine tur-
12 tles provides benefits to many other species of wild-
13 life, including many other threatened or endangered
14 species;

15 (7) marine turtles are important components of
16 the ecosystems that they inhabit, and studies of wild
17 populations of marine turtles have provided impor-
18 tant biological insights;

19 (8) changes in marine turtle populations are
20 most reliably indicated by changes in the numbers of
21 nests and nesting females; and

22 (9) the reduction, removal, or other effective
23 addressing of the threats to the long-term viability
24 of populations of marine turtles will require the joint
25 commitment and effort of—

1 (A) countries that have within their bound-
2 aries marine turtle nesting habitats; and

3 (B) persons with expertise in the conserva-
4 tion of marine turtles.

5 (b) PURPOSE.—The purpose of this Act is to assist
6 in the conservation of marine turtles and the nesting habi-
7 tats of marine turtles in foreign countries by supporting
8 and providing financial resources for projects to conserve
9 the nesting habitats, conserve marine turtles in those habi-
10 tats, and address other threats to the survival of marine
11 turtles.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

14 (1) CITES.—The term “CITES” means the
15 Convention on International Trade in Endangered
16 Species of Wild Fauna and Flora (27 UST 1087;
17 TIAS 8249).

18 (2) CONSERVATION.—The term “conservation”
19 means the use of all methods and procedures nec-
20 essary to protect nesting habitats of marine turtles
21 in foreign countries and of marine turtles in those
22 habitats, including—

23 (A) protection, restoration, and manage-
24 ment of nesting habitats;

1 (B) onsite research and monitoring of
2 nesting populations, nesting habitats, annual
3 reproduction, and species population trends;

4 (C) assistance in the development, imple-
5 mentation, and improvement of national and re-
6 gional management plans for nesting habitat
7 ranges;

8 (D) enforcement and implementation of
9 CITES and laws of foreign countries to—

10 (i) protect and manage nesting popu-
11 lations and nesting habitats; and

12 (ii) prevent illegal trade of marine
13 turtles;

14 (E) training of local law enforcement offi-
15 cials in the interdiction and prevention of—

16 (i) the illegal killing of marine turtles
17 on nesting habitat; and

18 (ii) illegal trade in marine turtles;

19 (F) initiatives to resolve conflicts between
20 humans and marine turtles over habitat used by
21 marine turtles for nesting;

22 (G) community outreach and education;
23 and

1 (H) strengthening of the ability of local
2 communities to implement nesting population
3 and nesting habitat conservation programs.

4 (3) FUND.—The term “Fund” means the Ma-
5 rine Turtle Conservation Fund established by section
6 5.

7 (4) MARINE TURTLE.—

8 (A) IN GENERAL.—The term “marine tur-
9 tle” means any member of the family
10 Cheloniidae or Dermochelyidae.

11 (B) INCLUSIONS.—The term “marine tur-
12 tle” includes—

13 (i) any part, product, egg, or offspring
14 of a turtle described in subparagraph (A);
15 and

16 (ii) a carcass of such a turtle.

17 (5) MULTINATIONAL SPECIES CONSERVATION
18 FUND.—The term “Multinational Species Conserva-
19 tion Fund” means the fund established under the
20 heading “multinational species conservation fund” in
21 title I of the Department of the Interior and Related
22 Agencies Appropriations Act, 1999 (16 U.S.C.
23 4246).

24 (6) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 **SEC. 4. MARINE TURTLE CONSERVATION ASSISTANCE.**

2 (a) IN GENERAL.—Subject to the availability of
3 funds and in consultation with other Federal officials, the
4 Secretary shall use amounts in the Fund to provide finan-
5 cial assistance for projects for the conservation of marine
6 turtles for which project proposals are approved by the
7 Secretary in accordance with this section.

8 (b) PROJECT PROPOSALS.—

9 (1) ELIGIBLE APPLICANTS.—A proposal for a
10 project for the conservation of marine turtles may be
11 submitted to the Secretary by—

12 (A) any wildlife management authority of
13 a foreign country that has within its boundaries
14 marine turtle nesting habitat if the activities of
15 the authority directly or indirectly affect marine
16 turtle conservation; or

17 (B) any other person or group with the
18 demonstrated expertise required for the con-
19 servation of marine turtles.

20 (2) REQUIRED ELEMENTS.—A project proposal
21 shall include—

22 (A) a statement of the purposes of the
23 project;

24 (B) the name of the individual with overall
25 responsibility for the project;

1 (C) a description of the qualifications of
2 the individuals that will conduct the project;

3 (D) a description of—

4 (i) methods for project implementa-
5 tion and outcome assessment;

6 (ii) staff and community management
7 for the project; and

8 (iii) the logistics of the project;

9 (E) an estimate of the funds and time re-
10 quired to complete the project;

11 (F) evidence of support for the project by
12 appropriate governmental entities of the coun-
13 tries in which the project will be conducted, if
14 the Secretary determines that such support is
15 required for the success of the project;

16 (G) information regarding the source and
17 amount of matching funding available for the
18 project; and

19 (H) any other information that the Sec-
20 retary considers to be necessary for evaluating
21 the eligibility of the project for funding under
22 this Act.

23 (c) PROJECT REVIEW AND APPROVAL.—

24 (1) IN GENERAL.—The Secretary shall—

1 (A) not later than 30 days after receiving
2 a project proposal, provide a copy of the pro-
3 posal to other Federal officials, as appropriate;
4 and

5 (B) review each project proposal in a time-
6 ly manner to determine whether the proposal
7 meets the criteria specified in subsection (d).

8 (2) CONSULTATION; APPROVAL OR DIS-
9 APPROVAL.—Not later than 180 days after receiving
10 a project proposal, and subject to the availability of
11 funds, the Secretary, after consulting with other
12 Federal officials, as appropriate, shall—

13 (A) consult on the proposal with the gov-
14 ernment of each country in which the project is
15 to be conducted;

16 (B) after taking into consideration any
17 comments resulting from the consultation, ap-
18 prove or disapprove the project proposal; and

19 (C) provide written notification of the ap-
20 proval or disapproval to the person that sub-
21 mitted the project proposal, other Federal offi-
22 cials, and each country described in subpara-
23 graph (A).

24 (d) CRITERIA FOR APPROVAL.—The Secretary may
25 approve a project proposal under this section if the project

1 will help recover and sustain viable populations of marine
2 turtles in the wild by assisting efforts in foreign countries
3 to implement marine turtle conservation programs.

4 (e) PROJECT SUSTAINABILITY.—To the maximum
5 extent practicable, in determining whether to approve
6 project proposals under this section, the Secretary shall
7 give preference to conservation projects that are designed
8 to ensure effective, long-term conservation of marine tur-
9 tles and their nesting habitats.

10 (f) MATCHING FUNDS.—In determining whether to
11 approve project proposals under this section, the Secretary
12 shall give preference to projects for which matching funds
13 are available.

14 (g) PROJECT REPORTING.—

15 (1) IN GENERAL.—Each person that receives
16 assistance under this section for a project shall sub-
17 mit to the Secretary periodic reports (at such inter-
18 vals as the Secretary may require) that include all
19 information that the Secretary, after consultation
20 with other government officials, determines is nec-
21 essary to evaluate the progress and success of the
22 project for the purposes of ensuring positive results,
23 assessing problems, and fostering improvements.

24 (2) AVAILABILITY TO THE PUBLIC.—Reports
25 under paragraph (1), and any other documents re-

1 lating to projects for which financial assistance is
2 provided under this Act, shall be made available to
3 the public.

4 **SEC. 5. MARINE TURTLE CONSERVATION FUND.**

5 (a) ESTABLISHMENT.—There is established in the
6 Multinational Species Conservation Fund a separate ac-
7 count to be known as the “Marine Turtle Conservation
8 Fund”, consisting of—

9 (1) amounts transferred to the Secretary of the
10 Treasury for deposit into the Fund under subsection
11 (e);

12 (2) amounts appropriated to the Fund under
13 section 6; and

14 (3) any interest earned on investment of
15 amounts in the Fund under subsection (c).

16 (b) EXPENDITURES FROM FUND.—

17 (1) IN GENERAL.—Subject to paragraph (2), on
18 request by the Secretary, the Secretary of the Treas-
19 ury shall transfer from the Fund to the Secretary,
20 without further appropriation, such amounts as the
21 Secretary determines are necessary to carry out sec-
22 tion 4.

23 (2) ADMINISTRATIVE EXPENSES.—Of the
24 amounts in the account available for each fiscal
25 year, the Secretary may expend not more than 3

1 percent, or up to \$80,000, whichever is greater, to
2 pay the administrative expenses necessary to carry
3 out this Act.

4 (c) INVESTMENT OF AMOUNTS.—

5 (1) IN GENERAL.—The Secretary of the Treas-
6 ury shall invest such portion of the Fund as is not,
7 in the judgment of the Secretary of the Treasury,
8 required to meet current withdrawals. Investments
9 may be made only in interest-bearing obligations of
10 the United States.

11 (2) ACQUISITION OF OBLIGATIONS.—For the
12 purpose of investments under paragraph (1), obliga-
13 tions may be acquired—

14 (A) on original issue at the issue price; or

15 (B) by purchase of outstanding obligations
16 at the market price.

17 (3) SALE OF OBLIGATIONS.—Any obligation ac-
18 quired by the Fund may be sold by the Secretary of
19 the Treasury at the market price.

20 (4) CREDITS TO FUND.—The interest on, and
21 the proceeds from the sale or redemption of, any ob-
22 ligations held in the Fund shall be credited to and
23 form a part of the Fund.

24 (d) TRANSFERS OF AMOUNTS.—

1 (1) IN GENERAL.—The amounts required to be
2 transferred to the Fund under this section shall be
3 transferred at least monthly from the general fund
4 of the Treasury to the Fund on the basis of esti-
5 mates made by the Secretary of the Treasury.

6 (2) ADJUSTMENTS.—Proper adjustment shall
7 be made in amounts subsequently transferred to the
8 extent prior estimates were in excess of or less than
9 the amounts required to be transferred.

10 (e) ACCEPTANCE AND USE OF DONATIONS.—The
11 Secretary may accept and use donations to provide assist-
12 ance under section 4. Amounts received by the Secretary
13 in the form of donations shall be transferred to the Sec-
14 retary of the Treasury for deposit in the Fund.

15 **SEC. 6. ADVISORY GROUP.**

16 (a) IN GENERAL.—To assist in carrying out this Act,
17 the Secretary may convene an advisory group consisting
18 of individuals representing public and private organiza-
19 tions actively involved in the conservation of marine tur-
20 tles.

21 (b) PUBLIC PARTICIPATION.—

22 (1) MEETINGS.—The Advisory Group shall—

23 (A) ensure that each meeting of the advi-
24 sory group is open to the public; and

1 (B) provide, at each meeting, an oppor-
2 tunity for interested persons to present oral or
3 written statements concerning items on the
4 agenda.

5 (2) NOTICE.—The Secretary shall provide to
6 the public timely notice of each meeting of the advi-
7 sory group.

8 (3) MINUTES.—Minutes of each meeting of the
9 advisory group shall be kept by the Secretary and
10 shall be made available to the public.

11 (c) EXEMPTION FROM FEDERAL ADVISORY COM-
12 MITTEE ACT.—The Federal Advisory Committee Act (5
13 U.S.C. App.) shall not apply to the advisory group.

14 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

15 There is authorized to be appropriated to the Fund
16 \$5,000,000 for each of fiscal years 2005 through 2009.

17 **SEC. 8. REPORT TO CONGRESS.**

18 Not later than October 1, 2005, the Secretary shall
19 submit to the Congress a report on the results and effec-
20 tiveness of the program carried out under this Act, includ-
21 ing recommendations concerning how this Act might be
22 improved and whether the Fund should be continued in
23 the future.

Union Calendar No. 290

108TH CONGRESS
2^D SESSION

H. R. 3378

[Report No. 108-507]

A BILL

To assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

MAY 20, 2004

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed