

§ 6577. Involvement by other agencies and organizations

In carrying out this subchapter, the Secretary of Agriculture may consult with—

- (1) nonindustrial private forest landowners;
- (2) other Federal agencies;
- (3) State fish and wildlife agencies;
- (4) State forestry agencies;
- (5) State environmental quality agencies;
- (6) other State conservation agencies; and
- (7) nonprofit conservation organizations.

(Pub. L. 108–148, title V, § 507, Dec. 3, 2003, 117 Stat. 1914.)

§ 6578. Funding

(a) In general

Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available \$9,750,000 for each of fiscal years 2009 through 2012 to carry out this subchapter.

(b) Duration of availability

The funds made available under subsection (a) shall remain available until expended.

(Pub. L. 108–148, title V, § 508, Dec. 3, 2003, 117 Stat. 1914; Pub. L. 110–234, title VIII, § 8205(c), May 22, 2008, 122 Stat. 1295; Pub. L. 110–246, § 4(a), title VIII, § 8205(c), June 18, 2008, 122 Stat. 1664, 2057.)

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2008—Pub. L. 110–246, § 8205(c), amended section generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this subchapter—

- “(1) \$25,000,000 for fiscal year 2004; and
- “(2) such sums as are necessary for each of fiscal years 2005 through 2008.”

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

SUBCHAPTER VI—MISCELLANEOUS

§ 6591. Forest stands inventory and monitoring program to improve detection of and response to environmental threats

(a) In general

The Secretary of Agriculture shall carry out a comprehensive program to inventory, monitor, characterize, assess, and identify forest stands (with emphasis on hardwood forest stands) and potential forest stands—

- (1) in units of the National Forest System (other than those units created from the public domain); and
- (2) on private forest land, with the consent of the owner of the land.

(b) Issues to be addressed

In carrying out the program, the Secretary shall address issues including—

(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, and weather-related risks and other episodic events);

(2) loss or degradation of forests;

(3) degradation of the quality forest stands caused by inadequate forest regeneration practices;

(4) quantification of carbon uptake rates; and

(5) management practices that focus on preventing further forest degradation.

(c) Early warning system

In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

(1) isolate and treat a threat before the threat gets out of control; and

(2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2004 through 2008.

(Pub. L. 108–148, title VI, § 601, Dec. 3, 2003, 117 Stat. 1914.)

CHAPTER 85—MARINE TURTLE CONSERVATION

Sec.

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§ 6601. Findings and purposes

(a) Findings

The Congress finds that—

(1) marine turtle populations have declined to the point that the long-term survival of the loggerhead, green, hawksbill, Kemp's ridley, olive ridley, and leatherback turtle in the wild is in serious jeopardy;

(2) 6 of the 7 recognized species of marine turtles are listed as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all 7 species have been included in Appendix I of CITES;

(3) because marine turtles are long-lived, late-maturing, and highly migratory, marine turtles are particularly vulnerable to the impacts of human exploitation and habitat loss;

(4) illegal international trade seriously threatens wild populations of some marine turtle species, particularly the hawksbill turtle;

(5) the challenges facing marine turtles are immense, and the resources available have not been sufficient to cope with the continued loss of nesting habitats caused by human activities and the consequent diminution of marine turtle populations;

(6) because marine turtles are flagship species for the ecosystems in which marine turtles are found, sustaining healthy populations of marine turtles provides benefits to many other species of wildlife, including many other threatened or endangered species;

(7) marine turtles are important components of the ecosystems that they inhabit, and studies of wild populations of marine turtles have provided important biological insights;

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

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

(A) countries that have within their boundaries marine turtle nesting habitats; and

(B) persons with expertise in the conservation of marine turtles.

(b) Purpose

The purpose of this chapter is to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries by supporting and providing financial resources for projects to conserve the nesting habitats, conserve marine turtles in those habitats, and address other threats to the survival of marine turtles.

(Pub. L. 108–266, §2, July 2, 2004, 118 Stat. 791.)

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in subsec. (a)(2), is Pub. L. 93–205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified principally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

SHORT TITLE

Pub. L. 108–266, §1, July 2, 2004, 118 Stat. 791, provided that: “This Act [enacting this chapter] may be cited as the ‘Marine Turtle Conservation Act of 2004’.”

§ 6602. Definitions

In this chapter:

(1) CITES

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

(2) Conservation

The term “conservation” means the use of all methods and procedures necessary to protect nesting habitats of marine turtles in foreign countries and of marine turtles in those habitats, including—

(A) protection, restoration, and management of nesting habitats;

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

(C) assistance in the development, implementation, and improvement of national and regional management plans for nesting habitat ranges;

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

(i) protect and manage nesting populations and nesting habitats; and

(ii) prevent illegal trade of marine turtles;

(E) training of local law enforcement officials in the interdiction and prevention of—

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

(ii) illegal trade in marine turtles;

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

(G) community outreach and education; and

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

(3) Fund

The term “Fund” means the Marine Turtle Conservation Fund established by section 6604 of this title.

(4) Marine turtle

(A) In general

The term “marine turtle” means any member of the family Cheloniidae or Dermochelyidae.

(B) Inclusions

The term “marine turtle” includes—

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

(ii) a carcass of such a turtle.

(5) Multinational Species Conservation Fund

The term “Multinational Species Conservation Fund” means the fund established under the heading “multinational species conservation fund” in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 4246).

(6) Secretary

The term “Secretary” means the Secretary of the Interior.

(Pub. L. 108–266, §3, July 2, 2004, 118 Stat. 792.)

REFERENCES IN TEXT

Title I of the Department of the Interior and Related Agencies Appropriations Act, 1999, referred to in par. (5), is Pub. L. 105–277, div. A, §101(e) [title I], Oct. 21, 1998, 112 Stat. 2681–231, 2681–232. Provisions under the heading “MULTINATIONAL SPECIES CONSERVATION FUND” in Pub. L. 105–277, §101(e) [title I] appear at 112 Stat. 2681–237 and are classified in part to section 4246 of this title.

§ 6603. Marine turtle conservation assistance

(a) In general

Subject to the availability of funds and in consultation with other Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects for the conservation of marine turtles for which project proposals are approved by the Secretary in accordance with this section.

(b) Project proposals

(1) Eligible applicants

A proposal for a project for the conservation of marine turtles may be submitted to the Secretary by—

(A) any wildlife management authority of a foreign country that has within its boundaries marine turtle nesting habitat if the activities of the authority directly or indirectly affect marine turtle conservation; or
 (B) any other person or group with the demonstrated expertise required for the conservation of marine turtles.

(2) Required elements

A project proposal shall include—

- (A) a statement of the purposes of the project;
- (B) the name of the individual with overall responsibility for the project;
- (C) a description of the qualifications of the individuals that will conduct the project;
- (D) a description of—
 - (i) methods for project implementation and outcome assessment;
 - (ii) staff and community management for the project; and
 - (iii) the logistics of the project;
- (E) an estimate of the funds and time required to complete the project;
- (F) evidence of support for the project by appropriate governmental entities of the countries in which the project will be conducted, if the Secretary determines that such support is required for the success of the project;
- (G) information regarding the source and amount of matching funding available for the project; and
- (H) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this chapter.

(c) Project review and approval

(1) In general

The Secretary shall—

- (A) not later than 30 days after receiving a project proposal, provide a copy of the proposal to other Federal officials, as appropriate; and
- (B) review each project proposal in a timely manner to determine whether the proposal meets the criteria specified in subsection (d).

(2) Consultation; approval or disapproval

Not later than 180 days after receiving a project proposal, and subject to the availability of funds, the Secretary, after consulting with other Federal officials, as appropriate, shall—

- (A) consult on the proposal with the government of each country in which the project is to be conducted;
- (B) after taking into consideration any comments resulting from the consultation, approve or disapprove the project proposal; and
- (C) provide written notification of the approval or disapproval to the person that submitted the project proposal, other Federal officials, and each country described in subparagraph (A).

(d) Criteria for approval

The Secretary may approve a project proposal under this section if the project will help re-

cover and sustain viable populations of marine turtles in the wild by assisting efforts in foreign countries to implement marine turtle conservation programs.

(e) Project sustainability

To the maximum extent practicable, in determining whether to approve project proposals under this section, the Secretary shall give preference to conservation projects that are designed to ensure effective, long-term conservation of marine turtles and their nesting habitats.

(f) Matching funds

In determining whether to approve project proposals under this section, the Secretary shall give preference to projects for which matching funds are available.

(g) Project reporting

(1) In general

Each person that receives assistance under this section for a project shall submit to the Secretary periodic reports (at such intervals as the Secretary may require) that include all information that the Secretary, after consultation with other government officials, determines is necessary to evaluate the progress and success of the project for the purposes of ensuring positive results, assessing problems, and fostering improvements.

(2) Availability to the public

Reports under paragraph (1), and any other documents relating to projects for which financial assistance is provided under this chapter, shall be made available to the public.

(Pub. L. 108–266, § 4, July 2, 2004, 118 Stat. 793.)

§ 6604. Marine Turtle Conservation Fund

(a) Establishment

There is established in the Multinational Species Conservation Fund a separate account to be known as the “Marine Turtle Conservation Fund”, consisting of—

- (1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (e);
- (2) amounts appropriated to the Fund under section 6605 of this title; and
- (3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) Expenditures from Fund

(1) In general

Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to carry out section 6603 of this title.

(2) Administrative expenses

Of the amounts in the account available for each fiscal year, the Secretary may expend not more than 3 percent, or up to \$80,000, whichever is greater, to pay the administrative expenses necessary to carry out this chapter.

(c) Investment of amounts**(1) In general**

The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) Acquisition of obligations

For the purpose of investments under paragraph (1), obligations may be acquired—

- (A) on original issue at the issue price; or
- (B) by purchase of outstanding obligations at the market price.

(3) Sale of obligations

Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) Credits to Fund

The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) Transfers of amounts**(1) In general**

The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) Adjustments

Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) Acceptance and use of donations

The Secretary may accept and use donations to provide assistance under section 6603 of this title. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.

(Pub. L. 108-266, § 5, July 2, 2004, 118 Stat. 794.)

§ 6605. Advisory group**(a) In general**

To assist in carrying out this chapter, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of marine turtles.

(b) Public participation**(1) Meetings**

The Advisory Group shall—

- (A) ensure that each meeting of the advisory group is open to the public; and
- (B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(2) Notice

The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(3) Minutes

Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(c) Exemption from Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

(Pub. L. 108-266, § 6, July 2, 2004, 118 Stat. 795.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (c), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 6606. Authorization of appropriations

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

(Pub. L. 108-266, § 7, July 2, 2004, 118 Stat. 795.)

§ 6607. Report to Congress

Not later than October 1, 2005, the Secretary shall submit to the Congress a report on the results and effectiveness of the program carried out under this chapter, including recommendations concerning how this chapter might be improved and whether the Fund should be continued in the future.

(Pub. L. 108-266, § 8, July 2, 2004, 118 Stat. 796.)

CHAPTER 86—SOUTHWEST FOREST HEALTH AND WILDFIRE PREVENTION

Sec.

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§ 6701. Findings

Congress finds that—

(1) there is an increasing threat of wildfire to millions of acres of forest land and rangeland throughout the United States;

(2) forest land and rangeland are degraded as a direct consequence of land management practices, including practices to control and prevent wildfires and the failure to harvest subdominant trees from overstocked stands that disrupt the occurrence of frequent low-intensity fires that have periodically removed flammable undergrowth;

(3) at least 39,000,000 acres of land of the National Forest System in the interior West are at high risk of wildfire;

(4) an average of 95 percent of the expenditures by the Forest Service for wildfire suppression during fiscal years 1990 through 1994 were made to suppress wildfires in the interior West;

(5) the number, size, and severity of wildfires in the interior West are increasing;

(6) of the timberland in National Forests in the States of Arizona and New Mexico, 59 per-