

(3) to address other threats to the survival of marine turtles, freshwater turtles, and tortoises, including habitat loss, poaching of turtles or their eggs, and wildlife trafficking.

(Pub. L. 108-266, §2, July 2, 2004, 118 Stat. 791; Pub. L. 116-9, title VII, §7001(c)(3)(A), Mar. 12, 2019, 133 Stat. 786.)

Editorial Notes

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, 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.

AMENDMENTS

2019—Subsec. (b). Pub. L. 116-9 added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “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.”

Statutory Notes and Related Subsidiaries

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 marine turtles, freshwater turtles, and tortoises, and the habitats of marine turtles, freshwater turtles, and tortoises, in foreign countries and territories of the United States under the jurisdiction of United States Fish and Wildlife Service programs, including—

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

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

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

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

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

(ii) to 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, freshwater turtles, and tortoises; and

(ii) illegal trade in marine turtles;

(F) initiatives to resolve conflicts between humans and marine turtles, freshwater turtles, and tortoises over habitats used by marine turtles, freshwater turtles, and tortoises;

(G) community outreach and education; and

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

(3) Freshwater turtle

(A) In general

The term “freshwater turtle” means any member of the family Carettochelyidae, Chelidae, Chelydridae, Dermatemydidae, Emydidae, Geoemydidae, Kinosternidae, Pelomedusidae, Platysternidae, Podocnemididae, or Trionychidae.

(B) Inclusions

The term “freshwater turtle” includes—

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

(ii) a carcass of such a turtle.

(4) Fund

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

(5) Habitat

The term “habitat” means any marine turtle, freshwater turtle, or tortoise habitat (including a nesting habitat) that is under the jurisdiction of United States Fish and Wildlife Service programs.

(6) 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.

(7) 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).

(8) Secretary

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

(9) Territory of the United States

The term “territory of the United States” means—

(A) American Samoa;

(B) the Commonwealth of the Northern Mariana Islands;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) the United States Virgin Islands; and

(F) any other territory or possession of the United States.

(10) Tortoise**(A) In general**

The term “tortoise” means any member of the family Testudinidae.

(B) Inclusions

The term “tortoise” includes—

- (i) any part, product, egg, or offspring of a tortoise described in subparagraph (A); and
- (ii) a carcass of such a tortoise.

(Pub. L. 108–266, §3, July 2, 2004, 118 Stat. 792; Pub. L. 116–9, title VII, §7001(c)(3)(B), Mar. 12, 2019, 133 Stat. 786.)

Editorial Notes

REFERENCES IN TEXT

Title I of the Department of the Interior and Related Agencies Appropriations Act, 1999, referred to in par. (7), 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.

AMENDMENTS

2019—Par. (2). Pub. L. 116–9, §7001(c)(3)(B)(i)(I), substituted “marine turtles, freshwater turtles, and tortoises, and the habitats of marine turtles, freshwater turtles, and tortoises, in foreign countries and territories of the United States under the jurisdiction of United States Fish and Wildlife Service programs” for “nesting habitats of marine turtles in foreign countries and of marine turtles in those habitats” in introductory provisions.

Par. (2)(A) to (C). Pub. L. 116–9, §7001(c)(3)(B)(i)(II), struck out “nesting” wherever appearing before “habitats”, “populations”, and “habitat”.

Par. (2)(D). Pub. L. 116–9, §7001(c)(3)(B)(i)(III)(aa), substituted “countries—” for “countries to—” in introductory provisions.

Par. (2)(D)(i). Pub. L. 116–9, §7001(c)(3)(B)(i)(III)(bb), inserted “to” before “protect” and struck out “nesting” before “populations” and before “habitats”.

Par. (2)(D)(ii). Pub. L. 116–9, §7001(c)(3)(B)(i)(III)(cc), inserted “to” before “prevent”.

Par. (2)(E)(i). Pub. L. 116–9, §7001(c)(3)(B)(i)(IV), substituted “turtles, freshwater turtles, and tortoises” for “turtles on nesting habitat”.

Par. (2)(F). Pub. L. 116–9, §7001(c)(3)(B)(i)(V), substituted “turtles, freshwater turtles, and tortoises over habitats used by marine turtles, freshwater turtles, and tortoises” for “turtles over habitat used by marine turtles for nesting”.

Par. (2)(H). Pub. L. 116–9, §7001(c)(3)(B)(i)(VI), struck out “nesting” before “population” and before “habitat”.

Pars. (3) to (10). Pub. L. 116–9, §7001(c)(3)(B)(ii)–(v), added pars. (3), (5), (9), and (10) and redesignated former pars. (3) to (6) as (4), (6), (7), and (8), respectively.

§ 6603. 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, freshwater turtles, or tortoises 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, freshwater turtles, or tortoises may be submitted to the Secretary by—

(A) any wildlife management authority of a foreign country or territory of the United States that has within its boundaries marine turtle, freshwater turtle, or tortoise habitat, if the activities of the authority directly or indirectly affect marine turtle, freshwater turtle, or tortoise conservation; or

(B) any other person or group with the demonstrated expertise required for the conservation of marine turtles, freshwater turtles, or tortoises.

(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 and territory of the United States in which the project is to be conducted;

(B) after taking into consideration any comments resulting from the consultation,