

## Union Calendar No. 290

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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 (e).

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

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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