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### MARINE TURTLE CONSERVATION ACT OF 2002

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OCTOBER 8, 2002.—Ordered to be printed

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Mr. JEFFORDS, from the Committee on Environment and Public Works, submitted the following

### REPORT

[to accompany S. 2897]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 2897) to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

#### GENERAL STATEMENT AND BACKGROUND

Marine turtles, once abundant throughout the world, are now in very serious trouble. Some populations are expected to become extinct within the next few years. Because marine turtles are long-lived, late-maturing, and highly migratory, they are particularly vulnerable to human exploitation and habitat loss. Of the species found in U.S. waters the Leatherback, Green, Hawksbill, Olive Ridley, Loggerhead, and Kemp's Ridley turtles—all are listed as endangered or threatened under the Endangered Species Act. All seven of the world's species are included in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

The life-cycles of marine turtles are very complex. They depend on a diversity of environments, including terrestrial sites on sandy beaches where nests are made and eggs are deposited and left to incubate for about 2 months. The newly hatched turtles instinctively run to the sea. Some turtles may spend decades on the high seas before returning to coastal waters. Dispersing across ocean basins is routine for many turtles as part of the normal maturation

process. Most species appear to pass through a series of developmental habitats living in the territorial waters of several sovereign States. On reaching maturity, which may take as much as half a century in some populations, the adults make migrations between feeding grounds and breeding grounds.

Because marine turtles migrate far beyond U.S. borders, activities outside the United States compromise national recovery efforts. While international projects, largely focused on conservation of nesting beaches, have in some instances helped foster population recovery, lack of adequate funding remains a critical stumbling block.

#### OBJECTIVES OF THE LEGISLATION

This legislation will assist in the recovery and protection of marine turtles by supporting and providing financial resources for projects to conserve nesting habitats of marine turtles in foreign countries and marine turtles while they are found in such habitats and to address other threats to the survival of marine turtles.

S. 2897 directs the Secretary of Interior to establish a program to review, approve, and fund qualified marine turtle conservation projects. It authorizes \$5 million in annual appropriations through 2008 to be deposited in a Marine Turtle Conservation Fund, established for this purpose.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Short Title*

This Section cites the Act as the “Marine Turtle Conservation Act of 2002”.

##### *Sec. 2. Findings and Purposes*

This Section elaborates on the congressional findings that: marine turtle populations have declined to the point that the long-term survival of the populations are in jeopardy; six of the seven recognized species of marine turtles are listed as threatened or endangered species under the Endangered Species Act of 1973 and all seven species have been included in Appendix I of CITES; marine turtles are particularly vulnerable to the impacts of human exploitation and habitat loss; illegal international trade seriously threatens some marine turtle populations; resources available have not been sufficient to cope with the continued loss of nesting habitats due to human activities; marine turtles are flagship species for the ecosystems in which they are found and are important components of the ecosystems they inhabit, changes in marine turtle populations are most reliably indicated by changes in the numbers of nests and nesting females; and 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 countries that have within their boundaries marine turtle nesting habitats and others with demonstrated expertise in the conservation of marine turtles.

In addition, this Section states the purpose of this Act is to assist in the recovery and protection of marine turtles by supporting and providing financial resources for projects to conserve nesting habi-

tats of marine turtles in foreign countries and marine turtles while they are found in such habitats and to address other threats to the survival of marine turtles.

*Sec. 3. Definitions*

This Section defines CITES, conservation, Fund, marine turtle, Multinational Species Conservation Fund, and Secretary for purposes of this Act.

*Sec. 4. Marine Turtle Conservation Assistance*

This Section directs the Secretary of the Interior to provide financial assistance for projects for the conservation of marine turtles. Projects may be submitted by wildlife management authorities of foreign countries or other persons or groups with expertise in the conservation of marine turtles. The Secretary shall review each project proposal in a timely manner to determine if the proposal meets the criteria specified. The Secretary, after consulting with other appropriate Federal officials, shall consult on the proposal with the government of each country in which the project is to be conducted and approve or disapprove the proposal.

The Secretary may approve a project proposal under this section if the project will help recover and sustain viable populations of marine turtles in the wild by assisting efforts in foreign countries to implement marine turtle conservation programs. The Secretary shall give preference to conservation projects that are designed to ensure effective, long-term conservation of marine turtles and their nesting habitats and give preference to projects for which matching funds are available.

Each person that receives assistance under this section for a project shall submit to the Secretary periodic reports to determine the progress and success of the project for the purposes of ensuring positive results, assessing problems, and fostering improvements. These reports shall be made available to the public.

*Sec. 5. Marine Turtle Conservation Fund*

This Section establishes the Marine Turtle Conservation Fund in the Multinational Species Conservation Fund. The Secretary may expend not more than 3 percent or up to \$80,000 for administrative expenses. The Secretary may accept and use donations to provide assistance under the Act.

*Sec. 6. Advisory Group*

This Section authorizes the Secretary to convene an advisory group of individuals representing public and private organizations actively involved in the conservation of marine turtles. The Secretary shall provide public notice of each meeting of the advisory group. The meetings shall be open to the public and the minutes of the meetings shall be made available to the public. The Federal Advisory Committee Act shall not apply to the advisory group authorized under this section.

The creation of an advisory group will help increase public involvement and Federal and private partnerships. Also, it will provide consistency with the Great Ape Conservation Act and Neotropical Migratory Bird Conservation Act, both of which were

enacted during the 106th Congress and are administered under the Multi-national Species Conservation Fund, along with the Rhinoceros and Tiger Conservation Act and the Asian Elephant Conservation Act.

*Sec. 7. Authorization of Appropriations*

This Section authorizes \$5,000,000 for each of fiscal years 2004 through 2008.

LEGISLATIVE HISTORY

S. 2897, the “Marine Turtle Conservation Act of 2002” was introduced on September 3, 2002, by Senator Jeffords.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 2897 on September 26, 2002. The committee agreed to an amendment by Senator Jeffords by voice vote. Later that day the committee met again to complete action on the bill and voted to report S. 2897, as amended, by voice vote.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 2897 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the committee finds that S. 2897 would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

CHANGES TO EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires the committee to publish changes in existing law made by the bill as reported. Passage of this bill will make no changes to existing law.