

MARINE TURTLE CONSERVATION ACT OF 2003

MAY 20, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3378]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3378) to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 3378 is to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

BACKGROUND AND NEED FOR LEGISLATION

Marine turtles have existed in the world's oceans for more than 100 million years. As recently as the 19th century, marine turtles were abundant and the population of several species exceeded more than a million animals. As a result of foreign fishing practices, the destruction of nesting habitat, poaching for their eggs, meat and shells, marine debris and ocean pollution, a number of marine turtle species have become extinct.

It is generally recognized that there are seven distinct species of marine turtles in the world. Six of these species including green, hawksbill, Kemp's Ridley, leatherback, loggerhead and olive ridley are found in U.S. waters. In the United States, the National Marine Fisheries Service has jurisdiction over sea turtles in the water, while the Fish and Wildlife Service is responsible for them on land. Each of these species are listed under our Endangered Species Act and Appendix I of the Convention on International Trade in En-

dangered Species of Wild Fauna and Flora which prohibits all international trade. The seventh marine turtle species is the flatback which resides off the coast of Australia.

Marine sea turtles are air-breathing reptiles that are found in tropical and subtropical seas throughout the world. They are long-lived species that mature late in life and travel great distances during their lifetime. Sea turtles come in different sizes, shapes and colors with excellent hearing at low frequencies. They spend their lives at sea and only females return to land to nest. In fact, in most cases, they migrate back to the same nesting areas where they hatched. After about 60 days of incubation, the turtle hatchlings emerge and head for the ocean to begin their lives as pelagic drifters. Adult marine turtles have few natural predators.

In June of 1994, the Marine Turtle Specialist Group of the Species Survival Commission of the World Conservation Union met in Mexico. They produced a document called Global Strategy for the Conservation of Marine Turtles which outlined strategies to save these species from extinction. One of their recommendations was to augment existing funding to promote the conservation of marine turtles and marine turtle nesting habitat. Additional resources would allow the funding of various projects including: mapping the distribution of nesting beaches, monitoring the trade in turtle products, greater use of satellite telemetry to track the movement of sea turtles, assisting law enforcement efforts to stop poaching and educational outreach for those communities providing nesting habitat.

The Marine Turtle Conservation Act is modeled after the highly successful conservation funds established for African elephants, Asian elephants, rhinoceros, tigers, Great Apes and neotropical migratory birds. Under H.R. 3378, a Marine Turtle Conservation Fund would be established. The Secretary of the Interior would be authorized to receive up to \$5 million each year in appropriated money to finance approved projects to assist in the conservation and recovery of marine turtles in foreign waters. The Committee hopes that the Secretary of the Interior will encourage grant applicants to include anti-poaching components and education in their proposals so that wildlife authorities in range states can better address illegal taking of marine sea turtles. The \$5 million dollar level is comparable to amounts authorized for other international conservation funds. The authorization would expire on September 30, 2009. Under the terms of this legislation, all seven species of marine turtles would be eligible to receive grant money from the fund.

COMMITTEE ACTION

H.R. 3378 was introduced on October 28, 2003, by Congressman Wayne T. Gilchrest (R-MD). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. The Subcommittee held a hearing on the bill on March 25, 2004. On April 22, 2004, the Subcommittee met to mark up the bill. There were no amendments offered and the bill was then forwarded to the Full Committee. On May 5, 2004, the Full Resources Committee met to consider the bill. There were no amendments offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in the bill are not currently being performed by one or more agencies.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, implementing H.R. 3378 would cost \$24 million over the next five years all subject to appropriation. The bill authorizes the Secretary to accept and use donations to provide financial assistance and therefore, the bill could increase revenues and direct spending, but any new revenues and subsequent direct spending would be insignificant.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 19, 2004.

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3378, the Marine Turtle Conservation Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 3378—Marine Turtle Conservation Act of 2003

Summary: H.R. 3378 would direct the Secretary of the Interior to establish a program to support activities to protect and conserve marine turtles. The bill would authorize the appropriation of \$5 million a year over the 2005–2009 period for the Secretary to convene an advisory panel and provide financial assistance to eligible government agencies, international or foreign organizations, or private entities engaged in such activities. CBO estimates that such assistance would cost \$24 million over the 2005–2009 period, assuming appropriation of the authorized amounts. H.R. 3378 also would authorize the Secretary to accept and use donations to provide financial assistance; hence, the bill could increase revenues and direct spending. Based on information from the U.S. Fish and Wildlife Service, however, CBO estimates that any new revenues and subsequent direct spending would be insignificant.

H.R. 3378 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no significant impact on the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: CBO estimates that implementing H.R. 3378 would cost \$24 million over the next five years. For this estimate, CBO assumes that H.R. 3378 will be enacted near the start of fiscal year 2005 and that authorized amounts will be provided as specified in the bill. Estimates of outlays are based on historical spending patterns for similar programs. The estimated budgetary impact of H.R. 3378 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2005	2006	2007	2008	2009
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization level	5	5	5	5	5
Estimated outlays	1	4	8	6	5

Intergovernmental and private-sector impact: H.R. 3378 contains no intergovernmental or private-sector mandates as defined UMRA and would have no significant impact on the budgets of state, local, or tribal governments

Estimate prepared by: Federal Costs: Megan Carroll. Impact on State, Local, and Tribal Governments: Majorie Miller. Impact on the Private Sector: Jean Talarico.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

