

deposits from a contractor covering the costs of removal of timber or other forest products under—

- (1) section 490 of this title; and
- (2) section 498 of this title.

(g) Performance and payment guarantees

(1) In general

The Chief and the Director may require performance and payment bonds under sections 28.103-2 and 28.103-3 of the Federal Acquisition Regulation, in an amount that the contracting officer considers sufficient to protect the investment in receipts by the Federal Government generated by the contractor from the estimated value of the forest products to be removed under a contract under subsection (b).

(2) Excess offset value

If the offset value of the forest products exceeds the value of the resource improvement treatments, the Chief and the Director may—

- (A) collect any residual receipts under the Act of June 9, 1930 (commonly known as the “Knutson-Vanderberg² Act”) (16 U.S.C. 576 et seq.); and
- (B) apply the excess to other authorized stewardship projects.

(h) Monitoring and evaluation

(1) In general

The Chief and the Director shall establish a multiparty monitoring and evaluation process that accesses the stewardship contracting projects conducted under this section.

(2) Participants

Other than the Chief and Director, participants in the process described in paragraph (1) may include—

- (A) any cooperating governmental agencies, including tribal governments; and
- (B) any other interested groups or individuals.

(i) Reporting

Not later than 1 year after February 7, 2014, and annually thereafter, the Chief and the Director shall report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives on—

- (1) the status of development, execution, and administration of agreements or contracts under subsection (b);
- (2) the specific accomplishments that have resulted; and
- (3) the role of local communities in the development of agreements or contract plans.

(Pub. L. 108-148, title VI, §604, as added Pub. L. 113-79, title VIII, §8205(a), Feb. 7, 2014, 128 Stat. 918; amended Pub. L. 115-31, div. G, title IV, §422, May 5, 2017, 131 Stat. 499.)

REFERENCES IN TEXT

The Materials Act of 1947, referred to in subsec. (d)(5), is act July 31, 1947, ch. 406, 61 Stat. 681, which is classified generally to subchapter I (§601 et seq.) of chapter 15 of Title 30, Mineral Lands and Mining. Section 602(a) of Title 30 is section 2(a) of the Act. For complete classification of this Act to the Code, see Short Title note set out under section 601 of Title 30 and Tables.

The Act of June 9, 1930, referred to in subsecs. (e)(3)(B) and (g)(2)(A), is act June 9, 1930, ch. 416, 66 Stat. 527, popularly known as the Knutson-Vandenberg Act, which is classified generally to sections 576, 576a, and 576b of this title. For complete classification of this Act to the Code, see Short Title note set out under section 576 of this title and Tables.

Section 490 of this title, referred to in subsec. (f)(1), was in the original “the Act of August 11, 1916 (16 U.S.C. 490)”, and was translated as referring to the undesignated provisions appearing in act Aug. 11, 1916, ch. 313, 39 Stat. 462, as amended, which are classified to section 490 of this title.

Section 498 of this title, referred to in subsec. (f)(2), was in the original “the Act of June 30, 1914 (16 U.S.C. 498)”, and was translated as referring to the undesignated provisions appearing in act June 30, 1914, ch. 131, 38 Stat. 430, as amended, which are classified to section 498 of this title.

AMENDMENTS

2017—Subsec. (d)(5). Pub. L. 115-31, §422(1), inserted at end “Notwithstanding the Materials Act of 1947 (30 U.S.C. 602(a)), the Director may enter into an agreement or contract under subsection (b).”

Subsec. (d)(7). Pub. L. 115-31, §422(2), struck out “and the Director” after “the Chief” in introductory provisions.

CHAPTER 85—MARINE TURTLE CONSERVATION

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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 stud-

ies 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.