''(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—

''(1) $17,000,000 for fiscal year 2004; and

''(2) $18,000,000 for each of fiscal years 2005 through 2008.

''(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section (4)(a)(1)—

''(1) $16,000,000 for fiscal year 2004;

''(2) $18,000,000 for each of fiscal years 2005 and 2006; and

''(3) $12,000,000 for fiscal years 2007 and 2008.''.

CAPTIVE WILDLIFE SAFETY ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 320, S. 269.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 269) to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Captive Wildlife Safety Act''.

SEC. 2. DEFINITION OF PROHIBITED WILDLIFE SPECIES.

Section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended—

(1) by redesignating subsections (g) through (j) as subsections (h) through (k), respectively; and

(2) by inserting after subsection (f) the following:

[''(k) PROHIBITED WILDLIFE SPECIES.—The term 'prohibited wildlife species' means any live lion, tiger, leopard, cheetah, jaguar, or cougar.''.]

''(g) PROHIBITED WILDLIFE SPECIES.—The term 'prohibited wildlife species' means—

''(A) any live species of lion, tiger, leopard, cheetah, jaguar, or cougar; and

''(B) any live hybrid of any of those species.''.

SEC. 3. PROHIBITED ACTS.

(a) IN GENERAL.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking '', or'' at the end and inserting a semicolon;

(ii) in subparagraph (B), by inserting ''or'' after the semicolon at the end; and

(iii) by adding at the end the following:

''(C) any prohibited wildlife species (subject to subsection (e));'';

(B) in paragraph (3)(B), by inserting ''or'' after the semicolon at the end; and

(C) in paragraph (4), by striking ''paragraphs (1) through (4)'' and inserting ''paragraphs (1) through (3)''; and

(2) by adding at the end the following:

''(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE SPECIES OFFENSE.—

''(1) IN GENERAL.—Subsection (a)(2)(C) does not apply to—

''(A) any [zoo, circus,] *exhibitor or* research facility licensed or registered and inspected by a Federal agency[, or aquarium;]

[''(B) any person accredited by the Association of Sanctuaries or the American Sanctuary Association;]

''(B) any sanctuary, humane society, animal shelter, or society for the prevention of cruelty to animals that—

''(i)(I) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code; and

''(II) is an organization described in section 170(b)(1)(A)(vi) of that Code;

''(ii) does not engage in commercial trade of animals listed in section 2(k) (including any sale of animals, animal parts, byproducts, or offspring, exhibition of animals for photograph opportunities, or conduct of public events with live animals for financial profit or any other entertainment purpose);

''(iii) does not propagate animals in a facility of the sanctuary, humane society, animal shelter, or society for the prevention of cruelty to animals;

''(iv) does not—

''(I) allow unescorted public visitation or direct contact between the public and wild animals; or

''(II) take animals from a sanctuary or enclosure for exhibition; and

''(v) maintains exceptional standards of animal care;

''(C) any State college, university, or agency, State-licensed wildlife rehabilitator, or State-licensed veterinarian;

[''(D) any incorporated humane society, animal shelter, or society for the prevention of cruelty to animals;

''(E) any federally-licensed and inspected breeder or dealer that is conducting any breeding or dealing activity with a person referred to in this paragraph; or]

''(D) any federally-licensed and inspected broker or dealer in a case in which the broker or dealer is conducting any brokering or dealing activity with a person referred to in this paragraph; or

''[(F)] *(E)* any person having custody of a wild animal solely for the purpose of *expeditiously* transporting the animal to a person referred to in this paragraph.

''(2) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary, *in cooperation with the Director of the Animal and Plant Health Inspection Service and* in consultation with the heads of other relevant Federal agencies, shall promulgate regulations describing the persons or entities to which paragraph (1) applies.

''(3) STATE AUTHORITY.—Nothing in this subsection preempts or supersedes the authority of a State to regulate wildlife species within that State.''.

(b) APPLICATION.—Section 3(a)(2)(C) of the Lacey Act Amendments of 1981 (as added by subsection (a)(1)(A)(iii)) shall apply beginning on the effective date of regulations promulgated under section 3(e)(2) of that Act (as added by subsection (a)(2)).

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, the bill, as amended, be read three times and passed, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 269), as amended, was read the third time and passed, as follows:

S. 269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Captive Wildlife Safety Act''.

SEC. 2. DEFINITION OF PROHIBITED WILDLIFE SPECIES.

Section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended—

(1) by redesignating subsections (g) through (j) as subsections (h) through (k), respectively; and

(2) by inserting after subsection (f) the following:

''(g) PROHIBITED WILDLIFE SPECIES.—The term 'prohibited wildlife species' means—

''(A) any live species of lion, tiger, leopard, cheetah, jaguar, or cougar; and

''(B) any live hybrid of any of those species.''.

SEC. 3. PROHIBITED ACTS.

(a) IN GENERAL.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking '', or'' at the end and inserting a semicolon;

(ii) in subparagraph (B), by inserting ''or'' after the semicolon at the end; and

(iii) by adding at the end the following:

''(C) any prohibited wildlife species (subject to subsection (e));'';

(B) in paragraph (3)(B), by inserting ''or'' after the semicolon at the end; and

(C) in paragraph (4), by striking ''paragraphs (1) through (4)'' and inserting ''paragraphs (1) through (3)''; and

(2) by adding at the end the following:

''(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE SPECIES OFFENSE.—

''(1) IN GENERAL.—Subsection (a)(2)(C) does not apply to—

''(A) any exhibitor or research facility licensed or registered and inspected by a Federal agency;

''(B) any sanctuary, humane society, animal shelter, or society for the prevention of cruelty to animals that—

''(i)(I) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code; and

''(II) is an organization described in section 170(b)(1)(A)(vi) of that Code;

''(ii) does not engage in commercial trade of animals listed in section 2(k) (including any sale of animals, animal parts, byproducts, or offspring, exhibition of animals for photograph opportunities, or conduct of public events with live animals for financial profit or any other entertainment purpose);

''(iii) does not propagate animals in a facility of the sanctuary, humane society, animal shelter, or society for the prevention of cruelty to animals;

''(iv) does not—

''(I) allow unescorted public visitation or direct contact between the public and wild animals; or

''(II) take animals from a sanctuary or enclosure for exhibition; and

''(v) maintains exceptional standards of animal care;

''(C) any State college, university, or agency, State-licensed wildlife rehabilitator, or State-licensed veterinarian;

''(D) any federally-licensed and inspected broker or dealer in a case in which the broker or dealer is conducting any brokering or dealing activity with a person referred to in this paragraph; or

''(E) any person having custody of a wild animal solely for the purpose of expeditiously transporting the animal to a person referred to in this paragraph.

''(2) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in cooperation with the Director of the Animal and Plant Health Inspection Service and in consultation with the heads of other relevant Federal agencies, shall promulgate regulations describing the persons or entities to which paragraph (1) applies.

''(3) STATE AUTHORITY.—Nothing in this subsection preempts or supersedes the authority of a State to regulate wildlife species within that State.''.

(b) APPLICATION.—Section 3(a)(2)(C) of the Lacey Act Amendments of 1981 (as added by subsection (a)(1)(A)(iii)) shall apply beginning on the effective date of regulations promulgated under section 3(e)(2) of that Act (as added by subsection (a)(2)).

MARINE TURTLE CONSERVATION ACT OF 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 313, S. 1210.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1210) to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1210) was read the third time and passed, as follows:

S. 1210

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Marine Turtle Conservation Act of 2003''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—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 studies 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 Act 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.

SEC. 3. DEFINITIONS.

In this Act:

(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 5.

(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.

SEC. 4. 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.

(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 Act.

(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 in which the project is to be conducted;

(B) after taking into consideration any comments resulting from the consultation, approve or disapprove the project proposal; and

(C) provide written notification of the approval or disapproval to the person that submitted the project proposal, other Federal officials, and each country described in subparagraph (A).

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the project will help recover