

106TH CONGRESS
1ST SESSION

S. 1210

To assist in the conservation of endangered and threatened species of fauna and flora found throughout the world.

IN THE SENATE OF THE UNITED STATES

JUNE 10, 1999

Mr. CHAFEE introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To assist in the conservation of endangered and threatened species of fauna and flora found throughout the world.

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 “Foreign Endangered
5 Species Conservation Act of 1999”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that—

8 (1) numerous species of fauna and flora in for-
9 eign countries have continued to decline to the point

1 that the long-term survival of those species in the
2 wild is in serious jeopardy;

3 (2) many of those species are listed as endan-
4 gered species or threatened species under section 4
5 of the Endangered Species Act of 1973 (16 U.S.C.
6 1533) or in Appendix I, II, or III of the Convention
7 on International Trade in Endangered Species of
8 Wild Fauna and Flora;

9 (3) there are insufficient resources available for
10 addressing the threats facing those species, which
11 will require the joint commitment and effort of for-
12 eign countries within the range of those species, the
13 United States and other countries, and the private
14 sector;

15 (4) the grant programs established by Congress
16 for tigers, rhinoceroses, Asian elephants, and Afri-
17 can elephants have proven to be extremely successful
18 programs that provide Federal funds for conserva-
19 tion projects in an efficient and expeditious manner
20 and that encourage additional support for conserva-
21 tion in the foreign countries where those species
22 exist in the wild; and

23 (5) a new grant program modeled on the exist-
24 ing programs for tigers, rhinoceroses, and elephants
25 would provide an effective means to assist in the

1 conservation of foreign endangered species for which
2 there are no existing grant programs.

3 (b) PURPOSE.—The purpose of this Act is to conserve
4 endangered and threatened species of fauna and flora in
5 foreign countries, and the ecosystems on which the species
6 depend, by supporting the conservation programs for those
7 species of foreign countries and the CITES Secretariat,
8 promoting partnerships between the public and private
9 sectors, and providing financial resources for those pro-
10 grams and partnerships.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) ACCOUNT.—The term “Account” means the
14 Foreign Endangered and Threatened Species Con-
15 servation Account established by section 6.

16 (2) ADMINISTRATOR.—The term “Adminis-
17 trator” means the Administrator of the Agency for
18 International Development.

19 (3) CITES.—The term “CITES” means the
20 Convention on International Trade in Endangered
21 Species of Wild Fauna and Flora, done at Wash-
22 ington March 3, 1973 (27 UST 1087; TIAS 8249),
23 including its appendices and amendments.

24 (4) CONSERVATION.—The term “conservation”
25 means the use of methods and procedures necessary

1 to bring a species to the point at which there are
 2 sufficient populations in the wild to ensure the long-
 3 term viability of the species, including—

4 (A) protection and management of popu-
 5 lations of foreign endangered or threatened spe-
 6 cies;

7 (B) maintenance, management, protection,
 8 restoration, and acquisition of habitat;

9 (C) research and monitoring;

10 (D) law enforcement;

11 (E) conflict resolution initiatives; and

12 (F) community outreach and education.

13 (5) FOREIGN ENDANGERED OR THREATENED
 14 SPECIES.—The term “foreign endangered or threat-
 15 ened species” means a species of fauna or flora—

16 (A) that is listed as an endangered or
 17 threatened species under section 4 of the En-
 18 dangered Species Act of 1973 (16 U.S.C. 1533)
 19 or that is listed in Appendix I, II, or III of
 20 CITES; and

21 (B) whose range is partially or wholly lo-
 22 cated in a foreign country.

23 (6) SECRETARY.—The term “Secretary” means
 24 the Secretary of the Interior or the Secretary of
 25 Commerce, as program responsibilities are vested

1 under Reorganization Plan No. 4 of 1970 (5 U.S.C.
2 App.).

3 **SEC. 4. FOREIGN SPECIES CONSERVATION ASSISTANCE.**

4 (a) IN GENERAL.—Subject to the availability of
5 funds, the Secretary shall use amounts in the Account to
6 provide financial assistance for projects for the conserva-
7 tion of foreign endangered or threatened species in foreign
8 countries for which project proposals are approved by the
9 Secretary in accordance with this section.

10 (b) PROJECT PROPOSALS.—

11 (1) ELIGIBLE APPLICANTS.—A proposal for a
12 project for the conservation of foreign endangered or
13 threatened species may be submitted to the Sec-
14 retary by—

15 (A) any agency of a foreign country that
16 has within its boundaries any part of the range
17 of the foreign endangered or threatened species
18 if the agency has authority over fauna or flora
19 and the activities of the agency directly or indi-
20 rectly affect the species;

21 (B) the CITES Secretariat; or

22 (C) any person with demonstrated exper-
23 tise in the conservation of the foreign endan-
24 gered or threatened species.

1 (2) REQUIRED INFORMATION.—A project pro-
2 posal shall include—

3 (A) the name of the individual responsible
4 for conducting the project, and a description of
5 the qualifications of each individual who will
6 conduct the project;

7 (B) the name of the foreign endangered or
8 threatened species to benefit from the project;

9 (C) a succinct statement of the purposes of
10 the project and the methodology for imple-
11 menting the project, including an assessment of
12 the status of the species and how the project
13 will benefit the species;

14 (D) an estimate of the funds and time re-
15 quired to complete the project;

16 (E) evidence of support for the project by
17 appropriate governmental agencies of the for-
18 eign countries in which the project will be con-
19 ducted, if the Secretary determines that such
20 support is required for the success of the
21 project;

22 (F) information regarding the source and
23 amount of non-Federal funds available for the
24 project; and

1 (G) any other information that the Sec-
2 retary considers to be necessary for evaluating
3 the eligibility of the project for funding under
4 this Act.

5 (c) PROPOSAL REVIEW AND APPROVAL.—

6 (1) REQUEST FOR ADDITIONAL INFORMA-
7 TION.—If, after receiving a project proposal, the
8 Secretary determines that the project proposal is not
9 complete, the Secretary may request further infor-
10 mation from the person or entity that submitted the
11 proposal before complying with the other provisions
12 of this subsection.

13 (2) REQUEST FOR COMMENTS.—The Secretary
14 shall request written comments, and provide an op-
15 portunity of not less than 30 days for comments, on
16 the proposal from the appropriate governmental
17 agencies of each foreign country in which the project
18 is to be conducted.

19 (3) SUBMISSION TO ADMINISTRATOR.—The
20 Secretary shall provide to the Administrator a copy
21 of the proposal and a copy of any comments received
22 under paragraph (2). The Administrator may pro-
23 vide comments to the Secretary within 30 days after
24 receipt of the copy of the proposal and any com-
25 ments.

1 (4) DECISION BY THE SECRETARY.—After tak-
2 ing into consideration any comments received in a
3 timely manner from the governmental agencies
4 under paragraph (2) and the Administrator under
5 paragraph (3), the Secretary may approve the pro-
6 posal if the Secretary determines that the project
7 promotes the conservation of foreign endangered or
8 threatened species in foreign countries.

9 (5) NOTIFICATION.—Not later than 180 days
10 after receiving a completed project proposal, the Sec-
11 retary shall provide written notification of the Sec-
12 retary's approval or disapproval under paragraph (4)
13 to the person or entity that submitted the proposal
14 and the Administrator.

15 (d) PRIORITY GUIDANCE.—In funding approved
16 project proposals, the Secretary shall give priority to the
17 following types of projects:

18 (1) Projects that will enhance programs for the
19 conservation of foreign endangered and threatened
20 species that are most imperiled.

21 (2) Projects that will provide the greatest con-
22 servation benefit for a foreign endangered or threat-
23 ened species.

1 (3) Projects that receive the greatest level of as-
2 sistance, in cash or in-kind, from non-Federal
3 sources.

4 (4) Projects that will enhance local capacity for
5 the conservation of foreign endangered and threat-
6 ened species.

7 (e) PROJECT REPORTING.—Each person or entity
8 that receives assistance under this section for a project
9 shall submit to the Secretary and the Administrator peri-
10 odic reports (at such intervals as the Secretary considers
11 necessary) that include all information required by the
12 Secretary, after consultation with the Administrator, for
13 evaluating the progress and success of the project.

14 (f) GUIDELINES.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of enactment of this Act, after providing
17 public notice and opportunity for comment, the Sec-
18 retary of the Interior and the Secretary of Com-
19 merce shall each develop guidelines to carry out this
20 section.

21 (2) PRIORITIES AND CRITERIA.—The guidelines
22 shall specify—

23 (A) how the priorities for funding approved
24 projects are to be determined; and

1 (B) criteria for determining which species
2 are most imperiled and which projects provide
3 the greatest conservation benefit.

4 **SEC. 5. MULTILATERAL COLLABORATION.**

5 The Secretary, in collaboration with the Secretary of
6 State and the Administrator, shall—

7 (1) coordinate efforts to conserve foreign en-
8 dangered and threatened species with the relevant
9 agencies of foreign countries; and

10 (2) subject to the availability of appropriations,
11 provide technical assistance to those agencies to fur-
12 ther the agencies' conservation efforts.

13 **SEC. 6. FOREIGN ENDANGERED AND THREATENED SPE-**
14 **CIES CONSERVATION ACCOUNT.**

15 (a) ESTABLISHMENT.—There is established in the
16 Multinational Species Conservation Fund of the Treasury
17 a separate account to be known as the “Foreign Endan-
18 gered and Threatened Species Conservation Account”,
19 consisting of—

20 (1) amounts donated to the Account;

21 (2) amounts appropriated to the Account under
22 section 7; and

23 (3) any interest earned on investment of
24 amounts in the Account under subsection (c).

25 (b) EXPENDITURES FROM ACCOUNT.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the Secretary may expend from the Account, without
3 further Act of appropriation, such amounts as are
4 necessary to carry out section 4.

5 (2) ADMINISTRATIVE EXPENSES.—An amount
6 not to exceed 6 percent of the amounts in the
7 Account—

8 (A) shall be available for each fiscal year
9 to pay the administrative expenses necessary to
10 carry out this Act; and

11 (B) shall be divided between the Secretary
12 of the Interior and the Secretary of Commerce
13 in the same proportion as the amounts made
14 available under section 7 are divided between
15 the Secretaries.

16 (c) INVESTMENT OF AMOUNTS.—The Secretary shall
17 invest such portion of the Account as is not required to
18 meet current withdrawals. Investments may be made only
19 in interest-bearing obligations of the United States.

20 (d) ACCEPTANCE AND USE OF DONATIONS.—The
21 Secretary may accept and use donations to carry out this
22 Act. Amounts received by the Secretary in the form of do-
23 nations shall be available until expended, without further
24 Act of appropriation.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the Ac-
3 count for each of fiscal years 2001 through 2005—

4 (1) \$12,000,000 for use by the Secretary of the
5 Interior; and

6 (2) \$4,000,000 for use by the Secretary of
7 Commerce.

○