

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.

○