

108TH CONGRESS  
2D SESSION

# H. R. 5096

To assist in the conservation of flagship species throughout the world.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2004

Mr. GILCHREST introduced the following bill; which was referred to the  
Committee on Resources

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## A BILL

To assist in the conservation of flagship species 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 “Flagship Species Con-  
5       servation Act of 2004”.

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

7       (a) FINDINGS.—The Congress finds the following:

8               (1) Numerous species of fauna have continued  
9       to decline to the point that the long-term survival of  
10       those species in the wild is in serious jeopardy.

1           (2) Many of those species are listed under sec-  
2           tion 4 of the Endangered Species Act of 1973 (16  
3           U.S.C. 1533) or in Appendix I or II of the Conven-  
4           tion on International Trade in Endangered Species  
5           of Wild Fauna and Flora.

6           (3) There are insufficient resources available  
7           for addressing the threats facing those species,  
8           which will require the joint commitment and effort  
9           of countries within the range of those species, the  
10          United States and other countries, and the private  
11          sector.

12          (4) The grant programs established by the Con-  
13          gress for tigers, rhinoceroses, Asian elephants, Afri-  
14          can elephants, great apes, neotropical migratory  
15          birds, and marine turtles have proven to be ex-  
16          tremely successful, provide Federal funds for con-  
17          servation projects in an efficient and expeditious  
18          manner, and encourage additional support for con-  
19          servation in countries where those species exist in  
20          the wild.

21          (5) A new grant program modeled on the exist-  
22          ing programs for tigers, rhinoceroses, elephants,  
23          great apes, neotropical migratory birds, and marine  
24          turtles would provide an effective means to assist in

1 the conservation of flagship species for which there  
2 are no existing grant programs.

3 (b) PURPOSE.—The purpose of this Act is to conserve  
4 flagship species of fauna throughout the world, and the  
5 ecosystems on which those species depend, by supporting  
6 the conservation programs for those species and the  
7 CITES Secretariat, promoting partnerships between the  
8 public and private sectors, and providing financial re-  
9 sources for those programs and partnerships.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) ACCOUNT.—The term “Fund” means the  
13 Flagship Species Conservation Fund established by  
14 section 5.

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

20 (3) CONSERVATION.—The term “conservation”  
21 means the use of methods and procedures necessary  
22 to bring a flagship species to the point at which  
23 there are sufficient populations in the wild to ensure  
24 that the species does not become extinct, including—

1 (A) protection and management of popu-  
2 lations of a flagship species;

3 (B) maintenance, management, protection,  
4 and restoration of habitat of a flagship species;

5 (C) research and monitoring;

6 (D) law enforcement; and

7 (E) community outreach and education.

8 (4) FISH OR WILDLIFE.—The term “fish or  
9 wildlife” means any mammal, fish, bird, or reptile.

10 (5) FLAGSHIP SPECIES.—The term “flagship  
11 species”—

12 (A) subject to subparagraph (B), means a  
13 species of fish or wildlife—

14 (i) that is listed as an endangered  
15 species or threatened species under section  
16 4 of the Endangered Species Act of 1973  
17 (16 U.S.C. 1533) or that is listed in Ap-  
18 pendix I or II of CITES;

19 (ii) whose range is wholly outside of  
20 the United States; and

21 (iii) that appeals to the public and has  
22 other features that make it suitable for  
23 communicating conservation concerns; and

1 (B) does not include African elephants,  
2 Asian elephants, rhinoceros, tigers, great apes,  
3 neotropical migratory birds, and marine turtles.

4 (6) MULTINATIONAL SPECIES CONSERVATION  
5 FUND.—The term “Multinational Species Conserva-  
6 tion Fund” means the fund established under the  
7 heading “multinational species conservation fund” in  
8 title I of the Department of the Interior and Related  
9 Agencies Appropriations Act, 1999 (16 U.S.C.  
10 4246).

11 (7) SECRETARY.—The term “Secretary” means  
12 the Secretary of the Interior.

13 **SEC. 4. FLAGSHIP SPECIES CONSERVATION ASSISTANCE.**

14 (a) IN GENERAL.—Subject to the availability of  
15 funds, the Secretary shall use amounts in the Fund to pro-  
16 vide financial assistance for projects for the conservation  
17 of that flagship species throughout the world, for which  
18 project proposals are approved by the Secretary in accord-  
19 ance with this section.

20 (b) PROJECT PROPOSALS.—

21 (1) ELIGIBLE APPLICANTS.—A proposal for a  
22 project for the conservation of a flagship species  
23 may be submitted to the Secretary by—

24 (A) any relevant wildlife management au-  
25 thority of a country that has within its bound-

aries any part of the range of a flagship species, if the agency has authority over fish or wildlife and the activities of the agency directly or indirectly affect the species;

(B) the CITES Secretariat; or

(C) any person with demonstrated expertise in the conservation of that flagship species.

(2) REQUIRED INFORMATION.—A project proposal shall include—

(A) the name of the individual with primary responsibility for conducting the project;

(B) a succinct statement of—

(i) the purposes of the project and the methodology for implementing the project, including an assessment of the status of the flagship species that is the subject of the project; and

(ii) how the project will benefit that species and other species that reside within the same habitat;

(C) a description of the qualifications of the individuals who will conduct the project;

(D) an estimate of the funds and time required to complete the project;

1 (E) evidence of support for the project by  
2 appropriate governmental entities of countries  
3 in which the project will be conducted, if the  
4 Secretary determines that such support is re-  
5 quired for the success of the project;

6 (F) information regarding the source and  
7 amount of matching funds available for the  
8 project; and

9 (G) any other information that the Sec-  
10 retary considers to be necessary for evaluating  
11 the eligibility of the project for funding under  
12 this Act.

13 (c) PROJECT REVIEW AND APPROVAL.—

14 (1) IN GENERAL.—The Secretary shall—

15 (A) not later than 30 days after receiving  
16 a project proposal, provide a copy of the pro-  
17 posal to other Federal officials, as appropriate;  
18 and

19 (B) review each project proposal in a time-  
20 ly manner to determine whether the proposal  
21 meets the criteria specified in subsection (d).

22 (2) CONSULTATION; APPROVAL OR DIS-  
23 APPROVAL.—Not later than 180 days after receiving  
24 a project proposal, and subject to the availability of

1 funds, the Secretary, after consulting with other  
2 Federal officials, as appropriate, shall—

3 (A) consult on the proposal with the gov-  
4 ernment of each country in which the project is  
5 to be conducted;

6 (B) after taking into consideration any  
7 comments resulting from the consultation, ap-  
8 prove or disapprove the project proposal; and

9 (C) provide written notification of the ap-  
10 proval or disapproval to the person that sub-  
11 mitted the project proposal, other Federal offi-  
12 cials, and each country described in subpara-  
13 graph (A).

14 (d) CRITERIA FOR APPROVAL.—The Secretary may  
15 approve a project proposal under this section if the project  
16 will help recover and sustain viable populations of flagship  
17 species in the wild by assisting efforts in foreign countries  
18 to implement flagship species conservation programs.

19 (e) PROJECT SUSTAINABILITY.—To the maximum  
20 extent practicable, in determining whether to approve  
21 project proposals under this section, the Secretary shall  
22 give preference to conservation projects that are designed  
23 to ensure effective, long-term conservation of flagship spe-  
24 cies and their nesting habitats.



1 (f) MATCHING FUNDS.—In determining whether to  
2 approve project proposals under this section, the Secretary  
3 shall give preference to projects for which matching funds  
4 are available.

5 (g) PROJECT REPORTING.—

6 (1) IN GENERAL.—Each person that receives  
7 assistance under this section for a project shall sub-  
8 mit to the Secretary periodic reports (at such inter-  
9 vals as the Secretary may require) that include all  
10 information that the Secretary, after consultation  
11 with other government officials, determines is nec-  
12 essary to evaluate the progress and success of the  
13 project for the purposes of ensuring positive results,  
14 assessing problems, and fostering improvements.

15 (2) AVAILABILITY TO THE PUBLIC.—Reports  
16 under paragraph (1), and any other documents re-  
17 lating to projects for which financial assistance is  
18 provided under this Act, shall be made available to  
19 the public.

20 **SEC. 5. FLAGSHIP SPECIES CONSERVATION FUND.**

21 (a) ESTABLISHMENT.—There is established in the  
22 Multinational Species Conservation Fund a separate ac-  
23 count to be known as the “Flagship Species Conservation  
24 Fund”, consisting of—

1           (1) amounts transferred to the Secretary of the  
2       Treasury for deposit into the Fund under subsection  
3       (e);

4           (2) amounts appropriated to the Fund under  
5       section 6; and

6           (3) any interest earned on investment of  
7       amounts in the Fund under subsection (c).

8       (b) EXPENDITURES FROM FUND.—

9           (1) IN GENERAL.—Subject to paragraph (2), on  
10      request by the Secretary, the Secretary of the Treas-  
11      ury shall transfer from the Fund to the Secretary,  
12      without further appropriation, such amounts as the  
13      Secretary determines are necessary to carry out sec-  
14      tion 4.

15          (2) ADMINISTRATIVE EXPENSES.—Of the  
16      amounts in the account available for each fiscal  
17      year, the Secretary may expend not more than 3  
18      percent, or up to \$80,000, whichever is greater, to  
19      pay the administrative expenses necessary to carry  
20      out this Act.

21       (c) INVESTMENT OF AMOUNTS.—

22          (1) IN GENERAL.—The Secretary of the Treas-  
23      ury shall invest such portion of the Fund as is not,  
24      in the judgment of the Secretary of the Treasury,  
25      required to meet current withdrawals. Investments

1        may be made only in interest-bearing obligations of  
2        the United States.

3            (2) ACQUISITION OF OBLIGATIONS.—For the  
4        purpose of investments under paragraph (1), obliga-  
5        tions may be acquired—

6                    (A) on original issue at the issue price; or

7                    (B) by purchase of outstanding obligations  
8        at the market price.

9            (3) SALE OF OBLIGATIONS.—Any obligation ac-  
10       acquired by the Fund may be sold by the Secretary of  
11       the Treasury at the market price.

12            (4) CREDITS TO FUND.—The interest on, and  
13       the proceeds from the sale or redemption of, any ob-  
14       ligations held in the Fund shall be credited to and  
15       form a part of the Fund.

16        (d) TRANSFERS OF AMOUNTS.—

17            (1) IN GENERAL.—The amounts required to be  
18       transferred to the Fund under this section shall be  
19       transferred at least monthly from the general fund  
20       of the Treasury to the Fund on the basis of esti-  
21       mates made by the Secretary of the Treasury.

22            (2) ADJUSTMENTS.—Proper adjustment shall  
23       be made in amounts subsequently transferred to the  
24       extent prior estimates were in excess of or less than  
25       the amounts required to be transferred.

1 (e) ACCEPTANCE AND USE OF DONATIONS.—The  
2 Secretary may accept and use donations to provide assist-  
3 ance under section 4. Amounts received by the Secretary  
4 in the form of donations shall be transferred to the Sec-  
5 retary of the Treasury for deposit in the Fund.

6 **SEC. 6. ADVISORY GROUP.**

7 (a) IN GENERAL.—To assist in carrying out this Act,  
8 the Secretary may convene an advisory group consisting  
9 of individuals representing public and private organiza-  
10 tions actively involved in the conservation of flagship spe-  
11 cies.

12 (b) PUBLIC PARTICIPATION.—

13 (1) MEETINGS.—The Advisory Group shall—

14 (A) ensure that each meeting of the advi-  
15 sory group is open to the public; and

16 (B) provide, at each meeting, an oppor-  
17 tunity for interested persons to present oral or  
18 written statements concerning items on the  
19 agenda.

20 (2) NOTICE.—The Secretary shall provide to  
21 the public timely notice of each meeting of the advi-  
22 sory group.

23 (3) MINUTES.—Minutes of each meeting of the  
24 advisory group shall be kept by the Secretary and  
25 shall be made available to the public.

1 (c) EXEMPTION FROM FEDERAL ADVISORY COM-  
2 MITTEE ACT.—The Federal Advisory Committee Act (5  
3 U.S.C. App.) shall not apply to the advisory group.

4 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

5 There is authorized to be appropriated to the Fund  
6 \$10,000,000 for each of fiscal years 2005 through 2007.

7 **SEC. 8. REPORT TO CONGRESS.**

8 Not later than October 1, 2005, the Secretary shall  
9 submit to the Congress a report on the results and effec-  
10 tiveness of the program carried out under this Act, includ-  
11 ing—

12 (1) recommendations concerning how this Act  
13 might be improved, including guidelines for deter-  
14 mining species that are flagship species; and

15 (2) recommendations concerning whether the  
16 Fund should be continued in the future.

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