

116TH CONGRESS  
1ST SESSION

# H. R. 4341

To assist in the conservation of critically endangered species in foreign countries, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2019

Mr. HUFFMAN (for himself, Mr. BUCHANAN, Ms. SCHAKOWSKY, Mr. FITZPATRICK, Mr. VAN DREW, Mr. KING of New York, Ms. WILD, Mr. BLUMENAUER, Mr. BEYER, Mr. LOWENTHAL, Ms. LOFGREN, Mr. COHEN, and Mr. HASTINGS) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To assist in the conservation of critically endangered species in foreign countries, and for other purposes.

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 “Critically Endangered  
5 Animals Conservation Act of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) CONVENTION.—The term “Convention”  
9 means the Convention on International Trade in En-

1       dangered Species of Wild Fauna and Flora (27 UST  
2       1087; TIAS 8249).

3               (2) CONSERVATION.—The term “conservation”  
4       means the protection and restoration of species and  
5       the habitat of such species.

6               (3) FUND.—The term “Fund” means the Criti-  
7       cally Endangered Animals Conservation Fund estab-  
8       lished by section 5.

9               (4) CRITICALLY ENDANGERED SPECIES.—

10              (A) IN GENERAL.—The term “critically en-  
11       dangered species” means—

12              (i) any animal species categorized on  
13       the International Union Conservation of  
14       Nature Red List of Threatened Species as  
15       either Endangered or Critically Endan-  
16       gered; and

17              (ii) any other animals species cat-  
18       egorized on the International Union Con-  
19       servation of Nature Red List of Threat-  
20       ened Species as Data Deficient or under a  
21       threat category lower than Endangered if  
22       the Secretary determines that—

23              (I) the most recent International  
24       Union Conservation of Nature Red

1 List assessment indicates that the  
2 population is decreasing; or

3 (II) such species is facing new or  
4 emerging threats.

5 (B) INCLUSIONS.—The term “critically en-  
6 dangered species” includes—

7 (i) any part, product, egg, offspring or  
8 live specimen of a species described in sub-  
9 paragraph (A); and

10 (ii) a carcass of such a species.

11 (5) MULTINATIONAL SPECIES CONSERVATION  
12 FUND.—The term “Multinational Species Conserva-  
13 tion Fund” means the fund established under the  
14 heading “multinational species conservation fund” in  
15 title I of the Department of the Interior and Related  
16 Agencies Appropriations Act, 1999 (16 U.S.C.  
17 4246).

18 (6) SECRETARY.—The term “Secretary” means  
19 the Secretary of the Interior.

20 **SEC. 3. CRITICALLY ENDANGERED ANIMALS CONSERVA-**  
21 **TION ASSISTANCE.**

22 (a) IN GENERAL.—In consultation with other Fed-  
23 eral officials, the Secretary shall use amounts in the Fund  
24 to carry out a competitive grant program to provide finan-

1 cial assistance for the conservation of critically endangered  
2 species.

3 (b) PROJECT PROPOSALS.—

4 (1) ELIGIBLE APPLICANTS.—A proposal for a  
5 grant under subsection (a) may be submitted to the  
6 Secretary by—

7 (A) any wildlife management authority of  
8 a foreign country that has within its boundaries  
9 natural habitat of the critically endangered spe-  
10 cies if the activities of the authority directly or  
11 indirectly benefit that species' conservation; or

12 (B) any other person or group with the  
13 demonstrated expertise and capacity required  
14 for the conservation of a critically endangered  
15 species.

16 (2) REQUIRED ELEMENTS.—A project proposal  
17 shall include—

18 (A) evidence of support for the project by  
19 appropriate governmental entities of the coun-  
20 try in which the project will be conducted, if the  
21 Secretary determines that such support is re-  
22 quired for the success of the project;

23 (B) evidence of sensitivity to local historic  
24 and cultural resources and compliance with ap-  
25 plicable laws;

1 (C) evidence of free, prior, and informed  
2 consent by indigenous peoples and local commu-  
3 nities in the areas the project will be conducted,  
4 if the Secretary, based on the nature of the  
5 project, determines that such consent is re-  
6 quired for the success of the project;

7 (D) information regarding the source and  
8 amount of matching funding available for the  
9 project; and

10 (E) any other information that the Sec-  
11 retary determines to be appropriate.

12 (c) EVALUATION AND APPROVAL.—

13 (1) GOALS.—The Secretary may approve a pro-  
14 posal under this section if the project will—

15 (A) help recover and sustain viable popu-  
16 lations in the wild of a critically endangered  
17 species with a range that is, in whole or in part,  
18 outside of the United States;

19 (B) enhance compliance with provisions of  
20 the Convention and laws of the United States  
21 or a foreign country related to the conservation  
22 of a critically endangered species; or

23 (C) develop sound scientific information on  
24 that species' habitat, population numbers and

trends, reproduction, mortality, and other threats to survival.

(2) METHODS.—The Secretary may approve a proposal under this section if the proposal would achieve one of the goals set forth in paragraph (1) through—

(A) protection, restoration, and management of habitat;

(B) in situ research and monitoring of populations, habitats, annual reproduction, and species population trends;

(C) development, implementation, and improvement of national and regional management plans for a critically endangered species and the habitat of such species;

(D) enforcement and implementation of the Convention or the law of a foreign country to—

(i) protect and manage a critically endangered species or the habitat of such species;

(ii) prevent illegal or unsustainable removal of a critically endangered species from the wild, including as marine bycatch; or

1 (iii) prevent illegal trade of a critically  
2 endangered species;

3 (E) training and capacity building for local  
4 law enforcement officials in the interdiction and  
5 prevention of the illegal killing, removal from  
6 the wild, or trade of a critically endangered spe-  
7 cies;

8 (F) an initiative to resolve a conflict be-  
9 tween humans and a critically endangered spe-  
10 cies;

11 (G) research and implementation of  
12 projects to address disease and threats to the  
13 health of a critically endangered species;

14 (H) community outreach and education on  
15 conservation of a critically endangered species  
16 and the habitat of such species; or

17 (I) strengthening the ability of local com-  
18 munities to implement a conservation program.

19 (3) CONSULTATION.—The Secretary shall, prior  
20 to approving any proposal under this section, consult  
21 with each of the following with respect to such pro-  
22 posal:

23 (A) The Government of each country in  
24 which such proposal will be carried out.

1 (B) Any other Federal agency the Sec-  
2 retary determines is appropriate.

3 (4) PREFERENTIAL CONSIDERATION.—In deter-  
4 mining whether to approve a proposal, the Secretary  
5 shall give preference to a proposal that—

6 (A) is designed to ensure effective, long-  
7 term conservation of critically endangered spe-  
8 cies and their habitats; and

9 (B) has matching funds available.

10 (5) APPROVAL.—The Secretary shall, within  
11 180 days of receiving a proposal under this section,  
12 approve or disapprove of the proposal and provide  
13 written notification of such approval or disapproval  
14 to—

15 (A) the person who submitted such pro-  
16 posal;

17 (B) any Federal agency the Secretary de-  
18 termines appropriate; and

19 (C) the foreign country in which such pro-  
20 posal would be carried out.

21 (d) PROJECT REPORTING.—

22 (1) IN GENERAL.—The Secretary shall require  
23 each person that receives assistance under this sec-  
24 tion to submit periodic reports including such infor-  
25 mation as the Secretary may require in order to



1 evaluate the progress and success of each grant  
2 issued under this section.

3 (2) AVAILABILITY TO THE PUBLIC.—Reports  
4 under paragraph (1), and any other documents re-  
5 lating to projects for which financial assistance is  
6 provided under this Act except for documents that  
7 the Secretary determines to be confidential in na-  
8 ture, shall be made available to the public.

9 (e) LIMITATIONS ON USE FOR CAPTIVE BREED-  
10 ING.—Amounts provided as a grant under this Act—

11 (1) may not be used for captive breeding of  
12 critically endangered species other than for captive  
13 breeding designed for release into the wild; and

14 (2) may be used for captive breeding of a spe-  
15 cies for release into the wild only if no other con-  
16 servation method for the species is biologically or  
17 technically feasible.

18 **SEC. 4. CRITICALLY ENDANGERED ANIMALS CONSERVA-**  
19 **TION FUND.**

20 (a) ESTABLISHMENT.—There is established in the  
21 Multinational Species Conservation Fund a separate ac-  
22 count to be known as the “Critically Endangered Animals  
23 Conservation 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), at  
10      the request of the Secretary, the Secretary of the  
11      Treasury shall transfer from the Fund to the Sec-  
12      retary, without further appropriation, such amounts  
13      as the Secretary determines are necessary to carry  
14      out section 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 \$150,000, 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 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 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. The Sec-  
6 retary may reject a gift under this section when the rejec-  
7 tion is in the interest of the Government.

8 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

9       There is authorized to be appropriated to the Fund  
10 \$5,000,000 for each of fiscal years 2020 through 2025.

11 **SEC. 6. REPORT TO CONGRESS.**

12       Not later than 1 year after the date of enactment  
13 of this Act, and every 2 years thereafter, the Secretary  
14 shall submit to Congress a report on the results and effec-  
15 tiveness of the program carried out under this Act.

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