

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2026
OFFERED BY MR. GRIJALVA OF ARIZONA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Global Amphibian Pro-
3 tection Act of 2021”.

4 SEC. 2. DEFINITIONS.

5 In this Act:

6 (1) CONVENTION.—The term “Convention”
7 means the Convention on International Trade in En-
8 dangered Species of Wild Fauna and Flora (27 UST
9 1087; TIAS 8249).

10 (2) CONSERVATION.—The term “conservation”
11 means the protection and restoration of species and
12 the habitat of such species.

13 (3) FUND.—The term “Fund” means the High-
14 ly Endangered Amphibians Conservation Fund es-
15 tablished by section 4.

16 (4) HIGHLY ENDANGERED AMPHIBIAN SPE-
17 CIES.—

1 (A) IN GENERAL.—The term “highly en-
2 dangered amphibian species” means—

3 (i) any amphibian species categorized
4 on the International Union for Conserva-
5 tion of Nature Red List of Threatened
6 Species as Endangered, Critically Endan-
7 gered, or Extinct in the Wild; and

8 (ii) any other amphibian species cat-
9 egorized on the International Union for
10 Conservation of Nature Red List of
11 Threatened Species as Data Deficient or
12 under a threat category lower than Endan-
13 gered if the Secretary determines that—

14 (I) the most recent International
15 Union for Conservation of Nature Red
16 List assessment indicates that the
17 population is decreasing; or

18 (II) such species is facing new or
19 emerging threats.

20 (B) INCLUSIONS.—The term “highly en-
21 dangered amphibian species” includes—

22 (i) live specimens, at all lifecycle
23 stages, of species described in subpara-
24 graph (A);

1 (ii) dead specimens, or parts or prod-
2 ucts thereof, of such species.

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

10 (6) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 **SEC. 3. HIGHLY ENDANGERED AMPHIBIAN SPECIES ASSIST-**
13 **ANCE.**

14 (a) IN GENERAL.—In consultation with other Fed-
15 eral officials, the Secretary shall use amounts in the Fund
16 to carry out a competitive grant program to provide finan-
17 cial assistance for the conservation of highly endangered
18 amphibian species.

19 (b) PROJECT PROPOSALS.—

20 (1) ELIGIBLE APPLICANTS.—A proposal for a
21 grant under subsection (a) may be submitted to the
22 Secretary by—

23 (A) any wildlife management authority of
24 a foreign country that has within its boundaries
25 natural habitat of a highly endangered amphib-

1 ian species if the activities of the authority di-
2 rectly or indirectly benefit that species' con-
3 servation; or

4 (B) any other person or group with the
5 demonstrated expertise and capacity required
6 for the conservation of a highly endangered am-
7 phibian species.

8 (2) REQUIRED ELEMENTS.—A project proposal
9 shall include—

10 (A) evidence of support for the project by
11 appropriate governmental entities of the coun-
12 try in which the project will be conducted, if the
13 Secretary determines that such support is re-
14 quired for the success of the project;

15 (B) evidence of sensitivity to local historic
16 and cultural resources and compliance with ap-
17 plicable laws;

18 (C) evidence of free, prior, and informed
19 consent by indigenous peoples and local commu-
20 nities in the areas the project will be conducted,
21 if the Secretary, based on the nature of the
22 project, determines that such consent is re-
23 quired for the success of the project;

1 (D) information regarding the source and
2 amount of matching funding available for the
3 project; and

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

6 (c) EVALUATION AND APPROVAL.—

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

9 (A) help recover and sustain viable popu-
10 lations in the wild of a highly endangered am-
11 phibian species with a range that is, in whole
12 or in part, outside of the United States;

13 (B) enhance compliance with provisions of
14 the Convention and laws of the United States
15 or a foreign country related to the conservation
16 of a highly endangered amphibian species; or

17 (C) develop sound scientific information on
18 that species' habitat, population numbers and
19 trends, reproduction, mortality, and other
20 threats to survival.

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

1 (A) protection, restoration, and manage-
2 ment of habitat;

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

6 (C) development, implementation, and im-
7 provement of national and regional manage-
8 ment plans for a highly endangered amphibian
9 species and the habitat of such species;

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

13 (i) protect and manage a highly en-
14 dangered amphibian species or the habitat
15 of such species;

16 (ii) prevent illegal or unsustainable re-
17 moval of a highly endangered amphibian
18 species from the wild; or

19 (iii) prevent illegal trade of a highly
20 endangered amphibian species;

21 (E) training and capacity building for local
22 law enforcement officials in the interdiction and
23 prevention of the illegal killing, removal from
24 the wild, or trade of a highly endangered am-
25 phibian species;

1 (F) an initiative to resolve a conflict be-
2 tween humans and a highly endangered am-
3 phibian species;

4 (G) research and implementation of
5 projects to address disease and threats to the
6 health of a highly endangered amphibian spe-
7 cies;

8 (H) community outreach and education on
9 conservation of a highly endangered amphibian
10 species and the habitat of such species; or

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

13 (3) CONSULTATION.—The Secretary shall, prior
14 to approving any proposal under this section, consult
15 with each of the following with respect to such pro-
16 posal:

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

19 (B) Any other Federal agency the Sec-
20 retary determines is appropriate.

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

1 (A) is designed to ensure effective, long-
2 term conservation of highly endangered amphib-
3 ian species and their habitats; and

4 (B) has matching funds available.

5 (5) APPROVAL.—The Secretary shall, within
6 180 days of receiving a proposal under this section,
7 approve or disapprove of the proposal and provide
8 written notification of such approval or disapproval
9 to—

10 (A) the person who submitted such pro-
11 posal;

12 (B) any Federal agency the Secretary de-
13 termines appropriate; and

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

16 (d) PROJECT REPORTING.—

17 (1) IN GENERAL.—The Secretary shall require
18 each person that receives assistance under this sec-
19 tion to submit periodic reports including such infor-
20 mation as the Secretary may require in order to
21 evaluate the progress and success of each grant
22 issued under this section.

23 (2) AVAILABILITY TO THE PUBLIC.—Reports
24 under paragraph (1), and any other documents re-
25 lating to projects for which financial assistance is

1 provided under this Act except for documents that
2 the Secretary determines to be confidential in na-
3 ture, shall be made available to the public.

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

6 (1) may not be used for captive breeding of
7 highly endangered amphibian species other than for
8 captive breeding designed for release into the wild;
9 and

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

14 **SEC. 4. HIGHLY ENDANGERED AMPHIBIAN SPECIES CON-**
15 **SERVATION FUND.**

16 (a) ESTABLISHMENT.—There is established in the
17 Multinational Species Conservation Fund a separate ac-
18 count to be known as the “Highly Endangered Amphibian
19 Species Conservation Fund”, consisting of—

20 (1) amounts transferred to the Secretary of the
21 Treasury for deposit into the Fund under sub-
22 sections (d) and (e);

23 (2) amounts appropriated to the Fund under
24 section 5; and

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

3 (b) EXPENDITURES FROM FUND.—

4 (1) IN GENERAL.—Subject to paragraph (2), at
5 the request of the Secretary, the Secretary of the
6 Treasury shall transfer from the Fund to the Sec-
7 retary, without further appropriation, such amounts
8 as the Secretary determines are necessary to carry
9 out section 3.

10 (2) ADMINISTRATIVE EXPENSES.—Of the
11 amounts in the account available for each fiscal
12 year, the Secretary may expend not more than 3
13 percent, or up to \$150,000, whichever is greater, to
14 pay the administrative expenses necessary to carry
15 out this Act.

16 (c) INVESTMENT OF AMOUNTS.—

17 (1) IN GENERAL.—The Secretary of the Treas-
18 ury shall invest such portion of the Fund as is not,
19 in the judgment of the Secretary of the Treasury,
20 required to meet current withdrawals. Investments
21 may be made only in interest-bearing obligations of
22 the United States.

23 (2) ACQUISITION OF OBLIGATIONS.—For the
24 purpose of investments under paragraph (1), obliga-
25 tions may be acquired—

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

2 (B) by purchase of outstanding obligations

3 at market price.

4 (3) SALE OF OBLIGATIONS.—Any obligation ac-
5 quired by the Fund may be sold by the Secretary of
6 the Treasury at market price.

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

11 (d) TRANSFERS OF AMOUNTS.—

12 (1) IN GENERAL.—The amounts required to be
13 transferred to the Fund under this section shall be
14 transferred at least monthly from the general fund
15 of the Treasury to the Fund on the basis of esti-
16 mates made by the Secretary of the Treasury.

17 (2) ADJUSTMENTS.—Proper adjustment shall
18 be made in amounts subsequently transferred to the
19 extent prior estimates were in excess of or less than
20 the amounts required to be transferred.

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

1 retary may reject a gift under this section when the rejec-
2 tion is in the interest of the Government.

3 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

4 There is authorized to be appropriated to the Fund
5 \$5,000,000 for each of fiscal years 2022 through 2027.

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

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

