

108TH CONGRESS  
1ST SESSION

# S. 128

To assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2003

Mr. FEINGOLD introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes.

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 “Crane Conservation  
5 Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1           (1) crane populations in many countries have  
2 experienced serious decline in recent decades, a  
3 trend that, if continued at the current rate, threat-  
4 ens the long-term survival of the species in the wild  
5 in Africa, Asia, and Europe;

6           (2) 5 species of Asian crane are listed as endan-  
7 gered species under section 4 of the Endangered  
8 Species Act of 1973 (16 U.S.C. 1533) and appendix  
9 I of the Convention, which species are—

10                   (A) the Siberian crane (*Grus*  
11 *leucogeranus*);

12                   (B) the red-crowned crane (*Grus*  
13 *japonensis*);

14                   (C) the white-naped crane (*Grus vipio*);

15                   (D) the black-necked crane (*Grus*  
16 *nigricollis*); and

17                   (E) the hooded crane (*Grus monacha*);

18           (3) the Crane Action Plan of the International  
19 Union for the Conservation of Nature considers 4  
20 species of cranes from Africa and 1 additional spe-  
21 cies of crane from Asia to be seriously threatened,  
22 which species are—

23                   (A) the wattled crane (*Buggeranus*  
24 *carunculatus*);

1 (B) the blue crane (*Anthropoides*  
2 *paradisea*);

3 (C) the grey-crowned crane (*Balearica*  
4 *regulorum*);

5 (D) the black-crowned crane (*Balearica*  
6 *pavonina*); and

7 (E) the sarus crane (*Grus antigone*);

8 (4)(A) the whooping crane (*Grus americana*)  
9 and the Mississippi sandhill crane (*Grus canadensis*  
10 *pulla*) are listed as endangered species under section  
11 4 of the Endangered Species Act of 1973 (16 U.S.C.  
12 1533); and

13 (B) with fewer than 200 whooping cranes in the  
14 only self-sustaining flock that migrates between Can-  
15 ada and the United States, and approximately 100  
16 Mississippi sandhill cranes in the wild, both species  
17 remain vulnerable to extinction;

18 (5) conservation resources have not been suffi-  
19 cient to cope with the continued diminution of crane  
20 populations from causes that include hunting and  
21 the continued loss of habitat;

22 (6)(A) cranes are flagship species for the con-  
23 servation of wetland, grassland, and agricultural  
24 landscapes that border wetland and grassland; and

1 (B) the establishment of crane conservation  
2 programs would result in the provision of conserva-  
3 tion benefits to numerous other species of plants and  
4 animals, including many endangered species;

5 (7) other threats to cranes include—

6 (A) the collection of eggs and juveniles;

7 (B) poisoning from insecticides applied to  
8 crops;

9 (C) collisions with power lines;

10 (D) disturbance from warfare and human  
11 settlement; and

12 (E) the trapping of live birds for sale;

13 (8) to reduce, remove, and otherwise effectively  
14 address those threats to cranes in the wild, the joint  
15 commitment and effort of countries in Africa, Asia,  
16 and North America, other countries, and the private  
17 sector, are required;

18 (9) cranes are excellent ambassadors to pro-  
19 mote goodwill among countries because they are well  
20 known and migrate across continents;

21 (10) because the threats facing cranes and  
22 habitats of cranes are similar on all 5 continents on  
23 which cranes occur, conservation successes and  
24 methods developed in 1 region have wide applica-  
25 bility in other regions; and

1           (11) conservationists in the United States have  
2           much to teach and much to learn from colleagues  
3           working in other countries in which, as in the  
4           United States, government and private agencies co-  
5           operate to conserve threatened cranes.

6 **SEC. 3. PURPOSES.**

7           The purposes of this Act are—

8           (1) to perpetuate healthy populations of cranes;

9           (2) to assist in the conservation and protection  
10          of cranes by supporting—

11                  (A) conservation programs in countries in  
12                  which endangered and threatened cranes occur;

13                  and

14                  (B) the efforts of private organizations  
15                  committed to helping cranes; and

16           (3) to provide financial resources for those pro-  
17          grams and efforts.

18 **SEC. 4. DEFINITIONS.**

19          In this Act:

20           (1) CONSERVATION.—

21                  (A) IN GENERAL.—The term “conserva-  
22                  tion” means the use of any method or proce-  
23                  dure necessary to ensure that the population of  
24                  a species of crane in the wild is sufficient to en-

1           sure that the species does not become extinct,  
2           as determined by the Secretary.

3           (B) INCLUSIONS.—The term “conserva-  
4           tion” includes the carrying out of any activity  
5           associated with scientific resource management,  
6           such as—

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

9                   (ii) research and monitoring of known  
10                  populations;

11                  (iii) the provision of assistance in the  
12                  development of management plans for  
13                  managed crane ranges;

14                  (iv) enforcement of the Convention;

15                  (v) law enforcement and habitat pro-  
16                  tection through community participation;

17                  (vi) reintroduction of cranes to the  
18                  wild;

19                  (vii) conflict resolution initiatives; and

20                  (viii) community outreach and edu-  
21                  cation.

22           (2) CONVENTION.—The term “Convention” has  
23           the meaning given the term in section 3 of the En-  
24           dangered Species Act of 1973 (16 U.S.C. 1532).

1           (3) FUND.—The term “Fund” means the  
2 Crane Conservation Fund established by section  
3 6(a).

4           (4) SECRETARY.—The term “Secretary” means  
5 the Secretary of the Interior.

6 **SEC. 5. CRANE CONSERVATION ASSISTANCE.**

7           (a) IN GENERAL.—Subject to the availability of ap-  
8 propriations and in consultation with other appropriate  
9 Federal officials, the Secretary shall use amounts in the  
10 Fund to provide financial assistance for projects relating  
11 to the conservation of cranes for which project proposals  
12 are approved by the Secretary in accordance with this sec-  
13 tion.

14           (b) PROJECT PROPOSALS.—

15               (1) APPLICANTS.—

16                   (A) IN GENERAL.—An applicant described  
17 in subparagraph (B) that seeks to receive as-  
18 sistance under this section to carry out a  
19 project relating to the conservation of cranes  
20 shall submit to the Secretary a project proposal  
21 that meets the requirements of this section.

22                   (B) ELIGIBLE APPLICANTS.—An applicant  
23 described in this subparagraph is—

24                       (i) any relevant wildlife management  
25 authority of a country that—

1 (I) is located within the African,  
2 Asian, European, or North American  
3 range of a species of crane; and

4 (II) carries out 1 or more activi-  
5 ties that directly or indirectly affect  
6 crane populations;

7 (ii) the Secretariat of the Convention;

8 and

9 (iii) any person or organization with  
10 demonstrated expertise in the conservation  
11 of cranes.

12 (2) REQUIRED ELEMENTS.—A project proposal  
13 submitted under paragraph (1)(A) shall include—

14 (A) a concise statement of the purpose of  
15 the project;

16 (B)(i) the name of each individual respon-  
17 sible for conducting the project; and

18 (ii) a description of the qualifications of  
19 each of those individuals;

20 (C) a concise description of—

21 (i) methods to be used to implement  
22 and assess the outcome of the project;

23 (ii) staff and community management  
24 for the project; and

25 (iii) the logistics of the project;



1 (D) an estimate of the funds and the pe-  
2 riod of time required to complete the project;

3 (E) evidence of support for the project by  
4 appropriate government entities of countries in  
5 which the project will be conducted, if the Sec-  
6 retary determines that such support is required  
7 to ensure the success of the project;

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

11 (G) any other information that the Sec-  
12 retary considers to be necessary for evaluating  
13 the eligibility of the project to receive assistance  
14 under this Act.

15 (c) PROJECT REVIEW AND APPROVAL.—

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

17 (A) not later than 30 days after receiving  
18 a final project proposal, provide a copy of the  
19 proposal to other appropriate Federal officials;  
20 and

21 (B) review each project proposal in a time-  
22 ly manner to determine whether the proposal  
23 meets the criteria described in subsection (d).

24 (2) CONSULTATION; APPROVAL OR DIS-  
25 APPROVAL.—Not later than 180 days after receiving

1 a project proposal, and subject to the availability of  
2 appropriations, the Secretary, after consulting with  
3 other appropriate Federal officials, shall—

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

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

10 (C) provide written notification of the ap-  
11 proval or disapproval to—

12 (i) the applicant that submitted the  
13 proposal;

14 (ii) other appropriate Federal offi-  
15 cials; and

16 (iii) each country described in sub-  
17 paragraph (A).

18 (d) CRITERIA FOR APPROVAL.—The Secretary may  
19 approve a project proposal under this section if the Sec-  
20 retary determines that the proposed project will enhance  
21 programs for conservation of cranes by assisting efforts  
22 to—

23 (1) implement conservation programs;

1           (2) address the conflicts between humans and  
2 cranes that arise from competition for the same  
3 habitat or resources;

4           (3) enhance compliance with the Convention  
5 and other applicable laws that—

6                 (A) prohibit or regulate the taking or trade  
7 of cranes; or

8                 (B) regulate the use and management of  
9 crane habitat;

10          (4) develop sound scientific information on, or  
11 methods for monitoring—

12                 (A) the condition of crane habitat;

13                 (B) crane population numbers and trends;

14          or

15                 (C) the current and projected threats to  
16 crane habitat and population numbers and  
17 trends;

18          (5) promote cooperative projects on the issues  
19 described in paragraph (4) among—

20                 (A) governmental entities;

21                 (B) affected local communities;

22                 (C) nongovernmental organizations; or

23                 (D) other persons in the private sector;

24          (6) carry out necessary scientific research on  
25 cranes;

1           (7) reintroduce cranes successfully back into  
2 the wild, including propagation of a sufficient num-  
3 ber of cranes required for this purpose; or

4           (8) provide relevant training to, or support  
5 technical exchanges involving, staff responsible for  
6 managing cranes or habitats of cranes, to enhance  
7 capacity for effective conservation.

8           (e) PROJECT SUSTAINABILITY; MATCHING FUNDS.—

9 To the maximum extent practicable, in determining  
10 whether to approve a project proposal under this section,  
11 the Secretary shall give preference to a proposed project—

12           (1) that is designed to ensure effective, long-  
13 term conservation of cranes and habitats of cranes;  
14 or

15           (2) for which matching funds are available.

16           (f) PROJECT REPORTING.—

17           (1) IN GENERAL.—Each person that receives  
18 assistance under this section for a project shall sub-  
19 mit to the Secretary, at such periodic intervals as  
20 are determined by the Secretary, reports that in-  
21 clude all information that the Secretary, after con-  
22 sulting with other appropriate government officials,  
23 determines to be necessary to evaluate the progress  
24 and success of the project for the purposes of—

25           (A) ensuring positive results;

1 (B) assessing problems; and

2 (C) fostering improvements.

3 (2) AVAILABILITY TO THE PUBLIC.—Each re-  
4 port submitted under paragraph (1), and any other  
5 documents relating to a project for which financial  
6 assistance is provided under this Act, shall be made  
7 available to the public.

8 (g) PANEL.—As soon as practicable after the date of  
9 enactment of this Act, and biennially thereafter, the Sec-  
10 retary shall convene a panel of experts, including special-  
11 ists on cranes and wetland, to identify the greatest needs  
12 with respect to the conservation of cranes.

13 **SEC. 6. CRANE CONSERVATION FUND.**

14 (a) ESTABLISHMENT.—There is established in the  
15 Multinational Species Conservation Fund established by  
16 the matter under the heading “MULTINATIONAL SPE-  
17 CIES CONSERVATION FUND” in title I of the Depart-  
18 ment of the Interior and Related Agencies Appropriations  
19 Act, 1999 (112 Stat. 2681–237; 16 U.S.C. 4246) a sepa-  
20 rate account to be known as the “Crane Conservation  
21 Fund”, consisting of—

22 (1) amounts transferred to the Secretary of the  
23 Treasury for deposit into the Fund under subsection  
24 (e);

1           (2) amounts appropriated to the Fund under  
2 section 7; and

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

5 (b) EXPENDITURES FROM FUND.—

6           (1) IN GENERAL.—Subject to paragraphs (2)  
7 and (3), upon request by the Secretary, the Sec-  
8 retary of the Treasury shall transfer from the Fund  
9 to the Secretary, without further appropriation, such  
10 amounts as the Secretary determines are necessary  
11 to provide assistance under section 5.

12           (2) ADMINISTRATIVE EXPENSES.—Of the  
13 amounts in the Fund available for each fiscal year,  
14 the Secretary may expend not more than 3 percent,  
15 or \$80,000, whichever is greater, to pay the admin-  
16 istrative expenses necessary to carry out this Act.

17           (3) LIMITATION.—Not more than 50 percent of  
18 the amounts made available from the Fund for any  
19 fiscal year may be used for projects relating to the  
20 conservation of North American crane species.

21 (c) INVESTMENTS 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 quired 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.—

2 (1) IN GENERAL.—The Secretary may accept  
3 and use donations to provide assistance under sec-  
4 tion 5.

5 (2) TRANSFER OF DONATIONS.—Amounts re-  
6 ceived by the Secretary in the form of donations  
7 shall be transferred to the Secretary of the Treasury  
8 for deposit in the Fund.

9 **SEC. 7. ADVISORY GROUP.**

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

14 (b) PUBLIC PARTICIPATION.—

15 (1) MEETINGS.—The advisory group shall—

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

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

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



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

4 **SEC. 8. FUNDING.**

5           (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
6           authorized to be appropriated to the Fund \$3,000,000 for  
7           each of fiscal years 2004 through 2007, to remain avail-  
8           able until expended.

9           (b) OFFSET.—Of the funds made available for  
10          projects under the clean coal technology program of the  
11          Department of Energy for obligation in fiscal years before  
12          fiscal year 2003 that are carried over for use in subse-  
13          quent fiscal years under section 305 of Public Law 107-  
14          66 (115 Stat. 509), but that are not obligated for those  
15          projects—

16               (1) \$9,000,000 shall be available for transfer  
17               under subsection (d) only after September 30, 2004;  
18               and

19               (2) \$9,000,000 shall be available for transfer  
20               under subsection (d) only after September 30, 2005.

21           (c) ONGOING PROJECTS.—Nothing in subsection (b)  
22           affects any funds made available for any fiscal year that  
23           are obligated for a new or ongoing project under the clean  
24           coal technology program of the Department of Energy.

1           (d) TRANSFER OF FUNDS.—Amounts made available  
2 under subsection (b) shall be transferred to the Secretary  
3 for use in carrying out this Act.

4           (e) AVAILABILITY.—Any funds transferred under  
5 subsection (d) shall remain available until September 30,  
6 2008.

○