

Calendar No. 119

111TH CONGRESS
1ST SESSION**H. R. 388****[Report No. 111-54]**

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2009

Received; read twice and referred to the Committee on Environment and
Public Works

JULY 20, 2009

Reported by Mrs. BOXER, without amendment

AN ACT

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 and the ecosystems of 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 2009”.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are—

3 (1) to perpetuate healthy populations of cranes;

4 (2) to assist in the conservation and protection
5 of cranes by supporting—

6 (A) conservation programs in countries in
7 which endangered and threatened cranes occur;
8 and

9 (B) the efforts of private organizations
10 committed to helping cranes; and

11 (3) to provide financial resources for those pro-
12 grams and efforts.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) CONSERVATION.—

16 (A) IN GENERAL.—The term “conserva-
17 tion” means the use of any method or proce-
18 dure to improve the viability of crane popu-
19 lations and the quality of the ecosystems and
20 habitats on which the crane populations depend
21 to help the species achieve sufficient popu-
22 lations in the wild to ensure the long-term via-
23 bility of the species.

24 (B) INCLUSIONS.—The term “conserva-
25 tion” includes the carrying out of any activity

1 associated with scientific resource management,
2 such as—

3 (i) protection, restoration, and man-
4 agement of habitat;

5 (ii) research and monitoring of known
6 populations;

7 (iii) the provision of assistance in the
8 development of management plans for
9 managed crane ranges;

10 (iv) enforcement of the Convention;

11 (v) law enforcement and habitat pro-
12 tection through community participation;

13 (vi) reintroduction of cranes to the
14 wild;

15 (vii) conflict resolution initiatives; and

16 (viii) community outreach and edu-
17 cation.

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

21 (3) FUND.—The term “Fund” means the
22 Crane Conservation Fund established by section
23 5(a).

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

1 **SEC. 4. CRANE CONSERVATION ASSISTANCE.**

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

9 (b) PROJECT PROPOSALS.—

10 (1) APPLICANTS.—

11 (A) IN GENERAL.—An applicant described
12 in subparagraph (B) that seeks to receive as-
13 sistance under this section to carry out a
14 project relating to the conservation of cranes
15 shall submit to the Secretary a project proposal
16 that meets the requirements of this section.

17 (B) ELIGIBLE APPLICANTS.—An applicant
18 described in this subparagraph is—

19 (i) any relevant wildlife management
20 authority of a country that—

21 (I) is located within the African,
22 Asian, European, or North American
23 range of a species of crane; and

24 (II) carries out 1 or more activi-
25 ties that directly or indirectly affect
26 crane populations;

- 1 (ii) the Secretariat of the Convention;
2 and
3 (iii) any person or organization with
4 demonstrated expertise in the conservation
5 of cranes.

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

- 8 (A) a concise statement of the purpose of
9 the project;
- 10 (B)(i) the name of each individual respon-
11 sible for conducting the project; and
12 (ii) a description of the qualifications of
13 each of those individuals;
- 14 (C) a concise description of—
15 (i) methods to be used to implement
16 and assess the outcome of the project;
17 (ii) staff and community management
18 for the project; and
19 (iii) the logistics of the project;
- 20 (D) an estimate of the funds and the pe-
21 riod of time required to complete the project;
- 22 (E) evidence of support for the project by
23 appropriate government entities of countries in
24 which the project will be conducted, if the Sec-

1 retary determines that such support is required
2 to ensure the success of the project;

3 (F) information regarding the source and
4 amount of matching funding available for the
5 project; and

6 (G) any other information that the Sec-
7 retary considers to be necessary for evaluating
8 the eligibility of the project to receive assistance
9 under this Act.

10 (c) PROJECT REVIEW AND APPROVAL.—

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

12 (A) not later than 30 days after receiving
13 a final project proposal, provide a copy of the
14 proposal to other appropriate Federal officials;
15 and

16 (B) review each project proposal in a time-
17 ly manner to determine whether the proposal
18 meets the criteria described in subsection (d).

19 (2) CONSULTATION; APPROVAL OR DIS-
20 APPROVAL.—Not later than 180 days after receiving
21 a project proposal, and subject to the availability of
22 appropriations, the Secretary, after consulting with
23 other appropriate Federal officials, shall—

1 (A) consult on the proposal with the gov-
2 ernment of each country in which the project is
3 to be carried out;

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

7 (C) provide written notification of the ap-
8 proval or disapproval to—

9 (i) the applicant that submitted the
10 proposal;

11 (ii) other appropriate Federal offi-
12 cials; and

13 (iii) each country described in sub-
14 paragraph (A).

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

20 (1) implement conservation programs;

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

24 (3) enhance compliance with the Convention
25 and other applicable laws that—

1 (A) prohibit or regulate the taking or trade
2 of cranes; or

3 (B) regulate the use and management of
4 crane habitat;

5 (4) develop sound scientific information on, or
6 methods for monitoring—

7 (A) the condition of crane habitat;

8 (B) crane population numbers and trends;

9 or

10 (C) the current and projected threats to
11 crane habitat and population numbers and
12 trends;

13 (5) promote cooperative projects on the issues
14 described in paragraph (4) among—

15 (A) governmental entities;

16 (B) affected local communities;

17 (C) nongovernmental organizations; or

18 (D) other persons in the private sector;

19 (6) carry out necessary scientific research on
20 cranes;

21 (7) provide relevant training to, or support
22 technical exchanges involving, staff responsible for
23 managing cranes or habitats of cranes, to enhance
24 capacity for effective conservation; or

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

4 (e) PROJECT SUSTAINABILITY; MATCHING FUNDS.—

5 To the maximum extent practicable, in determining
6 whether to approve a project proposal under this section,
7 the Secretary shall give preference to a proposed project—

8 (1) that is designed to ensure effective, long-
9 term conservation of cranes and habitats of cranes;

10 or

11 (2) for which matching funds are available.

12 (f) PROJECT REPORTING.—

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

21 (A) ensuring positive results;

22 (B) assessing problems; and

23 (C) fostering improvements.

24 (2) AVAILABILITY TO THE PUBLIC.—Each re-
25 port submitted under paragraph (1), and any other

1 documents relating to a project for which financial
2 assistance is provided under this Act, shall be made
3 available to the public.

4 **SEC. 5. CRANE CONSERVATION FUND.**

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

13 (1) amounts transferred to the Secretary of the
14 Treasury for deposit into the Fund under subsection
15 (c); and

16 (2) amounts appropriated to the Fund under
17 section 7.

18 (b) EXPENDITURES FROM FUND.—

19 (1) IN GENERAL.—Subject to paragraphs (2)
20 and (3), upon request by the Secretary, the Sec-
21 retary of the Treasury shall transfer from the Fund
22 to the Secretary, without further appropriation, such
23 amounts as the Secretary determines are necessary
24 to provide assistance under section 4.

1 (2) ADMINISTRATIVE EXPENSES.—Of the
2 amounts in the Fund available for each fiscal year,
3 the Secretary may expend not more than 3 percent,
4 or \$150,000, whichever is greater, to pay the admin-
5 istrative expenses necessary to carry out this Act.

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

10 (c) ACCEPTANCE AND USE OF DONATIONS.—

11 (1) IN GENERAL.—The Secretary may accept
12 and use donations to provide assistance under sec-
13 tion 4.

14 (2) TRANSFER OF DONATIONS.—Amounts re-
15 ceived by the Secretary in the form of donations
16 shall be transferred to the Secretary of the Treasury
17 for deposit in the Fund.

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

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

23 (b) PUBLIC PARTICIPATION.—

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

1 (A) ensure that each meeting of the advisory group is open to the public; and

2
3 (B) provide, at each meeting, an opportunity for interested persons to present oral or
4 written statements concerning items on the
5 agenda.
6

7 (2) NOTICE.—The Secretary shall provide to
8 the public timely notice of each meeting of the advisory group.
9

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

13 (c) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5
14 U.S.C. App.) shall not apply to the advisory group.
15

16 **SEC. 7. FUNDING.**

17 There is authorized to be appropriated to the Fund
18 \$5,000,000 for each of fiscal years 2010 through 2014,
19 to remain available until expended.

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

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