

111TH CONGRESS
1ST SESSION

H. R. 411

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2009

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

AN ACT

To assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations.

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 “Great Cats and Rare
5 Canids Act of 2009”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are to provide financial re-
8 sources and to foster international cooperation—

9 (1) to restore and perpetuate healthy popu-
10 lations of rare felids and rare canids in the wild; and

11 (2) to assist in the conservation of rare felid
12 and rare canid populations worldwide.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) 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.

20 (2) CONSERVATION.—The term “conserva-
21 tion”—

22 (A) means the methods and procedures
23 necessary to bring a species of rare felid or rare
24 canid to the point at which there are sufficient

1 populations in the wild to ensure the long-term
2 viability of the species; and

3 (B) includes all activities associated with
4 protection and management of a rare felid or
5 rare canid population, including—

6 (i) maintenance, management, protec-
7 tion, and restoration of rare felid or rare
8 canid habitat;

9 (ii) research and monitoring;

10 (iii) law enforcement;

11 (iv) community outreach and edu-
12 cation;

13 (v) conflict resolution initiatives; and

14 (vi) strengthening the capacity of local
15 communities, governmental agencies, non-
16 governmental organizations and other in-
17 stitutions to implement conservation pro-
18 grams.

19 (3) FUND.—The term “Fund” means the Great
20 Cats and Rare Canids Conservation Fund estab-
21 lished by section 5.

22 (4) IUCN RED LIST.—The term “IUCN Red
23 List” means the Red List of Threatened Species
24 Maintained by the World Conservation Union.

25 (5) RARE CANID.—The term “rare canid”—

1 (A) except as provided in subparagraph
2 (B), means any of the canid species dhole
3 (Cuon alpinus), gray wolf (Canis lupus), Ethio-
4 pian wolf (Canis simensis), bush dog (Speothos
5 venaticus), African wild dog (Lycaon pictus),
6 maned wolf (Chrysocyon brachyurus), and Dar-
7 win’s fox, (Pseudalopex fulvipes), including any
8 subspecies or population of such a species; and

9 (B) does not include any subspecies or
10 population that is native to the area comprised
11 of the United States and Canada or the Euro-
12 pean Union.

13 (6) RARE FELID.—The term “rare felid”—

14 (A) except as provided in subparagraph
15 (B), means any of the felid species lion
16 (Panthera leo), leopard (Panthera pardus), jag-
17 uar (Panthera onca), snow leopard (Uncia
18 uncia), clouded leopard (Neofelis nebulosa),
19 cheetah (Acinonyx jubatus), Iberian lynx (Lynx
20 pardina), and Borneo bay cat (Catopuma
21 badia), including any subspecies or population
22 of such a species; and

23 (B) does not include—

1 (i) any species, subspecies, or popu-
2 lation that is native to the United States;
3 and

4 (ii) any tiger (*Panthera tigris*).

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

7 **SEC. 4. FINANCIAL ASSISTANCE.**

8 (a) IN GENERAL.—Subject to the availability of
9 funds and in consultation with other appropriate Federal
10 officials, the Secretary shall use amounts in the Fund to
11 provide financial assistance for projects for the conserva-
12 tion of rare felid and rare canids for which project pro-
13 posals are approved by the Secretary in accordance with
14 this section.

15 (b) PROJECT PROPOSALS.—

16 (1) ELIGIBLE APPLICANTS.—A proposal for a
17 project for the conservation of rare felid and canids
18 may be submitted to the Secretary by—

19 (A) any wildlife management authority of
20 a country that has within its boundaries any
21 part of the range of a rare felid or rare canid
22 species, respectively; and

23 (B) any person or group with the dem-
24 onstrated expertise required for the conserva-

1 tion in the wild of rare felids or rare canids, re-
2 spectively.

3 (2) PROJECT PROPOSALS.—To be considered
4 for financial assistance for a project under this Act,
5 an applicant shall submit a project proposal that in-
6 cludes—

7 (A) a concise statement of the purposes of
8 the project;

9 (B) the name of the individual responsible
10 for conducting the project;

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

13 (D) a concise description of—

14 (i) methods for project implementa-
15 tion and outcome assessment;

16 (ii) staffing for the project;

17 (iii) the logistics of the project; and

18 (iv) community involvement in the
19 project;

20 (E) an estimate of funds and time required
21 to complete the project;

22 (F) evidence of support for the project by
23 appropriate governmental entities of the coun-
24 tries in which the project will be conducted, if

1 the Secretary determines that such support is
2 required for the success of the project;

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

6 (H) any other information that the Sec-
7 retary considers to be necessary for evaluating
8 the eligibility of the project for funding under
9 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 project proposal, provide a copy of the pro-
14 posal to the appropriate Federal officials; and

15 (B) review each project proposal in a time-
16 ly manner to determine if the proposal meets
17 the criteria specified in subsection (d).

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

23 (A) ensure the proposal contains assur-
24 ances that the project will be implemented in
25 consultation with relevant wildlife management

1 authorities and other appropriate government
2 officials with jurisdiction over the resources ad-
3 dressed by the project;

4 (B) approve or disapprove the proposal;
5 and

6 (C) provide written notification of the ap-
7 proval or disapproval to the person who sub-
8 mitted the proposal, other appropriate Federal
9 officials, and each country within whose borders
10 the project will take place.

11 (d) CRITERIA FOR APPROVAL.—The Secretary may
12 approve a project proposal under this section if the project
13 will contribute to conservation of rare felids or rare canids
14 in the wild by assisting efforts to—

15 (1) implement conservation programs;

16 (2) address the conflicts between humans and
17 rare felids or rare canids, respectively, that arise
18 from competition for the same habitat or resources;

19 (3) enhance compliance with CITES, the En-
20 dangered Species Act of 1973, and other applicable
21 laws that prohibit or regulate the taking or trade of
22 rare felids and rare canids or regulate the use and
23 management of rare felid and rare canid habitat;

24 (4) develop sound scientific information on, or
25 methods for monitoring—

1 (A) the condition and health of rare felid
2 or rare canid habitat;

3 (B) rare felid or rare canid population
4 numbers and trends; and

5 (C) the ecological characteristics and re-
6 quirements of populations of rare felids or rare
7 canids for which there are little or no data;

8 (5) promote cooperative projects among govern-
9 ment entities, affected local communities, nongovern-
10 mental organizations, and other persons in the pri-
11 vate sector; or

12 (6) funds will not be appropriated for the pur-
13 chase or lease of lands to be used as suitable habitat
14 for felids or canids.

15 (e) PROJECT SUSTAINABILITY.—In approving project
16 proposals under this section, the Secretary shall give pref-
17 erence to conservation projects that are designed to ensure
18 effective, long-term conservation of rare felids and rare
19 canids and their habitats.

20 (f) MATCHING FUNDS.—In determining whether to
21 approve project proposals under this section, the Secretary
22 shall give preference to projects for which there exists
23 some measure of matching funds.

24 (g) PROJECT REPORTING.—

1 (1) IN GENERAL.—Each person that receives
2 assistance under this section for a project shall sub-
3 mit to the Secretary periodic reports (at such inter-
4 vals as the Secretary considers necessary) that in-
5 clude all information that the Secretary, after con-
6 sultation with other appropriate government offi-
7 cials, determines is necessary to evaluate the
8 progress and success of the project for the purposes
9 of ensuring positive results, assessing problems, and
10 fostering improvements.

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

16 (h) LIMITATIONS ON USE FOR CAPTIVE BREEDING
17 OR DISPLAY.—Amounts provided as a grant under this
18 Act—

19 (1) may not be used for captive breeding or dis-
20 play of rare felids and rare canids other than captive
21 breeding for release into the wild; and

22 (2) may be used for captive breeding of a spe-
23 cies for release into the wild only if no other con-
24 servation method for the species is biologically fea-
25 sible.

1 (i) ADVISORY GROUP.—

2 (1) IN GENERAL.—To assist in carrying out
3 this Act, the Secretary may convene an advisory
4 group consisting of individuals representing public
5 and private organizations actively involved in the
6 conservation of felids and canids.

7 (2) PUBLIC PARTICIPATION.—

8 (A) MEETINGS.—The advisory group
9 shall—

10 (i) ensure that each meeting of the
11 advisory group is open to the public; and

12 (ii) provide, at each meeting, an op-
13 portunity for interested persons to present
14 oral or written statements concerning
15 items on the agenda.

16 (B) NOTICE.—The Secretary shall provide
17 to the public timely notice of each meeting of
18 the advisory group, including the meeting agen-
19 da.

20 (C) MINUTES.—Minutes of each meeting
21 of the advisory group shall be kept by the Sec-
22 retary and shall be made available to the public.

23 (3) EXEMPTION FROM FEDERAL ADVISORY
24 COMMITTEE ACT.—The Federal Advisory Committee

1 Act (5 U.S.C. App.) shall not apply to the advisory
2 group.

3 **SEC. 5. GREAT CATS AND RARE CANIDS CONSERVATION**
4 **FUND.**

5 (a) **ESTABLISHMENT.**—There is established, in the
6 Multinational Species Conservation Fund established in
7 title I of the Department of the Interior and Related
8 Agencies Appropriations Act, 1999 under the heading
9 “MULTINATIONAL SPECIES CONSERVATION
10 FUND”, a separate account to be known as the “Great
11 Cats and Rare Canids Conservation Fund”, consisting
12 of—

13 (1) amounts transferred to the Secretary of the
14 Treasury for deposit into such account under sub-
15 section (c); and

16 (2) amounts appropriated to such account
17 under section 7.

18 (b) **EXPENDITURES FROM FUND.**—

19 (1) **IN GENERAL.**—Subject to paragraph (2),
20 upon request by the Secretary, the Secretary of the
21 Treasury shall transfer from the Fund to the Sec-
22 retary, without further appropriation, such amounts
23 as the Secretary determines are necessary to provide
24 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 three per-
4 cent, or up to \$100,000, whichever is greater, to pay
5 the administrative expenses necessary to carry out
6 this Act.

7 (c) ACCEPTANCE AND USE OF DONATIONS.—The
8 Secretary may accept and use donations to provide assist-
9 ance under section 4, and may make public on the Internet
10 website and in publications of the Department of the Inte-
11 rior that the Secretary is authorized to accept and use
12 such donations. Amounts received by the Secretary in the
13 form of such donations shall be transferred to the Sec-
14 retary of the Treasury for deposit into the Fund.

15 **SEC. 6. STUDY OF CONSERVATION STATUS OF FELID AND**
16 **CANID SPECIES.**

17 (a) IN GENERAL.—The Secretary shall initiate within
18 three months after the date of the enactment of this Act
19 a study of felid and canid species listed under the IUCN
20 Red List that are not rare canids and rare felids (as those
21 terms are defined in section 3), respectively, to deter-
22 mine—

23 (1) the conservation status of such species in
24 the wild, including identification of any such species
25 that are critically endangered or endangered; and

1 (2) any such species that should be made eligi-
2 ble for assistance under this Act.

3 (b) REPORT.—Not later than two years after date of
4 the enactment of this Act the Secretary shall report to
5 the Congress the determinations made in the study, in-
6 cluding recommendations of additional felid species and
7 canid species that should be made eligible for assistance
8 under this Act.

9 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated—

11 (1) to the Fund, \$5,000,000 for each of fiscal
12 years 2010 through 2014 to carry out this Act,
13 other than section 6; and

14 (2) such sums as are necessary to carry out
15 section 6.

16 **SEC. 8. INELIGIBLE COUNTRIES.**

17 Amounts provided as a grant under this Act may not
18 be used for any project conducted in Iran, Syria, Cuba,
19 Sudan, or North Korea.

Passed the House of Representatives April 21, 2009.

Attest: LORRAINE C. MILLER,
Clerk.