

Calendar No. 117111TH CONGRESS
1ST SESSION**S. 529****[Report No. 111-52]**

To assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of countries 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.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2009

Mr. LIEBERMAN (for himself, Mr. BROWNBACK, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, Mr. CARDIN, Mr. SANDERS, Mr. KERRY, Ms. SNOWE, Mrs. GILLIBRAND, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

JULY 20, 2009

Reported by Mrs. BOXER, without amendment

A BILL

To assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of countries 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 appendices to that convention.

20 (2) CONSERVATION.—

21 (A) IN GENERAL.—The term “conserva-
22 tion” means the methods and procedures nec-
23 essary 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.

3 (B) INCLUSIONS.—The term “conserva-
4 tion” includes all activities associated with pro-
5 tection and management of a rare felid or rare
6 canid population, including—

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

10 (ii) research and monitoring;

11 (iii) law enforcement;

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

14 (v) conflict resolution initiatives; and

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

20 (3) FUND.—The term “Fund” means the Great
21 Cats and Rare Canids Conservation Fund estab-
22 lished by section 4(a).

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

1 (5) RARE CANID.—

2 (A) IN GENERAL.—The term “rare canid”
3 means any of the canid species dhole (*Cuon*
4 *alpinus*), gray wolf (*Canis lupus*), Ethiopian
5 wolf (*Canis simensis*), bush dog (*Speothos*
6 *venaticus*), African wild dog (*Lycaon pictus*),
7 maned wolf (*Chrysocyon brachyurus*), and Dar-
8 win’s fox (*Pseudalopex fulvipes*) (including any
9 subspecies or population of such a species).

10 (B) EXCLUSIONS.—The term “rare canid”
11 does not include any subspecies or population
12 that is native to the area comprised of the
13 United States and Canada or the European
14 Union.

15 (6) RARE FELID.—

16 (A) IN GENERAL.—The term “rare felid”
17 means any of the felid species lion (*Panthera*
18 *leo*), leopard (*Panthera pardus*), jaguar
19 (*Panthera onca*), snow leopard (*Uncia uncia*),
20 clouded leopard (*Neofelis nebulosa*), cheetah
21 (*Acinonyx jubatus*), Iberian lynx (*Lynx*
22 *pardina*), and Borneo bay cat (*Catopuma badia*)
23 (including any subspecies or population of such
24 a species).

1 (B) EXCLUSIONS.—The term “rare felid”
2 does not include—

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

5 or

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

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

9 **SEC. 4. GREAT CATS AND RARE CANIDS CONSERVATION**
10 **FUND.**

11 (a) ESTABLISHMENT.—There is established in the
12 multinational species conservation fund established under
13 the heading “MULTINATIONAL SPECIES CONSERVATION
14 FUND” of title I of the Department of the Interior and
15 Related Agencies Appropriations Act, 1999 (16 U.S.C.
16 4246), a separate account to be known as the “Great Cats
17 and Rare Canids Conservation Fund”, consisting of—

18 (1) amounts transferred to the Secretary of the
19 Treasury for deposit in the account under subsection
20 (c); and

21 (2) amounts appropriated to the account under
22 section 7.

23 (b) EXPENDITURES FROM FUND.—

24 (1) IN GENERAL.—Subject to paragraph (2), on
25 request by the Secretary, the Secretary of the Treas-

1 ury shall transfer from the Fund to the Secretary,
 2 without further appropriation, such amounts as the
 3 Secretary determines to be necessary to provide as-
 4 sistance under section 5.

5 (2) ADMINISTRATIVE EXPENSES.—Of the
 6 amounts in the Fund available for each fiscal year,
 7 the Secretary may use to pay the administrative ex-
 8 penses of carrying out this Act not more than the
 9 greater of—

10 (A) 3 percent; and

11 (B) \$100,000.

12 (c) ACCEPTANCE AND USE OF DONATIONS.—

13 (1) IN GENERAL.—The Secretary may—

14 (A) accept and use donations to provide
 15 assistance under section 5; and

16 (B) publish on the Internet website and in
 17 publications of the Department of the Interior
 18 a notice that the Secretary is authorized to ac-
 19 cept and use such donations.

20 (2) USE.—Amounts received by the Secretary
 21 in the form of donations shall be transferred to the
 22 Secretary of the Treasury for deposit in the Fund.

23 **SEC. 5. FINANCIAL ASSISTANCE.**

24 (a) IN GENERAL.—Subject to the availability of
 25 funds and in consultation with other appropriate Federal

1 officials, the Secretary shall use amounts in the Fund to
2 provide financial assistance for projects for the conserva-
3 tion of rare felid and rare canids for which project pro-
4 posals are approved by the Secretary in accordance with
5 this section.

6 (b) PROJECT PROPOSALS.—

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

10 (A) any wildlife management authority of
11 a country that has within its boundaries any
12 part of the range of a rare felid or rare canid
13 species, respectively; and

14 (B) any person or group with the dem-
15 onstrated expertise required for conservation in
16 the wild of rare felids or rare canids, respec-
17 tively.

18 (2) PROJECT PROPOSALS.—To be eligible for fi-
19 nancial assistance for a project under this Act, an
20 applicant shall submit to the Secretary a project
21 proposal that includes—

22 (A) a concise statement of the purposes of
23 the project;

24 (B) the name of the individual responsible
25 for conducting the project;

1 (C) a description of the qualifications of
2 the individuals who will conduct the project;

3 (D) a concise description of—

4 (i) methods for project implementa-
5 tion and outcome assessment;

6 (ii) staffing for the project;

7 (iii) the logistics of the project; and

8 (iv) community involvement in the
9 project;

10 (E) an estimate of funds and time required
11 to complete the project;

12 (F) evidence of support for the project by
13 appropriate governmental entities of the coun-
14 tries in which the project will be conducted, if
15 the Secretary determines that such support is
16 required for the success of the project;

17 (G) information regarding the source and
18 amount of matching funding available for the
19 project; and

20 (H) any other information that the Sec-
21 retary considers to be necessary for evaluating
22 the eligibility of the project for funding under
23 this Act.

24 (c) PROJECT REVIEW AND APPROVAL.—

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

1 (A) not later than 30 days after receiving
2 a project proposal, provide a copy of the pro-
3 posal to the appropriate Federal officials; and

4 (B) review each project proposal in a time-
5 ly manner to determine whether the proposal
6 meets the criteria specified in subsection (d).

7 (2) CONSULTATION; APPROVAL OR DIS-
8 APPROVAL.—Not later than 180 days after receiving
9 a project proposal, and subject to the availability of
10 funds, the Secretary, after consulting with other ap-
11 propriate Federal officials, shall—

12 (A) ensure the proposal contains assur-
13 ances that the project will be implemented in
14 consultation with relevant wildlife management
15 authorities and other appropriate government
16 officials with jurisdiction over the resources ad-
17 dressed by the project;

18 (B) approve or disapprove the proposal;
19 and

20 (C) provide written notification of the ap-
21 proval or disapproval to—

22 (i) the individual or entity that sub-
23 mitted the proposal;

24 (ii) other appropriate Federal offi-
25 cials; and

1 (iii) each country within the borders
2 of which the project will take place.

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

7 (1) to implement conservation programs;

8 (2) to address the conflicts between humans
9 and rare felids or rare canids, respectively, that arise
10 from competition for the same habitat or resources;

11 (3) to enhance compliance with CITES, the En-
12 dangered Species Act of 1973 (16 U.S.C. 1531 et
13 seq.), and other applicable laws that—

14 (A) prohibit or regulate the taking or trade
15 of rare felids and rare canids; or

16 (B) regulate the use and management of
17 rare felid and rare canid habitat;

18 (4) to develop sound scientific information on,
19 or methods for monitoring—

20 (A) the condition and health of rare felid
21 or rare canid habitat;

22 (B) rare felid or rare canid population
23 numbers and trends; and

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

4 (5) to promote cooperative projects among gov-
5 ernment entities, affected local communities, non-
6 governmental organizations, and other persons in
7 the private sector; or

8 (6) to ensure that funds will not be appro-
9 priated for the purchase or lease of land to be used
10 as suitable habitat for felids or canids.

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

16 (f) MATCHING FUNDS.—In determining whether to
17 approve project proposals under this section, the Secretary
18 shall give preference to projects any portion of the costs
19 of which will be provided with matching funds.

20 (g) PROJECT REPORTING.—

21 (1) IN GENERAL.—Each individual or entity
22 that receives assistance under this section for a
23 project shall submit to the Secretary periodic reports
24 (at such intervals as the Secretary considers nec-
25 essary) that include all information that the Sec-

1 retary, after consultation with other appropriate gov-
2 ernment officials, determines to be necessary to
3 evaluate the progress and success of the project for
4 the purposes of ensuring positive results, assessing
5 problems, and fostering improvements.

6 (2) AVAILABILITY TO PUBLIC.—Reports under
7 paragraph (1), and any other documents relating to
8 projects for which financial assistance is provided
9 under this Act, shall be made available to the public.

10 (h) LIMITATIONS.—

11 (1) USE FOR CAPTIVE BREEDING OR DIS-
12 PLAY.—Amounts provided as a grant under this
13 Act—

14 (A) may not be used for captive breeding
15 or display of rare felids and rare canids, other
16 than captive breeding for release into the wild;
17 and

18 (B) may be used for captive breeding of a
19 species for release into the wild only if no other
20 conservation method for the species is bio-
21 logically feasible.

22 (2) INELIGIBLE COUNTRIES.—Amounts pro-
23 vided as a grant under this Act may not be ex-
24 pended on any project in a country the government
25 of which has repeatedly provided support for acts of

1 international terrorism, as determined by the Sec-
2 retary of State pursuant to—

3 (A) section 6(j)(1)(A) of the Export Ad-
4 ministration Act of 1979 (50 U.S.C. App.
5 2405(j)(1)(A)) (or any successor to that Act);

6 (B) section 40(d) of the Arms Export Con-
7 trol Act (22 U.S.C. 2780(d)); or

8 (C) section 620A(a) of the Foreign Assist-
9 ance Act of 1961 (22 U.S.C. 2371(a)).

10 (i) ADVISORY GROUP.—

11 (1) IN GENERAL.—To assist in carrying out
12 this Act, the Secretary may establish an advisory
13 group, consisting of individuals representing public
14 and private organizations actively involved in the
15 conservation of felids and canids.

16 (2) PUBLIC PARTICIPATION.—

17 (A) MEETINGS.—The advisory group
18 shall—

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

21 (ii) provide, at each meeting, an op-
22 portunity for interested individuals to
23 present oral or written statements con-
24 cerning items on the agenda.

1 (B) NOTICE.—The Secretary shall provide
2 to the public timely notice of each meeting of
3 the advisory group, including the meeting agen-
4 da.

5 (C) MINUTES.—The minutes of each meet-
6 ing of the advisory group shall be—

7 (i) kept by the Secretary; and

8 (ii) made available to the public.

9 (3) NONAPPLICABILITY OF FEDERAL ADVISORY
10 COMMITTEE ACT.—The Federal Advisory Committee
11 Act (5 U.S.C. App.) shall not apply to the advisory
12 group.

13 **SEC. 6. STUDY OF CONSERVATION STATUS OF FELID AND**
14 **CANID SPECIES.**

15 (a) IN GENERAL.—Not later than 90 days after the
16 date of enactment of this Act, the Secretary shall initiate
17 a study of felid and canid species listed under the IUCN
18 Red List that are not rare canids or rare felids, respec-
19 tively, to determine—

20 (1) the conservation status of each such species
21 in the wild, including identification of any such spe-
22 cies that are critically endangered or endangered;
23 and

24 (2) whether any such species that should be
25 made eligible for assistance under this Act.

1 (b) REPORT.—Not later than 2 years after date of
2 enactment of this Act, the Secretary shall submit to Con-
3 gress a report describing the determinations made in the
4 study, including recommendations of additional felid spe-
5 cies and canid species that should be made eligible for as-
6 sistance under this Act.

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

8 There are authorized to be appropriated—

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

12 (2) such sums as are necessary to carry out
13 section 6.

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111TH CONGRESS
1ST Session

S. 529

[Report No. 111-52]

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JUNE 20, 2009

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