

## CRANE CONSERVATION ACT OF 2008

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MAY 13, 2008.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed  
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Mr. RAHALL, from the Committee on Natural Resources,  
submitted the following

### R E P O R T

[To accompany H.R. 1771]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1771) 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Crane Conservation Act of 2008”.

#### SEC. 2. PURPOSES.

The purposes of this Act are—

- (1) to perpetuate healthy populations of cranes;
- (2) to assist in the conservation and protection of cranes by supporting—
  - (A) conservation programs in countries in which endangered and threatened cranes occur; and
  - (B) the efforts of private organizations committed to helping cranes; and
- (3) to provide financial resources for those programs and efforts.

#### SEC. 3. DEFINITIONS.

In this Act:

- (1) CONSERVATION.—
  - (A) IN GENERAL.—The term “conservation” means the use of any method or procedure to improve the viability of crane populations and the quality of the ecosystems and habitats on which the crane populations depend to

help the species achieve sufficient populations in the wild to ensure the long-term viability of the species.

(B) INCLUSIONS.—The term “conservation” includes the carrying out of any activity associated with scientific resource management, such as—

- (i) protection, restoration, and management of habitat;
- (ii) research and monitoring of known populations;
- (iii) the provision of assistance in the development of management plans for managed crane ranges;
- (iv) enforcement of the Convention;
- (v) law enforcement and habitat protection through community participation;
- (vi) reintroduction of cranes to the wild;
- (vii) conflict resolution initiatives; and
- (viii) community outreach and education.

(2) CONVENTION.—The term “Convention” has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

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

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

#### SEC. 4. CRANE CONSERVATION ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of appropriations and in consultation with other appropriate Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects relating to the conservation of cranes for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) APPLICANTS.—

(A) IN GENERAL.—An applicant described in subparagraph (B) that seeks to receive assistance under this section to carry out a project relating to the conservation of cranes shall submit to the Secretary a project proposal that meets the requirements of this section.

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

- (i) any relevant wildlife management authority of a country that—
  - (I) is located within the African, Asian, European, or North American range of a species of crane; and
  - (II) carries out 1 or more activities that directly or indirectly affect crane populations;
- (ii) the Secretariat of the Convention; and
- (iii) any person or organization with demonstrated expertise in the conservation of cranes.

(2) REQUIRED ELEMENTS.—A project proposal submitted under paragraph

(1)(A) shall include—

- (A) a concise statement of the purpose of the project;
- (B)(i) the name of each individual responsible for conducting the project; and
- (ii) a description of the qualifications of each of those individuals;
- (C) a concise description of—
  - (i) methods to be used to implement and assess the outcome of the project;
  - (ii) staff and community management for the project; and
  - (iii) the logistics of the project;
- (D) an estimate of the funds and the period of time required to complete the project;
- (E) evidence of support for the project by appropriate government entities of countries in which the project will be conducted, if the Secretary determines that such support is required to ensure the success of the project;
- (F) information regarding the source and amount of matching funding available for the project; and
- (G) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project to receive assistance under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

- (A) not later than 30 days after receiving a final project proposal, provide a copy of the proposal to other appropriate Federal officials; and
- (B) review each project proposal in a timely manner to determine whether the proposal meets the criteria described in subsection (d).

- (2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject to the availability of appropriations, the Secretary, after consulting with other appropriate Federal officials, shall—
- (A) consult on the proposal with the government of each country in which the project is to be carried out;
  - (B) after taking into consideration any comments resulting from the consultation, approve or disapprove the proposal; and
  - (C) provide written notification of the approval or disapproval to—
    - (i) the applicant that submitted the proposal;
    - (ii) other appropriate Federal officials; and
    - (iii) each country described in subparagraph (A).
- (d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the Secretary determines that the proposed project will enhance programs for conservation of cranes by assisting efforts to—
- (1) implement conservation programs;
  - (2) address the conflicts between humans and cranes that arise from competition for the same habitat or resources;
  - (3) enhance compliance with the Convention and other applicable laws that—
    - (A) prohibit or regulate the taking or trade of cranes; or
    - (B) regulate the use and management of crane habitat;
  - (4) develop sound scientific information on, or methods for monitoring—
    - (A) the condition of crane habitat;
    - (B) crane population numbers and trends; or
    - (C) the current and projected threats to crane habitat and population numbers and trends;
  - (5) promote cooperative projects on the issues described in paragraph (4) among—
    - (A) governmental entities;
    - (B) affected local communities;
    - (C) nongovernmental organizations; or
    - (D) other persons in the private sector;
  - (6) carry out necessary scientific research on cranes;
  - (7) provide relevant training to, or support technical exchanges involving, staff responsible for managing cranes or habitats of cranes, to enhance capacity for effective conservation; or
  - (8) reintroduce cranes successfully back into the wild, including propagation of a sufficient number of cranes required for this purpose.
- (e) PROJECT SUSTAINABILITY; MATCHING FUNDS.—To the maximum extent practicable, in determining whether to approve a project proposal under this section, the Secretary shall give preference to a proposed project—
- (1) that is designed to ensure effective, long-term conservation of cranes and habitats of cranes; or
  - (2) for which matching funds are available.
- (f) PROJECT REPORTING.—
- (1) IN GENERAL.—Each person that receives assistance under this section for a project shall submit to the Secretary, at such periodic intervals as are determined by the Secretary, reports that include all information that the Secretary, after consulting with other appropriate government officials, determines to be necessary to evaluate the progress and success of the project for the purposes of—
    - (A) ensuring positive results;
    - (B) assessing problems; and
    - (C) fostering improvements.
  - (2) AVAILABILITY TO THE PUBLIC.—Each report submitted under paragraph (1), and any other documents relating to a project for which financial assistance is provided under this Act, shall be made available to the public.

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

- (a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund established by the matter under the heading “MULTINATIONAL SPECIES CONSERVATION FUND” in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (112 Stat. 2681–237; 16 U.S.C. 4246) a separate account to be known as the “Crane Conservation Fund”, consisting of—
- (1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (e);
  - (2) amounts appropriated to the Fund under section 7; and
  - (3) any interest earned on investment of amounts in the Fund under subsection (c).
- (b) EXPENDITURES FROM FUND.—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), upon request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to provide assistance under section 4.

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

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

(c) **INVESTMENTS OF AMOUNTS.**—

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

(2) **ACQUISITION OF OBLIGATIONS.**—For the purpose of investments under paragraph (1), obligations may be acquired—

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

(B) by purchase of outstanding obligations at the market price.

(3) **SALE OF OBLIGATIONS.**—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) **CREDITS TO FUND.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) **TRANSFERS OF AMOUNTS.**—

(1) **IN GENERAL.**—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

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

(e) **ACCEPTANCE AND USE OF DONATIONS.**—

(1) **IN GENERAL.**—The Secretary may accept and use donations to provide assistance under section 4.

(2) **TRANSFER OF DONATIONS.**—Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.

**SEC. 6. ADVISORY GROUP.**

(a) **IN GENERAL.**—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of cranes.

(b) **PUBLIC PARTICIPATION.**—

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

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

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

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

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

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

**SEC. 7. FUNDING.**

There is authorized to be appropriated to the Fund \$5,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

**PURPOSE OF THE BILL**

The purpose of H.R. 1771 is 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.

## BACKGROUND AND NEED FOR LEGISLATION

Throughout the world wildlife populations are under increasing stress from the encroachment of expanding human populations. As a result, many wildlife populations have declined, some precipitously, due to habitat loss or degradation, poaching and illegal trade, disease, political instability and hostile interactions with expanding human settlements and agriculture. The decline of populations of charismatic “keystone” wildlife species such as tigers, rhinoceros, elephant, great apes and sea turtles has focused greater attention on the need to protect wildlife and wildlife habitat abroad.

The Congress has responded by creating distinct conservation funds within the Multinational Species Conservation Fund (MSCF) to provide financial assistance to support conservation activities to protect, recover and restore wildlife species and their habitats. The MSCF was created by Congress in 1999 as part of Title I of the Department of the Interior and Related Agencies Appropriations Act (16 U.S.C. 4246). Within the fund are specific wildlife conservation accounts authorized under separate statutes that receive annual appropriations from Congress to support conservation activities to protect, recover or restore threatened and endangered species, specifically tigers, rhinoceroses, African elephants, Asian elephants, great apes and sea turtles.<sup>1</sup> These wildlife species are all considered “keystone” or “umbrella” species which means that they enrich ecosystem function in a unique or significant manner through their activities, and their effect is disproportionate to their numerical number.<sup>2</sup>

More than \$115 million in matching or in-kind support has been obtained since the first grant was awarded under the African Elephant Conservation Act in 1990, nearly tripling the effect of the \$43 million in federal appropriated funds. More than 500 partners have worked with the U.S. Fish and Wildlife Service in 44 countries to protect and conserve these species. In addition, coordination with other federal agencies overseas, such as the U.S. Agency for International Development (USAID), has linked up species conservation and habitat management with economic development within countries with these species. In general, these funds are viewed as effective tools to leverage additional resources to implement projects that address the greatest conservation need.

All of the crane species included in this legislation suffer from multiple stressors that have negatively affected their population size, distribution and potential for recovery which cumulatively has resulted in their being listed as threatened or endangered and in need of protection. Factors commonly acknowledged as responsible for these declines include upland, wetland and migratory habitat loss and fragmentation, diminished prey-base, poaching and illegal wildlife trade, environmental pollution and pesticides, disease, political instability, and growing human-wildlife conflicts. Certain predator species have been purposefully targeted for eradication in order to promote pastoral industries and expanded human settle-

<sup>1</sup>An additional fund authorized under the Neotropical Migratory Bird Conservation Act was removed from the MSCF in 2006.

<sup>2</sup>National Wildlife Federation, 2007. Species At Risk (<http://www.nwf.org/wildlife/pdfs/speciesatrisk.pdf>).

ment, but even for charismatic birds such as cranes which present no direct threat to humans, non-carnivore species have been severely stressed by the ever-increasing footprint of mankind.

H.R. 1771 would expand the number of funds within the MSCF to provide similar financial assistance to conserve additional threatened and endangered species of cranes in the family Gruidae.<sup>3</sup> All 15 species of crane are included in H.R. 1771. These species are distributed globally with the exception of South America. Roughly half of all crane species are found in Asia, South Asia and the Indian Subcontinent. Only two species are native to North America, the whooping crane and sandhill crane. According to the International Crane Foundation, six species of crane are considered endangered and include the blue, red-crowned, sarus, Siberian, wattled, and whooping cranes. Additionally, five species are listed as vulnerable, including the black crowned, black-necked, grey crowned, hooded, and white-naped cranes. The remaining four species (the Eurasian, demoiselle, broilga and sandhill cranes) are considered relatively stable. All crane species are listed on either CITES Appendices I or II and the IUCN Red List. Several are listed under the U.S. Endangered Species Act.

#### COMMITTEE ACTION

H.R. 1771 was introduced on March 29, 2007 by Rep. Tammy Baldwin (D-WI). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife and Oceans. On September 6, 2007, the Subcommittee held a hearing on the bill. The bill received the qualified support of the administration. All other witnesses verified the need for the legislation and testified in support of the bill.

On October 4, 2007, the Subcommittee met to mark up the bill. Rep. Ron Kind (D-WI) offered an amendment in the nature of a substitute to strike 1) the findings, 2) the \$25 million set aside from other administrative accounts, 3) land acquisition as an eligible grant activity, and 4) the 20 percent funding allowance for grants that support North American cranes. The amendment also added an exemption for the Advisory Group from the rules and procedures of the Federal Advisory Committee Act. The amendment was adopted by voice vote. The bill was then forwarded as amended to the Full Committee by voice vote.

On April 30, 2008, the Full Natural Resources Committee met to consider the bill. Fisheries, Wildlife and Oceans Subcommittee Chairwoman Madeleine Bordallo (D-GU) offered a non-controversial amendment in the nature of a substitute to reinsert the twenty percent annual funding allowance for grants that support North American cranes. The amendment was adopted by unanimous consent and the bill, as amended, was ordered favorably reported to the House of Representatives by unanimous consent.

<sup>3</sup> According to the International Crane Foundation, some crane researchers contend that there are only 14 species by combining the two African crowned cranes together; other researchers argue that these species might actually be split into 4 separate species.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Short title*

Section 1 provides that this bill may be cited as the “Crane Conservation Act of 2008.”

*Section 2. Purposes*

Section 2 states that the purposes of the bill are to perpetuate healthy crane populations and to assist in the conservation of cranes by supporting conservation programs in countries in which endangered and threatened cranes occur and the efforts of private organizations committed to helping cranes, and to provide financial resources for those programs and efforts.

*Section 3. Definitions*

This section defines specific terms to be used in the legislation, including “Convention”, “Conservation”, “Fund”, and “Secretary”.

*Section 4. Crane conservation assistance*

This section authorizes the Secretary of the Interior to provide financial assistance subject to the availability of appropriations for projects for the conservation of cranes. The section specifies eligible project applicants and provides a detailed list of required information to be included in project applications. The Secretary is required to approve or disapprove all applications no later than 180 days after receiving the application and must provide written notification to the applicant, other appropriate federal officials and each country within which the project will take place.

This section also provides the Secretary with criteria to evaluate and approve project applications, including a determination that funds will not be used for the purchase or lease of land. Special preference shall be given under this section to projects that are designed to ensure effective, long-term conservation of cranes and their habitats and applications for which there exist non-federal matching funds. Approved projects are required to report regularly to the Secretary under this section to assess progress, foster improvements and ensure positive results. Such reports would be available to the public.

*Section 5. Crane Conservation Fund*

This section would authorize establishment of Crane Conservation Fund as a separate account in the Multinational Species Conservation Fund that would consist of amounts appropriated by Congress, amounts donated, and any interest earned on the investment of funds. All funding available to the Secretary for program administration is limited to three percent or \$150,000 annually, whichever is greater. The Secretary of the Treasury is authorized to invest un-used portions of the Fund in interest bearing obligations and interest earned shall be credited to the Fund. The Secretary of the Treasury would be required to transfer funds to the Fund on no less than a monthly schedule. Under this section, not more than twenty percent of the amounts available for grant assistance in any one year could be used for crane projects for North American crane species.

*Section 6. Advisory group*

This section would authorize the Secretary to convene an advisory group exempt from requirements under the Federal Advisory Committee Act to incorporate stakeholder participation in the conservation of cranes.

*Section 7. Authorization of appropriations*

Section 7 provides that the legislation would authorize \$5 million per year to be appropriated to carry out the legislation for each fiscal year from 2008 to 2012.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in the bill are not currently being nor could they be performed by one or more agencies, an advisory committee already in existence or by enlarging the mandate of an existing advisory committee.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is 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.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 1771—Crane Conservation Act of 2008*

Summary: H.R. 1771 would require the U.S. Fish and Wildlife Service to establish a grant program to protect and conserve wild cranes. The bill would authorize the appropriation of \$5 million a year through 2012 for financial assistance to eligible government agencies, international or foreign organizations, or private entities engaged in such activities. Assuming appropriation of the authorized amounts (beginning in 2009), CBO estimates that implementing H.R. 1771 would increase discretionary spending by \$19 million over the 2009–2013 period and by \$1 million after 2013.

H.R. 1771 also would authorize the agency to invest unneeded balances of appropriated funds in federal securities and spend any proceeds from those investments without further appropriation. Enacting this legislation would therefore increase direct spending by an estimated \$200,000 a year beginning in 2010. The bill also would authorize the agency to accept and spend (also without further appropriation) donations from nonfederal sources, but any increase in revenues (from donations) would be offset by additional direct spending of such amounts.

H.R. 1771 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1771 is shown in the following table. For this estimate, CBO assumes that the legislation will be enacted near the end of fiscal year 2008 and that authorized amounts will be provided as specified in the bill, beginning with fiscal year 2009. Estimated outlays are based on historical spending patterns for similar programs. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2009	2010	2011	2012	2013
CHANGES IN SPENDING SUBJECT TO APPROPRIATION <sup>1</sup>					
Authorization Level .....	5	5	5	5	0
Estimated Outlays .....	2	3	4	5	5

<sup>1</sup> Enacting H.R. 1771 also would increase direct spending by an estimated \$200,000 a year, beginning in 2010, from the use of interest on appropriation balances.

Intergovernmental and private-sector impact: H.R. 1771 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimate prepared by: Federal costs: Deborah Reis; Impact on state, local, and tribal governments: Neil Hood; Impact on the private sector: Amy Petz.

Estimate approved by: Peter H. Fontaine, Assistant Director for Budget Analysis.

## COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 1771 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

