

Calendar No. 1068

110TH CONGRESS
2D SESSION

H. R. 1464

[Report No. 110-492]

IN THE SENATE OF THE UNITED STATES

MAY 21, 2008

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

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

Reported by Mrs. BOXER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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 2008”.

1 **SEC. 2. PURPOSES.**

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

4 (1) to restore and perpetuate healthy popu-
5 lations of rare felids and rare canids in the wild; and
6 (2) to assist in the conservation of rare felid
7 and rare canid populations worldwide.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) **CITES.**—The term “CITES” means the
11 Convention on International Trade in Endangered
12 Species of Wild Fauna and Flora, done at Wash-
13 ington March 3, 1973 (27 UST 1087; TIAS 8249),
14 including its appendices.

15 (2) **CONSERVATION.**—The term “conserva-
16 tion”—

17 (A) means the methods and procedures
18 necessary to bring a species of rare felid or rare
19 canid to the point at which there are sufficient
20 populations in the wild to ensure the long-term
21 viability of the species; and

22 (B) includes all activities associated with
23 protection and management of a rare felid or
24 rare canid population, including—

- (i) maintenance, management, protection, and restoration of rare felid or rare canid habitat;
- (ii) research and monitoring;
- (iii) law enforcement;
- (iv) community outreach and education;
- (v) conflict resolution initiatives; and
- (vi) strengthening the capacity of local communities, governmental agencies, non-governmental organizations and other institutions to implement conservation programs;

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

20 (5) RARE CANID.—The term “rare canid”—
21 (A) except as provided in subparagraph
22 (B), means any of the canid species dhole
23 (*Cuon alpinus*), gray wolf (*Canis lupus*), Ethio-
24 pian wolf (*Canis simensis*), bush dog (*Speothos*
25 *venaticus*), African wild dog (*Lycaon pictus*),

1 maned wolf (*Chrysocyon brachyurus*), and Darwin's fox, (*Pseudalopex fulvipes*), including any
2 subspecies or population of such a species; and
3

4 (B) does not include any subspecies or
5 population that is native to the area comprised
6 of the United States and Canada or the Euro-
7 pean Union.

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

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

18 (B) does not include—

19 (i) any species, subspecies, or popu-
20 lation that is native to the United States;
21 and

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

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

1 **SEC. 4. FINANCIAL ASSISTANCE.**

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

9 (b) PROJECT PROPOSALS.—

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

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

17 (B) any person or group with the dem-
18 onstrated expertise required for the conserva-
19 tion in the wild of rare felids or rare canids, re-
20 spectively.

21 (2) PROJECT PROPOSALS.—To be considered
22 for financial assistance for a project under this Act,
23 an applicant shall submit a project proposal that in-
24 cludes—

25 (A) a concise statement of the purposes of
26 the project;

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

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

(D) a concise description of—

(i) methods for project implementation and outcome assessment;

(ii) staffing for the project;

(iii) the logistics of the project; and

(iv) community involvement in the

project;

(E) an

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

(F) evidence of support for the project by appropriate governmental entities of the countries in which the project will be conducted, if the Secretary determines that such support is required for the success of the project;

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

(H) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

1 (e) PROJECT REVIEW AND APPROVAL.—

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

3 (A) not later than 30 days after receiving
4 a project proposal, provide a copy of the pro-
5 posal to the appropriate Federal officials; and6 (B) review each project proposal in a time-
7 ly manner to determine if the proposal meets
8 the criteria specified in subsection (d).9 (2) CONSULTATION, APPROVAL OR DIS-
10 APPROVAL.—Not later than 180 days after receiving
11 a project proposal, and subject to the availability of
12 funds, the Secretary, after consulting with other ap-
13 propriate Federal officials, shall—14 (A) ensure the proposal contains assur-
15 ances that the project will be implemented in
16 consultation with relevant wildlife management
17 authorities and other appropriate government
18 officials with jurisdiction over the resources ad-
19 dressed by the project;20 (B) approve or disapprove the proposal;
21 and22 (C) provide written notification of the ap-
23 proval or disapproval to the person who sub-
24 mitted the proposal, other appropriate Federal

1 officials, and each country within whose borders
2 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 to—

7 (1) implement conservation programs;

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

16 (4) develop sound scientific information on, or
17 methods for monitoring—

18 (A) the condition and health of rare felid
19 or rare canid habitat;

20 (B) rare felid or rare canid population
21 numbers and trends; and

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

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

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

17 (g) PROJECT REPORTING.—

1 of ensuring positive results, assessing problems, and
2 fostering improvements.

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

8 (h) LIMITATIONS ON USE FOR CAPTIVE BREEDING
9 OR DISPLAY.—Amounts provided as a grant under this
10 Act—

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

14 (2) may be used for captive breeding of a spe-
15 cies for release into the wild only if no other con-
16 servation method for the species is biologically fea-
17 sible.

18 (i) ADVISORY GROUP.—

19 (1) IN GENERAL.—To assist in carrying out
20 this Act, the Secretary may convene an advisory
21 group consisting of individuals representing public
22 and private organizations actively involved in the
23 conservation of felids and canids.

24 (2) PUBLIC PARTICIPATION.—

1 (A) MEETINGS.—The advisory group
2 shall—

20 SEC. 5. GREAT CATS AND RARE CANIDS CONSERVATION
21 FUND.

22 (a) ESTABLISHMENT.—There is established, in the
23 Multinational Species Conservation Fund established in
24 title I of the Department of the Interior and Related
25 Agencies Appropriations Act, 1999 under the heading

1 "MULTINATIONAL SPECIES CONSERVATION
2 FUND", a separate account to be known as the "Great
3 Cats and Rare Canids Conservation Fund", consisting
4 of—

5 (1) amounts transferred to the Secretary of the
6 Treasury for deposit into such account under sub-
7 section (e); and

8 (2) amounts appropriated to such account
9 under section 7.

10 (b) EXPENDITURES FROM FUND.—

11 (1) IN GENERAL.—Subject to paragraph (2),
12 upon request by the Secretary, the Secretary of the
13 Treasury shall transfer from the Fund to the Sec-
14 retary, without further appropriation, such amounts
15 as the Secretary determines are necessary to provide
16 assistance under section 4.

17 (2) ADMINISTRATIVE EXPENSES.—Of the
18 amounts in the Fund available for each fiscal year,
19 the Secretary may expend not more than three per-
20 cent, or up to \$100,000, whichever is greater, to pay
21 the administrative expenses necessary to carry out
22 this Act.

23 (e) ACCEPTANCE AND USE OF DONATIONS.—The
24 Secretary may accept and use donations to provide assist-
25 ance under section 4, and may make public on the Internet

1 website and in publications of the Department of the Inter-
2 rior that the Secretary is authorized to accept and use
3 such donations. Amounts received by the Secretary in the
4 form of such donations shall be transferred to the Sec-
5 retary of the Treasury for deposit into the Fund.

6 **SEC. 6. STUDY OF CONSERVATION STATUS OF FELID AND**

7 **CANID SPECIES.**

8 (a) **IN GENERAL.**—The Secretary shall initiate within
9 three months after the date of the enactment of this Act
10 a study of felid and canid species listed under the IUCN
11 Red List that are not rare canids and rare felids (as those
12 terms are defined in section 3), respectively, to deter-
13 mine—

14 (1) the conservation status of such species in
15 the wild, including identification of any such species
16 that are critically endangered or endangered; and
17 (2) any such species that should be made eligi-
18 ble for assistance under this Act.

19 (b) **REPORT.**—Not later than two years after date of
20 the enactment of this Act the Secretary shall report to
21 the Congress the determinations made in the study, in-
22 cluding recommendations of additional felid species and
23 canid species that should be made eligible for assistance
24 under this Act.

1 **SEC. 7. AUTHORIZATION OR APPROPRIATIONS.**

2 There are authorized to be appropriated—

3 (1) to the Fund, \$5,000,000 for each of fiscal
4 years 2009 through 2013 to carry out this Act,
5 other than section 6; and6 (2) such sums as are necessary to carry out
7 section 6.8 **SEC. 8. INELIGIBLE COUNTRIES.**9 Amounts provided as a grant under this Act may not
10 be spent on projects in Iran, Syria, Cuba, Sudan, and
11 North Korea.12 **SECTION 1. SHORT TITLE.**13 This Act may be cited as the “Great Cats and Rare
14 Canids Act of 2008”.15 **SEC. 2. PURPOSES.**16 The purposes of this Act are to provide financial re-
17 sources and to foster international cooperation—18 (1) to restore and perpetuate healthy populations
19 of rare felids and rare canids in the wild; and20 (2) to assist in the conservation of rare felid and
21 rare canid populations worldwide.22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) CITES.—The term “CITES” means the
25 Convention on International Trade in Endangered
26 Species of Wild Fauna and Flora, done at Wash-

1 *ington March 3, 1973 (27 UST 1087; TIAS 8249),*
2 *including its appendices.*

3 (2) *CONSERVATION.—The term “conservation”—*

4 (A) *means the methods and procedures nec-*
5 *essary to bring a species of rare felid or rare*
6 *canid to the point at which there are sufficient*
7 *populations in the wild to ensure the long-term*
8 *viability of the species; and*

9 (B) *includes all activities associated with*
10 *protection and management of a rare felid or*
11 *rare canid population, including—*

12 (i) *maintenance, management, protec-*
13 *tion, and restoration of rare felid or rare*
14 *canid habitat;*

15 (ii) *research and monitoring;*

16 (iii) *law enforcement;*

17 (iv) *community outreach and edu-*
18 *cation;*

19 (v) *conflict resolution initiatives; and*

20 (vi) *strengthening the capacity of local*
21 *communities, governmental agencies, non-*
22 *governmental organizations and other insti-*
23 *tutions to implement conservation pro-*
24 *grams.*

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

(A) except as provided in subparagraph (B), means any of the canid species dhole (*Cuon alpinus*), gray wolf (*Canis lupus*), Ethiopian wolf (*Canis simensis*), bush dog (*Speothos venaticus*), African wild dog (*Lycaon pictus*), maned wolf (*Chrysocyon brachyurus*), and Darwin's fox, (*Pseudalopex fulvipes*), including any subspecies or population of such a species; and

(B) does not include any subspecies or population that is native to the area comprised of the United States and Canada or the European Union.

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

21 (A) except as provided in subparagraph
22 (B), means any of the felid species lion
23 (*Panthera leo*), leopard (*Panthera pardus*), jag-
24 uar (*Panthera onca*), snow leopard (*Uncia*
25 *uncia*), clouded leopard (*Neofelis nebulosa*), chee-

1 *tah* (*Acinonyx jubatus*), *Iberian lynx* (*Lynx*
2 *pardina*), and *Borneo bay cat* (*Catopuma*
3 *badia*), including any subspecies or population
4 of such a species; and

5 (B) does not include—

6 (i) any species, subspecies, or popu-
7 lation that is native to the United States;
8 and
9 (ii) any tiger (*Panthera tigris*).

10 (7) *SECRETARY*.—The term “Secretary” means
11 the Secretary of the Interior.

12 **SEC. 4. FINANCIAL ASSISTANCE.**

13 (a) *IN GENERAL*.—Subject to the availability of funds
14 and in consultation with other appropriate Federal offi-
15 cials, the Secretary shall use amounts in the Fund to pro-
16 vide financial assistance for projects for the conservation
17 of rare felid and rare canids for which project proposals
18 are approved by the Secretary in accordance with this sec-
19 tion.

20 (b) *PROJECT PROPOSALS*.—

21 (1) *ELIGIBLE APPLICANTS*.—A proposal for a
22 project for the conservation of rare felid and canids
23 may be submitted to the Secretary by—

24 (A) any wildlife management authority of a
25 country that has within its boundaries any part

1 *of the range of a rare felid or rare canid species,*
2 *respectively; and*

3 *(B) any person or group with the dem-*
4 *onstrated expertise required for the conservation*
5 *in the wild of rare felids or rare canids, respec-*
6 *tively.*

7 *(2) PROJECT PROPOSALS.—To be considered for*
8 *financial assistance for a project under this Act, an*
9 *applicant shall submit a project proposal that in-*
10 *cludes—*

11 *(A) a concise statement of the purposes of*
12 *the project;*

13 *(B) the name of the individual responsible*
14 *for conducting the project;*

15 *(C) a description of the qualifications of the*
16 *individuals who will conduct the project;*

17 *(D) a concise description of—*

18 *(i) methods for project implementation*
19 *and outcome assessment;*

20 *(ii) staffing for the project;*

21 *(iii) the logistics of the project; and*

22 *(iv) community involvement in the*
23 *project;*

24 *(E) an estimate of funds and time required*
25 *to complete the project;*

13 (c) *PROJECT REVIEW AND APPROVAL.—*

14 (1) *IN GENERAL.*—*The Secretary shall—*

(B) review each project proposal in a timely manner to determine if the proposal meets the criteria specified in subsection (d).

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

18 (1) implement conservation programs;
19 (2) address the conflicts between humans and
20 rare felids or rare canids, respectively, that arise from
21 competition for the same habitat or resources;

22 (3) enhance compliance with CITES, the Endan-
23 gered Species Act of 1973, and other applicable laws
24 that prohibit or regulate the taking or trade of rare

1 *felids and rare canids or regulate the use and man-*
2 *agement of rare felid and rare canid habitat;*

3 *(4) develop sound scientific information on, or*
4 *methods for monitoring—*

5 *(A) the condition and health of rare felid or*
6 *rare canid habitat;*

7 *(B) rare felid or rare canid population*
8 *numbers and trends; and*

9 *(C) the ecological characteristics and re-*
10 *quirements of populations of rare felids or rare*
11 *canids for which there are little or no data;*

12 *(5) promote cooperative projects among govern-*
13 *ment entities, affected local communities, nongovern-*
14 *mental organizations, and other persons in the pri-*
15 *ivate sector; or*

16 *(6) funds will not be appropriated for the pur-*
17 *chase or lease of lands to be used as suitable habitat*
18 *for felids or canids.*

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

24 *(f) MATCHING FUNDS.—In determining whether to ap-*
25 *prove project proposals under this section, the Secretary*

1 shall give preference to projects for which there exists some
2 measure of matching funds.

3 (g) *PROJECT REPORTING.*—

4 (1) *IN GENERAL.*—Each person that receives as-
5 sistance under this section for a project shall submit
6 to the Secretary periodic reports (at such intervals as
7 the Secretary considers necessary) that include all in-
8 formation that the Secretary, after consultation with
9 other appropriate government officials, determines is
10 necessary to evaluate the progress and success of the
11 project for the purposes of ensuring positive results,
12 assessing problems, and fostering improvements.

13 (2) *AVAILABILITY TO THE PUBLIC.*—Reports
14 under paragraph (1), and any other documents relat-
15 ing to projects for which financial assistance is pro-
16 vided under this Act, shall be made available to the
17 public.

18 (h) *LIMITATIONS ON USE FOR CAPTIVE BREEDING OR*

19 *DISPLAY.*—Amounts provided as a grant under this Act—

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

23 (2) *may be used for captive breeding of a species
for release into the wild only if no other conservation
method for the species is biologically feasible.*

1 *(i) ADVISORY GROUP.—*

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

7 *(2) PUBLIC PARTICIPATION.—*

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

10 *(i) ensure that each meeting of the ad-*
11 *visory 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 items*
15 *on the agenda.*

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

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

22 *(3) EXEMPTION FROM FEDERAL ADVISORY COM-*
23 *MITTEE ACT.—The Federal Advisory Committee Act*
24 *(5 U.S.C. App.) shall not apply to the advisory*
25 *group.*

1 **SEC. 5. GREAT CATS AND RARE CANIDS CONSERVATION**2 **FUND.**

3 (a) *ESTABLISHMENT.*—There is established, in the
4 *Multinational Species Conservation Fund established in*
5 *title I of the Department of the Interior and Related Agen-*
6 *cies Appropriations Act, 1999 under the heading “MULTI-*
7 *NATIONAL SPECIES CONSERVATION FUND”, a sepa-*
8 *rate account to be known as the “Great Cats and Rare*
9 *Canids Conservation Fund”, consisting of—*

10 (1) *amounts transferred to the Secretary of the*
11 *Treasury for deposit into such account under sub-*
12 *section (c); and*

13 (2) *amounts appropriated to such account under*
14 *section 8.*

15 (b) *EXPENDITURES FROM FUND.*—

16 (1) *IN GENERAL.*—Subject to paragraph (2),
17 *upon request by the Secretary, the Secretary of the*
18 *Treasury shall transfer from the Fund to the Sec-*
19 *retary, without further appropriation, such amounts*
20 *as the Secretary determines are necessary to provide*
21 *assistance under section 4.*

22 (2) *ADMINISTRATIVE EXPENSES.*—Of the
23 *amounts in the Fund available for each fiscal year,*
24 *the Secretary may expend not more than three per-*
25 *cent, or up to \$100,000, whichever is greater, to pay*

1 *the administrative expenses necessary to carry out*
2 *this Act.*

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

11 **SEC. 6. STUDY OF CONSERVATION STATUS OF FELID AND**
12 **CANID SPECIES.**

13 *(a) IN GENERAL.—The Secretary shall initiate within*
14 *three months after the date of the enactment of this Act a*
15 *study of felid and canid species listed under the IUCN Red*
16 *List that are not rare canids and rare felids (as those terms*
17 *are defined in section 3), respectively, to determine—*

18 *(1) the conservation status of such species in the*
19 *wild, including identification of any such species that*
20 *are critically endangered or endangered; and*

21 *(2) any such species that should be made eligible*
22 *for assistance under this Act.*

23 *(b) REPORT.—Not later than 2 years after date of the*
24 *enactment of this Act the Secretary shall report to the Con-*
25 *gress the determinations made in the study, including rec-*

1 *ommendations of additional felid species and canid species*
2 *that should be made eligible for assistance under this Act.*

3 **SEC. 7. INELIGIBLE COUNTRIES.**

4 *Amounts provided as a grant under this Act may not*
5 *be expended on any project in a country the government*
6 *of which the Secretary of State has determined has repeat-*
7 *edly provided support for acts of international terrorism*
8 *pursuant to—*

9 *(1) section 6(j)(1)(A) of the Export Administra-*
10 *tion Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or*
11 *any successor to that Act);*

12 *(2) section 40(d) of the Arms Export Control Act*
13 *(22 U.S.C. 2780(d)); or*

14 *(3) section 620A(a) of the Foreign Assistance Act*
15 *of 1961 (22 U.S.C. 2371(a)).*

16 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

17 *There are authorized to be appropriated—*

18 *(1) to the Fund, \$5,000,000 for each of fiscal*
19 *years 2009 through 2013 to carry out this Act, other*
20 *than section 6; and*

21 *(2) such sums as are necessary to carry out sec-*
22 *tion 6.*

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110TH CONGRESS
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H. R. 1464

[Report No. 110-492]

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.

SEPTEMBER 24 (legislative day, SEPTEMBER 17), 2008

Reported with an amendment