

Union Calendar No. 174

105TH CONGRESS
1ST Session

H. R. 1787

[Report No. 105-266, Part I]

A BILL

To assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

OCTOBER 6, 1997

Committee on International Relations discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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To assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 1997

Mr. SAXTON (for himself, Mr. ABERCROMBIE, Mr. YOUNG of Alaska, Mr. MILLER of California, Mr. BOEHLERT, Mr. COOK, Mr. CUNNINGHAM, Mr. EHLERS, Mr. FALEOMAVAEGA, Mr. FRANKS of New Jersey, Mr. GILCHREST, Mr. GREENWOOD, Mr. HINCHEY, Mrs. KELLY, Mrs. MORELLA, Mr. OLVER, Mr. PALLONE, Mr. UPTON, and Mr. TRAFICANT) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER 23, 1997

Reported from the Committee on Resources with an amendment

SEPTEMBER 23, 1997

Referral to the Committee on International Relations extended for a period ending not later than October 6, 1997

OCTOBER 6, 1997

Additional sponsors: Mr. GUTIERREZ, Mr. SANDERS, Mr. SHAYS, Mr. ACKERMAN, Ms. DEGETTE, Mr. PICKETT, Mr. SAWYER, and Mr. FARR of California

OCTOBER 6, 1997

Committee on International Relations discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on June 4, 1997]

A BILL

To assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

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 “Asian Elephant Con-*
5 *servation Act of 1997”.*

6 **SEC. 2. FINDINGS.**

7 *The Congress finds the following:*

8 *(1) Asian elephant populations in nations with-*
9 *in the range of Asian elephants have continued to de-*
10 *cline to the point that the long-term survival of the*
11 *species in the wild is in serious jeopardy.*

12 *(2) The Asian elephant is listed as an endan-*
13 *gered species under section 4 of the Endangered Spe-*
14 *cies Act of 1973 and under appendix I of the Conven-*
15 *tion on International Trade of Endangered Species of*
16 *Wild Fauna and Flora.*

1 (3) *Because the challenges facing the conserva-*
2 *tion of Asian elephants are so great, resources to date*
3 *have not been sufficient to cope with the continued*
4 *loss of habitat and the consequent diminution of*
5 *Asian elephant populations.*

6 (4) *The Asian elephant is a flagship species for*
7 *the conservation of tropical forest habitats in which*
8 *it is found and provides the consequent benefit from*
9 *such conservation to numerous other species of wild-*
10 *life including many other endangered species.*

11 (5) *Among the threats to the Asian elephant in*
12 *addition to habitat loss are population fragmentation,*
13 *human-elephant conflict, poaching for ivory, meat,*
14 *hide, bones and teeth, and capture for domestication.*

15 (6) *To reduce, remove, or otherwise effectively*
16 *address these threats to the long-term viability of pop-*
17 *ulations of Asian elephants in the wild will require*
18 *the joint commitment and effort of nations within the*
19 *range of Asian elephants, the United States and other*
20 *countries, and the private sector.*

21 **SEC. 3. PURPOSES.**

22 *The purposes of this Act are the following:*

23 (1) *To perpetuate healthy populations of Asian*
24 *elephants.*

1 (2) *To assist in the conservation and protection*
2 *of Asian elephants by supporting the conservation*
3 *programs of Asian elephant range states and the*
4 *CITES Secretariat.*

5 (3) *To provide financial resources for those pro-*
6 *grams.*

7 **SEC. 4. DEFINITIONS.**

8 *In this Act:*

9 (1) *The term “CITES” means the Convention on*
10 *International Trade in Endangered Species of Wild*
11 *Fauna and Flora, signed on March 3, 1973, and its*
12 *appendices.*

13 (2) *The term “conservation” means the use of*
14 *methods and procedures necessary to bring Asian ele-*
15 *phants to the point at which there are sufficient popu-*
16 *lations in the wild to ensure that the species does not*
17 *become extinct, including all activities associated with*
18 *scientific resource management, such as conservation,*
19 *protection, restoration, acquisition, and management*
20 *of habitat; research and monitoring of known popu-*
21 *lations; assistance in the development of management*
22 *plans for managed elephant ranges; CITES enforce-*
23 *ment; law enforcement through community participa-*
24 *tion; translocation of elephants; conflict resolution*
25 *initiatives; and community outreach and education.*

1 (3) *The term “Fund” means the Asian Elephant*
2 *Conservation Fund established under section 6(a).*

3 (4) *The term “Secretary” means the Secretary of*
4 *the Interior.*

5 (5) *The term “Administrator” means the Admin-*
6 *istrator of the Agency for International Development.*

7 **SEC. 5. ASIAN ELEPHANT CONSERVATION ASSISTANCE.**

8 (a) *IN GENERAL.—The Secretary, subject to the avail-*
9 *ability of funds and in consultation with the Adminis-*
10 *trator, shall use amounts in the Fund to provide financial*
11 *assistance for projects for the conservation of Asian ele-*
12 *phants for which final project proposals are approved by*
13 *the Secretary in accordance with this section.*

14 (b) *PROJECT PROPOSAL.—Any relevant wildlife man-*
15 *agement authority of a nation within the range of Asian*
16 *elephants whose activities directly or indirectly affect Asian*
17 *elephant populations, the CITES Secretariat, or any person*
18 *with demonstrated expertise in the conservation of Asian*
19 *elephants, may submit to the Secretary a project proposal*
20 *under this section. Each proposal shall include the follow-*
21 *ing:*

22 (1) *The name of the individual responsible for*
23 *conducting the project.*

24 (2) *A succinct statement of the purposes of the*
25 *project.*

1 (3) *A description of the qualifications of the in-*
2 *dividuals who will conduct the project.*

3 (4) *An estimate of the funds and time required*
4 *to complete the project.*

5 (5) *Evidence of support of the project by appro-*
6 *priate governmental entities of countries in which the*
7 *project will be conducted, if the Secretary determines*
8 *that the support is required for the success of the*
9 *project.*

10 (6) *Information regarding the source and*
11 *amount of matching funding available to the appli-*
12 *cant.*

13 (7) *Any other information the Secretary consid-*
14 *ers to be necessary for evaluating the eligibility of the*
15 *project for funding under this Act.*

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

17 (1) *IN GENERAL.—Within 30 days after receiv-*
18 *ing a final project proposal, the Secretary shall pro-*
19 *vide a copy of the proposal to the Administrator. The*
20 *Secretary shall review each final project proposal to*
21 *determine if it meets the criteria set forth in sub-*
22 *section (d).*

23 (2) *CONSULTATION; APPROVAL OR DIS-*
24 *APPROVAL.—Not later than 6 months after receiving*
25 *a final project proposal, and subject to the availabil-*

1 *ity of funds, the Secretary, after consulting with the*
2 *Administrator, shall—*

3 *(A) request written comments on the pro-*
4 *posal from each country within which the project*
5 *is to be conducted;*

6 *(B) after requesting those comments, ap-*
7 *prove or disapprove the proposal; and*

8 *(C) provide written notification of that ap-*
9 *proval or disapproval to the person who submit-*
10 *ted the proposal, the Administrator, and each of*
11 *those countries.*

12 *(d) CRITERIA FOR APPROVAL.—The Secretary may*
13 *approve a final project proposal under this section if the*
14 *project will enhance programs for conservation of Asian ele-*
15 *phants by assisting efforts to—*

16 *(1) implement conservation programs;*

17 *(2) address the conflicts between humans and ele-*
18 *phants that arise from competition for the same habi-*
19 *tat;*

20 *(3) enhance compliance with provisions of*
21 *CITES and laws of the United States or a foreign*
22 *country that prohibit or regulate the taking or trade*
23 *of Asian elephants or regulate the use and manage-*
24 *ment of Asian elephant habitat;*

1 (4) *develop sound scientific information on the*
2 *condition of Asian elephant habitat, Asian elephant*
3 *population numbers and trends, or the threats to such*
4 *habitat, numbers, or trends; or*

5 (5) *promote cooperative projects on those topics*
6 *with other foreign governments, affected local commu-*
7 *nities, nongovernmental organizations, or others in*
8 *the private sector.*

9 (e) *PROJECT SUSTAINABILITY.—To the maximum ex-*
10 *tent practical, in determining whether to approve project*
11 *proposals under this section, the Secretary shall give consid-*
12 *eration to projects which will enhance sustainable inte-*
13 *grated conservation development programs to ensure effec-*
14 *tive, long-term conservation of Asian elephants.*

15 (f) *PROJECT REPORTING.—Each person who receives*
16 *assistance under this section for a project shall provide peri-*
17 *odic reports, as the Secretary considers necessary, to the*
18 *Secretary and the Administrator. Each report shall include*
19 *all information required by the Secretary, after consulting*
20 *with the Administrator, for evaluating the progress and suc-*
21 *cess of the project.*

22 (g) *MATCHING FUNDS.—In determining whether to*
23 *approve project proposals under this section, the Secretary*
24 *shall give priority to those projects for which there exists*
25 *some measure of matching funds.*

1 (h) *LIMITATION ON USE FOR CAPTIVE BREEDING.*—
2 Amounts provided as a grant under this Act may not be
3 used for captive breeding of Asian elephants other than for
4 release in the wild.

5 **SEC. 6. ASIAN ELEPHANT CONSERVATION FUND.**

6 (a) *ESTABLISHMENT.*—There is established in the gen-
7 eral fund of the Treasury a separate account to be known
8 as the “Asian Elephant Conservation Fund”, which shall
9 consist of amounts deposited into the Fund by the Secretary
10 of the Treasury under subsection (b).

11 (b) *DEPOSITS INTO THE FUND.*—The Secretary of the
12 Treasury shall deposit into the Fund—

13 (1) all amounts received by the Secretary in the
14 form of donations under subsection (d); and

15 (2) other amounts appropriated to the Fund.

16 (c) *USE.*—

17 (1) *IN GENERAL.*—Subject to paragraph (2), the
18 Secretary may use amounts in the Fund without fur-
19 ther appropriation to provide assistance under section
20 5.

21 (2) *ADMINISTRATION.*—Of amounts in the Fund
22 available for each fiscal year, the Secretary may use
23 not more than 3 percent to administer the Fund.

24 (d) *ACCEPTANCE AND USE OF DONATIONS.*—The Sec-
25 retary may accept and use donations to provide assistance

1 *under section 5. Amounts received by the Secretary in the*
2 *form of donations shall be transferred to the Secretary of*
3 *the Treasury for deposit into the Fund.*

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

5 *There are authorized to be appropriated to the Fund*
6 *\$5,000,000 for each of fiscal years 1998, 1999, 2000, 2001,*
7 *and 2002 to carry out this Act, which may remain avail-*
8 *able until expended.*