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105TH CONGRESS
1ST Session
H. R. 1787

AN ACT

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.

NOVEMBER 7, 1997

Reported without amendment

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IN THE SENATE OF THE UNITED STATES

OCTOBER 22, 1997

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

NOVEMBER 7, 1997

Reported by Mr. CHAFEE, without amendment

AN ACT

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:

1 (1) Asian elephant populations in nations with-
2 in the range of Asian elephants have continued to
3 decline to the point that the long-term survival of
4 the species in the wild is in serious jeopardy.

5 (2) The Asian elephant is listed as an endan-
6 gered species under section 4 of the Endangered
7 Species Act of 1973 and under appendix I of the
8 Convention on International Trade of Endangered
9 Species of Wild Fauna and Flora.

10 (3) Because the challenges facing the conserva-
11 tion of Asian elephants are so great, resources to
12 date have not been sufficient to cope with the con-
13 tinued loss of habitat and the consequent diminution
14 of Asian elephant populations.

15 (4) The Asian elephant is a flagship species for
16 the conservation of tropical forest habitats in which
17 it is found and provides the consequent benefit from
18 such conservation to numerous other species of wild-
19 life including many other endangered species.

20 (5) Among the threats to the Asian elephant in
21 addition to habitat loss are population fragmenta-
22 tion, human-elephant conflict, poaching for ivory,
23 meat, hide, bones and teeth, and capture for domes-
24 tication.

1 (6) To reduce, remove, or otherwise effectively
2 address these threats to the long-term viability of
3 populations of Asian elephants in the wild will re-
4 quire the joint commitment and effort of nations
5 within the range of Asian elephants, the United
6 States and other countries, and the private sector.

7 **SEC. 3. PURPOSES.**

8 The purposes of this Act are the following:

9 (1) To perpetuate healthy populations of Asian
10 elephants.

11 (2) To assist in the conservation and protection
12 of Asian elephants by supporting the conservation
13 programs of Asian elephant range states and the
14 CITES Secretariat.

15 (3) To provide financial resources for those pro-
16 grams.

17 **SEC. 4. DEFINITIONS.**

18 In this Act:

19 (1) The term “CITES” means the Convention
20 on International Trade in Endangered Species of
21 Wild Fauna and Flora, signed on March 3, 1973,
22 and its appendices.

23 (2) The term “conservation” means the use of
24 methods and procedures necessary to bring Asian
25 elephants to the point at which there are sufficient

1 populations in the wild to ensure that the species
2 does not become extinct, including all activities asso-
3 ciated with scientific resource management, such as
4 conservation, protection, restoration, acquisition, and
5 management of habitat; research and monitoring of
6 known populations; assistance in the development of
7 management plans for managed elephant ranges;
8 CITES enforcement; law enforcement through com-
9 munity participation; translocation of elephants; con-
10 flict resolution initiatives; and community outreach
11 and education.

12 (3) The term “Fund” means the Asian Ele-
13 phant Conservation Fund established under section
14 6(a).

15 (4) The term “Secretary” means the Secretary
16 of the Interior.

17 (5) The term “Administrator” means the Ad-
18 ministrator of the Agency for International Develop-
19 ment.

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

21 (a) IN GENERAL.—The Secretary, subject to the
22 availability of funds and in consultation with the Adminis-
23 trator, shall use amounts in the Fund to provide financial
24 assistance for projects for the conservation of Asian ele-

1 phants for which final project proposals are approved by
2 the Secretary in accordance with this section.

3 (b) PROJECT PROPOSAL.—Any relevant wildlife man-
4 agement authority of a nation within the range of Asian
5 elephants whose activities directly or indirectly affect
6 Asian elephant populations, the CITES Secretariat, or
7 any person with demonstrated expertise in the conserva-
8 tion of Asian elephants, may submit to the Secretary a
9 project proposal under this section. Each proposal shall
10 include the following:

11 (1) The name of the individual responsible for
12 conducting the project.

13 (2) A succinct statement of the purposes of the
14 project.

15 (3) A description of the qualifications of the in-
16 dividuals who will conduct the project.

17 (4) An estimate of the funds and time required
18 to complete the project.

19 (5) Evidence of support of the project by appro-
20 priate governmental entities of countries in which
21 the project will be conducted, if the Secretary deter-
22 mines that the support is required for the success of
23 the project.

1 (6) Information regarding the source and
2 amount of matching funding available to the appli-
3 cant.

4 (7) Any other information the Secretary consid-
5 ers to be necessary for evaluating the eligibility of
6 the project for funding under this Act.

7 (c) PROJECT REVIEW AND APPROVAL.—

8 (1) IN GENERAL.—Within 30 days after receiv-
9 ing a final project proposal, the Secretary shall pro-
10 vide a copy of the proposal to the Administrator.
11 The Secretary shall review each final project pro-
12 posal to determine if it meets the criteria set forth
13 in subsection (d).

14 (2) CONSULTATION; APPROVAL OR DIS-
15 APPROVAL.—Not later than 6 months after receiving
16 a final project proposal, and subject to the availabil-
17 ity of funds, the Secretary, after consulting with the
18 Administrator, shall—

19 (A) request written comments on the pro-
20 posal from each country within which the
21 project is to be conducted;

22 (B) after requesting those comments, ap-
23 prove or disapprove the proposal; and

24 (C) provide written notification of that ap-
25 proval or disapproval to the person who submit-

1 ted the proposal, the Administrator, and each
2 of those countries.

3 (d) CRITERIA FOR APPROVAL.—The Secretary may
4 approve a final project proposal under this section if the
5 project will enhance programs for conservation of Asian
6 elephants by assisting efforts to—

7 (1) implement conservation programs;

8 (2) address the conflicts between humans and
9 elephants that arise from competition for the same
10 habitat;

11 (3) enhance compliance with provisions of
12 CITES and laws of the United States or a foreign
13 country that prohibit or regulate the taking or trade
14 of Asian elephants or regulate the use and manage-
15 ment of Asian elephant habitat;

16 (4) develop sound scientific information on the
17 condition of Asian elephant habitat, Asian elephant
18 population numbers and trends, or the threats to
19 such habitat, numbers, or trends; or

20 (5) promote cooperative projects on those topics
21 with other foreign governments, affected local com-
22 munities, nongovernmental organizations, or others
23 in the private sector.

24 (e) PROJECT SUSTAINABILITY.—To the maximum
25 extent practical, in determining whether to approve project

1 proposals under this section, the Secretary shall give con-
2 sideration to projects which will enhance sustainable inte-
3 grated conservation development programs to ensure ef-
4 fective, long-term conservation of Asian elephants.

5 (f) PROJECT REPORTING.—Each person who receives
6 assistance under this section for a project shall provide
7 periodic reports, as the Secretary considers necessary, to
8 the Secretary and the Administrator. Each report shall in-
9 clude all information required by the Secretary, after con-
10 sulting with the Administrator, for evaluating the progress
11 and success of the project.

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

16 (h) LIMITATION ON USE FOR CAPTIVE BREEDING.—
17 Amounts provided as a grant under this Act may not be
18 used for captive breeding of Asian elephants other than
19 for release in the wild.

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

21 (a) ESTABLISHMENT.—There is established in the
22 general fund of the Treasury a separate account to be
23 known as the “Asian Elephant Conservation Fund”, which
24 shall consist of amounts deposited into the Fund by the
25 Secretary of the Treasury under subsection (b).

1 (b) DEPOSITS INTO THE FUND.—The Secretary of
2 the Treasury shall deposit into the Fund—

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

5 (2) other amounts appropriated to the Fund.

6 (c) USE.—

7 (1) IN GENERAL.—Subject to paragraph (2),
8 the Secretary may use amounts in the Fund without
9 further appropriation to provide assistance under
10 section 5.

11 (2) ADMINISTRATION.—Of amounts in the
12 Fund available for each fiscal year, the Secretary
13 may use not more than 3 percent to administer the
14 Fund.

15 (d) ACCEPTANCE AND USE OF DONATIONS.—The
16 Secretary may accept and use donations to provide assist-
17 ance under section 5. Amounts received by the Secretary
18 in the form of donations shall be transferred to the Sec-
19 retary of the Treasury for deposit into the Fund.

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

21 There are authorized to be appropriated to the Fund
22 \$5,000,000 for each of fiscal years 1998, 1999, 2000,

1 2001, and 2002 to carry out this Act, which may remain
2 available until expended.

Passed the House of Representatives October 21,
1997.

Attest:

ROBIN H. CARLE,

Clerk.