

MULTINATIONAL SPECIES CONSERVATION FUNDS
REAUTHORIZATION ACT OF 2007

JULY 23, 2007.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 50]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 50) to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994, 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 “Multinational Species Conservation Funds Reauthorization Act of 2007”.

SEC. 2. REAUTHORIZATION AND AMENDMENT OF AFRICAN ELEPHANT CONSERVATION ACT.

(a) NOTICE OF APPROVAL OF PROJECT PROPOSAL.—Section 2101(c) of the African Elephant Conservation Act (16 U.S.C. 4211(c)) is amended by striking “and to each country within which the project is proposed to be conducted”.

(b) ADMINISTRATIVE EXPENSES.—Section 2306(b) of the African Elephant Conservation Act (16 U.S.C. 4245(b)) is amended by striking “\$80,000” and inserting “\$100,000”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amended by striking “2001, 2002, 2003, 2004, 2005, 2006, and 2007” and inserting “2007 through 2012”.

SEC. 3. REAUTHORIZATION AND AMENDMENT OF RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

(a) NOTICE OF APPROVAL OF PROJECT PROPOSAL.—Section 5(c) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5304(c)) is amended in the third sentence by striking “, to the Administrator, and to each country within which the project is to be conducted” and inserting “and to the Administrator”.

(b) ADMINISTRATIVE EXPENSES.—Section 10(b) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(b)) is amended by striking “\$80,000” and inserting “\$100,000”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) is amended by striking “2001, 2002, 2003, 2004, 2005, 2006, and 2007” and inserting “2007 through 2012”.

PURPOSE OF THE BILL

The purpose of H.R. 50, as ordered reported, is to reauthorize the African Elephant Conservation Act and Rhinoceros and Tiger Conservation Act of 1994.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 50, the Multinational Species Conservation Funds Reauthorization Act of 2007, would amend and reauthorize through 2012 the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act. These acts provide for the conservation of the rhinoceros, tiger and African elephant, three wildlife species listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) which prohibits any international trade of these endangered species. Some sub-populations of these species may be stable or recovering, but most remain extremely vulnerable in the wild.

Rhinoceros—Between 1979 and 1992, black rhinoceros declined 96 percent across Asia and Africa, shrinking from over 1 million animals to approximately 2,300. Sumatran rhinos have continued to decline in the past 18 years with only an estimated 300 surviving in Malaysia and Indonesia. White rhino, however, whose population once declined to about 100 animals, is now thought to have recovered to an estimated population of 11,000. All five rhino species remain subjected to intense poaching to supply the illegal global black market for rhino horn used mostly in Asian medicine.

Tiger—Once abundant throughout Asia, wild tigers now number between 5,000 to 7,000 animals and live in fragmented groups, mostly in protected forests, refuges and national parks. Recent surveys indicate that the South China Tiger may become extinct. Tiger populations remain subject to severe poaching pressure and illegal hunting to fuel a lucrative international trade in tiger and tiger parts, mostly in Asia for traditional medicines.

African Elephant—Populations plummeted from an estimated 10 million to approximately 500,000 between 1900 and 1990. Central and East African populations remain highly stressed due to increased poaching for “bushmeat” and illegal ivory markets, civil war and habitat loss. Southern populations have stabilized or even recovered. This has heightened hostile elephant/human interactions and increased interest within some range states to downlist specific populations to CITES Appendix II which would allow for permitted trade if it is not detrimental to the survival of the species in the wild.

H.R. 50 would reauthorize through 2012 two popular international wildlife conservation acts, providing matching grants to non-federal conservation partners. This funding will support field conservation projects, such as scientific research, habitat enhancement, law enforcement, monitoring and local community outreach and education benefitting African elephants, rhinos, tigers and

their habitats. Continued funding is considered essential because future survival in the wild of these charismatic species remains tenuous due to increased poaching, escalation in illegal trade, spoty law enforcement in countries that receive grant funding, habitat loss, political instability and civil strife within regions where these animals range, according to witnesses who testified at the Subcommittee hearing. Despite achievements made under both programs, current conservation efforts could collapse with the cessation of U.S. financial involvement. Below is a table describing total funding, grants awarded, funds used for administration and total non-federal matching amounts for both Acts since their enactments.

	African Elephant	Rhino & Tiger	Total
Total number of grant proposals received	428	744	1,172
Total number of grant awards	281	321	602
Percentage of countries with relevant species that receive grants	100%	82%	94%
Total amount appropriated by U.S. Congress	\$17,383,350	\$9,497,141	\$26,880,491
Total funds distributed through grants	\$16,812,798	\$9,304,209	\$26,117,007
Total funds spent on administration of grants	\$733,833	\$488,335	\$1,222,168
Total matching/in-kind funds leveraged through grants	\$71,729,121	\$19,377,873	\$91,106,994

COMMITTEE ACTION

H.R. 50 was introduced on January 4, 2007 by the Ranking Republican Member of the Natural Resources Committee, Congressman Don Young (R-AK). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife and Oceans. On March 13, 2007, the Subcommittee held a hearing on the bill and received positive testimony from several witnesses, including the Administration. On March 22, 2007, the Fisheries Subcommittee met to mark up the bill. The Subcommittee's Ranking Republican Member, Congressman Henry Brown (R-SC) offered an amendment in the nature of a substitute to increase from \$80,000 to \$100,000 the amount authorized under each Act for the Fish and Wildlife Service to administer the program, and additionally to clarify notice requirements for approved grants under the Rhinoceros and Tiger Conservation Act. The amendment was adopted by voice vote. The bill was then forwarded to the Full Committee as amended. On June 28, 2007, the Natural Resources Committee met to consider the committee print of the bill as forwarded by the Fisheries Subcommittee. Mr. Brown offered two non-controversial amendments that were considered en bloc under a unanimous consent motion. The first amendment clarified notice requirements for approved grants under the African Elephant Act, and the second amendment corrected flawed punctuation in the committee print identified by House Legislative Counsel. The amendments were adopted by unanimous consent. The bill as amended was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section states that the bill may be cited as the "Multi-national Species Conservation Funds Reauthorization Act of 2007."

Section 2. Reauthorization and amendment of African Elephant Conservation Act

This section amends the African Elephant Conservation Act to increase funding available to the U.S. Fish and Wildlife Service to administer the program from \$80,000 to \$100,000 per year. The section also revises notice requirements for grants approved by the Secretary of the Interior to eliminate unnecessary notices to the countries in which the grant activity will be conducted. The section also amends the act to reauthorize existing funding levels through fiscal year 2012.

Section 3. Reauthorization and amendment of Rhinoceros and Tiger Conservation Act of 1994

This section amends the Rhinoceros and Tiger Conservation Act to make corresponding changes identical to those described in section 2.

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.

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, as ordered reported, is to reauthorize the African Elephant Conservation Act and Rhinoceros and Tiger Conservation Act of 1994.

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. 50—Multinational Species Conservation Funds Reauthorization Act of 2007

Summary: H.R. 50 would reauthorize appropriations for projects carried out under the African Elephant Conservation Act of 1988 and the Rhinoceros and Tiger Conservation Act of 1994. Specifically, the bill would authorize appropriations through 2012 for such projects at the existing authorization level of up to \$15 million annually. The current authorizations expire after fiscal year 2007. The Secretary of the Interior uses this fund primarily to help finance research and conservation programs overseas.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 50 would result in additional spending of \$68 million over the 2008–2012 period. (An additional \$7 million would be spent after 2012.) Enacting the legislation would not affect direct spending or revenues.

H.R. 50 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the federal government: The estimated budgetary impact of H.R. 50 is shown in the following table. The cost of this legislation falls within budget function 300 (natural resources and environment). For this estimate, CBO assumes that the entire amounts authorized by the bill would be appropriated for each fiscal year. Outlay estimates are based on recent spending patterns for this program.

	By fiscal year, in millions of dollars—					
	2007	2008	2009	2010	2011	2012
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Multinational Species Conservation						
Funds:						
Budget Authority	3	0	0	0	0	0
Estimated Outlays	3	0	0	0	0	0
Proposed Changes:						
Authorization Level	0	15	15	15	15	15
Estimated Outlays	0	9	14	15	15	15
Spending Under H.R. 50 for Multinational Species Conservation Funds:						
Estimated Authorization Level	15	15	15	15	15	15
Estimated Outlays	15	9	14	15	15	15

Intergovernmental and private-sector impact: H.R. 50 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Deborah Reis and David Reynolds; Impact on State, Local, and Tribal Governments: Leo Lex; Impact on the Private Sector: Justin Hall.

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

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 50 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 MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

AFRICAN ELEPHANT CONSERVATION ACT

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TITLE II—AFRICAN ELEPHANT CONSERVATION

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PART I—AFRICAN ELEPHANT CONSERVATION ASSISTANCE

SEC. 2101. PROVISION OF ASSISTANCE.

(a) * * *

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(c) PROJECT REVIEW AND APPROVAL.—The Secretary shall review each project proposal to determine if it meets the criteria set forth in subsection (d) and otherwise merits assistance under this title. Not later than six months after receiving a project proposal, and subject to the availability of funds, the Secretary shall approve or disapprove the proposal and provide written notification to the person who submitted the proposal [and to each country within which the project is proposed to be conducted].

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PART III—MISCELLANEOUS

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SEC. 2306. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Fund and to the Secretary a total of not to exceed \$5,000,000 for each of fiscal years [2001, 2002, 2003, 2004, 2005, 2006, and 2007] 2007 through 2012 to carry out this title, to remain available until expended.

(b) ADMINISTRATIVE EXPENSES.—Of amounts available each fiscal year to carry out this title, the Secretary may expend not more

than 3 percent or **[\$80,000]** *\$100,000*, whichever is greater, to pay the administrative expenses necessary to carry out this title.

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RHINOCEROS AND TIGER CONSERVATION ACT OF 1994

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SEC. 5. RHINOCEROS AND TIGER CONSERVATION ASSISTANCE.

(a) * * *

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(c) **PROJECT REVIEW AND APPROVAL.**—Within 30 days of receiving a final project proposal, the Secretary shall provide a copy of the proposal to the Administrator. The Secretary shall review each final project proposal to determine if it meets the criteria set forth in subsection (d). Not later than 6 months after receiving a final project proposal, and subject to the availability of funds, the Secretary, after consulting with the Administrator, shall approve or disapprove the proposal and provide written notification to the person who submitted the proposal~~], to the Administrator, and to each country within which the project is to be conducted]~~ *and to the Administrator.*

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SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to the Fund \$10,000,000 for each of fiscal years ~~[2001, 2002, 2003, 2004, 2005, 2006, and 2007]~~ *2007 through 2012* to carry out this Act, to remain available until expended.

(b) **ADMINISTRATIVE EXPENSES.**—Of amounts available each fiscal year to carry out this Act, the Secretary may expend not more than 3 percent or **[\$80,000]** *\$100,000*, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

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