

ASIAN ELEPHANT CONSERVATION REAUTHORIZATION ACT
OF 2001

JUNE 12, 2001.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. HANSEN, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 700]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 700) to reauthorize the Asian Elephant Conservation Act of 1997, 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 “Asian Elephant Conservation Reauthorization Act of 2001”.

SEC. 2. REAUTHORIZATION OF ASIAN ELEPHANT CONSERVATION ACT OF 1997.

Section 7 of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266) is amended by striking “1998” and all that follows through “2002” and inserting “2001, 2002, 2003, 2004, 2005, 2006, and 2007”.

SEC. 3. LIMITATION ON ADMINISTRATIVE EXPENSES.

Section 7 of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266) is further amended—

(1) by striking “There are authorized” and inserting “(a) IN GENERAL.—There is authorized”; and

(2) by adding at the end the following:

“(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, whichever is greater, to pay the administrative expenses necessary to carry out this Act.”.

SEC. 4. COOPERATION.

The Asian Elephant Conservation Act of 1997 is further amended by redesignating section 7 (16 U.S.C. 4266) as section 8, and by inserting after section 6 the following:

“SEC. 7. 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 Asian elephants.

“(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. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENTS.—The Asian Elephant Conservation Act of 1997 is amended as follows:

(1) Section 4(3) (16 U.S.C. 4263(3)) is amended by striking “the Asian Elephant Conservation Fund established under section 6(a)” and inserting “the account established by division A, section 101(e), title I of Public Law 105–277 under the heading ‘MULTINATIONAL SPECIES CONSERVATION FUND’”.

(2) Section 6 (16 U.S.C. 4265) is amended by striking the section heading and all that follows through “(d) ACCEPTANCE AND USE OF DONATIONS.—” and inserting the following:

“SEC. 6. ACCEPTANCE AND USE OF DONATIONS.”.

(b) TECHNICAL CORRECTION.—Title I of section 101(e) of division A of Public Law 105–277 (112 Stat. 2681–237) is amended under the heading “MULTINATIONAL SPECIES CONSERVATION FUND” by striking “Rhinoceros and Tiger Conservation Act, subchapter I” and inserting “Rhinoceros and Tiger Conservation Act of 1994, part I”.

PURPOSE OF THE BILL

The purpose of H.R. 700 is to reauthorize the Asian Elephant Conservation Act of 1997.

BACKGROUND AND NEED FOR LEGISLATION

The population of Asian elephants living in the wild has dramatically fallen to about 40,000 animals. These wild populations are located in 13 countries in South and Southeast Asia. The largest population of 20,000 Asian elephants, or 50 percent of the total, reside in India; and the smallest population of 40 animals is located in Nepal. What is equally distressing is that there are only about 14 populations of 1,000 or more individual elephants in a contiguous area. Seven of these populations are found in Burma and India. In simple terms, this means that such drastic population fragmentation increases the likelihood of geographic extinctions and greatly reduces the long-term viability of the species. In addition, it has been estimated that there are about 16,000 domesticated elephants.

The Asian elephant is protected under our Endangered Species Act, and is also listed on the Red List of Mammals by the IUCN-World Conservation Union and on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Under Appendix I, all commercial trade in Asian elephant products are prohibited on a worldwide basis.

In response to this crisis, Congress enacted the Asian Elephant Conservation Act of 1997. Under the terms of this law, as sponsored by Congressman Jim Saxton, an Asian Elephant Conserva-

tion Fund was created. This mechanism, modeled after the African Elephant and Rhino and Tiger Conservation Funds, authorized an appropriation of up to \$5 million per year until September 30, 2002.

Congress has appropriated \$1.9 million in federal funds to the Fund since its enactment into law, which was matched by an additional \$1.1 million in private donations. This money was spent to underwrite 27 conservation grants in nine different range countries. The type of projects funded include: construction of anti-poaching camps; equipping protected area field staff in India; promotion of elephant conservation in Asia; resettlement of elephants; school education to support Asian elephant conservation; and a study of the mobility patterns, population dynamics and feeding patterns of elephants.

COMMITTEE ACTION

H.R. 700 was introduced on February 14, 2001, by Congressman Jim Saxton (R-NJ). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On March 15, 2001, the Subcommittee held a hearing on the bill. On March 29, 2001, the Subcommittee met to mark up the bill. Congressman Saxton offered an amendment in the nature of a substitute to allow for the establishment of an Advisory Panel to assist the Secretary of the Interior in conserving Asian elephants and to clarify the amount of administrative expenses that may be spent on the program. The amendment was adopted by voice vote. The bill, as amended, was then forwarded to the Full Committee by voice vote. On May 16, 2001, the full Resource Committee met to consider the bill. No further amendments were offered and the bill as amended was then ordered favorably reported to the House of Representatives by unanimous consent.

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 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 THE 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 reauthorize appropriations for the Asian Elephant Conservation Act.

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:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 18, 2001.

Hon. JAMES V. HANSEN,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 700, the Asian Elephant Conservation Reauthorization Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 700—Asian Elephant Conservation Reauthorization Act of 2001

Summary: H.R. 700 would reauthorize funding for projects carried out under the Asian Elephant Conservation Act of 1997. Specifically, the bill would authorize appropriations through 2007 for such projects to the Multinational Species Conservation Fund at the existing authorization level of up to \$5 million annually. The current authorization expires after fiscal year 2002. 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 enacting H.R. 700 would result in additional discretionary spending of \$18 million over the 2003–2006 period. (An additional \$7 million would be spent after 2006.) The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 700 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. 700 is shown in the following table. 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. The cost

of this legislation falls within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law:						
Authorization level ¹	1	5	0	0	0	0
Estimated outlays	1	3	2	0	0	0
Proposed changes:						
Estimated authorization level	0	0	5	5	5	5
Estimated outlays	0	0	3	5	5	5
Spending under H.R. 700:						
Estimated authorization level ¹	1	5	5	5	5	5
Estimated outlays	1	3	5	5	5	5

¹ The 2001 level is the amount appropriated for that year for Asian elephant conservation. The 2002 level is the amount authorized under current law.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 700 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect on the budgets of state, local, or tribal governments.

Estimate prepared by: Federal costs: Deborah Reis; impact on state, local, and tribal governments: Marjorie Miller; impact on the private sector: Lauren Marks.

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

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

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):

ASIAN ELEPHANT CONSERVATION ACT OF 1997

* * * * *

SEC. 4. DEFINITIONS.

In this Act:

(1) * * *

* * * * *

(3) The term “Fund” means [the Asian Elephant Conservation Fund established under section 6(a)] *the account established by division A, section 101(e), title I of Public Law 105–277 under the heading “MULTINATIONAL SPECIES CONSERVATION FUND”*.

* * * * *

[SEC. 6. ASIAN ELEPHANT CONSERVATION FUND.]

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

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

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

[(2)] other amounts appropriated to the Fund.

[(c) USE.]—

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

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

[(d) ACCEPTANCE AND USE OF DONATIONS.]

SEC. 6. ACCEPTANCE AND USE OF DONATIONS.

The Secretary may accept and use donations to provide assistance under section 5. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

SEC. 7. 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 Asian elephants.

(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.] 8. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized] *(a) IN GENERAL.—There is authorized to be appropriated to the Fund \$5,000,000 for each of fiscal years [1998, 1999, 2000, 2001, and 2002] 2001, 2002, 2003, 2004, 2005, 2006, and 2007 to carry out this Act, which may 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, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

**DEPARTMENT OF THE INTERIOR AND RELATED
AGENCIES APPROPRIATIONS ACT, 1999**

DIVISION A—OMNIBUS CONSOLIDATED APPROPRIATIONS

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SEC. 101. (a) * * *

* * * * *

(e) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1999, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

TITLE I—DEPARTMENT OF THE INTERIOR

* * * * *

UNITED STATES FISH AND WILDLIFE SERVICE

* * * * *

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96), and the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), \$2,000,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously appropriated to the African Elephant Conservation Fund, Rewards and Operations account, and Rhinoceros and Tiger Conservation Fund may be transferred to and merged with this appropriation: *Provided further*, That in fiscal year 1999 and thereafter, donations to provide assistance under section 5304 of the [Rhinoceros and Tiger Conservation Act, subchapter I] *Rhinoceros and Tiger Conservation Act of 1994, part I* of the African Elephant Conservation Act, and section 6 of the Asian Elephant Conservation Act of 1997 shall be deposited to this Fund and shall be available without further appropriation: *Provided further*, That in fiscal year 1999 and thereafter, all penalties received by the United States under 16 U.S.C. 4224 which are not used to pay rewards under 16 U.S.C. 4225 shall be deposited to this Fund to provide assistance under 16 U.S.C. 4211 and shall be available without further appropriation: *Provided further*, That in fiscal year 1999 and thereafter, not more than three percent of amounts appropriated to this Fund may be used by the Secretary of the Interior to administer the Fund.

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