

RHINOCEROS AND TIGER CONSERVATION
REAUTHORIZATION ACT OF 2001

JUNE 25, 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

R E P O R T

[To accompany H.R. 645]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 645) to reauthorize 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 “Rhinoceros and Tiger Conservation Reauthorization Act of 2001”.

SEC. 2. REAUTHORIZATION OF RHINOCEROS AND TIGER CONSERVATION ACT OF 1994.

Section 9 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306) is amended by striking “1996 through 2002” and inserting “2001, 2002, 2003, 2004, 2005, 2006, and 2007”.

SEC. 3. ADMINISTRATIVE EXPENSES.

Section 9 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306) 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 Rhinoceros and Tiger Conservation Act of 1994 is further amended by redesignating section 9 (16 U.S.C. 5306) as section 10, and by inserting after section 8 the following:

“SEC. 9. 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 rhinoceros and tiger species.

“(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. PROJECT SUSTAINABILITY.

Section 5(e) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5304) is amended to read as follows:

“(e) **PROJECT SUSTAINABILITY.**—To the maximum extent practical, in determining whether to approve project proposals under this section, the Secretary shall give consideration to projects which will enhance sustainable conservation programs to ensure effective long-term conservation of rhinoceros and tigers.”.

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.

(a) **CONFORMING AMENDMENTS.**—The Rhinoceros and Tiger Conservation Act of 1994 is amended as follows:

(1) Section 4(3) (16 U.S.C. 5303(3)) is amended by striking “Rhinoceros and Tiger 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. 5305) 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. 645 is to reauthorize the Rhinoceros and Tiger Conservation Act of 1994.

BACKGROUND AND NEED FOR LEGISLATION*Rhinoceros*

There are currently five species of rhinoceros (*Rhinoceros*) in the world: black, white, Indian, Javan, and Sumatran. Of these, the black and white rhinoceros species are native to Africa and the other three species are native to Asia.

During the past two decades, the populations of these rhinoceros species have declined at an alarming rate. In fact, the number of African black rhinos decreased from 65,000 in 1970 to fewer than 3,000 today. While human population growth and competition for land has contributed to the destruction of rhinoceros’ habitat, the major cause of the species’ decline has been the demand for products made from rhino horn. In Asia, rhinoceros horn has been used

for generations to treat headaches and fever in children. Rhino horns are also used as decorative handles for ceremonial daggers in Yemen. Rhinoceros horn is extremely valuable. African rhino horn has been worth as much as \$10,000 per kilogram and the rarer Asian rhino horn up to \$60,000 per kilogram. The largest consumers of rhino horn are found in China, Taiwan, and South Korea.

In 1977, all five species of rhinoceros were listed under Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). In addition, all except the southern subspecies of African white rhino are listed as endangered under our Endangered Species Act. The white rhino, which is primarily found in South Africa, has been listed as a threatened species.

In 1987, CITES voted to extend its worldwide ban on all trade in rhinoceros horn, urged the destruction of any stockpiles, and strongly encouraged consuming countries to immediately stop all trade in rhino products. This international edict has been largely ignored for two reasons. First, rhino horn is easy to smuggle because it is normally ground into a fine powder before being shipped out of the country. Second, the use of rhino horn as a pharmaceutical is not considered a simple luxury but rather is part of a cultural belief, thus making it more difficult to stop.

Tigers

At one point, there were eight subspecies of tigers (*Panthera Tigris*) found in the world. Three of these subspecies, the Bali (1940s), Caspian (1970s), and Javan (1980s) are now extinct. Today, the other five subspecies—the Bengal, Indochinese, Siberian, South China, and Sumatran—are found in isolated parts of Asia. At the turn of the century, there were as many as 100,000 tigers living in the world. Today, the total is fewer than 6,000 animals, which is a decline of roughly 95 percent.

While agriculture and commercial logging have destroyed large amounts of tiger habitat, illegal hunting has had the most dramatic impact. Tigers are killed for their fur and body parts. Shamans and practitioners of traditional medicine value almost every part of the cat. Tiger bone powders, wines, and tablets are used to combat pain, kidney and liver problems, rheumatism, convulsions, and heart conditions. In the early 1990s, one-third of the world's Siberian tigers were killed to satisfy the demand for their bones and other parts. According to the World Wildlife Fund, a tiger pelt can be worth up to \$15,000 and tiger bones can sell for over \$1,400 a pound.

The Rhinoceros and Tiger Conservation Act

The Rhinoceros and Tiger Conservation Act of 1994, Public Law 103–391, authorizes appropriations of up to \$10 million each year for the Rhinoceros and Tiger Conservation Fund. The purpose of this Fund is to provide financial assistance for rhino and tiger conservation projects selected by the Secretary of the Interior. Appropriations for the Fund is authorized until September 30, 2002.

The 1994 law established the specific criteria that each project must satisfy in order to qualify for Federal funding, limits the amount of administrative costs to three percent of the Fund, and

allows individuals to donate money directly to the fund to assist in the conservation of rhinos and tigers.

Congress has appropriated \$2.9 million to the Rhinoceros and Tiger Conservation Fund since its enactment. The Department of the Interior has funded 111 conservation projects to assist rhinos and tigers at a total cost of \$7 million. These projects have included: an adopt-a-warden program; aerial monitoring of the Northern white rhinoceros; a database on tiger poaching; establishment of a viable population of “Greater One-horned Rhinoceros”; a community rhino scout program; investigation of poaching and illegal trade in wild tigers; training of staff and surveys of four black rhino populations in the Selous Game Reserve; and a video on tiger poaching. H.R. 645 would extend the authorization of appropriations for this law until September 30, 2007.

COMMITTEE ACTION

H.R. 645 was introduced on February 14, 2001, by Congressman Wayne T. Gilchrest (R-MD). 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 Gilchrest 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, to encourage the issuance of grants for long-term sustainable rhino and tiger conservation and adjust the authorization level for administrative expenses. It 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 Resources 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 Rhinoceros and Tiger 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. 645, the Rhinoceros and Tiger 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.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 645—Rhinoceros and Tiger Conservation Reauthorization Act of 2001

Summary: H.R. 645 would reauthorize funding for projects carried out under the Rhinoceros and Tiger Conservation Act of 1994. 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 \$10 million annually. The current authorizations expire 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. 645 would result in additional discretionary spending of \$35 million over the 2003–2006 period. (An additional \$15 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. 645 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect on the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 645 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).

SPENDING SUBJECT TO APPROPRIATION

	By fiscal year, in millions of dollars—					
	2001	2002	2003	2004	2005	2006
Spending Under Current Law:						
Authorization Level ¹	1	10	0	0	0	0
Estimated Outlays	2	6	3	1	0	0
Proposed Changes:						
Estimated Authorization Level	0	0	10	10	10	10
Estimated Outlays	0	0	6	9	10	10
Spending Under H.R. 645:						
Estimated Authorization Level ¹	1	10	10	10	10	10
Estimated Outlays	2	6	9	10	10	10

¹ The 2001 level is the amount appropriated for that year for rhinoceros and tiger conservation. The 2002 level is the amount authorized under current law.

Pay-as-you-go considerations: None.

Intergovernmental and Private-sector impact: H.R. 645 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):

RHINOCEROS AND TIGER CONSERVATION ACT OF 1994

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SEC. 4. DEFINITIONS.

In this Act—

(1) * * *

* * * * *

(3) “Fund” means the [Rhinoceros and Tiger 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”;

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SEC. 5. RHINOCEROS AND TIGER CONSERVATION ASSISTANCE.

(a) * * *

* * * * *

[(e) **PROJECT SUSTAINABILITY.**—To the maximum extent practical, the Secretary should give consideration to projects which will enhance sustainable development programs to ensure effective, long-term conservation of rhinoceros and tigers.]

(e) PROJECT SUSTAINABILITY.—To the maximum extent practical, in determining whether to approve project proposals under this section, the Secretary shall give consideration to projects which will enhance sustainable conservation programs to ensure effective long-term conservation of rhinoceros and tigers.

* * * * *

[SEC. 6. RHINOCEROS AND TIGER CONSERVATION FUND.

[(a) **ESTABLISHMENT.**—There is established in the general fund of the Treasury a separate account to be known as the “Rhinoceros and Tiger 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.

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SEC. 9. 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 rhinoceros and tiger species.

(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. [9] 10. AUTHORIZATION OF APPROPRIATIONS.

【There are authorized】 (a) *IN GENERAL.*—There is authorized to be appropriated to the Fund \$10,000,000 for each of fiscal years 【1996 through 2002】 2001, 2002, 2003, 2004, 2005, 2006, and 2007 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, 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) * * *

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(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 there-

after, donations to provide assistance under section 5304 of the **【Rhinos and Tiger Conservation Act, subchapter I】** *Rhinos 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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