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U.S. GOVERNMENT
INFORMATION
GPO

Calendar No. 251

107TH CONGRESS, 1st Session | SENATE | REPORT 107-105

RHINOCEROS AND TIGER CONSERVATION REAUTHORIZATION ACT OF 2001

NOVEMBER 30, 2001.—Ordered to be printed

Mr. JEFFORDS, from the Committee on Environment and Public Works, submitted the following

REPORT

[to accompany H.R. 645]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (H.R. 645) to reauthorize the Rhinoceros and Tiger Conservation Act of 1994, having considered the same, reports favorably thereon and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

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). Due to its listing under Appendix I of CITES, the international trade of rhinoceros and rhinoceros products is banned. 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 (1940's), Caspian (1970's), and Javan (1980's) 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 1990's, 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 on-the-ground 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 3 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. This money, which generated an additional $5 million in private matching funds, was allocated by the U.S. Fish and Wildlife Service for 137 conservation projects to assist rhinos and tigers in 16 range countries. These projects have included: an adopt-a-warden program; aerial monitoring of the Northern white rhinoceros; a data base 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.

OBJECTIVES OF THE LEGISLATION

The fundamental purpose of H.R. 645 is to extend the authorization of appropriations for Rhinoceros and Tiger Conservation Act until September 30, 2007. In addition, the bill allows the Secretary of the Interior to convene an advisory group to assist in carrying out the Act.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

This Act may be cited as the "Rhinoceros and Tiger Conservation Reauthorization Act of 2001".

Section 2. Reauthorization of Rhinoceros and Tiger Conservation Act of 1994

Section 2 amends Section 9 of the Rhinoceros and Tiger Conservation Act to extend the authorization through September 30, 2007.

Section 3. Administrative Expenses

Section 3 amends Section 9 of the Rhinoceros and Tiger Conservation Act limiting the amount of money the Secretary may expend for administrative expenses to carry out the Act. Not more than 3 percent or $80,000, whichever is greater, may be expended from the amounts available in each fiscal year.

Section 4. Cooperation

Section 4 amends the Rhinoceros and Tiger Conservation Act by adding Section 9 authorizing the Secretary to convene an advisory group of individuals representing public and private organizations actively involved in the conservation of rhinoceros and tiger species. The Secretary shall provide public notice of each meeting of the advisory group. The meetings shall be open to the public and the minutes of the meetings shall be made available to the public. The Federal Advisory Committee Act shall not apply to the advisory group authorized under this section.

The creation of a new advisory group will help increase public involvement and Federal and private partnerships. Also, it will provide consistency with the Great Ape Conservation Act and Neotropical Migratory Bird Conservation Act, both of which were enacted during the 106th Congress and are administered under the Multinational Species Conservation Fund, along with the African

Elephant Conservation Fund Act and the Asian Elephant Conservation Act.

Section 5. Project Sustainability

Section 5 amends Section 5(e) of the Rhinoceros and Tiger Conservation Act to direct the Secretary to give consideration to projects that will enhance sustainable conservation programs to ensure effective long-term conservation of rhinoceros and tigers when determining whether to approve project proposals.

This priority will help balance the need for projects that directly benefit the species with projects directed at ensuring the long-term conservation of the species through local capacity building and institutional development.

Section 6. Technical and Conforming Amendments

Subsection (a) of Section 6 makes conforming amendments to Sections 4(3) and 6 of the Rhinoceros and Tiger Conservation Act.

Subsection (b) makes a technical correction to Title I of section 101(e) of division A of Public Law 105–277.

LEGISLATIVE HISTORY

The bill was referred to the Committee on Environment and Public Works on June 26, 2001. No hearings were held on the bill. On November 8, 2001, the Committee on Environment and Public Works met to consider H.R. 645, and agreed to report the bill by voice vote.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that H.R. 643 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the committee finds that H.R. 643 would impose no unfunded mandates on State, local, or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 20, 2001.

Hon. JAMES JEFFORDS, *Chairman,*
Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 645, the Rinoceros 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, who can be reached at 226–2860.

Sincerely,

DAN L. CRIPPEN.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 645 Rhinoceros and Tiger Conservation Reauthorization Act of 2001, as ordered reported by the Senate Committee on Environment and Public Works on November 8, 2001

SUMMARY

H.R. 645 would reauthorize funding for projects carried out under the Rhinoceros and Tiger Conservation Act of 1994. Specifically, the act 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 implementing H.R. 645 would cost $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 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 act 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

	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION					
Spending Under Current Law:.					
Budget Authority[1]	1	0	0	0	0
Estimated Outlays	1	0	0	0	0
Proposed Changes:.					
Estimated Authorization Level	0	10	10	10	10
Estimated Outlays	0	6	9	10	10
Spending Under H.R. 645:.					
Estimated Authorization Level[1]	1	10	10	10	10

By Fiscal Year, in Millions of Dollars

	2002	2003	2004	2005	2006
Estimated Outlays	1	6	9	10	10

[1] Current law authorizes $10 million for rhinoceros and tiger conservation in 2002. However, only $1 million has been appropriated (thus far) for this year.

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.

Previous CBO Estimate

On May 18, 2001, CBO prepared a cost estimate for H.R. 645 as ordered reported by the House Committee on Resources on May 16, 2001. The two versions of the legislation are identical, as are the estimated costs.

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.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, 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

* * * * * * *

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.

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[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) * * *

* * * * * * *

(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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