

Calendar No. 322

110TH CONGRESS }
1st Session }

SENATE

{ REPORT
110-211

MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATION ACT OF 2007

OCTOBER 29, 2007.—Ordered to be printed

Mrs. BOXER, from the Committee on Environment and Public
Works, 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 Environment and Public Works, to which was referred a bill (H.R. 50) to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994, having considered the same reports favorably thereon without amendment and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

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 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 benefiting 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, spotty local law enforcement, habitat loss, political instability and civil strife within regions where these animals range. 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

OBJECTIVES OF THE LEGISLATION

H.R. 50 reauthorizes the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994 by amending several provisions under current law and extending through fiscal year 2011 the authorization of appropriations to the African Elephant Conservation Fund and the Rhinoceros and Tiger Conservation Fund.

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.

LEGISLATIVE HISTORY

On July 24, 2007, after favorable action by the House Committee on Natural Resources and the House of Representatives, the bill was received, read twice and referred to the Senate Committee on Environment and Public Works. The committee met on July 31, 2007, to consider the bill. H.R. 50 was ordered to be reported without amendment favorably.

HEARINGS

No committee hearings were held on H.R. 50.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider H.R. 50 on July 31, 2007. The bill was ordered favorably reported by voice vote. No roll call votes were taken.

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. 50 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. 50 imposes no Federal intergovernmental mandates on State, local or tribal governments.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

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 act would authorize appropriations through 2012 for such projects at the existing authorization level of up to \$15 million annually. The current authorization expires at the end of 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 act 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.

Previous CBO cost estimate: On July 18, 2007, CBO transmitted a cost estimate for H.R. 50 as ordered reported by the House Committee on Natural Resources on June 28, 2007. The two versions of the legislation are identical, as are the CBO cost estimates.

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.

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:

* * * * *

AFRICAN ELEPHANT CONSERVATION ACT

* * * * *

SEC. 2101. PROVISION OF ASSISTANCE.

(a) IN GENERAL.—* * *

* * * * *

(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].

* * * * *

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.

* * * * *

RHINOCEROS AND TIGER CONSERVATION ACT OF 1994

* * * * *

SECTION 1. SHORT TITLE.

* * * * *

SEC. 5. RHINOCEROS AND TIGER CONSERVATION ASSISTANCE.

(a) IN GENERAL.—* * *

* * * * *

(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.

* * * * *

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.

* * * * *