

Calendar No. 279

105TH CONGRESS
1ST Session

S. 1287

[Report No. 105-142]

A BILL

To assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

NOVEMBER 7, 1997

Reported with an amendment

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To assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

IN THE SENATE OF THE UNITED STATES

OCTOBER 9, 1997

Mr. JEFFORDS (for himself, Mr. CHAFEE, Mr. LEAHY, Mr. MACK, Mr. SANTORUM, Mr. GRAHAM, Mr. DURBIN, Mr. WELLSTONE, Mr. KERRY, Mr. BINGAMAN, Mr. REID, Mr. CRAIG, Mr. BOND, and Mr. TORRICELLI) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

NOVEMBER 7, 1997

Reported by Mr. CHAFEE, with an amendment

[Insert the part printed in *italic*]

A BILL

To assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Asian Elephant Con-
5 servation Act of 1997”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) Asian elephant populations in nations with-
9 in the range of Asian elephants have continued to
10 decline to the point that the long-term survival of
11 the species in the wild is in serious jeopardy.

12 (2) The Asian elephant is listed as an endan-
13 gered species under section 4 of the Endangered
14 Species Act of 1973 and under appendix I of the
15 Convention on International Trade in Endangered
16 Species of Wild Fauna and Flora.

17 (3) Because the challenges facing the conserva-
18 tion of Asian elephants are so great, resources to
19 date have not been sufficient to cope with the con-
20 tinued loss of habitat and the consequent diminution
21 of Asian elephant populations.

22 (4) The Asian elephant is a flagship species for
23 the conservation of tropical forest habitats in which
24 it is found and provides the consequent benefit from

1 such conservation to numerous other species of wild-
2 life including many other endangered species.

3 (5) Among the threats to the Asian elephant in
4 addition to habitat loss are population fragmenta-
5 tion, human-elephant conflict, poaching for ivory,
6 meat, hide, bones and teeth, and capture for domes-
7 tication.

8 (6) To reduce, remove, or otherwise effectively
9 address these threats to the long-term viability of
10 populations of Asian elephants in the wild will re-
11 quire the joint commitment and effort of nations
12 within the range of Asian elephants, the United
13 States and other countries, and the private sector.

14 **SEC. 3. PURPOSES.**

15 The purposes of this Act are the following:

16 (1) To perpetuate healthy populations of Asian
17 elephants.

18 (2) To assist in the conservation and protection
19 of Asian elephants by supporting the conservation
20 programs of Asian elephant range states and the
21 CITES Secretariat.

22 (3) To provide financial resources for those pro-
23 grams.

24 **SEC. 4. DEFINITIONS.**

25 In this Act:

1 (1) The term “CITES” means the Convention
2 on International Trade in Endangered Species of
3 Wild Fauna and Flora, signed on March 3, 1973,
4 and its appendices.

5 (2) The term “conservation” means the use of
6 methods and procedures necessary to bring Asian
7 elephants to the point at which there are sufficient
8 populations in the wild to ensure that the species
9 does not become extinct, including all activities asso-
10 ciated with scientific resource management, such as
11 conservation, protection, restoration, acquisition, and
12 management of habitat; research and monitoring of
13 known populations; assistance in the development of
14 management plans for managed elephant ranges;
15 CITES enforcement; law enforcement through com-
16 munity participation; translocation of elephants; con-
17 flict resolution initiatives; and community outreach
18 and education.

19 (3) The term “Fund” means the Asian Ele-
20 phant Conservation Fund established under section
21 6(a).

22 (4) The term “Secretary” means the Secretary
23 of the Interior.

1 (5) The term “Administrator” means the Ad-
2 ministrator of the Agency for International Develop-
3 ment.

4 **SEC. 5. ASIAN ELEPHANT CONSERVATION ASSISTANCE.**

5 (a) IN GENERAL.—The Secretary, subject to the
6 availability of funds and in consultation with the Adminis-
7 trator, shall use amounts in the Fund to provide financial
8 assistance for projects for the conservation of Asian ele-
9 phants for which final project proposals are approved by
10 the Secretary in accordance with this section.

11 (b) PROJECT PROPOSAL.—Any relevant wildlife man-
12 agement authority of a nation within the range of Asian
13 elephants whose activities directly or indirectly affect
14 Asian elephant populations, the CITES Secretariat, or
15 any person with demonstrated expertise in the conserva-
16 tion of Asian elephants, may submit to the Secretary a
17 project proposal under this section. Each proposal shall
18 include the following:

19 (1) The name of the individual responsible for
20 conducting the project.

21 (2) A succinct statement of the purposes of the
22 project.

23 (3) A description of the qualifications of the in-
24 dividuals who will conduct the project.

1 (4) An estimate of the funds and time required
2 to complete the project.

3 (5) Evidence of support of the project by appro-
4 priate governmental entities of countries in which
5 the project will be conducted, if the Secretary deter-
6 mines that the support is required for the success of
7 the project.

8 (6) Information regarding the source and
9 amount of matching funding available to the appli-
10 cant.

11 (7) Any other information the Secretary consid-
12 ers to be necessary for evaluating the eligibility of
13 the project for funding under this Act.

14 (c) PROJECT REVIEW AND APPROVAL.—

15 (1) IN GENERAL.—Within 30 days after receiv-
16 ing a final project proposal, the Secretary shall pro-
17 vide a copy of the proposal to the Administrator.
18 The Secretary shall review each final project pro-
19 posal to determine if it meets the criteria set forth
20 in subsection (d).

21 (2) CONSULTATION; APPROVAL OR DIS-
22 APPROVAL.—Not later than 6 months after receiving
23 a final project proposal, and subject to the availabil-
24 ity of funds, the Secretary, after consulting with the
25 Administrator, shall—

1 (A) request written comments on the pro-
2 posal from each country within which the
3 project is to be conducted;

4 (B) after requesting those comments, ap-
5 prove or disapprove the proposal; and

6 (C) provide written notification of that ap-
7 proval or disapproval to the person who submit-
8 ted the proposal, the Administrator, and each
9 of those countries.

10 (d) CRITERIA FOR APPROVAL.—The Secretary may
11 approve a final project proposal under this section if the
12 project will enhance programs for conservation of Asian
13 elephants by assisting efforts to—

14 (1) implement conservation programs;

15 (2) address the conflicts between humans and
16 elephants that arise from competition for the same
17 habitat;

18 (3) enhance compliance with provisions of
19 CITES and laws of the United States or a foreign
20 country that prohibit or regulate the taking or trade
21 of Asian elephants or regulate the use and manage-
22 ment of Asian elephant habitat;

23 (4) develop sound scientific information on the
24 condition of Asian elephant habitat, Asian elephant

1 population numbers and trends, or the threats to
2 such habitat, numbers, or trends; or

3 (5) promote cooperative projects on those topics
4 with other foreign governments, affected local com-
5 munities, nongovernmental organizations, or others
6 in the private sector.

7 (e) PROJECT SUSTAINABILITY.—To the maximum
8 extent practical, in determining whether to approve project
9 proposals under this section, the Secretary shall give con-
10 sideration to projects which will enhance sustainable inte-
11 grated conservation development programs to ensure ef-
12 fective, long-term conservation of Asian elephants.

13 (f) PROJECT REPORTING.—Each person who receives
14 assistance under this section for a project shall provide
15 periodic reports, as the Secretary considers necessary, to
16 the Secretary and the Administrator. Each report shall in-
17 clude all information required by the Secretary, after con-
18 sulting with the Administrator, for evaluating the progress
19 and success of the project.

20 (g) MATCHING FUNDS.—In determining whether to
21 approve project proposals under this section, the Secretary
22 shall give priority to those projects for which there exists
23 some measure of matching funds.

24 (h) *LIMITATION ON USE FOR CAPTIVE BREEDING.*—
25 *Amounts provided as a grant under this Act may not be*

1 *used for captive breeding of Asian elephants other than for*
 2 *release in the wild.*

3 **SEC. 6. ASIAN ELEPHANT CONSERVATION FUND.**

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

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

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

13 (2) other amounts appropriated to the Fund.

14 (c) USE.—

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

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

23 (d) ACCEPTANCE AND USE OF DONATIONS.—The
 24 Secretary may accept and use donations to provide assist-
 25 ance under section 5. Amounts received by the Secretary

1 in the form of donations shall be transferred to the Sec-
2 retary of the Treasury for deposit into the Fund.

3 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to the Fund
5 \$5,000,000 for each of fiscal years 1998, 1999, 2000,
6 2001, and 2002 to carry out this Act, which may remain
7 available until expended.