

(Pub. L. 100-478, title II, §2002, Oct. 7, 1988, 102 Stat. 2315.)

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110-132, §1, Dec. 6, 2007, 121 Stat. 1360, provided that: “This Act [amending sections 4211, 4245, 5304, and 5306 of this title] may be cited as the ‘Multinational Species Conservation Funds Reauthorization Act of 2007.’”

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-111, §1, Jan. 8, 2002, 115 Stat. 2095, provided that: “This Act [enacting section 4214 of this title, amending sections 4211, 4212, and 4244 to 4246 of this title, and repealing section 4243 of this title] may be cited as the ‘African Elephant Conservation Reauthorization Act of 2001.’”

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-217, §1, Aug. 5, 1998, 112 Stat. 911, provided that: “This Act [amending section 4245 of this title] may be cited as the ‘African Elephant Conservation Reauthorization Act of 1998.’”

SHORT TITLE

Pub. L. 100-478, title II, §2001, Oct. 7, 1988, 102 Stat. 2315, provided that: “This title [enacting this chapter and amending section 1538 of this title] may be cited as the ‘African Elephant Conservation Act.’”

REPORTING REQUIREMENTS

Pub. L. 118-159, div. E, title LIII, §5308, Dec. 23, 2024, 138 Stat. 2446, provided that:

“(a) REPORTS TO CONGRESS.—Annually, the Secretary of the Interior shall submit to the appropriate committees of Congress a report on the implementation of—

- “(1) the African Elephant Conservation Act (16 U.S.C. 4201 et seq.);
- “(2) the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261 et seq.);
- “(3) the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.);
- “(4) the Great Ape Conservation Act of 2000 (16 U.S.C. 6301 et seq.); and
- “(5) the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601 et seq.).

“(b) REQUIREMENTS.—A report submitted under subsection (a) shall include—

- “(1) a list of all awards issued each year under the applicable Act;
- “(2) the total monetary amount issued to each award recipient;
- “(3) the name of each award recipient organization;
- “(4) the country where each award will be implemented; and
- “(5) a description of the projects to be completed and completed under each award.”

§ 4202. Findings

The Congress finds the following:

(1) Elephant populations in Africa have declined at an alarming rate since the mid-1970’s.

(2) The large illegal trade in African elephant ivory is the major cause of this decline and threatens the continued existence of the African elephant.

(3) The African elephant is listed as threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and its continued existence will be further jeopardized if this decline is not reversed.

(4) Because African elephant ivory is indistinguishable from Asian elephant ivory, there

is a need to ensure that the trade in African elephant ivory does not further endanger the Asian elephant, which is listed as endangered under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) and under Appendix I of CITES.

(5) In response to the significant illegal trade in African elephant ivory, the parties to CITES established the CITES Ivory Control System to curtail the illegal trade and to encourage African countries to manage, conserve, and protect their African elephant populations.

(6) The CITES Ivory Control System entered into force recently and should be allowed to continue in force for a reasonable period of time to assess its effectiveness in curtailing the illegal trade in African elephant ivory.

(7) Although some African countries have effective African elephant conservation programs, many do not have sufficient resources to properly manage, conserve, and protect their elephant populations.

(8) The United States, as a party to CITES and a large market for worked ivory, shares responsibility for supporting and implementing measures to stop the illegal trade in African elephant ivory and to provide for the conservation of the African elephant.

(9) There is no evidence that sport hunting is part of the poaching that contributes to the illegal trade in African elephant ivory, and there is evidence that the proper utilization of well-managed elephant populations provides an important source of funding for African elephant conservation programs.

(Pub. L. 100-478, title II, §2003, Oct. 7, 1988, 102 Stat. 2315.)

Editorial Notes

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in par. (3), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

§ 4203. Statement of policy

It is the policy of the United States—

(1) to assist in the conservation and protection of the African elephant by supporting the conservation programs of African countries and the CITES Secretariat; and

(2) to provide financial resources for those programs.

(Pub. L. 100-478, title II, §2004, Oct. 7, 1988, 102 Stat. 2316.)

SUBCHAPTER I—AFRICAN ELEPHANT CONSERVATION ASSISTANCE

§ 4211. Provision of assistance

(a) In general

The Secretary may provide financial assistance under this subchapter from the Fund for approved projects for research, conservation, management, or protection of African elephants.

(b) Project proposal

Any African government agency responsible for African elephant conservation and protec-

tion, the CITES Secretariat, and any organization or individual with experience in African elephant conservation may submit to the Secretary a project proposal under this section. Each such proposal shall contain—

- (1) the name of the person responsible for conducting the project;
- (2) a succinct statement of the need for and purposes of the project;
- (3) a description of the qualifications of the individuals who will be conducting the project;
- (4) an estimate of the funds and time required to complete the project;
- (5) evidence of support of the project by governmental entities of countries within which the project will be conducted, if such support may be important for the success of the project; and
- (6) any other information the Secretary considers to be necessary or appropriate for evaluating the eligibility of the project for funding under this chapter.

(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 chapter. 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.

(d) Criteria for approval

The Secretary may approve a project under this section if the project will enhance programs for African elephant research, conservation, management, or protection by—

- (1) developing in a usable form sound scientific information on African elephant habitat condition and carrying capacity, total elephant numbers and population trends, or annual reproduction and mortality; or
- (2) assisting efforts—
 - (A) to ensure that any taking of African elephants in the country is effectively controlled and monitored;
 - (B) to implement conservation programs to provide for healthy, sustainable African elephant populations; or
 - (C) to enhance compliance with the CITES Ivory Control System.

(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 that will enhance sustainable conservation programs to ensure effective long-term conservation of African elephants.

(f) Project reporting

Each entity that receives assistance under this section shall provide such periodic reports to the Director of the United States Fish and Wildlife Service as the Director considers relevant and appropriate. Each report shall include all information requested by the Director for evaluating the progress and success of the project.

(g) Multiyear grants

(1) Authorization

The Secretary may award to a person who is otherwise eligible for a grant under this section a multiyear grant of up to 5 years to carry out a project that the person demonstrates is an effective, long-term conservation strategy for African elephants and the habitat of African elephants.

(2) Effect

Nothing in this subsection precludes the Secretary from awarding a grant on an annual basis.

(Pub. L. 100-478, title II, §2101, Oct. 7, 1988, 102 Stat. 2316; Pub. L. 107-111, §§5, 6(a)(1), Jan. 8, 2002, 115 Stat. 2096; Pub. L. 110-132, §2(a), Dec. 6, 2007, 121 Stat. 1360; Pub. L. 118-159, div. E, title LIII, §5303(a), Dec. 23, 2024, 138 Stat. 2445.)

Editorial Notes

AMENDMENTS

- 2024—Subsec. (g). Pub. L. 118-159 added subsec. (g).
- 2007—Subsec. (c). Pub. L. 110-132, struck out “and to each country within which the project is proposed to be conducted” before period at end in second sentence.
- 2002—Subsec. (a). Pub. L. 107-111, §6(a)(1), struck out “African Elephant Conservation” before “Fund”.
- Subsecs. (e), (f). Pub. L. 107-111, §5, added subsec. (e) and redesignated former subsec. (e) as (f).

§ 4212. Acceptance and use of donations

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

(Pub. L. 100-478, title II, §2102, Oct. 7, 1988, 102 Stat. 2317; Pub. L. 107-111, §6(a)(2), Jan. 8, 2002, 115 Stat. 2096.)

Editorial Notes

AMENDMENTS

2002—Pub. L. 107-111 redesignated heading and text of subsec. (d) as entire section and struck out former section catchline and headings and text of subsecs. (a) to (c). Prior to amendment, text of subsecs. (a) to (c) related to establishment in the Treasury of the African Elephant Conservation Fund, consisting of deposits by the Secretary of the Treasury of unused funds from penalties under section 4224 of this title, donations under this section, and appropriations, to be used to provide assistance under this subchapter, with not more than three percent of appropriated funds per fiscal year used to administer the Fund.

§ 4213. Omitted

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CODIFICATION

Section, Pub. L. 100-478, title II, §2103, Oct. 7, 1988, 102 Stat. 2317, which required the Secretary of the Interior to submit an annual report to Congress regarding the African Elephant Conservation Fund formerly established by section 4212 of this title and the status of the African elephant, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 107 of House Document No. 103-7.