

105TH CONGRESS
1ST SESSION

H. R. 1787

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 HOUSE OF REPRESENTATIVES

JUNE 4, 1997

Mr. SAXTON (for himself, Mr. ABERCROMBIE, Mr. YOUNG of Alaska, Mr. MILLER of California, Mr. BOEHLERT, Mr. COOK, Mr. CUNNINGHAM, Mr. EHLERS, Mr. FALEOMAVAEGA, Mr. FRANKS of New Jersey, Mr. GILCHREST, Mr. GREENWOOD, Mr. HINCHEY, Mrs. KELLY, Mrs. MORELLA, Mr. OLVER, Mr. PALLONE, Mr. UPTON, and Mr. TRAFICANT) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

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

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

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

20 (4) The Asian elephant is a flagship species for
21 the conservation of tropical forest habitats in which
22 it is found and provides the consequent benefit from
23 such conservation to numerous other species of wild-
24 life including many other endangered species.

25 (5) Among the threats to the Asian elephant in
26 addition to habitat loss are population fragmenta-

1 tion, human-elephant conflict, poaching for ivory,
2 meat, hide, bones and teeth, and capture for domes-
3 tication.

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

10 **SEC. 3. PURPOSES.**

11 The purposes of this Act are the following:

12 (1) To perpetuate healthy populations of Asian
13 elephants.

14 (2) To assist in the conservation and protection
15 of Asian elephants by supporting the conservation
16 programs of Asian elephant range states and the
17 CITES Secretariat.

18 (3) To provide financial resources for those pro-
19 grams.

20 **SEC. 4. DEFINITIONS.**

21 In this Act:

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

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

15 (3) The term “Fund” means the Asian Ele-
16 phant Conservation Fund established under section
17 6(a).

18 (4) The term “Secretary” means the Secretary
19 of the Interior.

20 (5) The term “Administrator” means the Ad-
21 ministrator of the Agency for International Develop-
22 ment.

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

24 (a) IN GENERAL.—The Secretary, subject to the
25 availability of funds and in consultation with the Adminis-

1 trator, shall use amounts in the Fund to provide financial
2 assistance for projects for the conservation of Asian ele-
3 phants for which final project proposals are approved by
4 the Secretary in accordance with this section.

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

13 (1) The name of the individual responsible for
14 conducting the project.

15 (2) A succinct statement of the purposes of the
16 project.

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

19 (4) An estimate of the funds and time required
20 to complete the project.

21 (5) Evidence of support of the project by appro-
22 priate governmental entities of countries in which
23 the project will be conducted, if the Secretary deter-
24 mines that the support is required for the success of
25 the project.

1 (6) Information regarding the source and
2 amount of matching funding available to the appli-
3 cant.

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

7 (c) PROJECT REVIEW AND APPROVAL.—

8 (1) IN GENERAL.—Within 30 days after receiv-
9 ing a final project proposal, the Secretary shall pro-
10 vide a copy of the proposal to the Administrator.
11 The Secretary shall review each final project pro-
12 posal to determine if it meets the criteria set forth
13 in subsection (d).

14 (2) CONSULTATION; APPROVAL OR DIS-
15 APPROVAL.—Not later than 6 months after receiving
16 a final project proposal, and subject to the availabil-
17 ity of funds, the Secretary, after consulting with the
18 Administrator, shall—

19 (A) request written comments on the pro-
20 posal from each country within which the
21 project is to be conducted;

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

24 (C) provide written notification of that ap-
25 proval or disapproval to the person who submit-

1 ted the proposal, the Administrator, and each
2 of those countries.

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

7 (1) implement conservation programs;

8 (2) address the conflicts between humans and
9 elephants that arise from competition for the same
10 habitat;

11 (3) enhance compliance with provisions of
12 CITES and laws of the United States or a foreign
13 country that prohibit or regulate the taking or trade
14 of Asian elephants or regulate the use and manage-
15 ment of Asian elephant habitat;

16 (4) develop sound scientific information on the
17 condition of Asian elephant habitat, Asian elephant
18 population numbers and trends, or the threats to
19 such habitat, numbers, or trends; or

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

24 (e) PROJECT SUSTAINABILITY.—To the maximum
25 extent practical, in determining whether to approve project

1 proposals under this section, the Secretary shall give con-
2 sideration to projects which will enhance sustainable inte-
3 grated conservation development programs to ensure ef-
4 fective, long-term conservation of Asian elephants.

5 (f) PROJECT REPORTING.—Each person who receives
6 assistance under this section for a project shall provide
7 periodic reports, as the Secretary considers necessary, to
8 the Secretary and the Administrator. Each report shall in-
9 clude all information required by the Secretary, after con-
10 sulting with the Administrator, for evaluating the progress
11 and success of the project.

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

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

17 (a) ESTABLISHMENT.—There is established in the
18 general fund of the Treasury a separate account to be
19 known as the “Asian Elephant Conservation Fund”, which
20 shall consist of amounts deposited into the Fund by the
21 Secretary of the Treasury under subsection (b).

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

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

1 (2) other amounts appropriated to the Fund.

2 (c) USE.—

3 (1) IN GENERAL.—Subject to paragraph (2),
4 the Secretary may use amounts in the Fund without
5 further appropriation to provide assistance under
6 section 5.

7 (2) ADMINISTRATION.—Of amounts in the
8 Fund available for each fiscal year, the Secretary
9 may use not more than 3 percent to administer the
10 Fund.

11 (d) ACCEPTANCE AND USE OF DONATIONS.—The
12 Secretary may accept and use donations to provide assist-
13 ance under section 5. Amounts received by the Secretary
14 in the form of donations shall be transferred to the Sec-
15 retary of the Treasury for deposit into the Fund.

16 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to the Fund
18 \$5,000,000 for each of fiscal years 1998, 1999, 2000,
19 2001, and 2002 to carry out this Act, which may remain
20 available until expended.

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