

ASIAN ELEPHANT CONSERVATION REAUTHORIZATION
ACT OF 2007

JULY 23, 2007.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. RAHALL, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 465]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 465) to reauthorize the Asian Elephant Conservation Act of 1997, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Asian Elephant Conservation Reauthorization Act of 2007”.

SEC. 2. REAUTHORIZATION AND AMENDMENT OF ASIAN ELEPHANT CONSERVATION ACT OF 1997.

(a) NOTICE OF APPROVAL OF PROJECT PROPOSAL.—Section 5(c)(2)(C) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4264(c)(2)(C)) is amended by striking “, the Administrator, and each of those countries” and inserting “and the Administrator”.

(b) ADMINISTRATIVE EXPENSES.—Section 8(b) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(b)) is amended by striking “\$80,000” and inserting “\$100,000”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 8(a) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) is amended by striking “2001, 2002, 2003, 2004, 2005, 2006, and 2007” and inserting “2007 through 2012”.

PURPOSE OF THE BILL

The purpose of H.R. 465, as ordered reported, is to reauthorize the Asian Elephant Conservation Act.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 465, Asian Elephant Conservation Act of 2007, would reauthorize through 2012 the Asian Elephant Conservation Act. Asian elephants are 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 this endangered species. Some sub-populations of Asian elephant may be stable or recovering, but most remain extremely vulnerable in the wild. Fewer than 40,000 Asian elephants remain throughout the forests and savannahs of Asia. Unlike African elephants, Asian elephants are captured, tamed and utilized for timber harvest, forest clearing and agriculture. Approximately 16,000 animals are in captive status. Populations remain under stress from habitat loss, human encroachment and poaching for illegal ivory and bushmeat, and a significant gender imbalance complicates recovery efforts.

H.R. 465 would enable this popular international wildlife conservation program to continue to receive federal appropriations through 2012. The program provides matching grants to non-federal partners for conservation activities, including scientific research, habitat enhancement, law enforcement, monitoring and local community outreach and education benefitting Asian elephants and their habitat. Future survival in the wild of this keystone wildlife species remains tenuous within regions where these animals range. Despite achievements made under this program, the potential exists for current conservation efforts to collapse with the cessation of U.S. financial involvement. Since enactment in 1997, the Act has generated 298 grant proposals; 171 grants totaling \$7,853,831 were subsequently approved. Federal funding has leveraged an additional \$10,362,752 in non-federal matching and in-kind conservation contributions. The Fish and Wildlife Service has spent a cumulative \$458,335 to administer the Act.

COMMITTEE ACTION

H.R. 465 was introduced on January 12, 2007 by Congressman James Saxton (R-NJ). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife and Oceans. On March 13, 2007, the Subcommittee held a hearing on the bill and received favorable testimony from several witnesses, including the Administration. On March 22, 2007, the Subcommittee on Fisheries, Wildlife and Oceans met to mark up the bill. Congressman Saxton offered an amendment in the nature of a substitute to increase from \$80,000 to \$100,000 the amount authorized for the Fish and Wildlife Service to administer the program and additionally to clarify the Secretary of the Interior's notice requirements for approved grants under the Act. The amendment was adopted by voice vote. The bill was then forwarded to the Full Committee as amended by voice vote. On June 28, 2007, the Natural Resources Committee met to consider the committee print of the bill as forwarded by the Fisheries Subcommittee. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section states that the bill may be cited as the “Asian Elephant Conservation Reauthorization Act of 2007.”

Section 2. Reauthorization and amendment of Asian Elephant Conservation Act

This section amends the African Elephant Conservation Act to revise notice requirements for grants approved by the Secretary to eliminate unnecessary notices to the countries in where the grant activity will be conducted. The section also would 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 reauthorizes the act through fiscal year 2012 at existing funding levels of \$5 million per year.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to reauthorize the Asian Elephant Conservation Act.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 465—Asian Elephant Conservation Reauthorization Act of 2007

Summary: H.R. 465 would reauthorize funding for projects carried out under the Asian Elephant Conservation Act of 1997. Specifically, the bill would authorize appropriations through 2012 for such projects at the existing authorization level of \$5 million per year. The current authorization expires after fiscal year 2007. The U.S. Fish and Wildlife Service (USFWS) uses this fund primarily to help finance research and conservation programs overseas.

Assuming appropriation of the authorized amounts, CBO estimates that the USFWS would spend \$23 million over the 2008–2012 period carry out the program. (An additional \$2 million would be spent after 2012.) The legislation would not affect direct spending or revenues.

H.R. 465 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. 465 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 bill 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—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization Level	5	5	5	5	5
Estimated Outlays	5	5	5	5	5

Intergovernmental and private-sector impact: H.R. 465 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect on the budgets of state, local, or tribal governments.

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.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

EARMARK STATEMENT

H.R. 465 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, 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):

ASIAN ELEPHANT CONSERVATION ACT OF 1997

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SEC. 5. ASIAN ELEPHANT CONSERVATION ASSISTANCE.

(a) * * *

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(c) PROJECT REVIEW AND APPROVAL.—

(1) * * *

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—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—

(A) * * *

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(C) provide written notification of that approval or disapproval to the person who submitted the proposal~~], the Administrator, and each of those countries]~~ *and the Administrator.*

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SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Fund \$5,000,000 for each of fiscal years ~~2001, 2002, 2003, 2004, 2005, 2006, and 2007]~~ *2007 through 2012* to carry out this Act, which may 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.