AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Calendar No. 323

110TH CONGRESS *1st Session* | SENATE | REPORT 110–212

ASIAN ELEPHANT CONSERVATION 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. 465]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (H.R. 465) to reauthorize the Asian Elephant Conservation Act of 1997, having considered the same reports favorably thereon without amendment and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

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. A significant gender imbalance complicates recovery efforts.

H.R. 465 would enable this 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, habi-

tat enhancement, law enforcement, monitoring and local community outreach and education benefiting Asian elephants and their habitat. Future survival in the wild of this keystone species remains tenuous. 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.

OBJECTIVES OF THE LEGISLATION

H.R. 465 reauthorizes the Asian Elephant Conservation Act of 1997 by amending several provisions under current law and increasing and extending through fiscal year 2011 the authorization of appropriations to the Asian Elephant Conservation Fund.

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.

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. 465 was ordered to be reported without amendment favorably.

HEARINGS

No committee hearings were held on H.R. 465.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider H.R. 465 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. 465 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. 465 imposes no Federal intergovernmental mandates on State, local or tribal governments.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Summary: H.R. 465 would authorize funding for projects carried out under the Asian Elephant Conservation Act of 1997. Specifically, the act 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. For 2007, about $1 million was appropriated to the fund for those purposes.

Assuming appropriation of the authorized amounts, CBO estimates that the USFWS would spend $23 million over the 2008–2012 period to carry out the program. (An additional $2 million would be spent after 2012.) Enacting 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 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—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Authorization Level	5	5	5	5	5
Estimated Outlays	3	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 the budgets of State, local, or tribal governments.

Previous CBO estimate: On July 18, 2007, CBO transmitted a cost estimate for H.R. 465, the Asian Elephant Conservation Reauthorization Act of 2007, 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:

* * * * * * *

ASIAN ELEPHANT CONSERVATION ACT OF 1997

* * * * * * *

SEC. 5. ASIAN ELEPHANT CONSERVATION ASSISTANCE.

(a) * * *

* * * * * * *

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—Within 30 days after 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).

(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) request written comments on the proposal from each country within which the project is to be conducted;

(B) after requesting those comments, approve or disapprove the proposal; and

(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*.

* * * * * * *

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.

* * * * * * *

○