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ASIAN ELEPHANT CONSERVATION ACT OF 1997

NOVEMBER 7, 1997.—Ordered to be printed

Mr. CHAFEE, from the Committee on Environment and Public Works, submitted the following

REPORT

[To accompany S. 1287]

The Committee on Environment and Public Works, to which was referred the bill (S. 1287), 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

GENERAL STATEMENT

BACKGROUND

It was a small tapir-like mammal about 45 million years ago that gave rise to the modern-day elephant. Ancestors of the elephant at one time inhabited almost every continent. By the end of the last great ice age about 10,000 years ago, however, only two species survived—the African elephant (*Loxodonta africana*) and the Asian elephant (*Elephas maximus*). These two species are the largest land animals on the planet. They have always played a significant role in human society surrounding them, and they play a significant role in the ecosystem in which they reside.

The Asian elephant, in particular, has held a unique place in societies throughout Asia for more than 5,000 years. For example, Hindu scriptures frequently refer to elephants, and the elephantine god Ganesh is revered by Hindu worshipers. In China, the elephant plays a role in folklore, festivals and other rituals. The Asian elephant is also a flagship species, whose needs encompass those of

other species residing in the same habitat, so that protection of the Asian elephant would automatically serve to protect those other species as well. For these reasons, as well as for the species in its own right, the Asian elephant plays a vital role on that continent.

The survival of the species, however, is seriously imperiled. Asian elephants in the wild currently number approximately 35,000–45,000, existing in pockets of habitat across Asia, from India to Malaysia. Approximately another 15,000 exist in captivity. India is home to about 50 percent of the wild population. Wild populations suffer from severe fragmentation: there are only about 14 populations throughout Asia that consist of 1,000 or more individuals, and many populations have fewer than 100 individuals, with only a lone bull male. The Asian elephant is listed as endangered under the Endangered Species Act, and is included on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The decline of the species has resulted from several factors. Habitat fragmentation and loss, as a result of human development and expansion, pose the greatest threat to the species. Elephants reside in the remaining forests of Asia, which are being cleared for homes and farms. Poaching for meat and ivory, and capture for domestication, are additional threats. Lastly, conflicts between elephants and humans due to encroachment onto each other's habitat have led to the destruction of human lives and property, which in turn leads to the capture and killing of elephants.

This bill is modeled after the African Elephant Conservation Act of 1988 and the Rhinoceros and Tiger Conservation Act of 1994. These laws have been extremely successful in promoting conservation programs for those species. The success and effectiveness of these programs stem from their emphasis on small grants that can be awarded quickly, their focus on diverse, field-level conservation projects, their cooperation with the governments of the range states, and their reliance on matching funds. These laws thus serve as a model for conservation of imperiled species overseas.

OBJECTIVES OF THE LEGISLATION

The bill seeks to promote the conservation of the Asian elephant by providing direct grants and encouraging additional assistance for projects and programs in states within the range of the Asian elephant. The bill would create a dedicated fund for activities relating to Asian elephant conservation, and would authorize up to \$5 million for annual appropriations for the fund, through 2002.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

This section designates the bill as the “Asian Elephant Conservation Act of 1997.”

Section 2. Findings

This section contains the findings of Congress. Specifically, the findings recognize the precarious state of the Asian elephant, note the benefits to tropical forests generally by conserving the Asian elephant, and observe that conservation efforts in the past have

been underfunded, and in the future will require the joint commitment of states within the range of the Asian elephant, the United States, and other countries.

Section 3. Purposes

This section establishes the purposes of the bill as follows: to perpetuate healthy populations of Asian elephants; to assist in the conservation of Asian elephants by supporting the conservation programs of nations within the range of the Asian elephant and the CITES Secretariat; and to provide financial resources for those programs.

Section 4. Definitions

This section contains definitions of terms used in the bill. The term “conservation” is defined broadly to include the use of all methods and procedures necessary to bring Asian elephants in the wild to the point at which their long-term survival is ensured.

Section 5. Asian Elephant Conservation Assistance

Subsection (a) requires the Secretary of the Interior (the Secretary), subject to the availability of funds and in consultation with the Administrator of the U.S. Agency for International Development (Administrator), to use amounts in the Asian Elephant Conservation Fund (Fund) to provide financial assistance for approved projects for the conservation of Asian elephants.

Subsection (b) specifies the requirements for submission of project proposals. Proposals may be submitted by any of the following: any relevant wildlife management authority of a nation within the range of Asian elephants whose activities affect the species; the CITES Secretariat; or any person with demonstrated expertise in the conservation of Asian elephants. This subsection also requires that each proposal include certain information, including evidence of support for the project by appropriate governmental entities of countries in which the project will be conducted, if the Secretary determines that the support is required for the success of the project.

Subsection (c) relates to project review and approval. Within 30 days of receiving a final project proposal, the Secretary must provide a copy to the Administrator. The Secretary has six months to consult with the Administrator, request written comments on the proposal from each country within which the project is to be conducted, approve or disapprove the proposal, and provide written notice of the decision to the applicant, the Administrator, and each of the countries. The Secretary currently consults with the Administrator in using funds under the African Elephant Conservation Act and the Tiger and Rhinoceros Conservation Act, and the consultation required in this subsection would follow current practice.

Subsection (d) provides that the Secretary may approve a final project proposal if the project will enhance programs for conservation of Asian elephants by assisting efforts to implement conservation programs, address conflicts between humans and elephants, enhance compliance with relevant laws to protect elephants and their habitat, develop sound scientific information, or promote cooperative projects that accomplish any of the above.

Subsection (e) requires the Secretary, to the maximum extent practical, to give consideration to projects that will enhance sustainable integrated conservation development programs to ensure effective, long-term conservation of Asian elephants.

Subsection (f) requires each recipient of assistance to provide periodic reports, as the Secretary considers necessary, to the Secretary and the Administrator.

Subsection (g) requires that in determining whether to approve projects, the Secretary shall give priority to those projects for which there exists some measure of matching funds.

Subsection (h) prohibits use of grants under this bill for captive breeding of Asian elephants, other than for release in the wild.

Section 6. Asian Elephant Conservation Fund

This section establishes a separate account in the general fund of the Treasury, to be known as the "Asian Elephant Conservation Fund." Deposits into the Fund shall include amounts appropriated to the Fund, and amounts received by the Secretary in the form of donations. Amounts in the Fund may be used to provide assistance under section 5 without further appropriation. The Secretary may use not more than three percent to administer the Fund.

Section 7. Authorization of Appropriations

This section authorizes appropriations of \$5,000,000 for each of fiscal years 1998 through 2002.

HEARINGS

The committee held a hearing on November 4, 1997 on S. 1287 and H.R. 1787, among other things. Testimony was given by: Senator James M. Jeffords of Vermont; Representative Jim Saxton of the Third District of New Jersey; Marshall P. Jones, Assistant Director for International Affairs, U.S. Fish and Wildlife Service; Ginette Hemley, Director for International Wildlife Policy, World Wildlife Fund; Dr. John W. Grandy, Senior Vice President, The Humane Society of the United States; and Dr. Stuart A. Marks, Director for Research and Community Development, Safari Club International.

REGULATORY IMPACT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes an evaluation of the regulatory impact of the reported bill. The bill will have no regulatory impact. This bill will not have 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 the bill would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments. All of its governmental directives are imposed on Federal agencies. The bill does not directly impose any private sector mandates.

LEGISLATIVE HISTORY

S. 1287 was introduced by Senator Jeffords on October 9, and referred to the Committee on Environment and Public Works. H.R. 1787 was received from the House of Representatives and referred to the committee on October 22. The committee held a hearing on both bills on November 4, 1997. On November 6, 1997, the committee held a business meeting to consider the bills. Senator Chafee offered an amendment to S. 1287 that would prohibit funding under that law for captive breeding other than for release in the wild. This amendment conformed the Senate bill with the House bill. S. 1287, as amended, was favorably reported by the committee on a voice vote. H.R. 1787 was also favorably reported by the committee on a voice vote.

AGENCY REVIEW AND COMMENT

The U.S. Fish and Wildlife Service filed the following statement supporting the passage of S. 1287.

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, October 29, 1997.

Hon. JOHN H. CHAFEE,
*Chairman, Committee on Environment and Public Works,
United States Senate.*

DEAR MR. CHAIRMAN: This letter represents the Department's views regarding S. 1287, the Asian Elephant Conservation Act of 1997. The Department fully supports enactment of this legislation.

Asian elephants need active protection and management of their habitat, resolution of the deleterious conflicts with humans over land uses, better law enforcement activities to protect against poaching, reduction of captures from the wild, and better care and humane treatment of the remaining captive populations. They also need the restoration of the harmonious relationship that previously existed with humans through community education and awareness activities.

S. 1287 acknowledges the problems of forest habitat reduction and fragmentation, conflicts with humans, poaching and other serious issues affecting the Asian elephant. The Act addresses the need to encourage and assist initiatives of regional and national agencies and organizations whose activities directly or indirectly promote the conservation of Asian elephants and their habitat, and it provides for the establishment of an Asian Elephant Conservation Fund, authorized to receive donations and appropriated funds. While many range governments have demonstrated a commitment towards conservation, the lack of international support for their efforts has been a serious impediment.

Patterned after the African Elephant Conservation Act of 1988 and the Rhinoceros and Tiger Conservation Act of 1994, the Asian Elephant Conservation Act would assign responsibility for implementation to the Secretary of the Interior, in consultation with the Administrator of the Agency for International Development. This bill would authorize the Secretary to make grants designed to benefit Asian elephants in the world.

The Fish and Wildlife Service also would mesh the administration of this new legislation with existing responsibilities under the Endangered Species Act, using its experience gained during more than 20 years of participation in cooperative wildlife programs in Asia—including, among many other projects, a 10-year ecological study of the Asian elephant in India involving training, research, and management activities.

Additionally, the Service has facilitated CITES implementation workshops in six Asian countries, and has so far provided support for 15 projects under the Rhinoceros and Tiger Conservation Act in three countries, with many more proposals now under review. The Service has developed an excellent working relationship with most Asian elephant range countries and with the CITES Secretariat, as well as establishing an important network of worldwide experts, advisors and cooperators that can be drawn upon for support and expertise.

Implementation of the Asian Elephant Conservation Act by the Service would be based on the pattern established by the African Elephant and Rhinoceros and Tiger Conservation Acts. The Service would develop a grant program with a call for proposals that would be sent out to a mailing list of potential cooperators from regional and range country agencies and organizations, including CITES partners and the CITES Secretariat. The legislation's criteria for proposal approval gives the Service clear guidance, and priority would be given to proposals which would directly support and enhance wild elephant populations and which include necessary matching funds.

All amounts made available through the Conservation Fund would be allocated as quickly and as efficiently as possible. The Service expects that Asian elephant range countries and international organizations would submit a variety of conservation proposals for support, including research, management, conflict resolution, community outreach and education, law enforcement, CITES implementation, captive breeding, genetic studies and traditional mahout and koonkie elephant training.

Given the success under the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act, the Service expects that the Asian Elephant Conservation Act would make a major contribution to conservation, filling a significant void in its current programs. This legislation would send a strong message to the world that the people of the United States care deeply about Asian elephants and that the U.S. government is committed to helping preserve this keystone species of the remaining tropical and subtropical Asian forests.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DON BARRY,

Acting Assistant Secretary for Fish and Wildlife and Parks.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Act requires a statement of the cost of a reported bill, prepared by the

Congressional Budget Office, be included in the report. The statement has been requested but was not available when the report was filed by the committee. When it is available, it will be placed in the Congressional Record.

CHANGES IN EXISTING LAW

Section 12 of rule XXVI of the Standing Rules of the Senate requires the committee to identify changes to existing law that would result with passage of legislation. No changes to existing law will occur with passage of S. 1287.

