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AFRICAN ELEPHANT CONSERVATION REAUTHORIZATION ACT OF 1997

APRIL 21, 1997.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources, submitted the following

REPORT

[To accompany H.R. 39]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 39) to reauthorize the African Elephant Conservation Act, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF LEGISLATION

The purpose of H.R. 39 is to reauthorize the African Elephant Conservation Act.

BACKGROUND AND NEED FOR LEGISLATION

In the late 1980s, the population of African elephants declined by almost half. In 1979, the total elephant population in Africa was approximately 1.3 million animals. In 1987, fewer than 700,000 African elephants were alive.

While drought, disease, and competition for land use arising from human population growth were threats to elephant populations, the poaching of elephants for their ivory tusks reached epidemic proportions in the 1980s and far overshadowed the other factors.

To most Americans, elephants have always been majestic creatures loved and admired at zoos throughout this country. To many African villagers, however, they are a dangerous nuisance that tramples their crops, drinks their water, and terrorizes their children. Regrettably, in the 1980s, they also offered an opportunity for villagers to feed their families by killing an elephant for its ivory and obtaining what was equivalent to a year's income.

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Furthermore, the destruction of this flagship species was not confined to just a few countries, but was widespread throughout the African continent. In fact, there were really only four southern African nations—Botswana, Namibia, South Africa, and Zimbabwe—that had stable elephant populations and effective conservation programs. The rest of the continent was fighting a losing battle against poachers who were selling illegally-obtained elephant ivory at hugely inflated prices.

As a nation, the United States consumed about 30 percent of the world's carved ivory production. Since most experts believed that nearly 80 percent of all ivory was poached, consumer purchases in the United States accounted for the death of some 27,000 elephants. With the population of African elephants declining by nearly nine percent a year, unless this slaughter was stopped, the African elephant would have been annihilated as a viable population throughout much of its range by the end of this century.

In response to this growing international crisis, Congress enacted the African Elephant Conservation Act of 1988 (P.L. 100–478). The major provisions of this landmark law required the Secretary of the Interior to evaluate on a country-by-country basis the effectiveness of the elephant conservation program of each ivory-producing nation; prohibited ivory imports from African countries unable to adequately protect their elephants from poaching; required intermediary countries to stop selling illegally-obtained ivory; established the African Elephant Conservation Fund and authorized $5 million per year to assist African nations; and required the Secretary of the Interior to examine, within three years, the effectiveness of Public Law 100–478 in halting the importation of illegal ivory into the United States.

Following the enactment of this law, President George Bush, using the authority given to him by the African Elephant Conservation Act, banned the importation of all carved elephant ivory into the United States on June 6, 1989. In addition, on October 11, 1989, the Convention on International Trade in Endangered Species of Wild Fauna and Flora voted overwhelmingly to place the African elephant on its Appendix I list. By so doing, all commercial trade in elephant products was banned beginning on January 18, 1990. Finally, in 1992, Congress renewed the authority of the Secretary of the Interior to spend money from the African Elephant Conservation Fund until September 30, 1998. By so doing, Congress is able to appropriate up to $5 million a year to the African Elephant Conservation Fund to provide grant money for various conservation projects to assist this species. The African Elephant Conservation Fund has been the only continuous source of new money for elephant conservation efforts for the past nine years.

Since the Fund's creation, Congress has appropriated more than $7 million to the African Elephant Conservation Fund. This money, which has generated an additional $8.6 million in private matching funds, was allocated by the U.S. Fish and Wildlife Service for some 50 conservation projects in 17 range states throughout Africa. These projects have been sponsored by a diverse group of conservation organizations including: the African Elephant Conservation Coordinating Group, African Safari Club of Washington, D.C., the Center for Wildlife Conservation, International Union for the Con-

servation of Nature, Safari Club International, Southern Africa Wildlife Trust, Wildlife Conservation Society, and the World Wildlife Fund.

Money allocated from the African Elephant Conservation Fund has been used to purchase anti-hunting equipment for wildlife rangers, to create a comprehensive reference library on the African elephant, to undertake elephant population surveys in various African countries, to develop and implement elephant conservation plans and to move elephants from certain drought regions. In fact, the relocation project in Zimbabwe was the first time in history that such a large number of elephants were successfully moved to new habitats.

Finally, there are many conservationists who feel that without the African Elephant Conservation Fund, the African elephant will once again decline and may disappear from much of its historic range.

H.R. 39 will extend the authorization of appropriations for the African Elephant Conservation Fund until September 30, 2002. This will allow Congress to appropriate money to conserve African elephants into the next century and to fund additional conservation projects.

ELEPHANT POPULATIONS

Country	1987	1996
Zaire	145,000	65,000
Tanzania	100,000	74,000
Gabon	76,000	62,000
Congo	61,000	32,500
Botswana	51,000	81,000
Zimbabwe	43,000	67,000
Zambia	41,000	20,000
Sudan	40,000	44,500
Kenya	35,000	20,000
Cameroon	21,000	22,000
Central African Republic	19,000	23,000
Mozambique	—	14,900
Namibia	—	7,000
South Africa	—	9,990
Total	632,000	542,890

Source: African Elephant Specialist Group

AFRICAN ELEPHANT CONSERVATION FUND

Fiscal year	Authorization	Administration request	Appropriation
1989	$5 M	0	0
1990	5 M	0	$350,000
1991	5 M	$770,000	765,999
1992	5 M	1,201,000	957,000
1993	5 M	1,201,000	1,159,000
1994	5 M	1,169,000	1,137,000
1995	5 M	1,169,000	1,166,767
1996	5 M	1,169,000	600,000
1997	5 M	601,000	1,000,000
1998	5 M	1,000,000	

COMMITTEE ACTION

H.R. 39 was introduced by the Chairman of the Resources Committee, Congressman Don Young (R–AK) and Congressman Randy (Duke) Cunningham (R–CA) on January 7, 1997, and referred to the Committee on Resources. Within the Committee, the bill was referred to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On February 4, 1997, the Speaker of the House of Representatives, Congressman Newt Gingrich (R–GA), cosponsored the bill.

On March 13, 1997, the Subcommittee on Fisheries Conservation, Wildlife and Oceans conducted a hearing on H.R. 39. Testimony was heard from Congressman Cunningham; Mr. Marshall Jones, Assistant Director for International Affairs, U.S. Fish and Wildlife Service, Department of the Interior; Dr. Terry Maple, Director, Zoo Atlanta; the Honorable Ron Marlenee, Director of Legislative Affairs, Safari Club International; Ms. Gina DeFerrari, Director of Traffic, World Wildlife Fund; Dr. Teresa Telecky, Director of Wildlife Trade Program, Humane Society of the United States; and Dr. Brian Child, Luangwa Integrated Rural Development Programme, Zambia. There was unanimous support for the enactment of H.R. 39. In his statement, the representative of the U.S. Fish and Wildlife Service indicated that the African Elephant Conservation Fund "provided a critical incentive for governments of the world, non-governmental organizations, and the private sector to work together for a common conservation goal. This is not a hand out, but a helping hand."

On March 19, 1997, the Subcommittee on Fisheries Conservation, Wildlife and Oceans considered H.R. 39 in a mark-up session and ordered it reported favorably, without amendment, to the Full Committee on Resources by voice vote.

On April 16, 1997, the Full Committee on Resources met to consider H.R. 39. There were no amendments and the Committee ordered the bill favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of Rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of Rule X of the Rules of the House of Representatives, the Committee on 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 H.R. 39.

COST OF THE LEGISLATION

Clause 7(a) 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 H.R. 39. However, clause 7(d) 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 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of Rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 39 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirements of clause 2(l)(3)(D) of Rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 39.

3. With respect to the requirement of clause 2(l)(3)(C) of Rule XI 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 H.R. 39 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 17, 1997.

Hon. DON YOUNG,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 39, the African Elephant Conservation Reauthorization Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

JUNE E. O'NEILL, Director.

Enclosure.

H.R. 39—African Elephant Conservation Reauthorization Act of 1997

SUMMARY

H.R. 39 would reauthorize, through fiscal year 2002, annual appropriations to the African Elephant Conservation Fund at the existing authorization level of up to $5 million. The current authorization expires on September 30, 1998. The Secretary of the Interior uses this fund primarily to help finance research and conservation programs overseas. From its inception in 1991 through 1996, the fund has spent a total of $7 million in appropriated and donated funds.

Assuming appropriation of the authorized amounts, CBO estimates that enacting H.R. 39 would result in additional discretionary spending of $17 million over the 1999–2002 period. The legislation would not affect direct spending or receipts; therefore, pay-

as-you-go procedures would not apply. H.R. 39 does not contain any intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995, and would have no impact on the budgets of state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 39 is shown in the table on the following page. The authorization level specified by the bill is the same as the current authorization but about $4 million higher than annual appropriations have been since this program's inception.

For purposes of this estimate, CBO assumes that the entire amounts authorized by H.R. 39 would be appropriated for each of fiscal years 1999 through 2002. Outlay estimates are based on historical spending patterns for this program.

[In millions of dollars]

	Fiscal year—					
	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law:						
Authorization level [1]	1	5	0	0	0	0
Estimated outlays	2	4	2	1	0	0
Proposed changes:						
Authorization level	0	0	5	5	5	5
Estimated outlays	0	0	3	4	5	5
Spending under H.R. 39:						
Authorization level [1]	1	5	5	5	5	5
Estimated outlays	2	4	5	5	5	5

[1] The 1997 level is the amount appropriated for that year. The 1998 level is the amount authorized under current law.

The costs of this legislation fall within budget function 300 (natural resources and environment).

Pay-as-you-go considerations: None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 39 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would have no impact on the budgets of state, local, or tribal governments.

Estimate prepared by: Deborah Reis.

Estimates approved by: Robert S. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

H.R. 39 contains no unfunded mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 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):

SECTION 2306 OF THE AFRICAN ELEPHANT CONSERVATION ACT

SEC. 2306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Fund and to the Secretary a total of not to exceed $5,000,000 for each of [fiscal years 1992, 1993, 1994, 1995, 1996, 1997, and 1998] *fiscal years 1997, 1998, 1999, 2000, 2001, and 2002* to carry out this title, to remain available until expended.

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