

part of a shipment of the household effects of a person who is moving his or her residence to or from the United States, or are included in personal accompanying baggage;

(10) the term “raw ivory” means any African elephant tusk, and any piece thereof, the surface of which, polished or unpolished, is unaltered or minimally carved;

(11) the term “Secretary” means the Secretary of the Interior;

(12) the term “United States” means the fifty States, the District of Columbia, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the territories and possessions of the United States; and

(13) the term “worked ivory” means any African elephant tusk, and any piece thereof, which is not raw ivory.

(Pub. L. 100-478, title II, §2305, Oct. 7, 1988, 102 Stat. 2322.)

#### REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in par. (5), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

#### § 4245. 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 1997, 1998, 1999, 2000, 2001, and 2002 to carry out this chapter, to remain available until expended.

(Pub. L. 100-478, title II, §2306, Oct. 7, 1988, 102 Stat. 2323; Pub. L. 102-440, title III, §302, Oct. 23, 1992, 106 Stat. 2234; Pub. L. 105-217, §2, Aug. 5, 1998, 112 Stat. 911.)

#### AMENDMENTS

1998—Pub. L. 105-217 substituted “fiscal years 1997, 1998, 1999, 2000, 2001, and 2002” for “fiscal years 1992, 1993, 1994, 1995, 1996, 1997, and 1998”.

1992—Pub. L. 102-440 substituted “fiscal years 1992, 1993, 1994, 1995, 1996, 1997, and 1998” for “fiscal years 1989, 1990, 1991, 1992, and 1993”.

#### § 4246. Multinational Species Conservation Fund

In fiscal year 1999 and thereafter, donations to provide assistance under section 5304 of the Rhinoceros and Tiger Conservation Act,<sup>1</sup> subchapter I of the African Elephant Conservation Act [16 U.S.C. 4211 et seq.],<sup>1</sup> and section 4265 of this title shall be deposited to this Fund and shall be available without further appropriation: *Provided further*, That in fiscal year 1999 and thereafter, all penalties received by the United States under 16 U.S.C. 4224 which are not used to pay rewards under 16 U.S.C. 4225 shall be deposited to this Fund to provide assistance under 16 U.S.C. 4211 and shall be available without further appropriation: *Provided further*, That in fiscal year 1999 and thereafter, not more than three percent of amounts appropriated to this Fund may be used by the Secretary of the Interior to administer the Fund.

(Pub. L. 105-277, div. A, §101(e) [title I], Oct. 21, 1998, 112 Stat. 2681-231, 2681-237.)

<sup>1</sup> See References in Text note below.

#### REFERENCES IN TEXT

The Rhinoceros and Tiger Conservation Act, referred to in text, probably means the Rhinoceros and Tiger Conservation Act of 1994, Pub. L. 103-391, Oct. 22, 1994, 108 Stat. 4094. Section 5304 of the Act probably means section 5 of the Act which is classified to section 5304 of this title.

The African Elephant Conservation Act, referred to in text, is title II of Pub. L. 100-478, Oct. 7, 1988, 102 Stat. 2315. Subchapter I of the Act probably means part I (§2101 et seq.) of the Act, which is classified generally to subchapter I (§4211 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 4201 of this title and Tables.

#### CHAPTER 62A—ASIAN ELEPHANT CONSERVATION

Sec. 4261.	Findings.
4262.	Purposes.
4263.	Definitions.
4264.	Asian elephant conservation assistance. <ol style="list-style-type: none"> <li>(a) In general.</li> <li>(b) Project proposal.</li> <li>(c) Project review and approval.</li> <li>(d) Criteria for approval.</li> <li>(e) Project sustainability.</li> <li>(f) Project reporting.</li> <li>(g) Matching funds.</li> <li>(h) Limitation on use for captive breeding.</li> </ol>
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4266.	Authorization of appropriations.

#### § 4261. Findings

The Congress finds the following:

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

(2) The Asian elephant is listed as an endangered species under section 1533 of this title and under appendix I of the Convention on International Trade of Endangered Species of Wild Fauna and Flora.

(3) Because the challenges facing the conservation of Asian elephants are so great, resources to date have not been sufficient to cope with the continued loss of habitat and the consequent diminution of Asian elephant populations.

(4) The Asian elephant is a flagship species for the conservation of tropical forest habitats in which it is found and provides the consequent benefit from such conservation to numerous other species of wildlife including many other endangered species.

(5) Among the threats to the Asian elephant in addition to habitat loss are population fragmentation, human-elephant conflict, poaching for ivory, meat, hide, bones and teeth, and capture for domestication.

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

(Pub. L. 105-96, § 2, Nov. 19, 1997, 111 Stat. 2150.)

SHORT TITLE

Section 1 of Pub. L. 105-96 provided that: "This Act [enacting this chapter] may be cited as the 'Asian Elephant Conservation Act of 1997'."

**§ 4262. Purposes**

The purposes of this chapter are the following:

- (1) To perpetuate healthy populations of Asian elephants.
- (2) To assist in the conservation and protection of Asian elephants by supporting the conservation programs of Asian elephant range states and the CITES Secretariat.
- (3) To provide financial resources for those programs.

(Pub. L. 105-96, § 3, Nov. 19, 1997, 111 Stat. 2150.)

**§ 4263. Definitions**

In this chapter:

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

(2) The term "conservation" means the use of methods and procedures necessary to bring Asian elephants to the point at which there are sufficient populations in the wild to ensure that the species does not become extinct, including all activities associated with scientific resource management, such as conservation, protection, restoration, acquisition, and management of habitat; research and monitoring of known populations; assistance in the development of management plans for managed elephant ranges; CITES enforcement; law enforcement through community participation; translocation of elephants; conflict resolution initiatives; and community outreach and education.

(3) The term "Fund" means the Asian Elephant Conservation Fund established under section 4265(a) of this title.

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "Administrator" means the Administrator of the Agency for International Development.

(Pub. L. 105-96, § 4, Nov. 19, 1997, 111 Stat. 2151.)

**§ 4264. Asian elephant conservation assistance**

**(a) In general**

The Secretary, subject to the availability of funds and in consultation with the Administrator, shall use amounts in the Fund to provide financial assistance for projects for the conservation of Asian elephants for which final project proposals are approved by the Secretary in accordance with this section.

**(b) Project proposal**

Any relevant wildlife management authority of a nation within the range of Asian elephants whose activities directly or indirectly affect Asian elephant populations, the CITES Secretariat, or any person with demonstrated expertise in the conservation of Asian elephants, may submit to the Secretary a project proposal

under this section. Each proposal shall include the following:

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

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

(3) A description of the qualifications of the individuals who will conduct the project.

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

(5) Evidence of support of 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.

(6) Information regarding the source and amount of matching funding available to the applicant.

(7) Any other information the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this chapter.

**(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) of this section.

**(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.

**(d) Criteria for approval**

The Secretary may approve a final project proposal under this section if the project will enhance programs for conservation of Asian elephants by assisting efforts to—

(1) implement conservation programs;

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

(3) enhance compliance with provisions of CITES and laws of the United States or a foreign country that prohibit or regulate the taking or trade of Asian elephants or regulate the use and management of Asian elephant habitat;

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

(5) promote cooperative projects on those topics with other foreign governments, affected local communities, nongovernmental organizations, or others in the private sector.

**(e) Project sustainability**

To the maximum extent practical, in determining whether to approve project proposals

under this section, the Secretary shall give consideration to projects which will enhance sustainable integrated conservation development programs to ensure effective, long-term conservation of Asian elephants.

**(f) Project reporting**

Each person who receives assistance under this section for a project shall provide periodic reports, as the Secretary considers necessary, to the Secretary and the Administrator. Each report shall include all information required by the Secretary, after consulting with the Administrator, for evaluating the progress and success of the project.

**(g) Matching funds**

In determining whether to approve project proposals under this section, the Secretary shall give priority to those projects for which there exists some measure of matching funds.

**(h) Limitation on use for captive breeding**

Amounts provided as a grant under this chapter may not be used for captive breeding of Asian elephants other than for release in the wild.

(Pub. L. 105-96, § 5, Nov. 19, 1997, 111 Stat. 2151.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4265 of this title.

**§ 4265. Asian Elephant Conservation Fund**

**(a) Establishment**

There is established in the general fund of the Treasury a separate account to be known as the "Asian Elephant Conservation Fund", which shall consist of amounts deposited into the Fund by the Secretary of the Treasury under subsection (b) of this section.

**(b) Deposits into Fund**

The Secretary of the Treasury shall deposit into the Fund—

- (1) all amounts received by the Secretary in the form of donations under subsection (d) of this section; and
- (2) other amounts appropriated to the Fund.

**(c) Use**

**(1) In general**

Subject to paragraph (2), the Secretary may use amounts in the Fund without further appropriation to provide assistance under section 4264 of this title.

**(2) Administration**

Of amounts in the Fund available for each fiscal year, the Secretary may use not more than 3 percent to administer the Fund.

**(d) Acceptance and use of donations**

The Secretary may accept and use donations to provide assistance under section 4264 of this title. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

(Pub. L. 105-96, § 6, Nov. 19, 1997, 111 Stat. 2153.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4246, 4263 of this title.

**§ 4266. Authorization of appropriations**

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

(Pub. L. 105-96, § 7, Nov. 19, 1997, 111 Stat. 2153.)

**CHAPTER 63—FEDERAL CAVE RESOURCES PROTECTION**

Sec.	
4301.	Findings, purposes, and policy. <ol style="list-style-type: none"> <li>(a) Findings.</li> <li>(b) Purposes.</li> <li>(c) Policy.</li> </ol>
4302.	Definitions.
4303.	Management actions. <ol style="list-style-type: none"> <li>(a) Regulations.</li> <li>(b) In general.</li> <li>(c) Planning and public participation.</li> </ol>
4304.	Confidentiality of information concerning nature and location of significant caves. <ol style="list-style-type: none"> <li>(a) In general.</li> <li>(b) Exceptions.</li> </ol>
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4306.	Prohibited acts and criminal penalties. <ol style="list-style-type: none"> <li>(a) Prohibited acts.</li> <li>(b) Punishment.</li> </ol>
4307.	Civil penalties. <ol style="list-style-type: none"> <li>(a) Assessment.</li> <li>(b) Judicial review.</li> <li>(c) Collection.</li> <li>(d) Subpoenas.</li> </ol>
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4309.	Savings provision. <ol style="list-style-type: none"> <li>(a) Water.</li> <li>(b) Fish and wildlife.</li> </ol>
4310.	Establishment of Cave Research Program. <ol style="list-style-type: none"> <li>(a) Establishment.</li> <li>(b) Functions.</li> <li>(c) Emphasis.</li> </ol>

**§ 4301. Findings, purposes, and policy**

**(a) Findings**

The Congress finds and declares that—

- (1) significant caves on Federal lands are an invaluable and irreplaceable part of the Nation's natural heritage; and
- (2) in some instances, these significant caves are threatened due to improper use, increased recreational demand, urban spread, and a lack of specific statutory protection.

**(b) Purposes**

The purposes of this chapter are—

- (1) to secure, protect, and preserve significant caves on Federal lands for the perpetual use, enjoyment, and benefit of all people; and
- (2) to foster increased cooperation and exchange of information between governmental authorities and those who utilize caves located on Federal lands for scientific, education, or recreational purposes.

**(c) Policy**

It is the policy of the United States that Federal lands be managed in a manner which pro-