

## REFERENCES IN TEXT

Division A, section 101(e), title I of Public Law 105-277, referred to in par. (3), is Pub. L. 105-277, div. A, §101(e) [title I], Oct. 21, 1998, 112 Stat. 2681-231, 2681-232. Provisions under the heading “MULTINATIONAL SPECIES CONSERVATION FUND” in Pub. L. 105-277, §101(e) [title I] appear at 112 Stat. 2681-237 and are classified in part to section 4246 of this title.

## AMENDMENTS

2002—Par. (3). Pub. L. 107-141 substituted “the account established by division A, section 101(e), title I of Public Law 105-277 under the heading ‘multinational species conservation fund’” for “the Asian Elephant Conservation Fund established under section 4265(a) of this title”.

**§ 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 and the Administrator.

**(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; Pub. L. 110-133, §2(a), Dec. 6, 2007, 121 Stat. 1362.)

## AMENDMENTS

2007—Subsec. (c)(2)(C). Pub. L. 110-133 substituted “and the Administrator” for “, the Administrator, and each of those countries”.

**§ 4265. 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; Pub. L. 107-141, §5(a)(2), Feb. 12, 2002, 116 Stat. 14.)

#### AMENDMENTS

2002—Pub. L. 107-141 substituted “Acceptance and use of donations” for “Asian Elephant Conservation Fund” as section catchline, struck out subsecs. (a) to (c), which related to establishment, deposits into, and use of the Asian Elephant Conservation Fund, redesignated subsec. (d) as entire section and struck out subsec. heading.

### § 4265a. Advisory group

#### (a) In general

To assist in carrying out this chapter, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of Asian elephants.

#### (b) Public participation

##### (1) Meetings

The Advisory Group shall—

(A) ensure that each meeting of the advisory group is open to the public; and

(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

##### (2) Notice

The Secretary shall provide to the public timely notice of each meeting of the advisory group.

##### (3) Minutes

Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

#### (c) Exemption from Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

(Pub. L. 105-96, §7, as added Pub. L. 107-141, §4, Feb. 12, 2002, 116 Stat. 13.)

#### REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (c), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### PRIOR PROVISIONS

A prior section 7 of Pub. L. 105-96 was renumbered section 8 and is classified to section 4266 of this title.

### § 4266. Authorization of appropriations

#### (a) In general

There is authorized to be appropriated to the Fund \$5,000,000 for each of fiscal years 2007 through 2012 to carry out this chapter, which may remain available until expended.

#### (b) Administrative expenses

Of amounts available each fiscal year to carry out this chapter, the Secretary may expend not

more than 3 percent or \$100,000, whichever is greater, to pay the administrative expenses necessary to carry out this chapter.

(Pub. L. 105-96, §8, formerly §7, Nov. 19, 1997, 111 Stat. 2153; renumbered §8 and amended Pub. L. 107-141, §§2-4, Feb. 12, 2002, 116 Stat. 13; Pub. L. 110-133, §2(b), (c), Dec. 6, 2007, 121 Stat. 1362.)

#### AMENDMENTS

2007—Subsec. (a). Pub. L. 110-133, §2(c), substituted “2007 through 2012” for “2001, 2002, 2003, 2004, 2005, 2006, and 2007”.

Subsec. (b). Pub. L. 110-133, §2(b), substituted “\$100,000” for “\$80,000”.

2002—Pub. L. 107-141, §3, designated existing provisions as subsec. (a), inserted heading, substituted “There is authorized” for “There are authorized”, and added subsec. (b).

Pub. L. 107-141, §2, substituted “2001, 2002, 2003, 2004, 2005, 2006, and 2007” for “1998, 1999, 2000, 2001, and 2002”.

## CHAPTER 63—FEDERAL CAVE RESOURCES PROTECTION

Sec.	
4301.	Findings, purposes, and policy.
4302.	Definitions.
4303.	Management actions.
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4305.	Collection and removal from Federal caves.
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4310.	Establishment of Cave Research Program.

### § 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 protects and maintains, to the extent practical, significant caves.

(Pub. L. 100-691, §2, Nov. 18, 1988, 102 Stat. 4546.)

#### SHORT TITLE

Section 1 of Pub. L. 100-691 provided that: “This Act [enacting this chapter] may be referred to as the ‘Federal Cave Resources Protection Act of 1988’.”

#### LECHUGUILLA CAVE PROTECTION

Pub. L. 103-169, Dec. 2, 1993, 107 Stat. 1983, provided that: