

to submit an annual report to Congress regarding the African Elephant Conservation Fund formerly established by section 4212 of this title and the status of the African elephant, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 107 of House Document No. 103-7.

#### § 4214. 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 African elephants.

##### (b) Public participation

###### (1) Meetings

The Advisory Group<sup>1</sup> 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. 100-478, title II, §2104, as added Pub. L. 107-111, §4, Jan. 8, 2002, 115 Stat. 2095; amended Pub. L. 107-141, §5(b)(2)(A), Feb. 12, 2002, 116 Stat. 14.)

#### 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.

#### AMENDMENTS

2002—Subsec. (a). Pub. L. 107-141 made technical amendment to reference in original act which appears in text as reference to this chapter.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-141, §5(b)(2), Feb. 12, 2002, 116 Stat. 14, provided that the amendment by section 5(b)(2) of Pub. L. 107-141 is effective on the day after Jan. 8, 2002.

### SUBCHAPTER II—MORATORIA AND PROHIBITED ACTS

#### § 4221. Review of African elephant conservation programs

##### (a) In general

Within one month after October 7, 1988, the Secretary shall issue a call for information on

<sup>1</sup> So in original. Probably should not be capitalized.

the African elephant conservation program of each ivory producing country by—

(1) publishing a notice in the Federal Register requesting submission of such information to the Secretary by all interested parties; and

(2) submitting a written request for such information through the Secretary of State to each ivory producing country.

##### (b) Review and determination

###### (1) In general

The Secretary shall review the African elephant conservation program of each ivory producing country and, not later than one year after October 7, 1988, shall issue and publish in the Federal Register a determination of whether or not the country meets the following criteria:

(A) The country is a party to CITES and adheres to the CITES Ivory Control System.

(B) The country's elephant conservation program is based on the best available information, and the country is making expeditious progress in compiling information on the elephant habitat condition and carrying capacity, total population and population trends, and the annual reproduction and mortality of the elephant populations within the country.

(C) The taking of elephants in the country is effectively controlled and monitored.

(D) The country's ivory quota is determined on the basis of information referred to in subparagraph (B) and reflects the amount of ivory which is confiscated or consumed domestically by the country.

(E) The country has not authorized or allowed the export of amounts of raw ivory which exceed its ivory quota under the CITES Ivory Control System.

###### (2) Delay in issuing determination

If the Secretary finds within one year after October 7, 1988, that there is insufficient information upon which to make the determination under paragraph (1), the Secretary may delay issuing the determination until no later than December 31, 1989. The Secretary shall issue and publish in the Federal Register at the time of the finding a statement explaining the reasons for any such delay.

(Pub. L. 100-478, title II, §2201, Oct. 7, 1988, 102 Stat. 2318.)

#### § 4222. Moratoria

##### (a) Ivory producing countries

###### (1) In general

The Secretary shall establish a moratorium on the importation of raw and worked ivory from an ivory producing country immediately upon making a determination that the country does not meet all the criteria set forth in section 4221(b)(1) of this title.

###### (2) Later establishment

With regard to any ivory producing country for which the Secretary has insufficient information to make a determination pursuant to section 4221(b) of this title, the Secretary shall