

(5) In response to the significant illegal trade in African elephant ivory, the parties to CITES established the CITES Ivory Control System to curtail the illegal trade and to encourage African countries to manage, conserve, and protect their African elephant populations.

(6) The CITES Ivory Control System entered into force recently and should be allowed to continue in force for a reasonable period of time to assess its effectiveness in curtailing the illegal trade in African elephant ivory.

(7) Although some African countries have effective African elephant conservation programs, many do not have sufficient resources to properly manage, conserve, and protect their elephant populations.

(8) The United States, as a party to CITES and a large market for worked ivory, shares responsibility for supporting and implementing measures to stop the illegal trade in African elephant ivory and to provide for the conservation of the African elephant.

(9) There is no evidence that sport hunting is part of the poaching that contributes to the illegal trade in African elephant ivory, and there is evidence that the proper utilization of well-managed elephant populations provides an important source of funding for African elephant conservation programs.

(Pub. L. 100-478, title II, §2003, Oct. 7, 1988, 102 Stat. 2315.)

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in par. (3), 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.

§ 4203. Statement of policy

It is the policy of the United States—

(1) to assist in the conservation and protection of the African elephant by supporting the conservation programs of African countries and the CITES Secretariat; and

(2) to provide financial resources for those programs.

(Pub. L. 100-478, title II, §2004, Oct. 7, 1988, 102 Stat. 2316.)

SUBCHAPTER I—AFRICAN ELEPHANT CONSERVATION ASSISTANCE

§ 4211. Provision of assistance

(a) In general

The Secretary may provide financial assistance under this subchapter from the Fund for approved projects for research, conservation, management, or protection of African elephants.

(b) Project proposal

Any African government agency responsible for African elephant conservation and protection, the CITES Secretariat, and any organization or individual with experience in African elephant conservation may submit to the Secretary a project proposal under this section. Each such proposal shall contain—

(1) the name of the person responsible for conducting the project;

(2) a succinct statement of the need for and purposes of the project;

(3) a description of the qualifications of the individuals who will be conducting the project;

(4) an estimate of the funds and time required to complete the project;

(5) evidence of support of the project by governmental entities of countries within which the project will be conducted, if such support may be important for the success of the project; and

(6) any other information the Secretary considers to be necessary or appropriate for evaluating the eligibility of the project for funding under this chapter.

(c) Project review and approval

The Secretary shall review each project proposal to determine if it meets the criteria set forth in subsection (d) of this section and otherwise merits assistance under this chapter. Not later than six months after receiving a project proposal, and subject to the availability of funds, the Secretary shall approve or disapprove the proposal and provide written notification to the person who submitted the proposal.

(d) Criteria for approval

The Secretary may approve a project under this section if the project will enhance programs for African elephant research, conservation, management, or protection by—

(1) developing in a usable form sound scientific information on African elephant habitat condition and carrying capacity, total elephant numbers and population trends, or annual reproduction and mortality; or

(2) assisting efforts—

(A) to ensure that any taking of African elephants in the country is effectively controlled and monitored;

(B) to implement conservation programs to provide for healthy, sustainable African elephant populations; or

(C) to enhance compliance with the CITES Ivory Control System.

(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 that will enhance sustainable conservation programs to ensure effective long-term conservation of African elephants.

(f) Project reporting

Each entity that receives assistance under this section shall provide such periodic reports to the Director of the United States Fish and Wildlife Service as the Director considers relevant and appropriate. Each report shall include all information requested by the Director for evaluating the progress and success of the project.

(Pub. L. 100-478, title II, §2101, Oct. 7, 1988, 102 Stat. 2316; Pub. L. 107-111, §§5, 6(a)(1), Jan. 8, 2002, 115 Stat. 2096; Pub. L. 110-132, §2(a), Dec. 6, 2007, 121 Stat. 1360.)

AMENDMENTS

2007—Subsec. (c). Pub. L. 110-132, struck out “and to each country within which the project is proposed to be conducted” before period at end in second sentence.

2002—Subsec. (a). Pub. L. 107–111, §6(a)(1), struck out “African Elephant Conservation” before “Fund”.

Subsecs. (e), (f). Pub. L. 107–111, §5, added subsec. (e) and redesignated former subsec. (e) as (f).

§ 4212. Acceptance and use of donations

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

(Pub. L. 100–478, title II, §2102, Oct. 7, 1988, 102 Stat. 2317; Pub. L. 107–111, §6(a)(2), Jan. 8, 2002, 115 Stat. 2096.)

AMENDMENTS

2002—Pub. L. 107–111 redesignated heading and text of subsec. (d) as entire section and struck out former section catchline and headings and text of subsecs. (a) to (c). Prior to amendment, text of subsecs. (a) to (c) related to establishment in the Treasury of the African Elephant Conservation Fund, consisting of deposits by the Secretary of the Treasury of unused funds from penalties under section 4224 of this title, donations under this section, and appropriations, to be used to provide assistance under this subchapter, with not more than three percent of appropriated funds per fiscal year used to administer the Fund.

§ 4213. Omitted

CODIFICATION

Section, Pub. L. 100–478, title II, §2103, Oct. 7, 1988, 102 Stat. 2317, which required the Secretary of the Interior 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 Group¹ 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.

¹ So in original. Probably should not be capitalized.

(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 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