

**(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.)