

this subsection” for “for awarding grants under this subsection, including provisions specifying the means by which applicants must demonstrate claimed losses and limiting the aggregate amounts that may be paid to persons that are affiliated with each other or under common ownership.”

Subsec. (d)(7). Pub. L. 104-297, § 402(b), added par. (7).  
1994—Subsec. (b). Pub. L. 103-238 substituted “\$65,000,000 for each of the fiscal years 1994 and 1995” for “\$2,500,000 for each of the fiscal years 1989, 1990, 1991, 1992, 1993, 1994, and 1995”.

1993—Subsec. (c). Pub. L. 103-206 inserted “, and \$600,000 for each of the fiscal years 1994 and 1995,” after “and 1993”.

1992—Subsec. (d). Pub. L. 102-396 added subsec. (d).  
1990—Subsec. (a). Pub. L. 101-627, § 503(1), substituted “the fiscal years 1989, 1990, 1991, 1992, 1993, 1994, and 1995” for “fiscal years 1987, 1988, and 1989”.

Subsec. (b). Pub. L. 101-627, §§ 502, 503(2), in introductory provisions substituted “the fiscal years 1989, 1990, 1991, 1992, 1993, 1994, and 1995” for “fiscal years 1988 and 1989” and added par. (3).

Subsec. (c). Pub. L. 101-627, § 503(3), substituted “the fiscal years 1989, 1990, 1991, 1992, and 1993” for “fiscal years 1988 and 1989”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1389, 4103, 4104 of this title; title 15 section 632; title 46 section 12108.

### CHAPTER 62—AFRICAN ELEPHANT CONSERVATION

- Sec.  
4201. Statement of purpose.  
4202. Findings.  
4203. Statement of policy.
- SUBCHAPTER I—AFRICAN ELEPHANT CONSERVATION ASSISTANCE
4211. Provision of assistance.  
    (a) In general.  
    (b) Project proposal.  
    (c) Project review and approval.  
    (d) Criteria for approval.  
    (e) Project sustainability.  
    (f) Project reporting.  
4212. Acceptance and use of donations.  
4213. Omitted.  
4214. Advisory group.  
    (a) In general.  
    (b) Public participation.  
    (c) Exemption from Federal Advisory Committee Act.

#### SUBCHAPTER II—MORATORIA AND PROHIBITED ACTS

4221. Review of African elephant conservation programs.  
    (a) In general.  
    (b) Review and determination.  
4222. Moratoria.  
    (a) Ivory producing countries.  
    (b) Intermediary countries.  
    (c) Suspension of moratorium.  
    (d) Petition.  
    (e) Sport-hunted trophies.  
    (f) Confiscated ivory.  
4223. Prohibited acts.  
4224. Penalties and enforcement.  
    (a) Criminal violations.  
    (b) Civil violations.  
    (c) Procedures for assessment of civil penalty.  
    (d) Use of penalties.  
    (e) Enforcement.  
4225. Rewards.  
    (a) In general.  
    (b) Amount.  
    (c) Limitation on eligibility.

Sec.

#### SUBCHAPTER III—MISCELLANEOUS

4241. Relationship to Endangered Species Act of 1973.  
4242. Certification under Pelly amendment.  
4243. Repealed.  
4244. Definitions.  
4245. Authorization of appropriations.  
    (a) In general.  
    (b) Administrative expenses.  
4246. Multinational Species Conservation Fund.

### § 4201. Statement of purpose

The purpose of this chapter is to perpetuate healthy populations of African elephants.

(Pub. L. 100-478, title II, § 2002, Oct. 7, 1988, 102 Stat. 2315.)

#### SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-111, § 1, Jan. 8, 2002, 115 Stat. 2095, provided that: “This Act [enacting section 4214 of this title, amending sections 4211, 4212, and 4244 to 4246 of this title, and repealing section 4243 of this title] may be cited as the ‘African Elephant Conservation Reauthorization Act of 2001’.”

#### SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-217, § 1, Aug. 5, 1998, 112 Stat. 911, provided that: “This Act [amending section 4245 of this title] may be cited as the ‘African Elephant Conservation Reauthorization Act of 1998’.”

#### SHORT TITLE

Section 2001 of title II of Pub. L. 100-478 provided that: “This title [enacting this chapter and amending section 1538 of this title] may be cited as the ‘African Elephant Conservation Act’.”

### § 4202. Findings

The Congress finds the following:

(1) Elephant populations in Africa have declined at an alarming rate since the mid-1970’s.

(2) The large illegal trade in African elephant ivory is the major cause of this decline and threatens the continued existence of the African elephant.

(3) The African elephant is listed as threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and its continued existence will be further jeopardized if this decline is not reversed.

(4) Because African elephant ivory is indistinguishable from Asian elephant ivory, there is a need to ensure that the trade in African elephant ivory does not further endanger the Asian elephant, which is listed as endangered under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) and under Appendix I of CITES.

(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

##### SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 4246 of this title.

### § 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 and to each country within which the project is proposed to be conducted.

#### (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.)

#### AMENDMENTS

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).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4246 of this title.

### § 4212. Acceptance and use of donations

The Secretary may accept and use donations of funds to provide assistance under this sub-