

103^D CONGRESS
2^D SESSION

H. R. 3987

To provide for conservation of rhinoceros and tigers.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 1994

Mr. FIELDS of Texas (for himself, Mr. STUDDS, and Mr. BEILENSON) introduced the following bill; which was referred jointly to the Committees on Merchant Marine and Fisheries and Ways and Means

A BILL

To provide for conservation of rhinoceros and tigers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rhinoceros and Tiger
5 Conservation Act of 1994”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The world’s rhinoceros population is declin-
9 ing at an alarming rate, a 90 percent decline since
10 1970.

1 (2) All rhinoceros species have been listed on
2 Appendix I of CITES since 1977.

3 (3) All rhinoceros species, except the southern
4 subspecies of white rhinoceros, are listed as endan-
5 gered species under the Endangered Species Act of
6 1973 (16 U.S.C. 1531 et seq.).

7 (4) In 1987, the parties to CITES adopted a
8 resolution that urged all parties to establish a mora-
9 torium on the sale and trade in rhinoceros products
10 (other than legally taken trophies), to destroy gov-
11 ernment stockpiles of rhinoceros horn, and to exert
12 pressure on countries continuing to allow trade in
13 rhinoceros products.

14 (5) On September 7, 1993, under section 8 of
15 the Fishermen's Protective Act of 1967 (22 U.S.C.
16 1978) the Secretary certified that the People's Re-
17 public of China and Taiwan were engaged in trade
18 of rhinoceros parts and tiger parts that diminished
19 the effectiveness of an international conservation
20 program for that endangered species.

21 (6) On September 9, 1993, the Standing Com-
22 mittee of CITES, in debating the continuing prob-
23 lem of trade in rhinoceros horn, adopted a resolution
24 urging parties to CITES to implement stricter do-

1 mestic measures, up to and including an immediate
2 prohibition in trade in wildlife species.

3 **SEC. 3. PURPOSES.**

4 The purposes of this Act are the following:

5 (1) To assist in the conservation of rhinoceros
6 and tigers by supporting the conservation programs
7 of nations whose activities affect rhinoceros and
8 tiger populations, and the CITES Secretariat.

9 (2) To provide financial resources for those
10 programs.

11 **SEC. 4. DEFINITIONS.**

12 In this Act—

13 (1) “CITES” means the Convention on Inter-
14 national Trade in Endangered Species of Wild
15 Fauna and Flora, signed on March 3, 1973, and its
16 appendices;

17 (2) “conservation” means the use of all meth-
18 ods and procedures necessary to bring rhinoceros
19 and tigers to the point at which there are sufficient
20 populations to ensure that those species do not be-
21 come extinct, including all activities associated with
22 scientific resource management, such as research,
23 census, law enforcement, habitat acquisition and
24 maintenance, propagation, live trapping, and trans-
25 portation;

1 (3) “fish products” means any aquatic species
2 (including marine mammals and plants) exported
3 from a country and all products and parts thereof,
4 whether taken by fishing vessels of that country, or
5 packed, processed, or otherwise prepared for export
6 in that country or within its jurisdiction;

7 (4) “Fund” means the Rhinoceros and Tiger
8 Conservation Fund established under section 6(a);

9 (5) “Secretary” means the Secretary of the In-
10 terior; and

11 (6) “wildlife products” means any wild animal
12 (other than an aquatic species which is a fish prod-
13 uct) taken within a country and all products and
14 parts thereof (including eggs), whether packed, proc-
15 essed, or otherwise prepared for export in that coun-
16 try or within its jurisdiction. This term does not in-
17 clude any wild animal or fish if brought or imported
18 into the United States for scientific research or any
19 legally taken sport-hunted trophies.

20 **SEC. 5. RHINOCEROS AND TIGER CONSERVATION ASSIST-**
21 **ANCE.**

22 (a) IN GENERAL.—The Secretary, subject to the
23 availability of appropriations, shall use amounts in the
24 Fund to provide financial assistance for projects for the
25 conservation of rhinoceros and tigers.

1 (b) PROJECT PROPOSAL.—A country whose activities
2 affect rhinoceros or tiger populations, the CITES Sec-
3 retariat, or any other person may submit to the Secretary
4 a project proposal under this section. Each proposal
5 shall—

6 (1) name the individual responsible for conduct-
7 ing the project;

8 (2) state the purposes of the project succinctly;

9 (3) describe the qualifications of the individuals
10 who will conduct the project;

11 (4) estimate the funds and time required to
12 complete the project;

13 (5) provide evidence of support of the project by
14 appropriate governmental entities of countries in
15 which the project will be conducted, if the Secretary
16 determines that the support is required for the suc-
17 cess of the project; and

18 (6) provide any other information the Secretary
19 considers to be necessary for evaluating the eligi-
20 bility of the project for funding under this Act.

21 (c) PROJECT REVIEW AND APPROVAL.—The Sec-
22 retary shall review each project proposal to determine if
23 it meets the criterion set forth in subsection (d). Not later
24 than 6 months after receiving a project proposal, and sub-
25 ject to the availability of funds, the Secretary shall ap-

1 prove or disapprove the proposal and provide written noti-
2 fication to the person who submitted the proposal and to
3 each country within which the project is to be conducted.

4 (d) CRITERION FOR APPROVAL.—The Secretary may
5 approve a project under this section if the project will en-
6 hance programs or activities for the conservation of rhi-
7 noceros or tigers.

8 (e) PROJECT REPORTING.—Each person that re-
9 ceives assistance under this section for a project shall pro-
10 vide periodic reports to the Secretary as the Secretary con-
11 siders necessary. Each report shall include all information
12 requested by the Secretary for evaluating the progress and
13 success of the project.

14 **SEC. 6. RHINOCEROS AND TIGER CONSERVATION FUND.**

15 (a) ESTABLISHMENT.—There is established in the
16 general fund of the Treasury a separate account to be
17 known as the “Rhinoceros and Tiger Conservation Fund”,
18 which shall consist of amounts deposited into the Fund
19 by the Secretary of the Treasury under subsection (b).

20 (b) DEPOSITS INTO THE FUND.—The Secretary of
21 the Treasury shall deposit into the Fund—

22 (1) all amounts received by the Secretary in the
23 form of donations under subsection (d); and

24 (2) other amounts appropriated to the Fund.

25 (c) USE.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the Secretary may use amounts in the Fund without
3 further appropriation to provide assistance under
4 section 5.

5 (2) ADMINISTRATION.—Of amounts in the
6 Fund available for each fiscal year, the Secretary
7 may use not more than 6 percent to administer the
8 Fund.

9 (d) ACCEPTANCE AND USE OF DONATIONS.—The
10 Secretary may accept and use donations to provide assist-
11 ance under section 5. Amounts received by the Secretary
12 in the form of donations shall be transferred to the Sec-
13 retary of the Treasury for deposit into the Fund.

14 **SEC. 7. SANCTIONS AGAINST FOREIGN COUNTRIES.**

15 (a) INITIAL REVIEW AND CERTIFICATION.—Not later
16 than 30 days after the date of the enactment of this Act,
17 the Secretary shall—

18 (1) review all foreign countries whose activities
19 affect rhinoceros or tiger populations; and

20 (2) if the Secretary finds that any citizen of a
21 foreign country, directly or indirectly, is engaging in
22 trade in products made from rhinoceros or tigers, or
23 in another activity that adversely affects rhinoceros
24 or tiger conservation, certify that fact to the Presi-
25 dent.

1 (b) CONSULTATION.—Not later than 30 days after
2 the date of a certification under subsection (a)(2) with re-
3 spect to a foreign country, the President shall enter into
4 consultations with the government of the country that the
5 certification has been made.

6 (c) MORATORIUM ON IMPORTATION.—

7 (1) DIRECTION TO ESTABLISH.—Not later than
8 60 days after the date of a certification under sub-
9 section (a)(2) with respect to a foreign country, if
10 consultations under subsection (b) are not satisfac-
11 torily concluded with the country the President shall
12 direct the Secretary of the Treasury to establish a
13 moratorium on the importation of all fish products
14 and wildlife products from the country.

15 (2) IMPLEMENTATION.—The Secretary of the
16 Treasury shall establish and implement a morato-
17 rium pursuant to the direction of the President
18 under paragraph (1), by not later than 45 days after
19 the date the President directs the Secretary of the
20 Treasury to establish the moratorium.

21 (3) PUBLIC NOTICE.—The Secretary of the
22 Treasury shall provide public notice of a moratorium
23 under this subsection before implementing the mora-
24 torium.

1 (4) SUBSEQUENT REVIEW.—The Secretary
2 shall periodically review the activities of citizens of
3 a foreign country with respect to which a certifi-
4 cation is made under subsection (a)(2) to determine
5 if the reasons for making the certification no longer
6 exist.

7 (5) TERMINATION OF MORATORIUM.—If, after
8 notice and public comment, the Secretary determines
9 that the reasons for making a certification under
10 subsection (a)(2) with respect to a foreign country
11 no longer exist the Secretary of the Treasury shall
12 terminate a moratorium established for the country
13 under this subsection.

14 (d) ADDITIONAL ECONOMIC SANCTIONS.—

15 (1) DETERMINATION OF EFFECTIVENESS OF
16 MORATORIUM.—Not later than 6 months after the
17 date of a certification under subsection (a)(2) with
18 respect to a foreign country, the Secretary shall de-
19 termine whether a moratorium under subsection (c)
20 is insufficient to cause the foreign country to im-
21 prove its efforts for the conservation of rhinoceros or
22 tigers, as appropriate.

23 (2) CERTIFICATION.—The Secretary shall cer-
24 tify to the President each affirmative determination

1 under paragraph (1) with respect to a foreign
2 country.

3 (3) EFFECT OF CERTIFICATION.—Certification
4 by the Secretary under paragraph (2) is deemed to
5 be a certification under section 8(a) of the Fisher-
6 men’s Protective Act of 1967 (22 U.S.C. 1978(a)).

7 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated to the Fund
9 \$10,000,000 for each of fiscal years 1995, 1996, 1997,
10 1998, and 1999 to carry out this Act, to remain available
11 until expended.

○