

113TH CONGRESS
2D SESSION

H. R. 5454

To amend the African Elephant Conservation Act to provide for trade sanctions against countries involved in illegal ivory trade, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2014

Mr. DEFAZIO introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the African Elephant Conservation Act to provide for trade sanctions against countries involved in illegal ivory trade, and for other purposes.

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 “Targeted Use of Sanc-
5 tions for Killing Elephants in Their Range Act of 2014”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds that—

1 (1) poaching of African elephants has increased
2 dramatically since 2006, and has reached levels that
3 threaten the continued existence of many elephant
4 populations;

5 (2) poaching of African elephants is being driv-
6 en by increased demand for ivory in Asia, which has
7 caused ivory prices to rise exponentially in recent
8 years;

9 (3) high ivory prices have drawn organized
10 criminal elements into the illegal ivory trade, and it
11 is widely recognized that transnational crime rings
12 involved in trafficking in drugs, guns, and humans
13 are also responsible for trafficking in large quan-
14 tities of poached ivory from Africa to Asia;

15 (4) there is significant evidence that terrorist
16 and insurgent groups in Africa, including groups
17 with ties to al-Qaeda, are financing their operations
18 through the sale of illegal ivory;

19 (5) the elephant poaching crisis has become so
20 severe, and the tactics of poachers so sophisticated,
21 that traditional approaches to conservation law en-
22 forcement intended to protect elephants in their
23 habitat in Africa are failing;

24 (6) a number of countries that serve as major
25 source, transit, or destination points for illegal ivory

1 have proven unable or unwilling to stop the product
2 from coming across their borders; and

3 (7) strategies to reduce demand for ivory
4 through education and other nonbinding means are
5 necessary, but not sufficient, to conserve African ele-
6 phant populations.

7 (b) PURPOSE.—The purpose of this Act is to provide
8 a means by which the United States can affect demand
9 for and illegal trafficking of African elephant ivory in
10 other countries by requiring those countries to enter into
11 consultations with the United States to end the illegal
12 ivory trade, as a condition of continued access to United
13 States markets for other natural resource products.

14 **SEC. 3. ILLEGAL IVORY TRADE DEFINED.**

15 Section 2305 of the African Elephant Conservation
16 Act (16 U.S.C. 4244) is amended by redesignating para-
17 graphs (5) through (13) as paragraphs (6) through (14),
18 respectively, and by inserting after paragraph (4) the fol-
19 lowing:

20 “(5) ILLEGAL IVORY TRADE.—The term ‘illegal
21 ivory trade’ means any sale, purchase, barter, tran-
22 sit, or exchange of raw ivory or worked ivory that
23 was taken in violation of the laws of an ivory pro-
24 ducing country or of international wildlife trade
25 agreements, including CITES.”.

1 **SEC. 4. AMENDMENT TO FINDINGS IN AFRICAN ELEPHANT**
2 **CONSERVATION ACT.**

3 Section 2003 of the African Elephant Conservation
4 Act (16 U.S.C. 4202) is amended by adding at the end
5 the following:

6 “(10) Poaching and trafficking of wildlife has
7 become a global crisis, funding organized criminal
8 syndicates and terrorist organizations and harming
9 elephant populations and local communities. African
10 elephant ivory is at the center of this crisis, and im-
11 mediate action is necessary to eliminate the demand
12 for ivory and the profit incentive for poachers and
13 traffickers.”.

14 **SEC. 5. STATEMENT OF POLICY.**

15 Section 2004 of the African Elephant Conservation
16 Act (16 U.S.C. 4203) is amended—

17 (1) by striking “and” after the semicolon at the
18 end of paragraph (1);

19 (2) by striking the period at the end of para-
20 graph (2) and by inserting “; and”; and

21 (3) by adding at the end the following:

22 “(3) to prevent additional African elephant
23 ivory from entering global commerce, and to reduce
24 demand for ivory that is driving elephant poaching
25 by limiting natural resources-related trade with

1 countries whose nationals are engaged in illegal
2 ivory trade.”.

3 **SEC. 6. CERTIFICATION UNDER FISHERMEN’S PROTECTIVE**
4 **ACT OF 1967.**

5 Section 2202 of the African Elephant Conservation
6 Act (16 U.S.C. 4222) is amended by adding at the end
7 the following:

8 “(g) CERTIFICATION.—Identification of a country by
9 the CITES Standing Committee as a country of primary
10 concern because it is a significant source or transit or des-
11 tination point for illegal ivory trade is deemed to be a cer-
12 tification with respect to the country for the purposes of
13 section 8(a) of the Fishermen’s Protective Act of 1967 (22
14 U.S.C. 1978(a)).”.

15 **SEC. 7. CONSULTATION AND SANCTION.**

16 (a) IN GENERAL.—Part II of the African Elephant
17 Conservation Act (16 U.S.C. 4221 et seq.) is amended by
18 adding at the end the following:

19 **“SEC. 2206. CONSULTATION AND SANCTION.**

20 “(a) CONSULTATION.—Not later than 30 days after
21 a certification with respect to the country under section
22 2202(g), the President shall seek to enter into consulta-
23 tions with the government of the country for the purpose
24 of obtaining an agreement that will immediately terminate
25 all illegal ivory trade into, out of, or within that country.

1 “(b) PROHIBITION ON TRADE IN RELATED NATURAL
2 RESOURCES.—

3 “(1) IN GENERAL.—If consultations with a gov-
4 ernment under subsection (a) are not satisfactorily
5 concluded within 90 days or if a government refuses
6 to enter into consultations, the President shall direct
7 the Secretary to prohibit the importation into the
8 United States of products of wildlife, fish, and
9 plants from that country until the earlier of—

10 “(A) the date an agreement with the coun-
11 try under subsection (a) is finalized; or

12 “(B) the date the CITES Standing Com-
13 mittee finds that the country is no longer a sig-
14 nificant source or transit or destination point
15 for illegal ivory trade.

16 “(2) PUBLIC NOTICE.—The Secretary shall
17 publish public notice of any prohibition under this
18 subsection not later than 30 days before the effective
19 date of the prohibition.

20 “(c) DETERMINATION OF EFFECTIVENESS OF SANC-
21 TIONS.—Not later than 180 days after the effective date
22 of a prohibition under subsection (b), the Secretary shall
23 determine and report to Congress whether—

1 “(1) the prohibition is sufficient to cause the
2 country to terminate illegal ivory trade into, out of,
3 or within that country; and

4 “(2) that country has retaliated against the
5 United States as a result of that prohibition.”.

6 (b) COUNTRIES IDENTIFIED BEFORE ENACT-
7 MENT.—In the case of a country that before the date of
8 the enactment of this Act was identified by the CITES
9 Standing Committee as a country of primary concern be-
10 cause it is a significant source or transit or destination
11 point for illegal ivory trade and that the CITES Standing
12 Committee continues to identify as such on the date of
13 the enactment of this Act, the President shall seek to enter
14 into consultations under the amendment made by sub-
15 section (a) by not later than 30 days after the date of
16 the enactment of this Act.

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