

114TH CONGRESS
1ST SESSION

H. R. 1945

To amend the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act to provide for trade sanctions against countries involved in illegal trade of elephant ivory and rhinoceros horn, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2015

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 and the Rhinoceros and Tiger Conservation Act to provide for trade sanctions against countries involved in illegal trade of elephant ivory and rhinoceros horn, 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 and Rhinoceros Act of 2015”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

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

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

6 (2) poaching of African elephants and rhinoceros is being driven by increased demand for ivory
7 and rhinoceros horn in Asia, which has caused ivory
8 and rhinoceros horn prices to rise exponentially in
9 recent years;

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

17 (4) there is significant evidence that terrorist
18 and insurgent groups in Africa, including groups
19 with ties to Al Qaeda, are financing their operations
20 through the sale of illegal ivory and rhinoceros horn;

21 (5) the elephant and rhinoceros poaching crisis
22 has become so severe, and the tactics of poachers so
23 sophisticated, that traditional approaches to con-
24 servation law enforcement intended to protect ele-
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1 phants and rhinoceros in their habitat in Africa are
2 failing;

3 (6) a number of countries that serve as major
4 source, transit, or destination points for illegal ivory
5 and rhinoceros horn have proven unable or unwilling
6 to stop the product from coming across their bor-
7 ders; and

8 (7) strategies to reduce demand for ivory and
9 rhinoceros horn through education and other non-
10 binding means are necessary, but not sufficient, to
11 conserve African elephant and rhinoceros popu-
12 lations.

13 (b) PURPOSE.—The purpose of this Act is to provide
14 a means by which the United States can affect demand
15 for and illegal trafficking of African elephant ivory and
16 rhinoceros horn in other countries by requiring those
17 countries to enter into consultations with the United
18 States to end the illegal ivory and rhinoceros horn trade,
19 as a condition of continued access to United States mar-
20 kets for other natural resource products.

1 **TITLE I—AMENDMENTS TO THE**
2 **AFRICAN ELEPHANT CON-**
3 **SERVATION ACT**

4 **SEC. 101. ILLEGAL TRADE DEFINED.**

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

10 “(5) ILLEGAL TRADE.—The term ‘illegal trade’
11 means any sale, purchase, barter, transit, or ex-
12 change of raw ivory or worked ivory that was taken,
13 traded, imported, or exported in violation of the laws
14 of an ivory-producing country, or of international
15 wildlife trade agreements, including CITES.”

16 **SEC. 102. AMENDMENT TO FINDINGS IN AFRICAN ELE-**
17 **PHANT CONSERVATION ACT.**

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

21 “(10) Poaching and trafficking of wildlife has
22 become a global crisis, funding organized criminal
23 syndicates and terrorist organizations and harming
24 elephant populations and local communities. African
25 elephant ivory is at the center of this crisis, and im-

1 mediate action is necessary to eliminate the demand
2 for ivory and the profit incentive for poachers and
3 traffickers.”.

4 **SEC. 103. STATEMENT OF POLICY.**

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

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

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

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

12 “(3) to prevent additional African elephant
13 ivory from entering global commerce, and to reduce
14 demand for ivory that is driving elephant poaching
15 by limiting natural resources-related trade with
16 countries whose nationals are engaged in illegal
17 ivory trade.”.

18 **SEC. 104. CERTIFICATION UNDER FISHERMEN’S PROTEC-**
19 **TIVE ACT OF 1967.**

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

23 “(g) CERTIFICATION.—If the CITES Standing Com-
24 mittee identifies any country as a country of primary con-
25 cern because it is a significant source or transit or destina-

1 tion point for illegal trade of ivory, the Secretary shall
2 issue a certification with respect to that country under sec-
3 tion 8(a) of the Fishermen’s Protective Act of 1967 (22
4 U.S.C. 1978(a)).”.

5 **SEC. 105. CONSULTATION AND SANCTION.**

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

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

10 “(a) CONSULTATION.—Not later than 30 days after
11 a certification with respect to a country under section
12 2202(g), the President, acting through the Secretary of
13 the Interior, shall seek to enter into consultations with the
14 government of the country for the purpose of obtaining
15 an agreement under which the country will immediately
16 and significantly reduce, and will commit to terminating,
17 all illegal trade of ivory into, out of, or within that country.

18 “(b) PROHIBITION ON TRADE IN RELATED NATURAL
19 RESOURCES.—

20 “(1) IN GENERAL.—If consultations with a gov-
21 ernment under subsection (a) are not satisfactorily
22 concluded within 90 days or if a government refuses
23 to enter into consultations, the President shall direct
24 the Secretary to prohibit the importation into the

1 United States of products of wildlife, fish, and
2 plants from that country until the earlier of—

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

5 “(B) the date the Secretary finds that the
6 country is no longer a significant source or
7 transit or destination point for illegal ivory
8 trade.

9 “(2) PUBLIC NOTICE.—The Secretary shall
10 publish public notice of any prohibition under this
11 subsection not later than 30 days before the effective
12 date of the prohibition.

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

17 “(1) the prohibition is sufficient to cause the
18 country to immediately and significantly reduce, and
19 commit to terminating, illegal trade of ivory into,
20 out of, or within that country; and

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

23 (b) COUNTRIES IDENTIFIED BEFORE ENACT-
24 MENT.—

1 (1) APPLICATION OF PROHIBITION.—Section
2 2206(b) of the African Elephant Conservation Act,
3 as amended by this section, shall apply to a country
4 that before the date of the enactment of this Act
5 was identified by the CITES Standing Committee as
6 a country of primary concern because it is a signifi-
7 cant source or transit or destination point for illegal
8 trade of ivory, if the CITES Standing Committee
9 has not rescinded such identification by that date of
10 enactment.

11 (2) CONSULTATION.—The President, acting
12 through the Secretary of the Interior, shall seek to
13 enter into consultations under section 2206(a) of the
14 African Elephant Conservation Act, as amended by
15 this section, with a country described in paragraph
16 (1) of this subsection by not later than 30 days after
17 the date of the enactment of this Act.

18 **TITLE II—AMENDMENTS TO THE**
19 **RHINOCEROS AND TIGER**
20 **CONSERVATION ACT**

21 **SEC. 201. AMENDMENT TO FINDINGS.**

22 Section 2 of the Rhinoceros and Tiger Conservation
23 Act (16 U.S.C. 5301) is amended by adding at the end
24 the following:

1 “(11) Poaching and trafficking of wildlife has
2 become a global crisis, funding organized criminal
3 syndicates and terrorist organizations and harming
4 rhinoceros populations and local communities. Rhi-
5 noceros horn is at the center of this crisis, and im-
6 mediate action is necessary to eliminate the demand
7 for rhinoceros horn and the profit incentive for
8 poachers and traffickers.”.

9 **SEC. 202. AMENDMENT TO PURPOSES.**

10 Section 3 of the Rhinoceros and Tiger Conservation
11 Act (16 U.S.C. 5302) is amended by adding at the end
12 the following:

13 “(4) To provide a means by which the United
14 States can affect demand for and illegal trafficking
15 of rhinoceros horn in other countries by requiring
16 those countries to enter into consultations with the
17 United States to end the illegal trade in rhinoceros
18 horn, as a condition of continued access to United
19 States markets for other natural resource prod-
20 ucts.”.

21 **SEC. 203. ILLEGAL TRADE DEFINED.**

22 Section 4 of the Rhinoceros and Tiger Conservation
23 Act (16 U.S.C. 5303) is amended by adding at the end
24 the following:

1 Secretary of the Interior, shall seek to enter into consulta-
2 tions with the government of the country for the purpose
3 of obtaining an agreement under which the country will
4 immediately and significantly reduce, and will commit to
5 terminating, all illegal trade of rhinoceros horn into, out
6 of, or within that country.

7 “(c) PROHIBITION ON TRADE IN RELATED NATURAL
8 RESOURCES.—

9 “(1) IN GENERAL.—If consultations with a gov-
10 ernment under subsection (b) are not satisfactorily
11 concluded within 90 days or if a government refuses
12 to enter into such consultations, the President shall
13 direct the Secretary to prohibit the importation into
14 the United States of products of wildlife, fish, and
15 plants from that country until the earlier of—

16 “(A) the date an agreement with the coun-
17 try under subsection (b) is finalized; or

18 “(B) the date the Secretary finds that the
19 country is no longer a significant source or
20 transit or destination point for illegal trade of
21 rhinoceros horn.

22 “(2) PUBLIC NOTICE.—The Secretary shall
23 publish public notice of any prohibition under this
24 subsection not later than 30 days before the effective
25 date of the prohibition.

1 “(d) DETERMINATION OF EFFECTIVENESS OF SANC-
2 TIONS.—Not later than 180 days after the effective date
3 of a prohibition under subsection (c), the Secretary shall
4 determine and report to Congress whether—

5 “(1) the prohibition is sufficient to cause the
6 country to immediately and significantly reduce, and
7 commit to terminating, illegal trade of rhinoceros
8 horn into, out of, or within that country; and

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

11 (b) COUNTRIES IDENTIFIED BEFORE ENACT-
12 MENT.—

13 (1) APPLICATION OF PROHIBITION.—Section
14 8(c) of the Rhinoceros and Tiger Conservation Act,
15 as amended by this section, shall apply to a country
16 that before the date of the enactment of this Act
17 was identified by the CITES Standing Committee as
18 a country of primary concern because it is a signifi-
19 cant source or transit or destination point for illegal
20 trade of rhinoceros horn, if the CITES Standing
21 Committee has not rescinded such identification by
22 that date of enactment.

23 (2) CONSULTATION.—The President, acting
24 through the Secretary of the Interior, shall seek to
25 enter into consultations under 8(c) of the Rhinoceros

1 and Tiger Conservation Act, as amended by this sec-
2 tion, with a country described in paragraph (1) of
3 this subsection by not later than 30 days after the
4 date of the enactment of this Act.

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