

114TH CONGRESS
1ST SESSION

S. 1769

To amend the African Elephant Conservation Act to conserve elephants while appropriately regulating ivory in the United States.

IN THE SENATE OF THE UNITED STATES

JULY 15, 2015

Mr. DAINES (for himself and Mr. ALEXANDER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the African Elephant Conservation Act to conserve elephants while appropriately regulating ivory in the United States.

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 “African Elephant Con-
5 servation and Legal Ivory Possession Act of 2015”.

6 **SEC. 2. LIMITED EXEMPTION FOR CERTAIN AFRICAN ELE-**
7 **PHANT IVORY.**

8 Section 2203 of the African Elephant Conservation
9 Act (16 U.S.C. 4223) is amended—

1 (1) in the section heading by striking “**ACTS.**”
 2 and inserting “**ACTS.**

3 “(a) IN GENERAL.—”;

4 (2) in subsection (a) (as so designated), by in-
 5 serting “subsection (b) and” after “in”; and

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

7 “(b) EXEMPTION.—Nothing in this Act or subsection
 8 (a) or (d) of section 9 of the Endangered Species Act of
 9 1973 (16 U.S.C. 1538) prohibits the importation or expor-
 10 tation, or requires permission of the Secretary for the im-
 11 portation or exportation, of—

12 “(1) any raw ivory or worked ivory—

13 “(A) imported solely to become part of a
 14 permanent collection of a museum, return to a
 15 lending museum, or display in a museum; or

16 “(B) exported solely—

17 “(i) to display in a foreign museum;
 18 or

19 “(ii) to return to a foreign person who
 20 lent the ivory to a museum in the United
 21 States;

22 “(2) any raw ivory or worked ivory that was
 23 lawfully importable into the United States on Feb-
 24 ruary 24, 2014, regardless of the date on which the
 25 ivory was acquired; or

1 “(3) any worked ivory that was previously law-
 2 fully possessed in the United States.”.

3 **SEC. 3. TREATMENT OF ELEPHANT IVORY.**

4 Section 2203 of the African Elephant Conservation
 5 Act (16 U.S.C. 4223) (as amended by section 2) is amend-
 6 ed by adding at the end the following:

7 “(c) TREATMENT OF ELEPHANT IVORY.—Nothing in
 8 this Act or the Endangered Species Act of 1973 (16
 9 U.S.C. 1531 et seq.) or the African Elephant Conservation
 10 Act (16 U.S.C. 4201 et seq.)—

11 “(1) prohibits, or authorizes prohibiting, the
 12 purchase, possession, sale, delivery, receipt, ship-
 13 ment, export or import, or transportation of African
 14 elephant ivory, or any product or antique containing
 15 African elephant ivory, that has been lawfully im-
 16 ported or crafted in the United States; or

17 “(2) authorizes using any means of determining
 18 for purposes of this Act or the Endangered Species
 19 Act of 1973 (16 U.S.C. 1531 et seq.) whether Afri-
 20 can elephant ivory or an antique containing African
 21 elephant ivory has been lawfully imported, exported,
 22 bought, sold, possessed, or transported, including
 23 any presumption or burden of proof applied in such
 24 a determination, other than the means used by the
 25 Secretary as of February 24, 2014.”.

1 **SEC. 4. SPORT-HUNTED ELEPHANT TROPHIES.**

2 Section 2203 of the African Elephant Conservation
3 Act (16 U.S.C. 4223) (as amended by section 3) is amend-
4 ed by adding at the end the following:

5 “(d) SPORT-HUNTED ELEPHANT TROPHIES.—Noth-
6 ing in this Act or subsection (a) or (d) of section 9 of
7 the Endangered Species Act of 1973 (16 U.S.C. 1538)
8 prohibits any citizen or legal resident of the United States,
9 or an agent of such an individual, from importing a sport-
10 hunted African elephant trophy under section 2202(e), if
11 the country in which the African elephant was taken had
12 an elephant population on appendix II of CITES on the
13 date on which the trophy elephant was taken.

14 “(e) RELATIONSHIP TO THE CONVENTION.—Nothing
15 in this section modifies or repeals—

16 “(1) the duties of the Secretary to implement
17 CITES and the appendices of CITES; or

18 “(2) section 8A or 9(c) of the Endangered Spe-
19 cies Act of 1973 (16 U.S.C. 1537a, 1538(c)).”.

20 **SEC. 5. PLACEMENT OF UNITED STATES FISH AND WILD-
21 LIFE SERVICE LAW ENFORCEMENT OFFICER
22 IN EACH AFRICAN ELEPHANT RANGE COUN-
23 TRY.**

24 Part I of the African Elephant Conservation Act (16
25 U.S.C. 4211 et seq.) is amended by adding at the end
26 the following:

1 **“SEC. 2105. PLACEMENT OF UNITED STATES FISH AND**
 2 **WILDLIFE SERVICE LAW ENFORCEMENT OF-**
 3 **FICER IN EACH AFRICAN ELEPHANT RANGE**
 4 **COUNTRY.**

5 “(a) IN GENERAL.—The Secretary, in coordination
 6 with the Secretary of State, may station in each African
 7 country that has a significant population of African ele-
 8 phants one United States Fish and Wildlife Service law
 9 enforcement officer in the primary United States diplo-
 10 matic or consular post.

11 “(b) DUTIES.—A United States Fish and Wildlife
 12 Service law enforcement officer stationed in an African
 13 elephant range country under subsection (a) shall—

14 “(1) assist local wildlife rangers in the protec-
 15 tion of African elephants; and

16 “(2) facilitate the apprehension of individuals
 17 who illegally kill, or assist the illegal killing of, Afri-
 18 can elephants.”.

19 **SEC. 6. CERTIFICATION FOR PURPOSES OF THE FISHER-**
 20 **MEN’S PROTECTIVE ACT OF 1967.**

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

24 “(g) CERTIFICATION.—If the Secretary determines
 25 that a country, directly or indirectly, is a significant tran-
 26 sit or destination point for illegal ivory trade, the Sec-

1 retary shall certify that fact to the President with respect
 2 to the country for purposes of section 8(a) of the Fisher-
 3 men’s Protective Act of 1967 (22 U.S.C. 1978(a)).”.

4 **SEC. 7. AFRICAN ELEPHANT CONSERVATION ACT FINAN-**
 5 **CIAL ASSISTANCE PRIORITY AND REAUTHOR-**
 6 **IZATION.**

7 (a) FINANCIAL ASSISTANCE PRIORITY.—Section
 8 2101 of the African Elephant Conservation Act (16 U.S.C.
 9 4211) is amended—

10 (1) by redesignating subsections (e) and (f) as
 11 subsections (f) and (g), respectively; and

12 (2) by inserting after subsection (d) the fol-
 13 lowing:

14 “(e) PRIORITY.—The Secretary shall, in providing fi-
 15 nancial assistance under this section, give priority to
 16 projects designed to facilitate the acquisition of equipment
 17 and training of wildlife officials in ivory producing coun-
 18 tries to be used in anti-poaching efforts.”.

19 (b) REAUTHORIZATION.—Section 2306(a) of the Af-
 20 rican Elephant Conservation Act (16 U.S.C. 4245(a)) is
 21 amended by striking “2007 through 2012” and inserting
 22 “2016 through 2020”.

○