

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.

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## 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

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## 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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