

103^D CONGRESS
2^D SESSION

S. 1925

To provide for the conservation of rhinoceros and tigers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 11 (legislative day, FEBRUARY 22), 1994

Mr. JEFFORDS introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide for the conservation of rhinoceros and tigers,
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 “Rhinoceros and Tiger
5 Conservation Act of 1994”.

6 **SEC. 2. FINDINGS.**

7 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 pro-
10 grams.

11 **SEC. 4. DEFINITIONS.**

12 As used in this Act:

13 (1) CITES.—The term “CITES” means the
14 Convention on International Trade in Endangered
15 Species of Wild Fauna and Flora, signed on March
16 3, 1973, and appendices of the Convention.

17 (2) CONSERVATION.—The term “conservation”
18 means the use of all methods and procedures nec-
19 essary to bring rhinoceros and tigers to the point at
20 which there are sufficient populations to ensure that
21 those species do not become extinct, including all ac-
22 tivities associated with scientific resource manage-
23 ment, such as research, census, law enforcement,
24 habitat acquisition and maintenance, propagation,
25 live trapping, and transportation.

1 (3) FISH PRODUCTS.—The term “fish prod-
2 ucts” means any aquatic species (including marine
3 mammals and plants) exported from a country and
4 all products and parts of the species, whether taken
5 by fishing vessels of the country, or packed, proc-
6 essed, or otherwise prepared for export in the coun-
7 try or within the jurisdiction of the country.

8 (4) FUND.—The term “Fund” means the Rhi-
9 noceros and Tiger Conservation Fund established
10 under section 6(a).

11 (5) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 (6) WILDLIFE PRODUCTS.—The term “wildlife
14 products” means any wild animal (other than an
15 aquatic species that is a fish product) taken within
16 a country and all products and parts of the animal
17 (including eggs), whether packed, processed, or oth-
18 erwise prepared for export in the country or within
19 the jurisdiction of the country. The term does not
20 include any wild animal or fish if brought or im-
21 ported into the United States for scientific research
22 or any legally taken sport-hunted trophies.

1 **SEC. 5. RHINOCEROS AND TIGER CONSERVATION ASSIST-**
2 **ANCE.**

3 (a) IN GENERAL.—The Secretary, subject to the
4 availability of appropriations, shall use amounts in the
5 Fund to provide financial assistance for projects for the
6 conservation of rhinoceros and tigers.

7 (b) PROJECT PROPOSAL.—A country whose activities
8 affect rhinoceros or tiger populations, the CITES Sec-
9 retariat, or any other person may submit to the Secretary
10 a project proposal under this section. Each proposal
11 shall—

12 (1) name the individual responsible for conduct-
13 ing the project;

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

15 (3) describe the qualifications of the individuals
16 who will conduct the project;

17 (4) estimate the funds and time required to
18 complete the project;

19 (5) provide evidence of support of the project by
20 appropriate governmental entities of countries in
21 which the project will be conducted, if the Secretary
22 determines that the support is required for the suc-
23 cess of the project; and

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

1 (c) PROJECT REVIEW AND APPROVAL.—The Sec-
2 retary shall review each project proposal to determine if
3 it meets the criterion set forth in subsection (d). Not later
4 than 180 days after receiving a project proposal, and sub-
5 ject to the availability of funds, the Secretary shall ap-
6 prove or disapprove the proposal and provide written noti-
7 fication to the person who submitted the proposal and to
8 each country within which the project is to be conducted.

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

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

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

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

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

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

5 (2) other amounts appropriated to the Fund.

6 (c) USE.—

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

11 (2) ADMINISTRATION.—Of amounts in the
12 Fund available for each fiscal year, the Secretary
13 may use not more than 6 percent to administer the
14 Fund.

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

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

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

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

1 (2) if the Secretary finds that any citizen of a
2 foreign country, directly or indirectly, is engaging in
3 trade in products made from rhinoceros or tigers, or
4 in another activity that adversely affects rhinoceros
5 or tiger conservation, certify that fact to the Presi-
6 dent.

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

12 (c) MORATORIUM ON IMPORTATION.—

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

21 (2) IMPLEMENTATION.—The Secretary of the
22 Treasury shall establish and implement a morato-
23 rium pursuant to the direction of the President
24 under paragraph (1), by not later than 45 days after

1 the date the President directs the Secretary of the
2 Treasury to establish the moratorium.

3 (3) PUBLIC NOTICE.—The Secretary of the
4 Treasury shall provide public notice of a moratorium
5 under this subsection before implementing the mora-
6 torium.

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

13 (5) TERMINATION OF MORATORIUM.—If, after
14 notice and public comment, the Secretary determines
15 that the reasons for making a certification under
16 subsection (a)(2) with respect to a foreign country
17 no longer exist, the Secretary of the Treasury shall
18 terminate a moratorium established for the country
19 under this subsection.

20 (d) ADDITIONAL ECONOMIC SANCTIONS.—

21 (1) DETERMINATION OF EFFECTIVENESS OF
22 MORATORIUM.—Not later than 180 days after the
23 date of a certification under subsection (a)(2) with
24 respect to a foreign country, the Secretary shall de-
25 termine whether a moratorium under subsection (c)

1 is insufficient to cause the foreign country to im-
2 prove the efforts of the country for the conservation
3 of rhinoceros or tigers, as appropriate.

4 (2) CERTIFICATION.—The Secretary shall cer-
5 tify to the President each affirmative determination
6 under paragraph (1) with respect to a foreign coun-
7 try.

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

12 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated to the Fund
14 \$10,000,000 for each of fiscal years 1995 through 1999
15 to carry out this Act, to remain available until expended.

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