

**Union Calendar No. 411**

103D CONGRESS  
2D SESSION

**H. R. 4924**

**[Report No. 103-748]**

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**A BILL**

To assist in the conservation of rhinoceros and tigers by supporting and providing financial resources for the conservation programs of nations whose activities directly or indirectly affect rhinoceros and tiger populations, and of the CITES Secretariat.

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SEPTEMBER 26, 1994

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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**IN THE HOUSE OF REPRESENTATIVES**

AUGUST 9, 1994

Mr. FIELDS of Texas (for himself, Mr. STUDDS, and Mr. BEILENSON) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

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**A BILL**

To assist in the conservation of rhinoceros and tigers by supporting and providing financial resources for the conservation programs of nations whose activities directly or indirectly affect rhinoceros and tiger populations, and of the CITES Secretariat.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Rhinoceros and Tiger  
3 Conservation Act of 1994”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) The world’s rhinoceros population is declin-  
7 ing at an alarming rate, a 90 percent decline since  
8 1970.

9 (2) All 5 subspecies of tiger are currently  
10 threatened with extinction in the wild, with approxi-  
11 mately 5,000 to 6,000 tigers remaining worldwide.

12 (3) All rhinoceros species have been listed on  
13 Appendix I of CITES since 1977.

14 (4) All tiger subspecies have been listed on Ap-  
15 pendix I of CITES since 1987.

16 (5) The tiger and all rhinoceros species, except  
17 the southern subspecies of white rhinoceros, are list-  
18 ed as endangered species under the Endangered  
19 Species Act of 1973 (16 U.S.C. 1531 et seq.).

20 (6) In 1987, the parties to CITES adopted a  
21 resolution that urged all parties to establish a mora-  
22 torium on the sale and trade in rhinoceros products  
23 (other than legally taken trophies), to destroy gov-  
24 ernment stockpiles of rhinoceros horn, and to exert  
25 pressure on countries continuing to allow trade in  
26 rhinoceros products.

1           (7) On September 7, 1993, under section 8 of  
2 the Fishermen’s Protective Act of 1967 (22 U.S.C.  
3 1978) the Secretary certified that the People’s Re-  
4 public of China and Taiwan were engaged in trade  
5 of rhinoceros parts and tiger parts that diminished  
6 the effectiveness of an international conservation  
7 program for that endangered species.

8           (8) On September 9, 1993, the Standing Com-  
9 mittee of CITES, in debating the continuing prob-  
10 lem of trade in rhinoceros horn and tiger parts,  
11 adopted a resolution urging parties to CITES to im-  
12 plement stricter domestic measures, up to and in-  
13 cluding an immediate prohibition in trade in wildlife  
14 species.

15           (9) On November 8, 1993, under section 8 of  
16 the Fisherman’s Protection Act of 1967 (22 U.S.C.  
17 1978), the President announced that the United  
18 States would impose trade sanctions against China  
19 and Taiwan unless substantial progress was made by  
20 March 1994 towards ending trade in rhinoceros and  
21 tiger products.

22           (10) On April 11, 1994, under section 8 of the  
23 Fisherman’s Protective Act of 1967 (22 U.S.C.  
24 1978), the President—

1 (A) directed that imports of wildlife speci-  
2 mens and products from Taiwan be prohibited,  
3 in response to Taiwan's failure to undertake  
4 sufficient actions to stop illegal rhinoceros and  
5 tiger trade; and

6 (B) indicated that the certification of  
7 China would remain in effect and directed that  
8 additional monitoring of China's progress be  
9 undertaken.

10 **SEC. 3. PURPOSES.**

11 The purposes of this Act are the following:

12 (1) To assist in the conservation of rhinoceros  
13 and tigers by supporting the conservation programs  
14 of nations whose activities directly or indirectly af-  
15 fect rhinoceros and tiger populations, and the  
16 CITES Secretariat.

17 (2) To provide financial resources for those  
18 programs.

19 **SEC. 4. DEFINITIONS.**

20 In this Act—

21 (1) "CITES" means the Convention on Inter-  
22 national Trade in Endangered Species of Wild  
23 Fauna and Flora, signed on March 3, 1973, and its  
24 appendices;

1           (2) “conservation” means the use of all meth-  
2           ods and procedures necessary to bring rhinoceros  
3           and tigers to the point at which there are sufficient  
4           populations to ensure that those species do not be-  
5           come extinct, including all activities associated with  
6           scientific resource management, such as research,  
7           census, law enforcement, habitat protection, acquisi-  
8           tion, and management, propagation, live trapping,  
9           and transportation;

10           (3) “Fund” means the Rhinoceros and Tiger  
11           Conservation Fund established under section 6(a);  
12           and

13           (4) “Secretary” means the Secretary of the  
14           Interior.

15 **SEC. 5. RHINOCEROS AND TIGER CONSERVATION ASSIST-**  
16 **ANCE.**

17           (a) IN GENERAL.—The Secretary, subject to the  
18           availability of appropriations, shall use amounts in the  
19           Fund to provide financial assistance for projects for the  
20           conservation of rhinoceros and tigers.

21           (b) PROJECT PROPOSAL.—A country whose activities  
22           directly or indirectly affect rhinoceros or tiger populations,  
23           the CITES Secretariat, or any other person may submit  
24           to the Secretary a project proposal under this section.  
25           Each proposal shall—

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

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

4           (3) describe the qualifications of the individuals  
5           who will conduct the project;

6           (4) estimate the funds and time required to  
7           complete the project;

8           (5) provide evidence of support of the project by  
9           appropriate governmental entities of countries in  
10          which the project will be conducted, if the Secretary  
11          determines that the support is required for the suc-  
12          cess of the project; and

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

16          (c) PROJECT REVIEW AND APPROVAL.—The Sec-  
17          retary shall review each project proposal to determine if  
18          it meets the criterion set forth in subsection (d). Not later  
19          than 6 months after receiving a final project proposal, and  
20          subject to the availability of funds, the Secretary shall ap-  
21          prove or disapprove the proposal and provide written noti-  
22          fication to the person who submitted the proposal and to  
23          each country within which the project is to be conducted.

24          (d) CRITERION FOR APPROVAL.—The Secretary may  
25          approve a project under this section if the project will en-

1 hance programs for conservation of rhinoceros or tigers  
2 by—

3 (1) assisting efforts—

4 (A) to implement conservation programs;

5 and

6 (B) to enhance compliance with provisions

7 of CITES and laws of the United States or a

8 foreign country that prohibit or regulate the

9 taking or trade of rhinoceros or tigers or the

10 use of rhinoceros or tiger habitat; or

11 (2) developing sound scientific information on

12 that species' habitat condition and carrying capacity,

13 total numbers and population trends, or annual re-

14 production and mortality.

15 (e) PROJECT REPORTING.—Each person that re-

16 ceives assistance under this section for a project shall pro-

17 vide periodic reports to the Secretary as the Secretary con-

18 siders necessary. Each report shall include all information

19 requested by the Secretary for evaluating the progress and

20 success of the project.

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

22 (a) ESTABLISHMENT.—There is established in the

23 general fund of the Treasury a separate account to be

24 known as the “Rhinoceros and Tiger Conservation Fund”,

1 which shall consist of amounts deposited into the Fund  
2 by the Secretary of the Treasury under subsection (b).

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

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

7 (2) other amounts appropriated to the Fund.

8 (c) USE.—

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

13 (2) ADMINISTRATION.—Of amounts in the  
14 Fund available for each fiscal year, the Secretary  
15 may use not more than 3 percent to administer the  
16 Fund.

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

22 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to the Fund  
24 \$10,000,000 for each of fiscal years 1996, 1997, 1998,

1 1999, and 2000 to carry out this Act, to remain available  
2 until expended.