

Calendar No. 692

103D CONGRESS
2D SESSION

H.R. 4924

AN ACT

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.

SEPTEMBER 28 (legislative day, SEPTEMBER 12), 1994
Received; read twice and ordered placed on the calendar

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IN THE SENATE OF THE UNITED STATES

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AN ACT

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,*

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 The Congress finds the following:

1 (1) The world's rhinoceros population is declin-
2 ing at an alarming rate, a 90 percent decline since
3 1970.

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

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

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

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

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

22 (7) On September 7, 1993, under section 8 of
23 the Fishermen's Protective Act of 1967 (22 U.S.C.
24 1978) the Secretary certified that the People's Re-
25 public of China and Taiwan were engaged in trade

1 of rhinoceros parts and tiger parts that diminished
2 the effectiveness of an international conservation
3 program for that endangered species.

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

11 (9) On November 8, 1993, under section 8 of
12 the Fisherman's Protection Act of 1967 (22 U.S.C.
13 1978), the President announced that the United
14 States would impose trade sanctions against China
15 and Taiwan unless substantial progress was made by
16 March 1994 toward ending trade in rhinoceros and
17 tiger products.

18 (10) On April 11, 1994, under section 8 of the
19 Fisherman's Protective Act of 1967 (22 U.S.C.
20 1978), the President—

21 (A) directed that imports of wildlife speci-
22 mens and products from Taiwan be prohibited,
23 in response to Taiwan's failure to undertake
24 sufficient actions to stop illegal rhinoceros and
25 tiger trade; and

1 (B) indicated that the certification of
2 China would remain in effect and directed that
3 additional monitoring of China's progress be
4 undertaken.

5 **SEC. 3. PURPOSES.**

6 The purposes of this Act are the following:

7 (1) To assist in the conservation of rhinoceros
8 and tigers by supporting the conservation programs
9 of nations whose activities directly or indirectly af-
10 fect rhinoceros and tiger populations, and the
11 CITES Secretariat.

12 (2) To provide financial resources for those
13 programs.

14 **SEC. 4. DEFINITIONS.**

15 In this Act—

16 (1) “CITES” means the Convention on Inter-
17 national Trade in Endangered Species of Wild
18 Fauna and Flora, signed on March 3, 1973, and its
19 appendices;

20 (2) “conservation” means the use of all meth-
21 ods and procedures necessary to bring rhinoceros
22 and tigers to the point at which there are sufficient
23 populations to ensure that those species do not be-
24 come extinct, including all activities associated with
25 scientific resource management, such as research,

1 census, law enforcement, habitat protection, acquisi-
2 tion, and management, propagation, live trapping,
3 and transportation;

4 (3) “Fund” means the Rhinoceros and Tiger
5 Conservation Fund established under section 6(a);

6 (4) “Secretary” means the Secretary of the In-
7 terior; and

8 (5) “Administrator” means the Administrator
9 of the Agency for International Development.

10 **SEC. 5. RHINOCEROS AND TIGER CONSERVATION ASSIST-**
11 **ANCE.**

12 (a) IN GENERAL.—The Secretary, subject to the
13 availability of appropriations and in consultation with the
14 Administrator, shall use amounts in the Fund to provide
15 financial assistance for projects for the conservation of
16 rhinoceros and tigers.

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

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

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

1 (3) describe the qualifications of the individuals
2 who will conduct the project;

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

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

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

13 (c) PROJECT REVIEW AND APPROVAL.—Within 30
14 days of receiving a final project proposal, the Secretary
15 shall provide a copy of the proposal to the Administrator.
16 The Secretary shall review each final project proposal to
17 determine if it meets the criteria set forth in subsection
18 (d). Not later than 6 months after receiving a final project
19 proposal, and subject to the availability of funds, the Sec-
20 retary, after consulting with the Administrator, shall ap-
21 prove or disapprove the proposal and provide written noti-
22 fication to the person who submitted the proposal, to the
23 Administrator, and to each country within which the
24 project is to be conducted.

1 (d) CRITERIA FOR APPROVAL.—The Secretary may
2 approve a project under this section if the project will en-
3 hance programs for conservation of rhinoceros or tigers
4 by assisting efforts to—

5 (1) implement conservation programs;

6 (2) enhance compliance with provisions of
7 CITES and laws of the United States or a foreign
8 country that prohibit or regulate the taking or trade
9 of rhinoceros or tigers or the use of rhinoceros or
10 tiger habitat; or

11 (3) develop sound scientific information on that
12 species' habitat condition and carrying capacity,
13 total numbers and population trends, or annual re-
14 production and mortality.

15 (e) PROJECT SUSTAINABILITY.—To the maximum
16 extent practical, the Secretary should give consideration
17 to projects which will enhance sustainable development
18 programs to ensure effective, long-term conservation of
19 rhinoceros and tigers.

20 (f) PROJECT REPORTING.—Each person that receives
21 assistance under this section for a project shall provide
22 periodic reports, as the Secretary considers necessary, to
23 the Secretary and the Administrator. Each report shall in-
24 clude all information requested by the Secretary, after

1 consulting with the Administrator, for evaluating the
2 progress and success of the project.

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

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

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

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

13 (2) other amounts appropriated to the Fund.

14 (c) USE.—

15 (1) IN GENERAL.—Subject to paragraph (2),
16 the Secretary may use amounts in the Fund without
17 further appropriation to provide assistance under
18 section 5.

19 (2) ADMINISTRATION.—Of amounts in the
20 Fund available for each fiscal year, the Secretary
21 may use not more than 3 percent to administer the
22 Fund.

23 (d) ACCEPTANCE AND USE OF DONATIONS.—The
24 Secretary may accept and use donations to provide assist-
25 ance under section 5. Amounts received by the Secretary

4 There are authorized to be appropriated to the Fund
5 \$10,000,000 for each of fiscal years 1996, 1997, 1998,
6 1999, and 2000 to carry out this Act, to remain available
7 until expended.

Attest: DONNALD K. ANDERSON,
Clerk.