

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5886

To amend the African Elephant Conservation Act of 1988 to conserve elephants while appropriately regulating ivory in the United States.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2014

Mr. YOUNG of Alaska (for himself and Mr. PETERSON) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the African Elephant Conservation Act of 1988 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 2014”.

6 **SEC. 2. REFERENCES.**

7 Except as otherwise specifically provided, whenever in  
8 this Act an amendment or repeal is expressed in terms  
9 of an amendment to, or repeal of, a provision, the ref-  
10 erence shall be considered to be made to a provision of

1 the African Elephant Conservation Act (16 U.S.C. 4201  
2 et seq.).

3 **SEC. 3. LIMITED EXEMPTION FOR CERTAIN AFRICAN ELE-**  
4 **PHANT IVORY.**

5 Section 2203 (16 U.S.C. 4223) is amended—

6 (1) by inserting “(a) IN GENERAL.—” before  
7 the first sentence;

8 (2) by inserting “and subsection (b) of this sec-

9 tion” after “2202(e)”; and

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

11 “(b) EXEMPTION.—Nothing in this Act or subsection  
12 (a) or (d) of section 9 of the Endangered Species Act of  
13 1973 (16 U.S.C. 1538) shall be construed to prohibit im-  
14 portation or exportation, or to require permission of the  
15 Secretary for importation or exportation, of—

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

17 “(A) imported solely for purposes of be-  
18 coming part of a museum’s permanent collec-  
19 tion, return to a lending museum, or display in  
20 a museum; or

21 “(B) exported solely for purposes of—

22 “(i) display in a foreign museum; or

23 “(ii) return to a foreign person who  
24 lent such ivory to a museum in the United  
25 States;

1           “(2) any raw ivory or worked ivory that was  
2 lawfully importable into the United States on Feb-  
3 ruary 24, 2014, regardless of when acquired; or

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

6 **SEC. 4. PLACEMENT OF UNITED STATES FISH AND WILD-**  
7 **LIFE SERVICE LAW ENFORCEMENT OFFICER**  
8 **IN EACH AFRICAN ELEPHANT RANGE COUN-**  
9 **TRY.**

10       Part I (16 U.S.C. 4211 et seq.) is amended by adding  
11 at the end the following:

12 **“SEC. 2105. PLACEMENT OF UNITED STATES FISH AND**  
13 **WILDLIFE SERVICE LAW ENFORCEMENT OF-**  
14 **FICER IN EACH AFRICAN ELEPHANT RANGE**  
15 **COUNTRY.**

16       “The Secretary, in coordination with the Secretary  
17 of State, may station one United States Fish and Wildlife  
18 Service law enforcement officer in the primary United  
19 States diplomatic or consular post in each African country  
20 that has a significant population of African elephants, who  
21 shall assist local wildlife rangers in the protection of Afri-  
22 can elephants and facilitate the apprehension of individ-  
23 uals who illegally kill, or assist the illegal killing of, Afri-  
24 can elephants.”.

1 **SEC. 5. CERTIFICATION FOR THE PURPOSES OF THE FISH-**  
2 **ERMEN'S PROTECTIVE ACT OF 1967.**

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

6 “(g) CERTIFICATION.—When the Secretary of the In-  
7 terior finds that a country, directly or indirectly, is a sig-  
8 nificant transit or destination point for illegal ivory trade,  
9 the Secretary shall certify such fact to the President with  
10 respect to the country for the purposes of section 8(a) of  
11 the Fishermen’s Protective Act of 1967 (22 U.S.C. 1978  
12 (a)).”.

13 **SEC. 6. TREATMENT OF ELEPHANT IVORY.**

14 Section 2203 (16 U.S.C. 4223) is further amended  
15 by adding at the end the following:

16 “(c) TREATMENT OF ELEPHANT IVORY.—Nothing in  
17 this Act or subsection (a) or (d) of section 9 of the Endan-  
18 gered Species Act of 1973 (16 U.S.C. 1538) shall be con-  
19 strued—

20 “(1) to prohibit, or to authorize prohibiting, the  
21 possession, sale, delivery, receipt, shipment, or trans-  
22 portation of African elephant ivory, or any product  
23 containing African elephant ivory, that has been law-  
24 fully imported or crafted in the United States; or

25 “(2) to authorize using any means of deter-  
26 mining for purposes of this Act or the Endangered

1 Species Act of 1973 whether African elephant ivory  
2 has been lawfully imported, including any presump-  
3 tion or burden of proof applied in such determina-  
4 tion, other than such means used by the Secretary  
5 as of February 24, 2014.”.

6 **SEC. 7. SPORT-HUNTED ELEPHANT TROPHIES.**

7 Section 2203 (16 U.S.C. 4223) is further amended  
8 by adding at the end the following:

9 “(d) **SPORT-HUNTED ELEPHANT TROPHIES.**—Noth-  
10 ing in this Act or subsection (a) or (d) of section 9 of  
11 the Endangered Species Act of 1973 (16 U.S.C. 1538)  
12 shall be construed to prohibit any citizen or legal resident  
13 of the United States, or an agent of such an individual,  
14 from importing a sport-hunted African elephant trophy  
15 under section 2202(e) of this Act, if the country in which  
16 the elephant was taken has an elephant population on Ap-  
17 pendix II of CITES at the time the trophy is imported.

18 “(e) **RELATIONSHIP TO THE CONVENTION.**—Nothing  
19 in this section shall be construed as modifying or repealing  
20 the Secretary’s duties to implement CITES and the ap-  
21 pendices thereto, or as modifying or repealing section 8A  
22 or 9(c) of the Endangered Species Act of 1973 (16 U.S.C.  
23 1537a and 1538(e)).”.

1 **SEC. 8. AFRICAN ELEPHANT CONSERVATION ACT FINAN-**  
2 **CIAL ASSISTANCE PRIORITY AND REAUTHOR-**  
3 **IZATION.**

4 (a) **FINANCIAL ASSISTANCE PRIORITY.**—Section  
5 2101 of the African Elephant Conservation Act (16 U.S.C.  
6 4211) is amended by redesignating subsections (e) and (f)  
7 as subsections (f) and (g), respectively, and by inserting  
8 after subsection (d) the following:

9 “(e) **PRIORITY.**—In providing financial assistance  
10 under this section, the Secretary shall give priority to  
11 projects designed to facilitate the acquisition of equipment  
12 and training of wildlife officials in ivory producing coun-  
13 tries to be used in anti-poaching efforts.”.

14 (b) **REAUTHORIZATION.**—Section 2306(a) of the Af-  
15 rican Elephant Conservation Act (16 U.S.C. 4245(a)) is  
16 amended by striking “2007 through 2012” and inserting  
17 “2015 through 2019”.

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