

**IUCN/SSC
ASIAN RHINO SPECIALIST GROUP
(AsRSG)
MEETING**

BRIEFING BOOK

**JALDAPARA SANCTUARY
WEST BENGAL, INDIA
6-10 DECEMBER 1993**

**SECTION 14
U.S.A. RHINO ACT**

See fact sheet. Will you attend the hearing?

Committee News

Gerry E. Studds, Chairman

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HERE A RHINO, THERE A RHINO, NOT EVERYWHERE A RHINO-RHINO

Washington, D.C. -- Journalists sometimes use a "30" to signify to editors the end of a story. "30" may now also signify the end of a species, as that is exactly how many African Northern White Rhinos are left.

The Environment and Natural Resources Subcommittee, chaired by Gerry E. Studds (D-MA), will take a look at the crisis facing the rhino in a hearing beginning at 10:00 a.m. on Wednesday, November 3, 1993, in 1334 Longworth HOB. Invited witnesses include representatives of the U.S. Department of the Interior, the Humane Society of the United States, the African Wildlife Foundation, Traffic USA, and the Safari Club International.

The hearing falls four days prior to the deadline by which the President must make a decision on whether to impose trade sanctions on the People's Republic of China and Taiwan for violations of an international treaty imposing a moratorium on trade in rhinoceros. (A letter to the President urging sanctions be imposed on the two nations signed by Studds, who also chairs the full Merchant Marine and Fisheries Committee, Rep. Jack Fields (R-TX), the Ranking Minority Member of the Committee, and Rep. Tony Beilenson (D-CA), is reproduced on the back of this page.)

Of the five species of rhinos, fewer than 10,000 are left in the wild. Just over 20 years ago, there were over 65,000 African black rhinos; now there are less than 2,000. The major cause of the decline is the wanton killing or poaching of the animals for their horns which are valued in the Far East for their medicinal properties, bringing between \$4,000-\$5,000 per kilogram, wholesale.

"The international community has been reasonably successful in shutting down trade in ivory and protecting the elephant, but the rhino is proving much more difficult," said Studds. "We must find an effective way to prevent illegal trade in rhino horn and thus put an end to the senseless slaughter of these beasts for headache powder."

In 1977, all five rhino species were listed as endangered by the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), and four are protected under the U.S. Endangered Species Act. CITES called for a complete moratorium on sale and trade of rhino horn in 1987.

Fields thanked Studds for calling "this important hearing on rhinoceros conservation efforts. It is my hope that through this hearing we can convince the governments of the People's Republic of China and Taiwan to join in the international fight to save the rhinoceros from extinction. Unless these countries, and others like Korea and Yemen, abide by the CITES moratorium, this magnificent species whose numbers have declined by a staggering 90% since 1970, will cease to exist throughout most of its natural habitat."

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RHINOCEROS CONSERVATION ACT OF 1993

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SECTION 1. SHORT TITLE.

This Act may be cited as the "Rhinceros Conservation Act of 1993".

SEC. 2. DEFINITIONS.

In this Act--

(1) "Conservation" means the use of all methods and procedures necessary to bring the rhinceros to the point at which there are sufficient populations to ensure that rhinceros do not become extinct, including all activities associated with scientific resource management, such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transportation.

(2) "Fund" means the Rhinceros Conservation Fund established under section 7(a) of this Act.

(3) "Secretary" means the Secretary of the Interior.

(4) "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973, and its appendices.

SEC. 3. DECLARATION OF POLICY.

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The purposes of this Act are--

(1) to assist in the conservation of rhinoceros by supporting the conservation programs of nations whose activities affect rhinoceros populations, and the CITES Secretariat; and

(2) to provide financial resources for those programs.

SEC. 4. FINDINGS.

Congress finds the following--

(1) The world's rhinoceros population is declining at an alarming rate, a 90 percent decline since 1970.

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

(3) All rhinoceros species, except the southern subspecies of white rhinoceros, are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(4) In 1987, the parties to CITES adopted a resolution that urged all parties to establish a moratorium on the sale and trade in rhinoceros products (other than legally taken trophies), to

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destroy government stockpiles of rhinoceros horn, and to exert pressure on countries continuing to allow trade.

(5) On September 7, 1993, the Secretary certified that the People's Republic of China and Taiwan continue to be engaged in trade of rhinoceros horn that diminishes the effectiveness of an international conservation program for that endangered species.

(6) On September 9, 1993, the Standing Committee of CITES, in debating the continuing problem of trade in rhinoceros horn, adopted a resolution urging Parties to CITES to implement stricter domestic measures up to and including an immediate prohibition in trade in wildlife species.

SEC. 5. RHINOCEROS CONSERVATION ASSISTANCE.

(a) IN GENERAL.--The Secretary shall, in coordination with the Secretary of State, ensure practical and positive conservation benefits for all species of rhinoceros.

(b) PROJECT PROPOSAL.--A nation whose activities affect rhinoceros populations, the CITES Secretariat, or any person may submit to the Secretary a project proposal under this section. Each proposal shall--

(1) name the individual responsible for conducting the project;

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(2) state the purposes of the project succinctly;

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

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

(5) provide evidence of support of the project by appropriate governmental entities of nations in which the project will be conducted if the support is required for the success of the project; and

(6) provide any other information the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) PROJECT REVIEW AND APPROVAL.--The Secretary shall review each project proposal to determine if it meets the criteria set forth in subsection (d) and otherwise merits assistance under this Act. Not later than six months after receiving a project proposal, and subject to the availability of funds, the Secretary shall approve or disapprove the proposal and provide written notification to the nation, CITES Secretariat, or person who submitted the proposal and to each nation within which the project is to be conducted.

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(d) CRITERIA FOR APPROVAL.--The Secretary may approve a project under this section if the project will enhance programs or activities for the conservation of rhinoceros.

(e) PROJECT REPORTING.--Each entity that receives assistance under this section shall provide periodic reports to the Secretary as the Secretary considers necessary. Each report shall include all information requested by the Secretary for evaluating the progress and success of the project.

SEC. 6. RHINOCEROS CONSERVATION FUND.

(a) ESTABLISHMENT.--There is established in the general fund of the Treasury a separate account to be known as the "Rhinoceros Conservation Fund", which shall consist of amounts deposited into the Fund by the Secretary of the Treasury under subsection (b).

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

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

(2) other amounts appropriated to the Fund to carry out this Act.

(c) USE.--

(1) IN GENERAL.--Subject to paragraph (2), the Secretary may use amounts in the Fund without further appropriation to provide assistance under this Act.

(2) ADMINISTRATION.--The Secretary may not use more than six percent of amounts appropriated to the Fund for a fiscal year or otherwise available in the Fund to administer the Fund.

(d) ACCEPTANCE AND USE OF DONATIONS.--The Secretary may accept and use donations of funds to provide assistance under this Act. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

SEC. 7. SANCTIONS AGAINST NATIONS.

(a) REVIEW.--Not later than 30 days after enactment of this Act, the Secretary shall--

(1) review all nations whose activities affect rhinoceros populations; and

(2) if the Secretary finds that nationals of a nation, directly or indirectly, are engaging in trade or taking that diminishes the effectiveness of a rhinoceros conservation program, the Secretary shall certify that fact to the President.

(b) NOTIFICATION.--Not later than 30 days after the Secretary has certified that a nation is in violation of this Act, the President shall notify the government of that nation.

(c) MORATORIUM.--Sixty days after the certification under subsection (a) (2), the President shall direct the Secretary to establish a moratorium on the importation of all fish and wildlife products from that country.

(d) VESSEL RESTRICTIONS.--If not later than six months after the date of certification under subsection (a) (2), the Secretary determines that a moratorium of fish and wildlife products is insufficient to cause the nation to improve its efforts for the conservation of rhinoceros, the President shall notify the Secretary of the Treasury to--

(1) withhold or revoke the clearance required by section 4197 of the Revised Statutes of the United States of any vessel subject to this section that does not have the evidence of financial responsibility required for the vessel under this section;

(2) The Secretary may--

(A) deny entry to any vessel to any place in the United States, or to the navigable waters, or

(B) detain at the place, any vessel that, upon request, does not produce the evidence of financial responsibility required for the vessel under this section.

(3) Any vessel subject to the requirements of this section which is found in the navigable waters without the necessary evidence of financial responsibility for the vessel shall be subject to seizure by and forfeiture to the United States.

(e) REVIEW.--The Secretary shall periodically review the activities of nationals of a nation certified under subsection (a)(2) to determine if the reasons for which import prohibitions originally were made no longer prevail.

(f) SUSPENSION OF MORATORIUM.--The Secretary shall suspend a moratorium established under this section if, after notice and public comment, the Secretary determines that the reasons for establishing the moratorium no longer exist.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Fund a total not to exceed \$5 million for each of Fiscal Years 1994, 1995, 1996, 1997, and 1998 to carry out this Act, to remain available until expended.