

115TH CONGRESS  
1ST SESSION

# H. R. 226

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

Mr. YOUNG of Alaska 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, 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 “African Elephant Con-  
5 servation and Legal Ivory Possession Act”.

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-

1 erence shall be considered to be made to a provision of  
2 the African Elephant Conservation Act (16 U.S.C. 4201  
3 et seq.).

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

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

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

9 (2) by inserting “and subsection (b) of this sec-  
10 tion” after “2202(e)”; and

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

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

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

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

22 “(B) exported solely for purposes of—

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

1                   “(ii) return to a foreign person who  
2                   lent such ivory to a museum in the United  
3                   States;

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

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

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

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

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

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

1 uals who illegally kill, or assist the illegal killing of, Afri-  
2 can elephants.”.

3 **SEC. 5. CERTIFICATION FOR THE PURPOSES OF THE FISH-**  
4 **ERMEN’S PROTECTIVE ACT OF 1967.**

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

8 “(g) CERTIFICATION.—When the Secretary of the In-  
9 terior finds that a country, directly or indirectly, is a sig-  
10 nificant transit or destination point for illegal ivory trade,  
11 the Secretary shall certify such fact to the President with  
12 respect to the country for the purposes of section 8(a) of  
13 the Fishermen’s Protective Act of 1967 (22 U.S.C.  
14 1978(a)).”.

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

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

18 “(c) TREATMENT OF ELEPHANT IVORY.—Nothing in  
19 this Act or the Endangered Species Act of 1973 (16  
20 U.S.C. 1538) shall be construed—

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

1           “(2) to authorize using any means of deter-  
2           mining for purposes of this Act or the Endangered  
3           Species Act of 1973 whether African elephant ivory  
4           has been lawfully imported, including any presump-  
5           tion or burden of proof applied in such determina-  
6           tion, other than such means used by the Secretary  
7           as of February 24, 2014.”.

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

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

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

21          “(e) **RELATIONSHIP TO THE CONVENTION.**—Nothing  
22          in this section shall be construed as modifying or repealing  
23          the Secretary’s duties to implement CITES and the ap-  
24          pendices thereto, or as modifying or repealing section 8A

