

Administration of Joseph R. Biden, Jr., 2023

Message to the Congress on Notification Regarding China's Enforcement Obligations Under Section 8 of the Fisherman's Protective Act of 1967, as Amended November 3, 2023

To the Congress of the United States:

On August 24, 2023, the Secretary of the Interior certified under section 8 of the Fishermen's Protective Act of 1967, as amended (the "Pelly Amendment") (22 U.S.C. 1978), that nationals of the People's Republic of China (PRC) are engaging in trade or taking of eight species of pangolin that diminishes the effectiveness of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This letter constitutes my notification to the Congress consistent with subsection (b) of the Pelly Amendment.

Pangolins, the world's only scaly mammal, are captured and trafficked at a higher rate annually than rhinoceroses, elephants, and tigers combined. Consumer demand for pangolin scales for traditional medicinal practices has pushed all eight pangolin species, originating from across Africa and Asia, toward extinction. Effective January 2, 2017, all species of pangolin were included in CITES Appendix I, which prohibits international trade for primarily commercial purposes. Despite this prohibition, the PRC remains the largest destination country for pangolin scales.

The PRC has taken some steps to curtail pangolin trafficking at its international ports and has uplisted pangolins under its Wildlife Protection Law. Yet the PRC maintains a system that allows for the legal commercial trade of pangolin scales for medicinal use from its national stockpiles, thereby indirectly providing commercial avenues for selling illegal pangolin specimens through its domestic pangolin market. Provincial governments within the PRC are allowed to issue permits to designated pharmaceutical companies and other entities to acquire pangolin specimens from the PRC's national stockpiles for medicinal use.

According to the United Nations, pangolin seizures have increased tenfold since 2014; moreover, based on data collected between 2007 and 2018, 71 percent of seizures were destined for the PRC. The size of individual seizures has also increased; for example, in 2019 Malaysian authorities reported seizing a record-setting 30 tons of pangolin products. My Administration therefore remains concerned that, despite assurances from the PRC regarding its anti-trafficking efforts, demand for pangolin scales appears to be growing. The PRC must do more to close domestic markets for pangolins and pangolin specimens that provide cover for the illegal market. Without these actions, it is likely that pangolin populations will continue to decline, bringing the species closer to extinction.

Since the Secretary of the Interior's certification on August 24, 2023, executive departments and agencies have outlined conservation and anti-trafficking conditions that must be met by the PRC to ameliorate United States concerns that the PRC is undermining pangolin conservation under CITES. Necessary actions by the PRC that would demonstrate its commitment to pangolin conservation and compliance with CITES directives include completely closing its domestic market for pangolins and pangolin parts, transparent accounting of domestic stockpiles, and fully removing pangolins and pangolin parts from the national list of approved medicines. The PRC has made some progress towards its international commitments, but given the complexity of the PRC's domestic pangolin market and its overlapping jurisdictions, more time is needed to ensure that the appropriate agencies from the PRC are implementing the necessary steps to protect pangolin species from possible extinction.

That is why I have directed the Department of State and the Department of the Interior to continue their ongoing efforts and to report back to me on the outcome of the ongoing negotiations at the CITES Standing Committee meeting taking place in Geneva from November 6–10, 2023. If significant commitments by the PRC to implement CITES-directed measures to protect pangolin species have not been made by December 31, 2023, I plan to direct certain prohibitions on the importation of, and impose trade measures on, certain products from the PRC.

The United States will take the steps necessary to end illegal trade in order to save pangolins from extinction, with the goal of demonstrating progress by the end of this year.

JOSEPH R. BIDEN JR.

The White House,
November 3, 2023.

NOTE: An original was not available for verification of the content of this message.

Categories: Communications to Congress : China, enforcement obligations under section 8 of Fisherman's Protective Act of 1967, message on notification.

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