

113TH CONGRESS
1ST SESSION

H. R. 1866

To amend the Endangered Species Act of 1973 to promote sustainable-use conservation, to harmonize that Act with the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2013

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Endangered Species Act of 1973 to promote sustainable-use conservation, to harmonize that Act with the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 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 “Enhancement of Spe-

5 cies Survival Act”.

1 **SEC. 2. DEFINITION.**

2 Section 3 of the Endangered Species Act of 1973 (16
3 U.S.C. 1532) is amended by redesignating paragraphs (7)
4 through (10) as paragraphs (8) through (11), and insert-
5 ing after paragraph (6) the following:

6 “(7) The term ‘enhancement of propagation or
7 survival’ means directly or indirectly improving a
8 species’ sustainability in the wild, including any
9 measure that—

10 “(A) benefits the species’ population num-
11 bers, health, or habitat;

12 “(B) reduces a threat to the species; or

13 “(C) increases the social tolerance of the
14 species.”.

15 **SEC. 3. ENHANCEMENT FINDING.**

16 Section 10(a)(1) of the Endangered Species Act of
17 1973 (16 U.S.C. 1539(a)(1)) is amended—

18 (1) in the matter preceding subparagraph (A),
19 by striking “ may permit”;

20 (2) in subparagraph (A)—

21 (A) by inserting “shall permit” before
22 “any act”; and

23 (B) by striking “or” after the semicolon at
24 the end;

25 (3) in subparagraph (B)—

1 (A) by inserting “may permit” before “any
2 act”; and

3 (B) by striking the period at the end and
4 inserting a semicolon; and

5 (4) by adding at the end the following:

6 “(C) shall permit importation of a sport-
7 hunted trophy or other specimen that was le-
8 gally taken from a population of a species that
9 is not native to the United States (including a
10 domestic population of such a species), if—

11 “(i)(I) the population is listed as an
12 endangered species or threatened species
13 under section 4 and is listed under Appen-
14 dix II to the Convention; and

15 “(II) all trade in the trophy or speci-
16 men is in accordance with all requirements
17 in Article IV of the Convention and any
18 relevant resolutions adopted by the Con-
19 vention Conference of the Parties; or

20 “(ii)(I) the population is listed in Ap-
21 pendix I to the Convention;

22 “(II) in the case of a sport-hunted
23 trophy or other specimen, all trade in the
24 trophy or specimen is in accordance with
25 all requirements of Article III of the Con-

1 vention and all relevant resolutions and
2 quotas adopted by the Convention Con-
3 ference of the Parties; and

4 “(III) in the case of a ranched or cap-
5 tive bred specimen, all commercial trade in
6 such specimen is in accordance with clause
7 4 of Article VII of the Convention and
8 with all relevant clarifying resolutions and
9 quotas adopted by the Convention Con-
10 ference of the Parties; and

11 “(D) shall permit under subparagraphs
12 (A) and (C), notwithstanding sections 3(1)(C)
13 and 101(a)(1) of the Marine Mammal Protec-
14 tion Act of 1972 (16 U.S.C. 1362(1)(C),
15 1371(a)(1)), importation of a sport-hunted tro-
16 phy or other specimen of a marine mammal
17 that has been legally taken from a population
18 that is depleted under such Act solely by reason
19 of section 3(1)(C) of that Act.”.

20 **SEC. 4. IMPLEMENTATION.**

21 The Secretary, as that term is used in the Endan-
22 gered Species Act of 1973 (16 U.S.C. 1531 et seq.), shall,
23 by not later than 120 days after the date of enactment
24 of this Act, promulgate regulations implementing the
25 amendments made by this Act, including criteria for the

- 1 issuance of permits under section 10(a)(1)(A) of such Act
- 2 (16 U.S.C. 1539(a)(1)), as amended by this Act.

