

105TH CONGRESS
2^D SESSION

H. R. 2807

AN ACT

To amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger.

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To amend the Rhinoceros and Tiger Conservation Act of 1994 to prohibit the sale, importation, and exportation of products labeled as containing substances derived from rhinoceros or tiger.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Rhino and Tiger Prod-
3 uct Labeling Act”.

4 **SEC. 2. PROHIBITION ON SALE, IMPORTATION, AND EXPOR-**
5 **TATION OF PRODUCTS LABELED AS CON-**
6 **TAINING A SUBSTANCE DERIVED FROM RHI-**
7 **NOCEROS OR TIGER.**

8 (a) FINDINGS.—The Congress finds the following:

9 (1) The populations of several magnificent and
10 unique endangered species of rhinoceros and tigers,
11 such as the Indian rhinoceros, the Javan rhinoceros,
12 the African black rhinoceros, and all of the tiger
13 subspecies, continue to decline.

14 (2) Growing demand throughout the world for
15 wildlife and wildlife parts and products has created
16 a market in which commercial exploitation has
17 threatened certain rhinoceros and tiger populations.

18 (3) There are insufficient legal mechanisms en-
19 abling the United States Fish and Wildlife Service
20 to forcefully interdict products that are labeled as
21 containing substances derived from rhinoceros or
22 tiger species and prosecute the merchandisers for
23 sale or display of those products.

24 (4) Although approximately 77,000 import and
25 export shipments occur annually in the United
26 States, the United States Fish and Wildlife Service

1 is able to maintain only 92 wildlife inspectors at 30
2 ports of entry, including 13 designated ports, to
3 monitor the shipments.

4 (5) Wildlife inspectors are able to physically in-
5 spect only an estimated 5 to 10 percent of all import
6 and export shipments, making the rate of detection
7 of contraband wildlife products extremely low.

8 (6) Alternatives are available to the traditional
9 medicinal products that contain substances derived
10 from rhinoceros and tiger species.

11 (7) Public education initiatives directed toward
12 traditional user groups on the endangered status of
13 rhinoceros and tiger species and on the availability
14 of alternative products in traditional medicine have
15 proven useful in reducing the demand for products
16 labeled as containing substances derived from rhi-
17 noceros and tiger species, and should be encouraged.

18 (b) PROHIBITION, PENALTIES, AND ENFORCE-
19 MENT.—The Rhinoceros and Tiger Conservation Act of
20 1994 (16 U.S.C. 5301 et seq.) is amended by redesignat-
21 ing section 7 as section 8, and by inserting after section
22 6 the following:

1 **“SEC. 7. PROHIBITION RELATING TO PRODUCTS CONTAIN-**
2 **ING OR PURPORTING TO CONTAIN ANY SUB-**
3 **STANCE DERIVED FROM A RHINOCEROS OR**
4 **TIGER SPECIES.**

5 “(a) PROHIBITION.—No person shall sell, import, or
6 export, or attempt to sell, import, or export any product,
7 item, or substance intended for human consumption con-
8 taining or purporting to contain any substance derived
9 from any species of rhinoceros or tiger.

10 “(b) PENALTIES.—

11 “(1) CRIMINAL PENALTY.—Any person who
12 knowingly violates subsection (a) shall be fined
13 under title 18, United States Code, imprisoned for
14 not more than 1 year, or both.

15 “(2) CIVIL PENALTIES.—Any person who know-
16 ingly violates, and any person engaged in business as
17 an importer, distributor, or retailer of products,
18 items, or substances purporting to contain sub-
19 stances derived from any species of rhinoceros or
20 tiger who violates subsection (a) may be assessed a
21 civil penalty by the Secretary of not more than
22 \$25,000 for each violation. A civil penalty under this
23 paragraph shall be assessed, and may be collected,
24 in the manner in which a civil penalty under the En-
25 dangered Species Act of 1973 may be assessed and

1 collected under section 11(a) of that Act (16 U.S.C.
2 1540(a)).

3 “(c) FORFEITURES.—Any product, item, or sub-
4 stance sold, imported, or exported, or attempted to be
5 sold, imported, or exported, contrary to the provisions of
6 this Act or any regulation made pursuant thereto shall be
7 seized and forfeited to the United States. All equipment,
8 vessels, vehicles, aircraft, and other means of transpor-
9 tation used to aid the selling, exporting, or importing, or
10 an attempt to sell, export, or import, of any product, item,
11 or substance in violation of this Act or any regulation
12 issued pursuant to this Act, may be seized and forfeited
13 to the United States. All laws relating to the seizure, for-
14 feiture, and condemnation of a vessel for violation of the
15 customs laws, the disposition of such vessel or the pro-
16 ceeds from the sale thereof, and the remission or mitiga-
17 tion of such forfeiture, shall apply to the seizures and for-
18 feitures incurred under this Act, insofar as those laws are
19 applicable and not inconsistent with this Act.

20 “(d) REGULATIONS.—The Secretary, after consulta-
21 tion with the Secretary of the Treasury, the Secretary of
22 Health and Human Services, and the United States Trade
23 Representative, shall prescribe regulations that are nec-
24 essary and appropriate to carry out the purposes of this
25 Act.

1 “(e) ENFORCEMENT.—The Secretary, the Secretary
2 of the Treasury, and the Secretary of the department in
3 which the Coast Guard is operating shall enforce this Act
4 in the same manner such Secretaries carry out enforce-
5 ment activities under section 11(e) of the Endangered
6 Species Act of 1973 (16 U.S.C. 1540(e)).”.

7 (c) DEFINITION OF PERSON.—Section 4 of the Rhi-
8 noceros and Tiger Conservation Act of 1994 (16 U.S.C.
9 5301 et seq.) is amended by—

10 (1) striking “and” at the end of paragraph (4);

11 (2) striking the period at the end of paragraph

12 (5) and inserting “; and”; and

13 (3) adding at the end the following:

14 “(6) ‘person’ means—

15 “(A) an individual, corporation, partner-
16 ship, trust, association, or other private entity;

17 “(B) an officer, employee, agent, depart-
18 ment, or instrumentality of the Federal Govern-
19 ment, of any State, municipality, or political
20 subdivision of a State, or of any foreign govern-
21 ment;

22 “(C) a State, municipality, or political sub-
23 division of a State; or

1 “(D) any other entity subject to the juris-
2 diction of the United States.”.

Passed the House of Representatives April 28, 1998.

Attest:

Clerk.