

**16 USC 1531-1544**  
**Endangered Species Act**

and shall maintain and submit to the Secretary, on request, such inventories, documentation, and records as the Secretary may by regulation require as being reasonably appropriate to carry out the purposes of this paragraph. Such requirements shall not unnecessarily duplicate the requirements of other rules and regulations promulgated by the Secretary.

**(c) Violation of Convention**

**(1)** It is unlawful for any person subject to the jurisdiction of the United States to engage in any trade in any specimens contrary to the provisions of the Convention, or to possess any specimens traded contrary to the provisions of the Convention, including the definitions of terms in article I thereof.

**(2)** Any importation into the United States of fish or wildlife shall, if—

**(A)** such fish or wildlife is not an endangered species listed pursuant to section 1533 of this title but is listed in Appendix II to the Convention,

**(B)** the taking and exportation of such fish or wildlife is not contrary to the provisions of the Convention and all other applicable requirements of the Convention have been satisfied,

**(C)** the applicable requirements of subsections (d), (e), and (f) of this section have been satisfied, and

**(D)** such importation is not made in the course of a commercial activity,

be presumed to be an importation not in violation of any provision of this chapter or any regulation issued pursuant to this chapter.

**(d) Imports and exports****(1) In general**

It is unlawful for any person, without first having obtained permission from the Secretary, to engage in business—

**(A)** as an importer or exporter of fish or wildlife (other than shellfish and fishery products which

**(i)** are not listed pursuant to section 1533 of this title as endangered species or threatened species, and

**(ii)** are imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) or plants; or

**(B)** as an importer or exporter of any amount of raw or worked African elephant ivory.

**(2) Requirements**

Any person required to obtain permission under paragraph (1) of this subsection shall—

**(A)** keep such records as will fully and correctly disclose each importation or exportation of fish, wildlife, plants, or African elephant ivory made by him and the subsequent disposition made by him with respect to such fish, wildlife, plants, or ivory;

**(B)** at all reasonable times upon notice by a duly authorized representative of the Secretary, afford such representative access to his place of business, an opportunity to examine his inventory of imported fish, wildlife, plants, or African elephant ivory and the records required to be kept under subparagraph (A) of this paragraph, and to copy such records; and

**(C)** file such reports as the Secretary may require.

**(3) Regulations**

The Secretary shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this subsection.

**(4) Restriction on consideration of value or amount of African elephant ivory imported or exported**

In granting permission under this subsection for importation or exportation of African elephant ivory, the Secretary shall not vary the requirements for obtaining such permission on the basis of the value or amount of ivory imported or exported under such permission.

**(e) Reports**

It is unlawful for any person importing or exporting fish or wildlife (other than shellfish and fishery products which

**(1)** are not listed pursuant to section 1533 of this title as endangered or threatened species, and

**(2)** are imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) or plants to fail to file any declaration or report as the Secretary deems necessary to facilitate enforcement of this chapter or to meet the obligations of the Convention.