

§ 5302. Purposes

The purposes of this chapter are the following:

(1) To assist in the conservation of rhinoceros and tigers by supporting the conservation programs of nations whose activities directly or indirectly affect rhinoceros and tiger populations, and the CITES Secretariat.

(2) To provide financial resources for those programs.

(3) To prohibit the sale, importation, and exportation of products intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.

(Pub. L. 103-391, §3, Oct. 22, 1994, 108 Stat. 4095; Pub. L. 105-312, title IV, §403, Oct. 30, 1998, 112 Stat. 2959.)

AMENDMENTS

1998—Par. (3). Pub. L. 105-312 added par. (3).

§ 5303. Definitions

In this chapter—

(1) “CITES” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973, and its appendices;

(2) “conservation” means the use of all methods and procedures necessary to bring rhinoceros and tigers to the point at which there are sufficient populations to ensure that those species do not become extinct, including all activities associated with scientific resource management, such as research, census, law enforcement, habitat protection, acquisition, and management, propagation, live trapping, and transportation;

(3) “Fund” means the the¹ account established by division A, section 101(e), title I of Public Law 105-277 under the heading “MULTINATIONAL SPECIES CONSERVATION FUND” [16 U.S.C. 4246];

(4) “Secretary” means the Secretary of the Interior;

(5) “Administrator” means the Administrator of the Agency for International Development; and

(6) “person” means—

(A) an individual, corporation, partnership, trust, association, or other private entity;

(B) an officer, employee, agent, department, or instrumentality of—

(i) the Federal Government;

(ii) any State, municipality, or political subdivision of a State; or

(iii) any foreign government;

(C) a State, municipality, or political subdivision of a State; or

(D) any other entity subject to the jurisdiction of the United States.

(Pub. L. 103-391, §4, Oct. 22, 1994, 108 Stat. 4095; Pub. L. 105-312, title IV, §404, Oct. 30, 1998, 112 Stat. 2960; Pub. L. 107-112, §6(a)(1), Jan. 8, 2002, 115 Stat. 2098.)

REFERENCES IN TEXT

Division A, section 101(e), title I of Public Law 105-277, referred to in par. (3), is Pub. L. 105-277, div. A,

¹ So in original.

§101(e) [title I], Oct. 21, 1998, 112 Stat. 2681-231, 2681-232. Provisions under the heading “MULTINATIONAL SPECIES CONSERVATION FUND” in Pub. L. 105-277, §101(e) [title I] appear at 112 Stat. 2681-237, and are classified in part to section 4246 of this title.

AMENDMENTS

2002—Par. (3). Pub. L. 107-112 substituted “the account established by division A, section 101(e), title I of Public Law 105-277 under the heading ‘MULTINATIONAL SPECIES CONSERVATION FUND’” for “Rhinoceros and Tiger Conservation Fund established under section 5305(a) of this title”.

1998—Par. (6). Pub. L. 105-312 added par. (6).

§ 5304. Rhinoceros and tiger conservation assistance**(a) In general**

The Secretary, subject to the availability of appropriations and in consultation with the Administrator, shall use amounts in the Fund to provide financial assistance for projects for the conservation of rhinoceros and tigers.

(b) Project proposal

A country whose activities directly or indirectly affect rhinoceros or tiger populations, the CITES Secretariat, or any other person may submit to the Secretary a project proposal under this section. Each proposal shall—

(1) name the individual responsible for conducting the project;

(2) state the purposes of the project succinctly;

(3) describe the qualifications of the individuals who will conduct the project;

(4) estimate the funds and time required to complete the project;

(5) provide evidence of support of the project by appropriate governmental entities of countries in which the project will be conducted, if the Secretary determines that the support is required for the success of the project; and

(6) provide any other information the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this chapter.

(c) Project review and approval

Within 30 days of receiving a final project proposal, the Secretary shall provide a copy of the proposal to the Administrator. The Secretary shall review each final project proposal to determine if it meets the criteria set forth in subsection (d) of this section. Not later than 6 months after receiving a final project proposal, and subject to the availability of funds, the Secretary, after consulting with the Administrator, shall approve or disapprove the proposal and provide written notification to the person who submitted the proposal and to the Administrator.

(d) Criteria for approval

The Secretary may approve a project under this section if the project will enhance programs for conservation of rhinoceros or tigers by assisting efforts to—

(1) implement conservation programs;

(2) enhance compliance with provisions of CITES and laws of the United States or a foreign country that prohibit or regulate the taking or trade of rhinoceros or tigers or the use of rhinoceros or tiger habitat; or