

(B) indicated that the certification of China would remain in effect and directed that additional monitoring of China's progress be undertaken.

(Pub. L. 103-391, §2, Oct. 22, 1994, 108 Stat. 4094.)

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in par. (5), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-112, §1, Jan. 8, 2002, 115 Stat. 2097, provided that: "This Act [enacting section 5305c of this title and amending sections 4246, 5303 to 5305, and 5306 of this title] may be cited as the 'Rhinoceros and Tiger Conservation Reauthorization Act of 2001'."

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-312, title IV, §401, Oct. 30, 1998, 112 Stat. 2959, provided that: "This title [enacting sections 5305a and 5305b of this title, amending sections 5302, 5303, and 5306 of this title, and enacting provisions set out as a note below] may be cited as the 'Rhinoceros and Tiger Conservation Act of 1998'."

SHORT TITLE

Pub. L. 103-391, §1, Oct. 22, 1994, 108 Stat. 4094, provided that: "This Act [enacting this chapter] may be cited as the 'Rhinoceros and Tiger Conservation Act of 1994'."

CONGRESSIONAL FINDINGS

Pub. L. 105-312, title IV, §402, Oct. 30, 1998, 112 Stat. 2959, provided that: "Congress finds that—

"(1) the populations of all but 1 species of rhinoceros, and the tiger, have significantly declined in recent years and continue to decline;

"(2) these species of rhinoceros and tiger are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973 (27 UST 1087; TIAS 8249) (referred to in this title as 'CITES');

"(3) the Parties to CITES have adopted several resolutions—

"(A) relating to the conservation of tigers (Conf. 9.13 (Rev.)) and rhinoceroses (Conf. 9.14), urging Parties to CITES to implement legislation to reduce illegal trade in parts and products of the species; and

"(B) relating to trade in readily recognizable parts and products of the species (Conf. 9.6), and trade in traditional medicines (Conf. 10.19), recommending that Parties ensure that their legislation controls trade in those parts and derivatives, and in medicines purporting to contain them;

"(4) a primary cause of the decline in the populations of tiger and most rhinoceros species is the poaching of the species for use of their parts and products in traditional medicines;

"(5) there are insufficient legal mechanisms enabling the United States Fish and Wildlife Service to interdict products that are labeled or advertised as containing substances derived from rhinoceros or tiger species and prosecute the merchandisers for sale or display of those products; and

"(6) legislation is required to ensure that—

"(A) products containing, or labeled or advertised as containing, rhinoceros parts or tiger parts are prohibited from importation into, or exportation from, the United States; and

"(B) efforts are made to educate persons regarding alternatives for traditional medicine products,

the illegality of products containing, or labeled or advertised as containing, rhinoceros parts and tiger parts, and the need to conserve rhinoceros and tiger species generally."

§ 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

¹ So in original.

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, §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 ‘‘Rhinoceors and Tiger Conservation Fund established under section 5305(a) of this title’’.

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

§ 5304. Rhinoceors 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 rhinoceors and tigers.

(b) Project proposal

A country whose activities directly or indirectly affect rhinoceors 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 rhinoceors 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 rhinoceors or tigers or the use of rhinoceors or tiger habitat; or
- (3) develop sound scientific information on that species’ habitat condition and carrying capacity, total numbers and population trends, or annual reproduction and mortality.

(e) Project sustainability

To the maximum extent practical, in determining whether to approve project proposals under this section, the Secretary shall give consideration to projects which will enhance sustainable conservation programs to ensure effective long-term conservation of rhinoceors and tigers.

(f) Project reporting

Each person that receives assistance under this section for a project shall provide periodic reports, as the Secretary considers necessary, to the Secretary and the Administrator. Each report shall include all information requested by the Secretary, after consulting with the Administrator, for evaluating the progress and success of the project.

(Pub. L. 103–391, §5, Oct. 22, 1994, 108 Stat. 4095; Pub. L. 107–112, §5, Jan. 8, 2002, 115 Stat. 2098; Pub. L. 110–132, §3(a), Dec. 6, 2007, 121 Stat. 1360.)

AMENDMENTS

2007—Subsec. (c). Pub. L. 110–132 substituted ‘‘and to the Administrator’’ for ‘‘, to the Administrator, and to each country within which the project is to be conducted’’ in third sentence.

2002—Subsec. (e). Pub. L. 107–112 amended heading and text generally. Prior to amendment, text read as follows: ‘‘To the maximum extent practical, the Secretary should give consideration to projects which will enhance sustainable development programs to ensure effective, long-term conservation of rhinoceors and tigers.’’

§ 5305. Acceptance and use of donations

The Secretary may accept and use donations to provide assistance under section 5304 of this title. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit into the Fund.

(Pub. L. 103–391, §6, Oct. 22, 1994, 108 Stat. 4096; Pub. L. 107–112, §6(a)(2), Jan. 8, 2002, 115 Stat. 2098.)

AMENDMENTS

2002—Pub. L. 107–112 redesignated heading and text of subsec. (d) as entire section and struck out former section catchline and headings and text of subssecs. (a) to (c). Prior to amendment, text of subssecs. (a) to (c) related to establishment in the Treasury of the Rhinoceors and Tiger Conservation Fund, consisting of amounts deposited by the Secretary of the Treasury from donations and appropriated funds, to be used to provide assistance under section 5304 of this title, with not more than three percent of appropriated funds per fiscal year used to administer the Fund.