

§ 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). 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
- (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 rhinoceros 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.)

Editorial Notes

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 rhinoceros 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.)

Editorial Notes

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 subsecs. (a) to (c). Prior to amendment, text of subsecs. (a) to (c) related to establishment in the Treasury of the Rhinoceros 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.

§ 5305a. Prohibition on sale, importation, or exportation of products labeled or advertised as rhinoceros or tiger products

(a) Prohibition

A person shall not sell, import, or export, or attempt to sell, import, or export, any product, item, or substance intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.

(b) Penalties

(1) Criminal penalty

A person engaged in business as an importer, exporter, or distributor that knowingly violates subsection (a) shall be fined under title 18, imprisoned not more than 6 months, or both.