

(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, to the Administrator, and to each country within which the project is to be conducted.

(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, the Secretary should give consideration to projects which will enhance sustainable development 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.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4246, 5305 of this title.

§ 5305. Rhinoceros and Tiger Conservation Fund**(a) Establishment**

There is established in the general fund of the Treasury a separate account to be known as the "Rhinoceros and Tiger Conservation Fund", which shall consist of amounts deposited into the Fund by the Secretary of the Treasury under subsection (b) of this section.

(b) Deposits into Fund

The Secretary of the Treasury shall deposit into the Fund—

- (1) all amounts received by the Secretary in the form of donations under subsection (d) of this section; and
- (2) other amounts appropriated to the Fund.

(c) Use**(1) In general**

Subject to paragraph (2), the Secretary may use amounts in the Fund without further appropriation to provide assistance under section 5304 of this title.

(2) Administration

Of amounts in the Fund available for each fiscal year, the Secretary may use not more than 3 percent to administer the Fund.

(d) 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.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5303 of this title.

§ 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) of this section shall be fined under title 18, imprisoned not more than 6 months, or both.

(2) Civil penalties**(A) In general**

A person that knowingly violates subsection (a) of this section, and a person engaged in business as an importer, exporter, or distributor that violates subsection (a) of this section, may be assessed a civil penalty by the Secretary of not more than \$12,000 for each violation.

(B) Manner of assessment and collection

A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.] may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

(c) Products, items, and substances

Any product, item, or substance sold, imported, or exported, or attempted to be sold, imported, or exported, in violation of this section or any regulation issued under this section shall be subject to seizure and forfeiture to the United States.

(d) Regulations

After consultation with the Secretary of the Treasury, the Secretary of Health and Human