

for the imposition and collection of the civil penalty under this section.

**(e) Use of penalty money collected**

After deduction of costs attributable to collection, money collected from penalties shall be—

(1) deposited into the trust fund established pursuant to the Act entitled “An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes”, approved September 2, 1937 (16 U.S.C. 669) (commonly known as the “Pitman-Robertson Wildlife Restoration Act”), to support the activities authorized by such Act and undertaken by State wildlife management agencies; or

(2) used in such other manner as the Secretary determines will enhance the funding and implementation of—

(A) the North American Waterfowl Management Plan signed by the Secretary of the Interior and the Minister of Environment for Canada in May 1986; or

(B) a similar program that the Secretary determines will enhance wildlife management—

(i) on Federal lands; or

(ii) on private or State-owned lands when the efforts will also provide a benefit to wildlife management objectives on Federal lands.

(Pub. L. 103-322, title XXXII, § 320803, Sept. 13, 1994, 108 Stat. 2121.)

REFERENCES IN TEXT

The Pitman-Robertson Wildlife Restoration Act, referred to in subsec. (e)(1), is act Sept. 2, 1937, ch. 899, 50 Stat. 917, as amended, also known as the Federal Aid in Wildlife Restoration Act, which is classified generally to chapter 5B (§669 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 669 of this title and Tables.

**§ 5203. Other relief**

Injunctive relief against a violation of section 5201 of this title may be sought by—

(1) the head of a State agency with jurisdiction over fish or wildlife management;

(2) the Attorney General of the United States; or

(3) any person who is or would be adversely affected by the violation.

(Pub. L. 103-322, title XXXII, § 320804, Sept. 13, 1994, 108 Stat. 2122.)

**§ 5204. Relationship to State and local law and civil actions**

This chapter does not preempt a State law or local ordinance that provides for civil or criminal penalties for conduct that violates this chapter.

(Pub. L. 103-322, title XXXII, § 320805, Sept. 13, 1994, 108 Stat. 2122.)

**§ 5205. Regulations**

The Secretary may issue such regulations as are necessary to carry out this chapter.

(Pub. L. 103-322, title XXXII, § 320806, Sept. 13, 1994, 108 Stat. 2122.)

**§ 5206. Rule of construction**

Nothing in this chapter shall be construed to impair a right guaranteed to a person under the first article of amendment to the Constitution or limit any legal remedy for forceful interference with a person’s lawful participation in speech or peaceful assembly.

(Pub. L. 103-322, title XXXII, § 320807, Sept. 13, 1994, 108 Stat. 2122.)

**§ 5207. Definitions**

As used in this chapter:

**(1) Federal lands**

The term “Federal lands” means—

(A) national forests;

(B) public lands;

(C) national parks; and

(D) wildlife refuges.

**(2) Lawful hunt**

The term “lawful hunt” means the taking or harvesting (or attempted taking or harvesting) of wildlife or fish, on Federal lands, which—

(A) is lawful under the laws applicable in the place it occurs; and

(B) does not infringe upon a right of an owner of private property.

**(3) National forest**

The term “national forest” means lands included in the National Forest System (as defined in section 1609(a) of this title).

**(4) National park**

The term “national park” means lands and waters included in the National Park System (as defined in section 1c(a) of this title).

**(5) Public lands**

The term “public lands” has the same meaning as is provided in section 1702(e) of title 43.

**(6) Secretary**

The term “Secretary” means—

(A) the Secretary of Agriculture with respect to national forests; and

(B) the Secretary of the Interior with respect to—

(i) public lands;

(ii) national parks; and

(iii) wildlife refuges.

**(7) Wildlife refuge**

The term “wildlife refuge” means lands and waters included in the National Wildlife Refuge System (as established by section 668dd of this title).

**(8) Conduct**

The term “conduct” does not include speech protected by the first article of amendment to the Constitution.

(Pub. L. 103-322, title XXXII, § 320808, Sept. 13, 1994, 108 Stat. 2122.)

**CHAPTER 73—RHINOCEROS AND TIGER CONSERVATION**

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### § 5301. Findings

The Congress finds the following:

(1) The world's rhinoceros population is declining at an alarming rate, a 90 percent decline since 1970.

(2) All 5 subspecies of tiger are currently threatened with extinction in the wild, with approximately 5,000 to 6,000 tigers remaining worldwide.

(3) All rhinoceros species have been listed on Appendix I of CITES since 1977.

(4) All tiger subspecies have been listed on Appendix I of CITES since 1987.

(5) The tiger and all rhinoceros species, except the southern subspecies of white rhinoceros, are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(6) In 1987, the parties to CITES adopted a resolution that urged all parties to establish a moratorium on the sale and trade in rhinoceros products (other than legally taken trophies), to destroy government stockpiles of rhinoceros horn, and to exert pressure on countries continuing to allow trade in rhinoceros products.

(7) On September 7, 1993, under section 1978 of title 22 the Secretary certified that the People's Republic of China and Taiwan were engaged in trade of rhinoceros parts and tiger parts that diminished the effectiveness of an international conservation program for that endangered species.

(8) On September 9, 1993, the Standing Committee of CITES, in debating the continuing problem of trade in rhinoceros horn and tiger parts, adopted a resolution urging parties to CITES to implement stricter domestic measures, up to and including an immediate prohibition in trade in wildlife species.

(9) On November 8, 1993, under section 1978 of title 22, the President announced that the United States would impose trade sanctions against China and Taiwan unless substantial progress was made by March 1994 towards ending trade in rhinoceros and tiger products.

(10) On April 11, 1994, under section 1978 of title 22, the President—

(A) directed that imports of wildlife specimens and products from Taiwan be prohibited, in response to Taiwan's failure to undertake sufficient actions to stop illegal rhinoceros and tiger trade; and

(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

Section 1 of Pub. L. 103-391 provided that: "This Act [enacting this chapter] may be cited as the 'Rhinoceros and Tiger Conservation Act of 1994'."

### § 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.

(Pub. L. 103-391, § 3, Oct. 22, 1994, 108 Stat. 4095.)

### § 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 Rhinoceros and Tiger Conservation Fund established under section 5305(a) of this title;

(4) "Secretary" means the Secretary of the Interior; and

(5) "Administrator" means the Administrator of the Agency for International Development.

(Pub. L. 103-391, § 4, Oct. 22, 1994, 108 Stat. 4095.)

### § 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;