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# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Explanation</td>
<td>v</td>
</tr>
<tr>
<td>Title 50:</td>
<td></td>
</tr>
<tr>
<td>Chapter I—United States Fish and Wildlife Service, Department of the Interior</td>
<td>3</td>
</tr>
<tr>
<td>Finding Aids:</td>
<td></td>
</tr>
<tr>
<td>Table of CFR Titles and Chapters</td>
<td>107</td>
</tr>
<tr>
<td>Alphabetical List of Agencies Appearing in the CFR</td>
<td>127</td>
</tr>
<tr>
<td>List of CFR Sections Affected</td>
<td>137</td>
</tr>
</tbody>
</table>
Cite this Code: CFR

To cite the regulations in this volume use title, part and section number. Thus, 50 CFR 1.1 refers to title 50, part 1, section 1.
Explanation

The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is divided into chapters which usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas.

Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

Title 1 through Title 16..............................................................as of January 1
Title 17 through Title 27.................................................................as of April 1
Title 28 through Title 41.................................................................as of July 1
Title 42 through Title 50.............................................................as of October 1

The appropriate revision date is printed on the cover of each volume.

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To determine whether a Code volume has been amended since its revision date (in this case, October 1, 2012), consult the “List of CFR Sections Affected (LSA),” which is issued monthly, and the “Cumulative List of Parts Affected,” which appears in the Reader Aids section of the daily Federal Register. These two lists will identify the Federal Register page number of the latest amendment of any given rule.

EFFECTIVE AND EXPIRATION DATES

Each volume of the Code contains amendments published in the Federal Register since the last revision of that volume of the Code. Source citations for the regulations are referred to by volume number and page number of the Federal Register and date of publication. Publication dates and effective dates are usually not the same and care must be exercised by the user in determining the actual effective date. In instances where the effective date is beyond the cutoff date for the Code a note has been inserted to reflect the future effective date. In those instances where a regulation published in the Federal Register states a date certain for expiration, an appropriate note will be inserted following the text.

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The Paperwork Reduction Act of 1980 (Pub. L. 96–511) requires Federal agencies to display an OMB control number with their information collection request.
Many agencies have begun publishing numerous OMB control numbers as amendments to existing regulations in the CFR. These OMB numbers are placed as close as possible to the applicable recordkeeping or reporting requirements.

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Provisions that become obsolete before the revision date stated on the cover of each volume are not carried. Code users may find the text of provisions in effect on a given date in the past by using the appropriate numerical list of sections affected. For the period before January 1, 2001, consult either the List of CFR Sections Affected, 1949–1963, 1964–1972, 1973–1985, or 1986–2000, published in eleven separate volumes. For the period beginning January 1, 2001, a “List of CFR Sections Affected” is published at the end of each CFR volume.

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The term “[Reserved]” is used as a place holder within the Code of Federal Regulations. An agency may add regulatory information at a “[Reserved]” location at any time. Occasionally “[Reserved]” is used editorially to indicate that a portion of the CFR was left vacant and not accidentally dropped due to a printing or computer error.

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What is incorporation by reference? Incorporation by reference was established by statute and allows Federal agencies to meet the requirement to publish regulations in the Federal Register by referring to materials already published elsewhere. For an incorporation to be valid, the Director of the Federal Register must approve it. The legal effect of incorporation by reference is that the material is treated as if it were published in full in the Federal Register (5 U.S.C. 552(a)). This material, like any other properly issued regulation, has the force of law.

What is a proper incorporation by reference? The Director of the Federal Register will approve an incorporation by reference only when the requirements of 1 CFR part 51 are met. Some of the elements on which approval is based are:

(a) The incorporation will substantially reduce the volume of material published in the Federal Register.

(b) The matter incorporated is in fact available to the extent necessary to afford fairness and uniformity in the administrative process.

(c) The incorporating document is drafted and submitted for publication in accordance with 1 CFR part 51.

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A subject index to the Code of Federal Regulations is contained in a separate volume, revised annually as of January 1, entitled CFR INDEX AND FINDING AIDS. This volume contains the Parallel Table of Authorities and Rules. A list of CFR titles, chapters, subchapters, and parts and an alphabetical list of agencies publishing in the CFR are also included in this volume.

An index to the text of “Title 3—The President” is carried within that volume.
The Federal Register Index is issued monthly in cumulative form. This index is based on a consolidation of the “Contents” entries in the daily Federal Register.

A List of CFR Sections Affected (LSA) is published monthly, keyed to the revision dates of the 50 CFR titles.

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CHARLES A. BARTH,  
Director,  
Office of the Federal Register.  
October 1, 2012.
Title 50—FISH AND WILDLIFE is composed of thirteen volumes. The parts in these volumes are arranged in the following order: Parts 1–16; part 17 (17.1 to 17.95(a)), part 17 (17.95(b)), part 17 (17.95(c) to (e)), part 17 (17.95(f) to end of 17.95), part 17 (17.96 to 17.98), part 17 (17.99(a) to 17.99(h)), part 17 (17.99(i) to end of part 17), parts 18–199, parts 200–227, parts 228–599, parts 600–659, and part 660 to end. The first nine volumes consist of parts 1–16, part 17 (17.1 to 17.95(a)), part 17 (17.95(b)), part 17 (17.95(c) to (e)), part 17 (17.95(f) to end of 17.95), part 17 (17.96 to 17.98), part 17 (17.99(a) to 17.99(h), part 17 (17.99(i) to end of part 17), and parts 18–199 and contain the current regulations issued under chapter I—United States Fish and Wildlife Service, Department of the Interior. The tenth volume (parts 200-227) contains the current regulations issued under chapter II—the National Marine Fisheries Service, National Oceanic and Atmospheric Administration. The eleventh volume (parts 228–599) contains the remaining current regulations issued under chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, and the current regulations issued under chapter III—International Fishing and Related Activities, chapter IV—Joint Regulations (United States Fish and Wildlife Service, Department of the Interior and National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce); Endangered Species Committee regulations; and chapter V—Marine Mammal Commission. The twelfth and thirteenth volumes (parts 600–659 and part 660 to end) contain the current regulations issued under chapter VI—Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce. The contents of these volumes represent all current regulations codified under this title of the CFR as of October 1, 2012.

Alphabetical listings of endangered and threatened wildlife and plants appear in §§17.11 and 17.12.


For this volume, Cheryl E. Sirochuck was Chief Editor. The Code of Federal Regulations publication program is under the direction of Michael L. White, assisted by Ann Worley.
Title 50—Wildlife and Fisheries

(This book contains parts 1 to 16)

CHAPTER I—United States Fish and Wildlife Service, Department of the Interior

Part

1
CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER A—GENERAL PROVISIONS

<table>
<thead>
<tr>
<th>Part</th>
<th>Topics</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Definitions</td>
<td>5</td>
</tr>
<tr>
<td>2</td>
<td>Field organization</td>
<td>5</td>
</tr>
<tr>
<td>3</td>
<td>Nondiscrimination—contracts, permits, and use of facilities</td>
<td>6</td>
</tr>
</tbody>
</table>

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE AND PLANTS

<table>
<thead>
<tr>
<th>Part</th>
<th>Topics</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>General provisions</td>
<td>8</td>
</tr>
<tr>
<td>11</td>
<td>Civil procedures</td>
<td>31</td>
</tr>
<tr>
<td>12</td>
<td>Seizure and forfeiture procedures</td>
<td>34</td>
</tr>
<tr>
<td>13</td>
<td>General permit procedures</td>
<td>43</td>
</tr>
<tr>
<td>14</td>
<td>Importation, exportation, and transportation of wildlife</td>
<td>56</td>
</tr>
<tr>
<td>15</td>
<td>Wild Bird Conservation Act</td>
<td>84</td>
</tr>
<tr>
<td>16</td>
<td>Injurious wildlife</td>
<td>97</td>
</tr>
</tbody>
</table>
SUBCHAPTER A—GENERAL PROVISIONS

PART 1—DEFINITIONS

§ 1.1 Meaning of terms.

As used in this chapter, unless separately defined, terms shall have the meaning ascribed in this part.

§ 1.2 Authorized representative.

Authorized representative means the subordinate official to which a principal official has delegated authority to act on a particular matter or a class of matters. The Director, U.S. Fish and Wildlife Service is frequently the authorized representative of the Secretary of the Interior, as also may be a regional director or an officer in charge of a Service field installation.

§ 1.3 Service.

Service means the United States Fish and Wildlife Service, Department of the Interior.

§ 1.4 Director.

Director means the Director, U.S. Fish and Wildlife Service or the authorized representative of such official.

§ 1.5 Officer in Charge.

Officer in Charge means any person in charge of a national fish hatchery, national wildlife refuge, research center, or other U.S. Fish and Wildlife Service installation, or the authorized representative of such official.

§ 1.6 Person.

Person means an individual, club, association, partnership, corporation, or private or public body, any one or all, as the context requires.

§ 1.7 Regional director.

Regional director means the official in charge of a region of the U.S. Fish and Wildlife Service or the authorized representative of such official.

§ 1.8 Secretary.

Secretary means the Secretary of the Interior or the authorized representative of such official.

PART 2—FIELD ORGANIZATION

§ 2.1 Regional offices.

The program operations of the U.S. Fish and Wildlife Service are performed at various types of field installations, such as ecological services stations, endangered species stations, fishery assistance offices, national fish hatcheries, national wildlife refuges, research laboratories and wildlife assistance offices. Generally, field installations are responsible to the regional director who has jurisdiction over Service activities in the State(s) encompassed by the region. Unless otherwise stated for a particular matter in the regulations, all persons may secure from the regional offices information or make submittals or requests, as well as obtain forms and instructions as to the scope and contents of papers or reports required of the public.

§ 2.2 Locations of regional offices.

The geographic jurisdictions and addresses of the U.S. Fish and Wildlife regional offices are as follows:

(a) Portland Regional Office (Region 1—comprising the States of California, Hawaii, Idaho, Nevada, Oregon, and Washington; the Commonwealth of the
Northern Mariana Islands; and American Samoa, Guam and other Pacific possessions), Eastside Federal Complex, 911 N.E. 11th Avenue, Portland, Oregon 97232.

(b) Albuquerque Regional Office (Region 2—comprising the States of Arizona, New Mexico, Oklahoma and Texas), 500 Gold Avenue, SW, Room 9018 (P.O. Box 1306), Albuquerque, New Mexico 87103.

(c) Twin Cities Regional Office (Region 3—comprising the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin), One Federal Drive, Bishop Henry Whipple Federal Building, Fort Snelling, MN 55111.

(d) Atlanta Regional Office (Region 4—comprising the States of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee; the Commonwealth of Puerto Rico; and the Virgin Islands and Caribbean possessions), 1875 Century Center Boulevard, Suite 200, Atlanta, Georgia 30345.

(e) Hadley Regional Office (Region 5—comprising the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia; and the District of Columbia), 300 Westgate Center Drive, Hadley, Massachusetts 01035.

(f) Denver Regional Office (Region 6—comprising the States of Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming), 134 Union Boulevard (P.O. Box 25486), Denver Federal Center, Denver, Colorado 80225.

(g) Alaska Regional Office (Region 7—comprising the State of Alaska), 1011 E. Tudor Road, Anchorage, Alaska 99503.


PART 3—NONDISCRIMINATION—CONTRACTS, PERMITS, AND USE OF FACILITIES

Sec.
3.1 Discrimination prohibited.
3.2 Federal financial assistance.
3.3 Discrimination by contractors and permittees prohibited.


SOURCE: 31 FR 16002, Dec. 15, 1966, unless otherwise noted.

§ 3.1 Discrimination prohibited.

No person shall, on the ground of race, color, creed, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to any form of discrimination or segregation under any program or activity, or in the use of any facility or accommodation of the Service.

§ 3.2 Federal financial assistance.

The provisions of 43 CFR part 17, which implements title VI of the Civil Rights Act of 1964, are applicable to any program or activity for which Federal financial assistance is provided under any law administered by the Service, including the programs and activities that are federally assisted under the laws listed in Appendix A of 43 CFR part 17.

§ 3.3 Discrimination by contractors and permittees prohibited.

The provisions of part III of Executive Order 10925 (3 CFR, 1959–1963 Comp. p. 448) and the provisions of Executive Order 11114 (3 CFR, 1959–1963 Comp. p. 774), as they may be amended, and the regulations of the President’s Council on Equal Opportunity, the President’s Committee on Equal Employment Opportunity, the President’s Committee on Equal Employment Opportunity, contained in 41 CFR part 60, and the Equal Employment Opportunity Commission are applicable to all agreements, or modifications thereof, between the Service and any person for supplies, services or facilities, or for the use of any Government property, services or facilities.

(a) Any person who provides public accommodations, facilities, services, or privileges upon any land under the control or administration of the Service through a permit, contract, concession contract, or other form of agreement with the Service is prohibited from discriminating by segregation or otherwise against any person because of race, color, creed, or national origin in the furnishing or refusing to furnish
such person any accommodation, facility, service, or privilege which is offered to or enjoyed by the general public, and will agree to abide by the prohibitions against discrimination contained in the permit, contract, or agreement.

(b) Any person who uses, occupies, or possesses any land under the administration or control of the Service through a permit, contract, concession contract, or other form of agreement with the Bureau is prohibited, in conjunction with the acts or activities authorized or permitted by such permit, contract, or agreement, from discriminating against any employee or applicant for employment or maintaining any employment practice which discriminates in any manner because of race, color, creed, or national origin, and will agree to abide by the prohibitions against discrimination contained in the permit, contract, or agreement.
SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE AND PLANTS

PART 10—GENERAL PROVISIONS

Subpart A—Introduction

Sec.
10.1 Purpose of regulations.
10.2 Scope of regulations.
10.3 Other applicable laws.
10.4 When regulations apply.

Subpart B—Definitions

10.11 Scope of definitions.
10.12 Definitions.
10.13 List of Migratory Birds.

Subpart C—Addresses

10.21 Director.
10.22 Law enforcement offices.


SOURCE: 38 FR 22015, Aug. 15, 1973, unless otherwise noted.

Subpart A—Introduction

§ 10.1 Purpose of regulations.

The regulations of this Subchapter B are promulgated to implement the following statutes enforced by the U.S. Fish and Wildlife Service which regulate the taking, possession, transportation, sale, purchase, barter, exportation, and importation of wildlife:

Lacey Act, 18 U.S.C. 42.
Bald and Golden Eagle Protection Act, 16 U.S.C. 668a–668l.


§ 10.2 Scope of regulations.

The various parts of this subchapter B are interrelated, and particular note should be taken that the parts must be construed with reference to each other.

§ 10.3 Other applicable laws.

No statute or regulation of any State shall be construed to relieve a person from the restrictions, conditions, and requirements contained in this subchapter B. In addition, nothing in this subchapter B, nor any permit issued under this subchapter B, shall be construed to relieve a person from any other requirements imposed by a statute or regulation of any State or of the United States, including any applicable health, quarantine, agricultural, or customs laws or regulations, or other Service enforced statutes or regulations.

§ 10.4 When regulations apply.

The regulations of this subchapter B shall apply to all matters arising after the effective date of such regulations, with the following exceptions:

(a) Civil penalty proceedings. Except as otherwise provided in §11.25, the civil penalty assessment procedures contained in this subchapter B shall apply only to any proceeding instituted by notice of violation dated subsequent to the effective date of these regulations, regardless of when the act or omission which is the basis of a civil penalty proceeding occurred.

(b) Permits. The regulations in this subchapter B shall apply to any permit application received after the effective date of the appropriate regulations in this subchapter B and, insofar as appropriate, to any permit which is renewed after such effective date.

Subpart B—Definitions

§ 10.11 Scope of definitions.
In addition and subject to definitions contained in applicable statutes and subsequent parts or sections of this subchapter B, words or their variants shall have the meanings ascribed in this subpart. Throughout this subchapter B words in the singular form shall include the plural, words in the plural form shall include the singular, and words in the masculine form shall include the feminine.

§ 10.12 Definitions.
Aircraft means any contrivance used for flight in the air.

Amphibians means a member of the class, Amphibia, including, but not limited to, frogs, toads, and salamanders; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

Animal means an organism of the animal kingdom, as distinguished from the plant kingdom; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

Birds means a member of the class, Aves; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

Country of exportation means the last country from which the animal was exported before importation into the United States.

Country of origin means the country where the animal was taken from the wild, or the country of natal origin of the animal.

Crustacean means a member of the class, Crustacea, including but not limited to, crayfish, lobsters, shrimps, crabs, barnacles, and some terrestrial forms; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

Director means the Director of the United States Fish and Wildlife Service, Department of the Interior, or his authorized representative.

Endangered wildlife means any wildlife listed in §17.11 or §17.12 of this subchapter.

Fish means a member of any of the following classes:
(1) Cyclostomata, including, but not limited to, hagfishes and lampreys;
(2) Elasmobranchii, including but not limited to, sharks, skates, and rays; and
(3) Pisces, including but not limited to, trout, perch, bass, minnows, and catfish; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

Fish or wildlife means any wild animal, whether alive or dead, including without limitation any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, arthropod, coelenterate, or other invertebrate, whether or not bred, hatched, or born in captivity, and including any part, product, egg, or offspring thereof.

Foreign commerce includes, among other things, any transaction (1) between persons within one foreign country, or (2) between persons in two or more foreign countries, or (3) between a person within the United States and a person in one or more foreign countries, or (4) between persons within the United States, where the fish or wildlife in question are moving in any country or countries outside the United States.

Fossil means the remains of an animal of past geological ages which has been preserved in the earth’s crust through mineralization of the object.

Import means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the tariff laws of the United States.
Injurious Wildlife means any wildlife for which a permit is required under subpart B of part 16 of this subchapter before being imported into or shipped between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any possession of the United States.

Mammal means a member of the class, Mammalia; including any part, product, egg, or offspring, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

Migratory bird means any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in §10.13, or which is a mutation or a hybrid of any such species, including any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof.

Migratory game birds: See §20.11 of this subchapter.

Mollusk means a member of the phylum, Mollusca, including but not limited to, snails, mussels, clams, oysters, scallops, abalone, squid, and octopuses; including any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

Permit means any document designated as a “permit,” “license,” “certificate,” or any other document issued by the Service to authorize, limit, or describe activity and signed by an authorized official of the Service.

Person means any individual, firm, corporation, association, partnership, club, or private body, any one or all, as the context requires.

Plant means any member of the plant kingdom, including seeds, roots and other parts thereof.

Possession means the detention and control, or the manual or ideal custody of anything which may be the subject of property, for one’s use and enjoyment, either as owner or as the proprietor of a qualified right in it, and either held personally or by another who exercises it in one’s place and name. Possession includes the act or state of possessing and that condition of facts under which one can exercise his power over a corporeal thing at his pleasure to the exclusion of all other persons. Possession includes constructive possession which means not actual but assumed to exist, where one claims to hold by virtue of some title, without having actual custody.

Public as used in referring to museums, zoological parks, and scientific or educational institutions, refers to such as are open to the general public and are either established, maintained, and operated as a governmental service or are privately endowed and organized but not operated for profit.

Reptile means a member of the class, Reptilia, including but not limited to, turtles, snakes, lizards, crocodiles, and alligators; including any part, product, egg, or offspring thereof, or the dead body or parts thereof, whether or not included in a manufactured product or in a processed food product.

Secretary means the Secretary of the Interior or his authorized representative.

Service means the United States Fish and Wildlife Service, Department of the Interior.

Shellfish means an aquatic invertebrate animal having a shell, including, but not limited to, (a) an oyster, clam, or other mollusk; and (b) a lobster or other crustacean; or any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

State means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

Take means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect. (With reference to marine mammals see Part 18 of this subchapter.)

Transportation means to ship, convey, carry or transport by any means whatever, and deliver or receive for such shipment, conveyance, carriage, or transportation.

United States means the several States of the United States of America,
§ 10.13 List of Migratory Birds.

(a) Legal authority for this list. The Migratory Bird Treaty Act (MBTA) in 16 U.S.C. 703–711, the Fish and Wildlife Improvement Act of 1978, 16 U.S.C. 712, and 16 U.S.C. 742a–j. The MBTA implements Conventions between the United States and four neighboring countries for the protection of migratory birds, as follows:

(1) Canada: Convention for the Protection of Migratory Birds, August 16, 1916, United States-Great Britain (on behalf of Canada), 39 Stat. 1702, T.S. No. 628, as amended;

(2) Mexico: Convention for the Protection of Migratory Birds and Game Mammals, February 7, 1936, United States-United Mexican States (Mexico), 50 Stat. 1311, T.S. No. 912, as amended;

(3) Japan: Convention for the Protection of Migratory Birds and Birds in Danger of Extinction, and Their Environment, March 4, 1972, United States-Japan, 25 U.S.T. 3229, T.I.A.S. No. 7990; and


(b) Purpose of this list. The purpose is to inform the public of the species protected by regulations designed to enforce the terms of the MBTA. These regulations, found in parts 10, 20, and 21 of this chapter, cover most aspects of the taking, possession, transportation, sale, purchase, barter, exportation, and importation of migratory birds.

(c) What species are protected as migratory birds? Species protected as migratory birds are listed in two formats to suit the varying needs of the user: Alphabetically in paragraph (c)(1) of this section and taxonomically in paragraph (c)(2) of this section. Taxonomy and nomenclature generally follow the 7th edition of the American Ornithologists’ Union’s Check-list of North American birds (1998, as amended through 2007). For species not treated by the AOU Check-list, we generally follow Monroe and Sibley’s A World Checklist of Birds (1993).

(1) Alphabetical listing. Species are listed alphabetically by common (English) group names, with the scientific name of each species following the common name. It is possible that alphabetical listing by common group names may create confusion in those few instances in which the common (English) name of a species has changed. The species formerly known as the Falcated Teal, for example, is now known as the Falcated Duck. To prevent confusion, the alphabetical list has two entries for Falcated Duck: “DUCK, Falcated” and “[TEAL, Falcated (see DUCK, Falcated)].” Other potential ambiguities are treated in the same way.

ACCENTOR, Siberian, Prunella montanella
AKAKEE, Loxops caeruleirostris
AKEARA, Loxops coccineus
AKIALOA, Greater, Hemignathus ellisianus
AKIAPOLAAU, Hemignathus munroi
AKIKIKI, Oreocephalus bairdi
AKOHEKOHE, Hemignathus comins
AKOHEKOHE, Oreocephalus bairdi
ALAHIAHIO, Maui, Paroreomyza montana
ALAHIAHIO, Oahu, Paroreomyza maculata
ALBATROSS, Black-browed, Thalassarche melanophris
Black-footed, Phoebastria nigripes
Laysan, Phoebastria immutabilis
Light-mantled, Phoebastria palpebrata
Short-tailed, Phoebastria albatrus
Sly, Thalassarche cauta
Wandering, Diomedea exulans
Yellow-nosed, Thalassarche chlororhynchos
ANHINGA, Anhinga anhinga
ANI, Groove-billed, Crotaphaga sulcirostris
Smooth-billed, Crotaphaga ani
AMAKIHI, Hawaii, Hemignathus virens
Kauai, Hemignathus virens kauaiensis
Oahu, Hemignathus virens
ANIANIAU, Magumma pavo
APAPANE, Hemignathus sanguineus
AUKLET, Cassin’s, Ptychoramphus aleuticus
§ 10.13

Crested, Aethia cristatella
Least, Aethia pusilla
Parakeet, Aethia psittacula
Rhinozeros, Cerorhinca moncerata
Whiskered, Aethia pygmea

AVOCET, American, Recurvirostra americana
[ Barn-Owl, Common (see OWL, Barn)]
BEAN-GOOSE, Taiga, Anser fabalis
Tundra, Anser serrirostris

BEARDLESS-TYRANNULET, Northern, Campstoma imberbe
BECARD, Rose-throated, Pachyramphus australis

BITTERN, American, Botaurus lentiginosus
Black, Ixobrychus minutus
[ Chinese (see Yellow)]
Loe, Ixobrychus exilis
Schrenck’s, Ixobrychus eurhythmus

YELLOW, Ixobrychus sinensis
BLACK-HAWK, Common, Buteogallus anthracinus

BLACKBIRD, Brewer’s, Euphagus cyanecula
Red-winged, Agelaius phoeniceus
Rusty, Euphagus carolinus
Tawny-shouldered, Agelaius humeralis
Tricolored, Agelaius tricolor
Yellow-headed, Xanthocephalus xanthocephalus

YELLOW-shouldered, Agelaius xanthomelas
BLUEBIRD, Eastern, Sialia sialis
Mountain, Siala currucoides
Western, Siala mexicana

BLUETAIL, Red-flanked, Tarsiger cyanellus
BLUETHROAT, Lucinia svecica
BOBOLINK, Dolichonyx oryzivorus
BOOBY, Blue-footed, Sula nebouxii
Brown, Sula leucogaster
Masked, Sula dactylatra
Red-footed, Sula sula

BRAMLING, Fringilla montifringilla
BRANT, Branta bernicla
BUFFLEHEAD, Bucephala albeola

BULLFINCH, Eurasian, Pyrrhula pyrrhula
Puerto Rican, Loxigilla portoricensis

BUNTING, Blue, Cyanocompsa parellina
Gray, Emberiza variabilis
Indigo, Passerina cyanea
Little, Emberiza pusilla
Lark, Calamospiza melanocorys
Lazuli, Passerina amoena

McKay’s, Plectrophenax nivalis
Painted, Passerina ciris
Pallas’s, Emberiza pallasi
Pine, Emberiza leucocephala
Reed, Emberiza schoeniclus
Rustic, Emberiza rustica
Snow, Plectrophenax nivalis
Varied, Passerina versicolor
Yellow-breasted, Emberiza aureola
Yellow-throated, Emberiza elegans

BUSH TIT, Psaltriparus minimus
CARASCARA, Crested, Caracara cheriway

CAROLINA, Northern, Cardinalis cardinalis
CARIB, Green-throated, Eulampis holosericeus
Purple-throated, Eulampis jugularis

CATBIRD, Black, Melanoptila glabrirostris
Gray, Dumetella carolinensis

CHAFFINCH, Common, Fringilla coelebs

CHAT, Yellow-breasted, Icteria virens

CHICKADEE, Black-capped, Poecile atricapillus
Boreal, Poecile hudsonica
Carolina, Poecile carolinensis
Gray-headed, Poecile palustris

Mountain, Poecile gambeli

CHUCK-WILL’S-WIDOW, Caprimulgus carolinensis

CONDOR, California, Gymnogyps californianus

COOT, American, Fulica americana
Caribbean, Fulica caribaea
Eurasian, Fulica atra

Hawaiian, Fulica alai

CORMORANT, Brandt’s, Phalacrocorax penicillatus
Double-crested, Phalacrocorax auritus
Great, Phalacrocorax carbo
Little Pied, Phalacrocorax melanoleucus
Neotropic, Phalacrocorax brasilianus
[ Olivaceous (see Neotropic)]
Pelagic, Phalacrocorax pelagicus
Red-faced, Phalacrocorax urile

COWBIRD, Bronzed, Molothrus aeneus
Brown-headed, Molothrus ater

SHINY, Molothrus bonariensis

CRAKE, Corn, Crex crex

Paint-billed, Neocrex erythrops
Spotless, Porzana tabuensis
Yellow-breasted, Porzana flavigena

CRANE, Common, Grus grus
Sandhill, Grus canadensis
Whooping, Grus americana

CREEPER, Brown, Certhia americana

HAWAII, Oreomystis mana

CROSSBILL, Red, Louisa curvirostra

WHITE-winged, Loxia leucoptera

CROW, American, Corvus brachyrhynchos

Fish, Corvus ossipaugus
Hawaiian, Corvus hawaiiensis
Mariana, Corvus kubaryi
[Mexican (see Tamaulipas)]
Northwestern, Corvus caurinus
Tamaulipas, Corvus imparatus

WHITE-necked, Corvus leucogaster

CUCKOO, Black-billed, Coccyzus erythropthalmus

Common, Coccyzus caurinus
Mangrove, Coccyzus minor

Oriental, Coccyzus opalus

YELLOW-billed, Coccyzus americanus

CURLEW, Bristle-thighed, Numenius tahitiensis
Eskimo, Numenius borealis
Eurasian, Numenius arquata

Far Eastern, Numenius madagascariensis
[ Least (see Little)]

Little, Numenius minutus

LONG-billed, Numenius americanus

DICKCISSEL, Spiza americana

DIPPER, American, Cinclus mexicanus
§ 10.13

DOTTEREL, Eurasian, Charadrius morinellus
DOVE, Inca, Columbina inca
Mourning, Zenaida macroura
White-tipped, Leptotila verreauxi
White-winged, Zenaida asiatica
Zenaida, Zenaida aurita
DOVEKIE, Alle alle
DOWITCHER, Long-billed, Limnodromus scolopaceus
Short-billed, Limnodromus griseus
DUCK, American Black, Anas rubripes
Falcated, Anas falcata
Harlequin, Histrionicus histrionicus
Hawaiian, Anas wvilliana
Laysan, Anas laysanensis
Long-tailed, Clangula hyemalis
Masked, Nomonyx dominicus
Mottled, Anas fuligula
Muscovy, Cairina moschata
Pacific Black, Anas superciliosa
Ring-necked, Asythya collaris
Ruddy, Oxyura jamaicensis
Spot-billed, Anas poecilorhyncha
Tufted, Asythya fuligula
Wood, Aiz sponsa
DUNLIN, Calidris alpina
EAGLE, Bald, Haliaeetus leucocephalus
Golden, Aquila chrysaetos
White-tailed, Haliaeetus albicilla
EGRET, Cattle, Bubulcus ibis
Chinese, Egretta eulophotes
Great, Ardea alba
Intermediate, Mesophoyx intermedia
Little, Egretta garzetta
(Plumed (see Intermediate))
Reddish, Egretta rufescens
Snowy, Egretta thula
EIDER, Common, Somateria mollissima
King, Somateria spectabilis
Spectacled, Somateria fischeri
Steller’s, Polysticta stelleri
ELAENIA, Caribbean, Elaenia martinica
Greenish, Myiopagis viridicata
EMERALD, Puerto Rican, Chlorostilbon maugaeus
EUPHONIA, Antillean, Euphonia musica
FALCON, Aplomado, Falco femoralis
Peregrine, Falco peregrinus
Prairie, Falco mexicanus
Red-Footed, Falco vespertinus
FIELDFARE, Turdus pilaris
FINCH, Cassin’s, Cardopacus cassini
House, Cardopacus mexicanus
Laysan, Telespiza cantans
Nihoa, Telespiza ultima
Purple, Cardopacus purpureus
[Rosy (see ROSY–FINCH)]
FLAMINGO, Greater, Phoenicopterus ruber
FLICKER, Gilded, Colaptes chrysoides
Northern, Colaptes auratus
FLYCATCHER, Acadian, Empidonax virescens
Alder, Empidonax alnorum
Ash-throated, Myiarchus cinerascens
Brown-crested, Myiarchus tyrannulus
Buff-breasted, Empidonax fulvifrons
Cordilleran, Empidonax occidentalis
Dusky, Empidonax oberholseri
Dusky-capped, Myiarchus tuberculifer
Fork-tailed, Tyrannus savana
Gray, Empidonax wrightii
(Gray-spotted (see Gray-streaked))
Gray-streaked, Muscicapa griseisticta
Great Crested, Myiarchus crinitus
Hammond’s, Empidonax hammondii
La Sagra’s, Myiarchus saprae
Least, Empidonax minimus
Narcissus, Piceola nyssa
Nutting’s, Myiarchus nuttingi
Olive-sided, Contopus cooperi
Pacific-slope, Empidonax difficilis
Piratic, Legatus leucophalus
Puerto Rican, Myiarchus antillarum
Scissor-tailed, Tyrannus forficatus
Social, Myiopagis similis
Sulphur-bellied, Myiastetes leuteinensis
Tufted, Mitrephanes phaeocercus
Variegated, Empidonax varius
Vermilion, Pyrocephalus rubinus
[Western (see Cordilleran and Pacific-slope)]
Willow, Empidonax traillii
Yellow-bellied, Empidonax flaviventris
FOREST-FALCON, Collared, Micrastur montaquis
FRIGATEBIRD, Great, Fregata minor
Lesser, Fregata ariel
Magnificent, Fregata magnificens
FROG-HAWK, Gray, Accipiter solensis
FRUIT-DOVE, Crimson-crowned, Ptilinopus porphyraceus
Many-colored, Ptilinopus perouesi
Mariana, Ptilinopus roseicapilla
FUEMAR, Northern, Polioptila melanura
GADWALL, Anas strepera
GALLINULE, Azure, Porphyrio martinica
Purple, Porphyrio martinica
GANNET, Northern, Morus bassanus
GARGANEY, Anas querquedula
GNATCATCHER, Black-capped, Polioptila aequipes
Black-tailed, Polioptila melanura
Blue-gray, Polioptila caerulea
California, Polioptila californica
GO DWIT, Bar-tailed, Limosa lapponica
Black-tailed, Limosa limosa
Hudsonian, Limosa haemastica
Marbled, Limosa fedoa
GOLDEN-PLOVER, American, Pluvialis dominica
European, Pluvialis apricaria
(Lesser (see American))
Pacific, Pluvialis fulva
GOLDEN-EYE, Barrow’s, Bucephala islandica
Common, Bucephala clangula
GOLDFINCH, American, Carduelis tristis
Lawrence’s, Carduelis laurentii
Lesser, Carduelis psaltria
GOOSE, Barnacle, Branta leucopsis
(Bean, (see BEAN-GOOSE, Taiga))
Canada, Branta canadensis (including Cackling Goose, Branta hutchinsii)
Emperor, Chen canagica
Greater White-fronted, Anser albifrons
Hawaiian, Branta sandvicensis

13
§ 10.13  

Lesser White-fronted, *Anser erythropus*  
Rose’s, *Chen rossii*  
Snow, *Chen caerulescens*  
GOSHAWK, Northern, *Accipiter gentilis*  
GRACKLE, Boat-tailed, *Quiscalus major*  
Common, *Quiscalus quiscula*  
Great-tailed, *Quiscalus mexicanus*  
Greater Antillean, *Quiscalus niger*  
GRASSHOPPER-WARBLER, Middendorff’s, *Locustella ochotensis*  
GRASSQUIT, Black-faced, *Tiaris bicolor*  
Yellow-faced, *Tiaris olivaceus*  
GREBE, Clark’s, *Aechmophorus clarkii*  
Eared, *Podiceps nigricollis*  
Horned, *Podiceps auritus*  
Pied-billed, *Podilymbus podiceps*  
Red-necked, *Podiceps grisegena*  
Western, *Aechmophorus occidentalis*  
GREENFINCH, Oriental, *Carduelis sinica*  
GREENSHANK, Common, *Tringa nebularia*  
Northern’s, *Tringa brevipes*  
GROSBEAK, Black-headed, *Pheucticus melanocephalus*  
Blue, *Passerina caerulea*  
Crimson-collared, *Rhodotorula picta*  
Evening, *Coccothraustes vespertinus*  
Pine, *Pincilla marina*  
Rose-breasted, *Pheucticus ludovicianus*  
Yellow, *Pheucticus chrysopeplus*  
GROUND-DOVE, Common, *Columbina passerina*  
Friendly, *Gallicolumba stani*  
Ruddy, *Columbina talpacoti*  
White-throated, *Gallicolumba zanthornua*  
GUILLEMOT, Black, *Cepphus grylle*  
Pigeon, *Cepphus columba*  
GULL, Belcher’s, *Larus belcheri*  
Black-headed, *Larus ridibundus*  
Black-tailed, *Larus crassirostris*  
Bonaparte’s, *Larus philadelphia*  
California, *Larus californicus*  
[Common Black-headed (see Black-headed)]  
Franklin’s, *Larus pipixcan*  
Glaucous, *Larus hyperboreus*  
Glaucous-winged, *Larus glaucescens*  
Gray-hooded, *Larus cirrocephalus*  
Great Black-backed, *Larus marinus*  
Heermann’s, *Larus heermanni*  
Herring, *Larus argentatus*  
Iceland, *Larus glaucoides*  
Ivory, *Pagophila eburnea*  
Kelp, *Larus dominicanus*  
Laughing, *Larus atricilla*  
Lesser Black-backed, *Larus fuscus*  
Little, *Larus minutus*  
Mew, *Larus canus*  
Ring-billed, *Larus delawarensis*  
Rose’s, *Rhodostethia rosea*  
Sabine’s, *Xema sabini*  
Slaty-backed, *Larus schistisagus*  
Thayer’s, *Larus thayeri*  
Western, *Larus occidentalis*  
Yellow-footed, *Larus livens*  
Yellow-legged, *Larus michahellis*  
GYRFALCON, *Falco rusticolus*  
HARRIER, Northern, *Circus cyaneus*  
HAWFINCH, *Coccothraustes coccothraustes*  
HAWK, [Asiatic Sparrowhawk, *Accipiter cooperii* (see SPARROWHAWK)]  
Broad-winged, *Buteo platypterus*  
Crane, *Geranospiza caerulescens*  
Ferruginous, *Buteo regalis*  
Gray, *Buteo nivalis*  
Harris’s, *Parabuteo unicinctus*  
Hawaiian, *Buteo solitarius*  
Red-shouldered, *Buteo lineatus*  
Red-tailed, *Buteo jamaicensis*  
Red-tailed, *Buteo magnirostris*  
Rough-legged, *Buteo lagopus*  
Sharp-shinned, *Accipiter striatus*  
Short-tailed, *Buteo brachyrurus*  
Swainson’s, *Buteo swainsoni*  
White-tailed, *Buteo albicollia*  
Zone-tailed, *Buteo albonotatus*  
HAWK-CUCKOO, *Hodgsonius, Cuculus fugax*  
[Asiatic Sparrowhawk, *Accipiter cooperii* (see SPARROWHAWK)]  
HERON, Gray, *Ardea cinerea*  
Great Blue, *Ardea herodias*  
Green, *Butorides virescens*  
Green-backed (see Green)  
Little Blue, *Egretta caerulea*  
Pacific Reef (see REEF-EGRET, Pacific)  
Tricolored, *Egretta tricolor*  
HOBBY, *Falco subbuteo*  
HOUSE-MARTIN, *Delichon urbicum*  
HUMMINGBIRD, Allen’s, *Selasphorus sasin*  
Anna’s, *Calliope anna*  
Antillean Crested, *Orthorhyncus cristatus*  
Berylina, *Amazilia berylina*  
Black-chinned, *Archilochus alexandri*  
Blue-throated, *Lampornis clemenciae*  
Broad-billed, *Cyananthus latirostris*  
Broad-tailed, *Selasphorus platycercus*  
Buff-bellied, *Amazilia yucatanensis*  
Bumblebee, *Atthis heliosa*  
Calliope, *Stellula calliope*  
Cinnamon, *Amazilia rubi*  
Costa’s, *Calypte costae*  
Lucifer, *Calothorax lucifer*  
Magnificent, *Eugenes fulgens*  
Ruby-throated, *Archilochus colubris*  
Rufous, *Selasphorus rufus*  
Violet-crowned, *Amazilia violaceps*  
White-eared, *Hylocharis leucopterus*  
Xantus’s, *Hylocharis xantusii*  
IBIS, *Glossy, Plegadis falcinellus*  
Scarlet, *Eudocimus ruber*  
White, *Eudocimus albus*  
White-faced, *Plegadis chihi*  
IIW, *Vestarina coccorina*  
IMPERIAL-PIGEON, *Ducula pacifica*  
JABIRU, *Jabiru mycteria*  
JACANA, Northern, *Jacana spinosa*  
JAEGGER, Long-tailed, *Stercorarius longicollis*  
Pterodrome, *Stercorarius parasiticus*  
Pomarine, *Stercorarius pomarinus*  
JAY, Blue, *Cyanocitta cristata*  
Brown, *Cyanocitta morio*  
Gray, *Psephotus canadensis*
LONGSPUR, Chestnut-collared, Calarcus ornalis

GRAY-BREASTED, Progne chalybea
Purple, Progne subis

Southern, Progne elegans

MEADOWLARK, Eastern, Sturnella magna
Western, Sturnella neglecta

Merganser, Common, Mergus merganser

Hooded, Lophodytes cucullatus

Red-breasted, Mergus serrator

MERLIN, Falco columbarius

MILLERBIRD, Acrocephalus familiaris

MOKINGBIRD, Bahama, Mimus gundlachii

Blue, Melanotis caerulescens
Northern, Mimus polyglottos

MOOREN, Common, Gallinula chloropus

MURRE, Common, Uria aalge

Thick-billed, Uria lomvia

MURRELET, Ancient, Synthliboramphus antiquus

Craveri’s, Synthliboramphus craveri

Kittlitz’s, Brachyramphus brevirostris

Long-billed, Brachyramphus perdix

Marbled, Brachyramphus marmoratus

Xantus’s, Synthliboramphus hypoleucus

NEEDLETAIL, White-throated, Hirundapus caudacatus

NIGHT-HERON, Black-crowned, Nycticorax nycticorax

Japanese, Gorsachius goisagi

[Malay (see Malayan)]

Malayan, Gorsachius melanopthalmus

Yellow-crowned, Nyctanassa violacea

NIGHTHAWK, Antillean, Chordeiles gundlachii

Common, Chordeiles minor

Lesser, Chordeiles acutipennis

NIGHTINGALE-THRUSH, Black-headed, Catharus mexicanus

Orange-billed, Catharus aurantiopterus

NIGHTJAR, Buff-collared, Caprimulgus ridgwayi

Gray, Caprimulgus indicus

[Jungle (see Grays)]

Puerto Rican, Caprimulgus noctitherus

NODDY, Black, Anous minutus

Blue-gray, Procelsterna cerulea

Brown, Anous stolidus

[Lesser (see Black)]

NUKUPUU, Hemignathus lucidus

NUTCRACKER, Clark’s, Nucifraga columbiana

NUTHATCH, Brown-headed, Sitta pusilla

Pygmy, Sitta pygmaea

Red-breasted, Sitta canadensis

White-breasted, Sitta carolinensis

[OLDSQUAW (see DUCK, Long-tailed)]

OMA, Myiarchus laniensis

OMAO, Myiarchus obscurus

ORIOLE, Altamira, Icterus galbula

Audubon’s, Icterus graduacauda

Baltimore, Icterus galbula

[Black-cowled (see Greater Antillean)]

Black-vented, Icterus uugleri

Bullock’s, Icterus bullockii

Greater Antillean, Icterus dominicensis

Hooded, Icterus cucullatus

Greater Antillean, Icterus dominicensis

[Western (see Baltimore and Bullock’s)]

Orchard, Icterus spurius
§ 10.13  50 CFR Ch. I (10–1–12 Edition)

Scott’s, Icterus parisorum
Streak-backed, Icterus pustulatus
OSPREY, Pandion haliaetus
OU, Patisstrun apitacea
OYSTERBIRD, Saimiri aurocapilla
OWL, Barn, Tyto alba
Barred, Strix varia
Boreal, Aegolius funereus
Burrowing, Athene cunicularia
Elf, Micrathene whitneyi
Flammulated, Otus flammeolus
Great Gray, Strix nebulosa
Great Horned, Bubo virginianus
Long-eared, Asio otus
Mottled, Ciccaba virgata
Northern Hawk, Surnia ulula
Northern Saw-whet, Aegolius acadicus
Short-eared, Asio flammeus
Snowy, Bubo scandiacus
Spotted, Strix occidentalis
Stygian, Asio stygius
OYSTERCATCHER, American, Haematopus palliatus
Black, Haematopus bachmani
Eurasian, Haematopus ostralegus
PALILA, Loxiosidea baileyi
PALM-SWIFT, Antillean, Tachornis phoenicobia
PARROTBILL, Maui, Pseudonestor xanthophrys
PARULA, Northern, Parula americana
Tropical, Parula pitiayumi
PAURAQUE, Common, Nyctidromus albicollis
PELICAN, American White, Pelecanus erythrorhynchos
Brown, Pelecanus occidentalis
PETREL, Bermuda, Pterodroma cahow
Black-capped, Pterodroma inexpectata
Black-winged, Pterodroma neglecta
Bonin, Pterodroma hypoleuca
Bulwer’s, Bulweria bulwerii
Cook’s, Pterodroma cookii
[Dark-rumped (see Hawaiian)]
Gould’s, Pterodroma leucotera
Great-winged, Pterodroma macroptera
Hawaiian, Pterodroma sandwicensis
Herald, Pterodroma arminjoniana
Jouannin’s, Bulweria fallax
Juan Fernandez, Pterodroma externa
Kermadec, Pterodroma neglecta
Mottled, Pterodroma inexpectata
Murphy’s, Pterodroma ultima
Phoenix, Pterodroma alba
Stejneger’s, Pterodroma longirostris
Tahiti, Pterodroma rostrata
White-necked, Pterodroma litchi
[White-necked, Pterodroma externa (see Petrel, Juan Fernandez)]
PEWEE, Cuban, Contopus caribaeus
Greater, Contopus pertinax
Hispaniolan, Contopus hispianolis
Lesser Antillean, Contopus latirostris
PHAINOPEPLA, Phainopepla nitens
PHALAROPE, Red, Phalaropus fulicarius
Red-necked, Phalaropus lobatus
Wilson’s, Phalaropus ricola
PHOEBE, Black, Sayornis nigricans
Eastern, Sayornis phoebe
Say’s, Sayornis saya
PIGEON, Band-tailed, Patagioenas fasciata
Plain, Patagioenas inornata
Red-billed, Patagioenas flavirostris
Scaly-naped, Patagioenas squamosa
White-crowned, Patagioenas leucocephala
PINTAIL, Northern, Anas acuta
White-cheeked, Anas bahamensis
PIPET, American, Anthus rubescens
Olive-backed, Anthus hodgsoni
Pechora, Anthus gustavi
Red-throated, Anthus cervinus
Sprague’s, Anthus spragueii
Tree, Anthus trivialis
[Water (see American)]
PLOVER, Black-bellied, Pluvialis squatarola
Collared, Charadrius collaris
Common Ringed, Charadrius hiaticula
Great Sand (see Sand-Plover, Greater)
Little Ringed, Charadrius dubius
[Mongolian (see Sand-Plover, Lesser)]
Mountain, Charadrius montanus
Piping, Charadrius melodus
Semipalmated, Charadrius semipalmatus
Snowy, Charadrius alexandrinus
Wilson’s, Charadrius wilsonia
POCHARD, Baer’s, Aythya baeri
Common, Aythya ferina
POND-HERON, Chinese, Ardeola bacchus
POORWILL, Common, Phalaenoptilus nuttallii
POO-ULLI, Mélampyrospis phaeosoma
PUJOHI, Myioborus pictus
PUJOHI, Myioborus pictus
PUFFIN, Atlantic, Fratercula arctica
Horned, Fratercula corniculata
Tufted, Fratercula cirrhata
PYGMY-OWL, Ferruginous, Glaucidium brasilianum
Northern, Glaucidium gnoma
PYRRHULOGIA, Cardinalis sinuatus
QUAIL-DOVE, Bridled, Geotrygon mystacea
Key West, Geotrygon chrysia
Ruddy, Geotrygon montana
QUETZEL, Eared, Euptilotis neoxenus
RAIL, Black, Laterallus jamacensis
Buff-banded, Gallirallus philippensis
Clapper, Gallirallus longirostris
Guam, Gallirallus ostoni
King, Gallirallus elegans
Spotted, Pardirallus maculatus
Virginia, Gallirallus tenebrosus
Yellow, Coturnicops noveboracensis
RAVEN, Chihuahuan, Corvus cryptoleucus
Common, Corvus corax
RAZORBILL, Alca torda
REDHEAD, Aythya americana
REDPOLL, Common, Carduelis flammea
Hoary, Carduelis hornemannii
REDSHANK, Spotted, Tringa erythropus
REDSTART, American, Setophaga ruticilla
Painted, Myioborus pictus
Slate-throated, Myioborus minimus
[REED-BUNTING, Common (see BUNTING, Reed)]
[Pallas’ (see BUNTING, Pallas’)]
REED-WARBLER, Nightingale, Acrocephalus tuscianus
SANDPiper, Baird’s, Calidris bairdii
Broad-billed, Limicola falcinellus
Buff-breasted, Tryngites subruficollis
Common, Actitis hypoleucos
Curlew, Calidris ferruginea
Green, Tringa ochropus
Least, Calidris minutilla
Marsh, Tringa stagnatilis
Pectoral, Calidris melanotos
Purple, Calidris maritima
Rock, Calidris ptilocnemis
Semipalmed, Calidris pusilla
Sharp-tailed, Calidris acuminata
Solitary, Tringa solitaria
(Spoonbill) see Tringa solitaria
Spoon-billed, Earynornynchus pygmeus
Spotted, Actitis macularius
Stilt, Calidris himantopus
Terek, Xenus cinereus
Upland, Bartramia longicauda
Western, Calidris mauri
White-rumped, Calidris fuscicollis
Wood, Tringa glareola

SAND-PLOVER, Greater, Charadrius leschenaultii
Lesser, Charadrius mongolus
SAPSUCKER, Red-breasted, Sphyrapicus ruber
Red-naped, Sphyrapicus nuchalis
Williamson’s, Sphyrapicus thyroideus
Yellow-bellied, Sphyrapicus varius

SCAUP, Greater, Aythya marila
Lesser, Aythya affinis

SCOPS-OWL, Oriental, Otus sunia

SCOTER, Black, Melanitta nigra
Surf, Melanitta perspicillata
White-winged, Melanitta fusca

SCREECH-OWL, Eastern, Megascops asio
Puerto Rican, Megascops nudipes
Western, Megascops kennicottii
Whiskered, Megascops trichopus

SCRUB-JAY, Florida, Aphelocoma coerulescens
Island, Aphelocoma insularis

Western, Aphelocoma californica

SEA-EAGLE, Steller’s, Haliaeetus pelagicus

SEEDEATER, White-collared, Sporophila torquela

SHEARWATER, Audubon’s, Puffinus tenuirostris

§ 10.13

Black-vented, Puffinus opisthomelas
Buller’s, Puffinus bulleri
Cape Verde, Calonectris edwardsii
Christmas, Puffinus nativitatis
Cory’s, Calonectris diomedea
Flesh-footed, Puffinus carneipes
Greater, Puffinus gravis
Little, Puffinus assimilis
Manx, Puffinus puffinus
Pink-footed, Puffinus creatopus
Short-tailed, Puffinus tenuirostris
Sooty, Puffinus griseus
Streaked, Calonectris leucomelas
Townsend’s, Puffinus auricularis
Wedge-tailed, Puffinus pacificus

SHOVELER, Northern, Anas clypeata

SIFAKA, Brown, Lepilemur fulvus

SISKIN, Eurasian, Carduelis spinus

SKimmer, Black, Rynchops niger

SKUA, Great, Stercorarius skua

South Polar, Stercorarius maccormickii

[SOLITAIRE, Townsend’s, Myiastomus townsendi

SORA, Porzana carolina

SPARROW, American Tree, Spizella arborea

Bachman’s, Ammodramus bachmani
Baird’s, Ammodramus bairdii
Black-chinned, Spizella atrougularis
Black-throated, Amphipelia bilineata
Botteri’s, Ammodramus botterii
Breuer’s, Spizella breueri
Cassin’s, Ammodramus cassinii
Chipping, Spizella passerina

CLAY-COLORED, Spizella pallida

Field, Spizella pusilla

Five-striped, Ammodramus quinquestriatus

Fox, Passerella iliaca

Golden-crowned, Zonotrichia atricapilla

Grasshopper, Ammodramus savannarum

Harris’s, Zonotrichia fortis

Henslow’s, Ammodramus henslowii

Lark, Chondesetes grammacus

Le Conte’s, Ammodramus lecontei

Lincoln’s, Melospiza lincolnii

Nelson’s Sharp-tailed, Ammodramus nelsoni

Olive, Arrenornops rufiventris

Rufous-winged, Ammodramus carpalis

Sage, Amphipelia belli

Saltmarsh Sharp-tailed, Ammodramus caudacutus

Savannah, Passerellus sandwichensis
§ 10.13

Seaside, Ammodramus maritimus [Sharp-tailed (see Nelson’s Sharp-tailed and Saltmarsh Sharp-tailed)]
Song, Melospiza melodia
Swamp, Melospiza georgiana
Vesper, Poecetes gramineus
White-crowned, Zonotrichia leucophrys
White-throated, Zonotrichia albicollis
Worthen’s, Spizella wortheni

SPARROWHAWK, Japanese, Accipiter gularis
SPINDELIS, Puerto Rican, Spindalis portoricensis
Western, Spindalis zena

SPOONBILL, Roseate, Platalea ajaja

STARLING, [Ashy (see White-cheeked)]
Cheestnut-cheeked, Sturnus philippenis [Violet-backed (see Cheestnut-cheeked)]
White-cheeked, Sturnus cineraceus

STARTHROAT, Plain-capped, Heliomaster constantii

STILT, Black-necked, Himantopus mexicanus
Black-winged, Himantopus himantopus

STINT, Little, Calidris minuta
Long-toed, Calidris subminuta
Red-necked, Calidris ruficollis [Rufous-necked (see Red-necked)]

Temmincki’s, Calidris temminckii

STONECHAT, Saxicola torquatus

STORK, Wood, Mycteria americana

STORM-PETREL, Ashy, Oceanodroma homochroa
Bank-rumped, Oceanodroma castro
Black, Oceanodroma melanura

Black-bellied, Fregetta tropica

Fork-tailed, Oceanodroma fuscata
Leach’s, Oceanodroma leucorhoa
Least, Oceanodroma microsoma

Matsudaire’s, Oceanodroma matsudaiare

Polynesian, Nesogrypta fuliginosa

Ringed, Oceanodroma hornbyi [Sooty (see Tristram’s)]

Tristram’s, Oceanodroma tristrami

Wedge-rumped, Oceanodroma tethys

White-faced, Pelaodroma marina

White-bellied, Fregetta grallaria

Wilson’s, Oceanites oceanicus

SWALLOWS, Apus melba

[Antillean Palm (see PALM-SWIFT, Antillean)]

Black, Cypseloides niger

Chimney, Chaetura pelagica

Common, Apus apus
Fork-tailed, Apus pacificus

Short-tailed, Chaetura brachyura
Vaux’s, Chaetura vauxi

White-collared, Streptoprocne zonaris

White-throated, Aeronautes saxatalis

SWIFTLET, Mariana, Aerodramus bartelschi

White-rumped, Aerodramus spodiopogon

TANGER, Flame-colored, Piranga bidentata

Hepatic, Piranga flava
Puerto Rican, Nesospingus speculariferus
Scarlet, Piranga olivacea

[Stripe-headed (see SPINDELIS, Puerto Rican and Western)]

Summer, Piranga rubra

Western, Piranga ludovicianus

TATTLER, Gray-tailed, Tringa brevipes

Wandering, Tringa incana

TEAL, Baikal, Anas formosa

Blue-winged, Anas discors

Cinnamon, Anas cyanoptera [Falcated (see DUCK, Falcated)]

Green-winged, Anas crecca

TERN, Aleutian, Onychoprion aleuticus

Arctic, Sterna paradisaea

Black, Chlidonias niger

Black-naped, Sterna sumatrana

Bridled, Onychoprion anaethetus

Capsian, Hydroprogne caspia

Common, Sterna hirundo

Elegant, Thalasseus elegans

Forster’s, Sterna forsteri

Gray-backed, Onychoprion lunatus

Great Crested, Thalasseus bergii

Guil-billed, Gelochelidon nilotica

Large-billed, Phaetusa simplex

Least, Sterna antillarum

Little, Sterna albifrons

Roseate, Sterna dougallii

Royal, Thalasseus maximus

Sandwich, Thalasseus sandvicensis

Sooty, Onychoprion fuscatus

Whiskered, Chlidonias hybrida

White, Gygis alba

White-winged, Chlidonias leucophaerus

THRASHER, Bendire’s, Toxostoma bendirei

Brown, Toxostoma rufum

California, Toxostoma redivivum

Crissal, Toxostoma crissale

Curve-billed, Toxostoma curvirostre

Le Conte’s, Toxostoma lecontei

Long-billed, Toxostoma longirostre

Pearly-eyed, Margaropus fuscatus

Sage, Oreoscoptes montanus

THRUSH, Aztec, Rhyacigula pinicola

Bicknell’s, Catharus bicknelli

Blue Rock, Monticola solitarius

Dusky, Turdus naumanni

Eye-browed, Turdus obscurs

Gray-cheeked, Catharus minimus

[Sharp-tailed (see KAMAO, OLOMAO, and OMAO)]

Hermit, Catharus guttatus

Red-legged, Turdus plumbeus

[Small Kauai (see PUAIOHI)]

Swainson’s, Catharus ustulatus

Varied, Zonotrichia leucophrys

Zonotrichia albicollis

VARIED THRUSH, Zonotrichia leucophrys

Zonotrichia albicollis
U.S. Fish and Wildlife Serv., Interior § 10.13

Wood, *Hyllocichla mustelina*
   [ITT, Siberian (see CHICKADEE, Gray-headed)]

**TITMOUSE, Black-crested, Baeolophus atercrisatus**
   Bridled, *Baeolophus wollweberi*
   Juniper, *Baeolophus ridgwayi*
   Oak, *Baeolophus inornatus*
   [Plain (see Juniper and Oak)]
   Tufted, *Baeolophus bicolor*

**TITYRA, Masked, *Tityra semitaurata***

**TOWHEE, Abert’s, Pipilo aberti**
   [Brown (see California and Canyon)]
   California, *Pipilo crissalis*
   Canyon, *Pipilo fuscus*
   Eastern, *Pipilo erythrophthalmus*
   Green-tailed, *Pipilo chlorurus*
   [Rufous-sided (see Eastern and Spotted)]
   Spotted, *Pipilo maculatus*
   [TREE-PIPT, Olive (see PIPT, Olive-backed)]

**TROGON, Eared (see QUEZEL, Eared)**
   Elegant, *Trogon elegans*
   TROPICBIRD, Red-tailed, *Phaethon aethereus*
   Red-tailed, *Phaethon rubricauda*
   White-tailed, *Phaethon lepturus*

**TURNSTONE, Black, Arenaria melanocephala**

**TURTLE-DOVE, Oriental, Streptopelia orientalis**

**VEERY, Catharus fuscescens**

**VERDIN, Auriparus flaviceps**

**VIOLET-EAR, Green, Colibri thalassinus**

**VIREO, Bell’s, Vireo bellii**
   Black-capped, *Vireo atricapillus*
   Black-whiskered, *Vireo albigularis*
   Blue-headed, *Vireo solitarius*
   Cassin’s, *Vireo cassini*
   Gray, *Vireo gilvus*
   Hutton’s, *Vireo huttoni*
   Philadelphia, *Vireo philadelphicus*
   Plumbeous, *Vireo plumbeus*
   Puerto Rican, *Vireo latimeri*
   Red-eyed, *Vireo olivaceus*
   [Solitary (see Blue-headed, Cassin’s, and Plumbeous)]

**WAXWING, Bohemian, Bombycilla garrulus**

**WATERCOCK, American, Scolopax minor**

**WATERFOWL, Lesser, Sula leucorodia**

**WATERTHrush, Louisiana, Seiurus motacilla**
   Northern, *Seiurus noveboracensis*

**WAXWING, Bohemian, Bombycilla garrulus**
   Cedar, *Bombycilla cedrorum*

**WHEATEAR, Northern, Oenanthe oenanthe**

**WHIMBREL, Numenius phaeopus**

**WHIPPOORWILL, Caprimulgus vociferus**

**WHISTLING-DUCK, Black-bellied, Dendrocygna autumnalis**

**WILLET, Tringa semipalmata**

**WOODPECKER, Western, *Contopus几何us***

**WOODCOCK, American, Scolopax minor**

**YUCATAN WOODCOCK, Scolopax thalassinus**

**YELLOW BREASTED BUNTING, *Passerina flavissima***

**YELLOW ROCKET, *Euphorbia eulogium***

**YELLOW-THROATED BUNTING, *Emberiza elegans***

**YELLOW-THROATED VIREO, *Vireo griseus***

**YELLOW-THROATED VIREO, *Vireo flavifrons***

**YELLOW-THROATED VIREO, *Vireo solitarius***

**YELLOW WOODPECKER, *Dryobates chrysoides***

**YELLOW-WINGED BLACKBIRD, *Agelaius phoeniceus***

**YELLOW-WINGED VIREO, *Vireo olivaceous***

**YOGYAKARTA PLOVER, *Charadrius leschenaultii***

**YUCATAN ROSEATE TERN, *Sterna dougallii***

**YUNOFF’S SPARROW, *Passerculus sandwichensis***

**ZEBRA FINCH, *Taeniopygia guttata***

**ZEBRA SPARROW, *Poa annua***

**ZEMLYANOV’S GULL, *Larus soldatovi***

**ZEBRA-TAIL, *Eulophia zebra***

**ZEBRA-TROTTER, *Dolichonema obscura***

**ZEBRA GRASSHOPPER, *Chorthippus parallelus***
 § 10.13

50 CFR Ch. I (10–1–12 Edition)

Eurasian, Scolopax rusticola
Woodpecker, Acorn, Melanerpes formicivorus

American Three-toed, Picoides dorsalis
Arizona, Picoides arizonae

Black-backed, Picoides arcticus

Downy, Picoides pubescens

Gila, Melanerpes uropygialis

Golden-fronted, Melanerpes aurifrons

Great Spotted, Dendrocopos major

Hairy, Picoides villosus

Ivory-billed, Campephilus principalis

Ladder-backed, Picoides scalaris

Lewis's, Melanerpes levis

Nuttall's, Picoides nuttallii

Pileated, Dryocopus pileatus

Puerto Rican, Melanerpes portoricicensis

Red-bellied, Melanerpes carolinus

Red-cockaded, Picoides borealis

Red-headed, Melanerpes erythrocephalus

[Strickland’s (see Arizona)]

[Three-toed (see American Three-toed)]

White-headed, Picoides albolarvatus

Woodstar, Bahama, Calliphlox evelynae

Wren, Bewick’s, Thryomanes bewickii

Cactus, Campylorhynchus brunneicapillus

Canyon, Catherpes mexicanus

Carolina, Thryothorus ludovicianus

House, Troglodytes aedon

Marsh, Cistothorus palustris

Rock, Salpinctes obsoletus

Sedge, Cistothorus platensis

Winter, Troglodytes troglodytes

Whyneck, Eurasian, Lyra torquilla

Yellowlegs, Greater, Tringa melanoleuca

Lesser, Tringa flavipes

Yellowthroat, Common, Geothlypis trichas

Gray-crowned, Geothlypis poliocephala

(2) Taxonomic listing. Species are listed in phylogenetic sequence by scientific name, with the common (English) name following the scientific name. To help clarify species relationships, we also list the higher-level taxonomic categories of Order, Family, and Subfamily.

Order Anseriformes

Subfamily Anatinae

Anas strepera, Gadwall

Anas falcata, Falcated Duck

Anas penelope, Eurasian Wigeon

Anas americana, American Wigeon

Anas rubripes, American Black Duck

Anas platyrhynchos, Mallard

Anas fuligula, Mottled Duck

Anas strepera, Hawaiian Duck

Anas lasanensis, Laysan Duck

Anas poecilorhyncha, Spot-billed Duck

Anas superciliosa, Pacific Black Duck

Anas discors, Blue-winged Teal

Anas cyanoptera, Cinnamon Teal

Anas cygnoides, Northern Shoveler

Anas bahamensis, White-cheeked Pintail

Anas acuta, Northern Pintail

Anas querquedula, Garganey

Anas formosa, Baikal Teal

Anas crecca, Green-winged Teal

Aythya valisineria, Canvasback

Aythya americana, Redhead

Aythya ferina, Common Pochard

Aythya baeri, Baer’s Pochard

Aythya collaris, Ring-necked Duck

Aythya fuligula, Tufted Duck

Aythya marila, Greater Scaup

Aythya affinis, Lesser Scaup

Polysticta stelleri, Steller’s Eider

Somateria fischeri, Spectacled Eider

Somateria spectabilis, King Eider

Somateria mollissima, Common Eider

Histrionicus histrionicus, Harlequin Duck

Melanitta perspicillata, Surf Scoter

Melanitta fusca, White-winged Scoter

Melanitta nigra, Black Scoter

Clangula hyemalis, Long-tailed Duck

Bucephala albeola, Bufflehead

Bucephala clangula, Common Goldeneye

Bucephala islandica, Barrow’s Goldeneye

Mergellus albellus, Scaup

Lophodytes cucullatus, Hooded Merganser

Mergus merganser, Common Merganser

Mergus serrator, Red-breasted Merganser

Nomonyx dominicus, Masked Duck

Oxyura jamaicensis, Ruddy Duck

Order Podicipediformes

Family Podicipedidae

Tachybaptus dominicus, Least Grebe
<table>
<thead>
<tr>
<th><strong>Family DIOMEDEIDAE</strong></th>
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<tbody>
<tr>
<td>Thalassarche chlororhynchos, <strong>Shearwater</strong></td>
<td>Fregata magnificens, <strong>Magnificent Frigatebird</strong></td>
</tr>
<tr>
<td>Thalassarche cauta, <strong>Shy Albatross</strong></td>
<td>Fregata minor, <strong>Great Frigatebird</strong></td>
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<tr>
<td>Thalassarche melanophris, <strong>Wandering Albatross</strong></td>
<td>Fregata ariel, <strong>Townsend's Shearwater</strong></td>
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<tr>
<td>Phoebetria palpebrata, <strong>Light-mantled Albatross</strong></td>
<td>Puffinus griseus, <strong>Sooty Shearwater</strong></td>
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<td>Diomedea exulans, <strong>Wandering Albatross</strong></td>
<td>Puffinus tenuirostris, <strong>Little Shearwater</strong></td>
</tr>
<tr>
<td>Phoebastria immutabilis, Laysan Albatross</td>
<td>Puffinus gravis, <strong>Pink-footed Shearwater</strong></td>
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<td>Phoebastria nigripes, Black-footed Albatross</td>
<td>Puffinus auricularis, <strong>Townsend's Shearwater</strong></td>
</tr>
<tr>
<td>Phoebastria albatrus, Short-tailed Albatross</td>
<td>Puffinus opisthomelas, <strong>Black-vented Shearwater</strong></td>
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<td>Oceanodroma tethys, <strong>Wedge-tailed Storm-Petrel</strong></td>
<td>Pelecanus occidentalis, <strong>Brown Pelican</strong></td>
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<td>Oceanodroma tross, <strong>Bar-tailed Storm-Petrel</strong></td>
<td>Pelecanus erythrorhynchos, <strong>American White Pelican</strong></td>
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<td>Oceanodroma castro, <strong>Band-rumped Storm-Petrel</strong></td>
<td>Phaethon lepturus, <strong>White-tailed Tropicbird</strong></td>
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<tr>
<td>Oceanodroma matsudairae, <strong>Matsudaira's Storm-Petrel</strong></td>
<td>Phaethon aethereus, <strong>Red-billed Tropicbird</strong></td>
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<td>Oceanodroma homochroa, <strong>Ashy Storm-Petrel</strong></td>
<td>Phaethon rubricauda, <strong>Red-tailed Tropicbird</strong></td>
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<td>Oceanodroma tristrami, <strong>Tristram's Storm-Petrel</strong></td>
<td>Sula dactylatra, <strong>Christmas Shearwater</strong></td>
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<td>Oceanodroma hornbii, <strong>Ringed Storm-Petrel</strong></td>
<td>Oceanodroma leucorhoa, <strong>Leach's Storm-Petrel</strong></td>
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<td>Oceanodroma veles, <strong>Great Shearwater</strong></td>
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<td>Calonectris diomedea, <strong>Cape Verde Shearwater</strong></td>
<td>Puffinus opisthomelas, <strong>Black-vented Shearwater</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Family ARDEIDAE</strong></th>
<th><strong>Family HYDRIBATIDAE</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ardea cinerea, <strong>Gray Heron</strong></td>
<td>Oceanites oceanicus, <strong>Wilson's Storm-Petrel</strong></td>
</tr>
<tr>
<td>Ardea herodias, <strong>Great Blue Heron</strong></td>
<td>Pelagodroma marina, <strong>White-faced Storm-Petrel</strong></td>
</tr>
<tr>
<td>Ardea cinerea, <strong>Gray Heron</strong></td>
<td>Fregetta tropica, <strong>Black-bellied Storm-Petrel</strong></td>
</tr>
<tr>
<td>Ardea herodias, <strong>Great Blue Heron</strong></td>
<td>Fregetta grallaria, <strong>White-bellied Storm-Petrel</strong></td>
</tr>
<tr>
<td>Ardea herodias, <strong>Great Blue Heron</strong></td>
<td>Neospetocetes pluvialis, <strong>Polynesian Storm-Petrel</strong></td>
</tr>
<tr>
<td>Ardea cinerea, <strong>Gray Heron</strong></td>
<td>Oceanodroma tropica, <strong>Black-bellied Storm-Petrel</strong></td>
</tr>
<tr>
<td>Ardea cinerea, <strong>Gray Heron</strong></td>
<td>Oceanodroma meweta, <strong>Grey Petrel</strong></td>
</tr>
<tr>
<td>Ardea cinerea, <strong>Gray Heron</strong></td>
<td>Oceanodroma unguiculata, <strong>Red-throated Diver</strong></td>
</tr>
<tr>
<td>Ardea cinerea, <strong>Gray Heron</strong></td>
<td>Oceanodroma unguiculata, <strong>Red-throated Diver</strong></td>
</tr>
</tbody>
</table>

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**U.S. Fish and Wildlife Serv., Interior**

**Section 10.13**
§ 10.13

Ardea alba, Great Egret
Mesophoyx intermedia, Intermediate Egret
Egretta eulophotes, Chinese Egret
Egretta garzetta, Little Egret
Egretta sacra, Pacific Reef-Egret
Egretta gularis, Western Reef-Heron
Egretta thula, Snowy Egret
Egretta caerulea, Little Blue Heron
Egretta tricolor, Tricolored Heron
Egretta rufescens, Reddish Egret
Bubulcus ibis, Cattle Egret
Ardea bacchus, Chinese Pond-Heron
Butorides virescens, Green Heron
Nycticorax nycticorax, Black-crowned Night-Heron
Nyctanassa violacea, Yellow-crowned Night-Heron
Gorachius goisagi, Japanese Night-Heron
Gorachius melanoleucus, Malayen Night-Heron
Family THRESKIORNITHIDAE
Subfamily THRESKIORNITHINAE
Eudocimus albus, White Ibis
Eudocimus ruber, Scarlet Ibis
Plegadis falcinellus, Glossy Ibis
Plegadis chihi, White-faced Ibis
Subfamily PLATALEINAE
Platalea ajaja, Roseate Spoonbill
Family CICONIIDAE
Buteo brachyurus, Gray Hawk
Buteo nitidus, Roadside Hawk
Buteo lineatus, Red-shouldered Hawk
Buteo platypterus, Broad-winged Hawk
Buteo nitidus, Gray Hawk
Buteo brachyurus, Short-tailed Hawk
Buteo swainsoni, Swainson’s Hawk
Buteo albicaudatus, White-tailed Hawk
Buteo albonotatus, Zone-tailed Hawk
Buteo solitarius, Hawaiian Hawk
Buteo jamaicensis, Red-tailed Hawk
Buteo regalis, Ferruginous Hawk
Buteo lagopus, Rough-legged Hawk
Aquila chrysaetos, Golden Eagle
Family FALCONIDAE
Subfamily MICRASTURINAE
Microstur semitorquatus, Collared Forest-Falcon
Subfamily CARACARINAE
Caracara cheriway, Crested Caracara
Subfamily FALCONINAE
Falco tinnunculus, Eurasian Kestrel
Falco sparverius, American Kestrel
Falco vespertinus, Red-footed Falcon
Falco columbarius, Merlin
Falco subbuteo, Eurasian Hobby
Falco femorals, Aplomado Falcon
Falco rusticolus, Gyrfalcon
Falco peregrinus, Peregrine Falcon
Falco mexicanus, Prairie Falcon
Order GRUIFORMES
Family RALLIDAE
Coturnicops noveboracensis, Yellow Rail
Laterallus jamaicensis, Black Rail
Gallirallus philippensis, Buff-banded Rail
Gallirallus owstoni, Guam Rail
Crex crex, Corn Crane
Rallus longirostris, Clapper Rail
Rallus elegans, King Rail
Rallus limicola, Virginia Rail
Porzana carolina, Sora
Porzana tabuensis, Spotless Crane
Porzana flavicollis, Yellow-breasted Crane
Neocrex erythrops, Paint-billed Crane
Pardrallus maculatus, Spotted Rail
Porphyrio martinica, Purple Gallinule
Porphyrio porphyrio, Purple Swan
Porphyrio flavirostris, Azure Gallinule
Gallinula chloropus, Common Moorhen
Fulica atra, Eurasian Coot
Fulica alai, Hawaiian Coot
Fulica americana, American Coot
Fulica caribaea, Carib Coot
Order CHARADRIIFORMES
Family GRUIIDAE
Grus grus, Common Crane
Grus canadensis, Sandhill Crane
Grus canadensis, Whooping Crane
Order CHARADRIIFORMES
Family CHARADRIIDAE
Subfamily VANELLINAE
Vanellus vanellus, Northern Lapwing
Subfamily CHARADRIINAE
Pluvialis squatarola, Black-bellied Plover
Pluvialis apricaria, European Golden-Plover
Pluvialis dominica, American Golden-Plover
Pluvialis fulva, Pacific Golden-Plover
Charadrius mongolus, Lesser Sand-Plover
Charadrius leschenaultii, Greater Sand-Plover
Charadrius collaris, Collared Plover
Charadrius alexandrinus, Snowy Plover

§ 10.13

50 CFR Ch. I (10–1–12 Edition)
Subfamily SCOLOPACINAE

- Charadrius wilsonia, Wilson’s Plover
- Charadrius hiaticula, Common Ringed Plover
- Charadrius semipalmatus, Semipalmated Plover
- Charadrius melodus, Piping Plover
- Charadrius dubius, Little Ringed Plover
- Charadrius vociferus, Killdeer
- Charadrius montanus, Mountain Plover
- Charadrius morinellus, Eurasian Dotterel

Family HAEMATOPODIDAE

- Haematopus ostralegus, Eurasian Oystercatcher
- Haematopus pallatus, American Oystercatcher

Family JACANIDAE

- Jacana spinosa, Northern Jacana

Family SCOLOPACIDAE

Subfamily SCOLOPACINAE

- Xenus cinereus, Terek Sandpiper
- Actitis hypoleucus, Common Sandpiper
- Actitis macularius, Spotted Sandpiper
- Tringa ochropus, Green Sandpiper
- Tringa solitaria, Solitary Sandpiper
- Tringa brevipes, Gray-tailed Tattler
- Tringa incana, Wandering Tattler
- Tringa erythropus, Spotted Redshank
- Tringa melanoleuca, Greater Yellowlegs
- Tringa nebularia, Common Greenshank
- Tringa guttifer, Nordmann’s Greenshank
- Tringa semipalmata, Willet
- Tringa flavipes, Lesser Yellowlegs
- Tringa stagnatilis, Marsh Sandpiper
- Tringa glareola, Wood Sandpiper
- Bartramia longicauda, Upland Sandpiper
- Numenius minutus, Little Curlew
- Numenius borealis, Eskimo Curlew
- Numenius phaeopus, Whimbrel
- Numenius tahitiensis, Bristle-thighed Curlew

- Numenius madagascariensis, Far Eastern Curlew

- Numenius arquata, Eurasian Curlew

- Numenius americanus, Long-billed Curlew

- Limosa lapponica, Bar-tailed Godwit
- Limosa feda, Marbled Godwit

- Arenaria interpres, Ruddy Turnstone
- Arenaria melanocephala, Black Turnstone
- Aphriza virgata, Surfbird

- Calidris tenuirostris, Great Knot
- Calidris canutus, Red Knot

- Calidris alba, Sanderling

- Calidris pusilla, Semipalmated Sandpiper

- Calidris mauri, Western Sandpiper
- Calidris ruficollis, Red-necked Stint
- Calidris minutilla, Least Sandpiper
- Calidris fuscicollis, White-rumped Sandpiper

- Calidris bairdii, Baird’s Sandpiper
- Calidris melanotos, Pectoral Sandpiper
- Calidris acuminata, Sharp-tailed Sandpiper
- Calidris maritima, Purple Sandpiper
- Calidris gillieniceps, Rock Sandpiper
- Calidris alpina, Dunlin
- Calidris ferruginea, Curlew Sandpiper
- Calidris hirundinus, Stilt Sandpiper
- Euryrhnynchus pygmeus, Spoon-billed Sandpiper
- Limicola falcinellus, Broad-billed Sandpiper

- Phrynites subruficollis, Buff-breasted Sandpiper

- Philomachus pugnax, Ruff
- Limnodromus griseus, Short-billed Dowitcher
- Limnodromus scolopaceus, Long-billed Dowitcher
- Lymnocryptes minimus, Jack Snipe
- Gullinago delicata, Wilson’s Snipe (the “common” snipe hunted in most of the U.S.)
- Gullinago gullinago, Common Snipe (rare in western Alaska; also see Gullinago delicata)
- Gullinago stenura, Pin-tailed Snipe
- Gullinago megala, Swinhoe’s Snipe
- Scolopax rusticola, Eurasian Woodcock
- Scolopax minor, American Woodcock

Subfamily PHALAROPIDAE

- Phalaropus tricolor, Wilson’s Phalarope
- Phalaropus lobatus, Red-necked Phalarope
- Phalaropus fulicarius, Red Phalarope

Family LARIDAE

Subfamily LARINAE

- Larus atricilla, Laughing Gull
- Larus pipixcan, Franklin’s Gull
- Larus minutus, Little Gull
- Larus ridibundus, Black-headed Gull
- Larus philadelphia, Bonaparte’s Gull
- Larus heermanni, Heerman’s Gull
- Larus cirrocephalus, Gray-hooded Gull
- Larus belcheri, Belcher’s Gull
- Larus crassirostris, Black-tailed Gull
- Larus canus, Mew Gull
- Larus delawarensis, Ring-billed Gull
- Larus californicus, California Gull
- Larus argentatus, Herring Gull
- Larus michahellis, Yellow-legged Gull
- Larus thayeri, Thayer’s Gull
- Larus glaucoides, Iceland Gull
- Larus fuscus, Lesser Black-backed Gull
- Larus schistisagus, Slaty-backed Gull
- Larus argentatus, Yellow-footed Gull
- Larus occidentalis, Western Gull
- Larus glaucescens, Glaucous-winged Gull
- Larus hyperboreus, Glaucous Gull
- Larus marinus, Great Black-backed Gull
- Larus dominicanus, Kelp Gull
- Xema sabini, Sabine’s Gull
- Rissa tridactyla, Black-legged Kittiwake
- Rissa brevirostris, Red-legged Kittiwake
- Rhodostethia rosea, Rose’s Gull
- Pagophila eburnea, Ivory Gull

Subfamily STERNINAE

- Anous stolidus, Brown Noddy
- Anous minutus, Black Noddy
§ 10.13

**Family COLUMBIIDAE**

- Procelsterna cerulea, Blue-gray Noddy
- Gygis alba, White Tern
- Onychoprion fuscatus, Sooty Tern
- Onychoprion lunatus, Gray-backed Tern
- Onychoprion anaethetus, Bridled Tern
- Onychoprion aleuticus, Ancient Murrelet
- Aethia cristatella, Crested Auklet
- Aethia pusilla, Least Auklet
- Aethia pygmaea, Whiskered Auklet
- Aethia psittacula, Whistling Pigeon
- Patagioenas squamosa, Scaly-naped Pigeon
- Patagioenas leucocephala, White-crowned Pigeon
- Patagioenas flavirostris, Red-billed Pigeon
- Patagioenas morrisona, Plain Pigeon
- Patagioenas fasciata, Band-tailed Pigeon
- Streptopelia orientalis, Oriental Turtle-Dove
- Zenaida asiatica, White-winged Dove
- Zenaida aurita, Zenaida Dove
- Zenaida macroura, Mourning Dove
- Columbina inca, Inca Dove
- Columbina passerina, Common Ground-Dove
- Columbina talpacoti, Ruddgy Ground-Dove
- Leptotila verreauxi, White-tipped Dove
- Geotrygon chrysia, Key West Quail-Dove
- Geotrygon mystacea, Bridled Quail-Dove
- Geotrygon montana, Rudd Quail-Dove
- Gallicolumba xanthonura, White-throated Ground-Dove
- Gallicolumba stearns, Friendly Ground-Dove
- Ptilinopus peroussi, Many-colored Fruit-Dove
- Ptilinopus roseicapilla, Mariana Fruit-Dove
- Ptilinopus porphyreus, Crimson-crowned Fruit-Dove
- Dendrocitta pacifica, Pacific Imperial-Pigeon

**Order CUCULIFORMES**

**Family CUCULIDAE**

- Ergalides acadicus, Pygmy Owl
- Micrathene whitneyi, Eastern Screech-Owl
- Geonectes californianus, Greater Roadrunner
- Geococcyx californianus, Greater Roadrunner

**Subfamily CUCULINAE**

- Cuculus canorus, Common Cuckoo
- Cuculus optatus, Oriental Cuckoo
- Cuculus Hieroglyphicus, Hill-Cuckoo
- Cuculus canorus, Common Cuckoo

**Family STRIGIDAE**

- Bubo virginianus, Great Horned Owl
- Bubo scandiacus, Snowy Owl
- Strix aluco, Eurasian Eagle-Owl
- Strix aluco, Eurasian Eagle-Owl

**Subfamily CRESTED-AUKLET**

- Cerorhinca monocerata, Rhinoceros Auklet
- Fratercula corniculata, Horned Puffin
- Strigula occidentalis, Spotted Owl
- Strix varia, Barred Owl
- Strix nebulosa, Great Gray Owl
- Asio otus, Long-eared Owl
- Asio stygius, Stiff-tailed Owl
- Aegotheles funereus, Upland Sandpiper
- Aegotheles acuticaudatus, Northern Saw-whet Owl
U.S. Fish and Wildlife Serv., Interior § 10.13

Order CAPRIMULGIFORMES
Family CAPRIMULGIDAE
Subfamily CHORDEILINAE
  Chordeiles acutipennis, Lesser Nighthawk
  Chordeiles minor, Common Nighthawk
Subfamily CAPRIMULGINAE
  Nyctidromus albicollis, Common Pauraque
  Phaethon lepturus, Scopus Swift
  Stellula calliope, Calliope Hummingbird
  Atthis heloisa, Bumblebee Hummingbird
  Selasphorus platycercus, Broad-tailed Hummingbird
  Selasphorus rufus, Rufous Hummingbird
  Selasphorus sasin, Allen’s Hummingbird
Order TROGONIFORMES
Family TROGONIDAE
Subfamily TROGONINAE
  Trogon elegans, Elegant Trogon
  Eupetastes neovenus, Eared Quetzal
Order UPUPIDAE
Family UPUPIDAE
  Upupa epops, Eurasian Hoopoe
Order CORACIIFORMES
Family ALCEDINIDAE
  Upupa epops, Eurasian Hoopoe

Subfamily CERYLINAE
  Chloroceryle americana, Green Kingfisher
  Todirhamphus chloris, Collared Kingfisher
Subfamily CRYLINAE
  Megaceryle torquata, Ringed Kingfisher
  Megaceryle alcyon, Belted Kingfisher
  Chloroceryle americana, Green Kingfisher
Order PICIFORMES
Family PICIDAE
Subfamily JYNGINAE
  Janz torquilla, Eurasian Wryneck
Subfamily PICINAE
  Melanerpes levis, Lewis’s Woodpecker
  Melanerpes portoricensis, Puerto Rican Woodpecker
  Melanerpes erythrocephalus, Red-headed Woodpecker
  Melanerpes formicivorus, Acorn Woodpecker
  Melanerpes uropygialis, Red-headed Woodpecker
  Melanerpes aurifrons, Golden-fronted Woodpecker
  Melanerpes carolinus, Red-bellied Woodpecker
  Sphyrapicus thyroideus, Williamson’s Sapsucker
  Sphyrapicus varius, Yellow-bellied Sapsucker
  Sphyrapicus nuchalis, Red-naped Sapsucker
  Sphyrapicus ruber, Red-breaded Sapsucker
  Dendrocopos major, Great Spotted Woodpecker

Subfamily PICIDAE
  Picoides scalaris, Ladder-backed Woodpecker
  Picoides ruficollis, Nuttall’s Woodpecker
  Picoides pubescens, Downy Woodpecker
  Picoides vinosus, Hairy Woodpecker
  Picoides arizonae, Arizona Woodpecker
  Picoides borealis, Red-cockaded Woodpecker
  Picoides albolarvatus, White-headed Woodpecker
  Picoides dorsalis, American Three-toed Woodpecker
Picoides arcticus, Black-backed Woodpecker
Colaptes auratus, Northern Flicker
Colaptes chrysoides, Gilded Flicker
Dryocopus pileatus, Pileated Woodpecker
Campephilus principalis, Ivory-billed Woodpecker

Order PASSERIFORMES
Family TYRANNIDAE
Subfamily ELAENINAE
Camptostoma imberbe, Northern Beardless-Tyrannulet
Myiopagis viridicata, Caribbean Elaenia
Subfamily FLUVICOLINAE
Mitrephanes phaseolus, Tufted Flycatcher
Contopus cooperi, Olive-sided Flycatcher
Contopus pertinax, Greater Pewee
Contopus sordidulus, Western Wood-Pewee
Contopus virens, Eastern Wood-Pewee
Contopus carbo, Cuban Pewee
Contopus hispaniolensis, Hispaniolan Pewee
Contopus latirostris, Lesser Antillean Pewee
Empidonax flaviventris, Yellow-bellied Flycatcher
Empidonax virescens, Acadian Flycatcher
Empidonax alnorum, Alder Flycatcher
Empidonax traillii, Willow Flycatcher
Empidonax minimus, Least Flycatcher
Empidonax hammondii, Hammond’s Flycatcher
Empidonax wrightii, Gray Flycatcher
Empidonax oberholseri, Dusky Flycatcher
Empidonax difficilis, Pacific-slope Flycatcher
Empidonax occidentalis, Cordilleran Flycatcher
Empidonax fulvescens, Buff-breasted Flycatcher
Sayornis nigricans, Black Phoebe
Sayornis phoebe, Eastern Phoebe
Sayornis saya, Say’s Phoebe
Pyrocephalus rubinus, Vermilion Flycatcher
Subfamily TYRANNINAE
Myiarchus tuberculifer, Dusky-capped Flycatcher
Myiarchus cinerascens, Ash-throated Flycatcher
Myiarchus nuthingi, Nutting’s Flycatcher
Myiarchus crinitus, Great Crested Flycatcher
Myiarchus tyrannulus, Brown-crested Flycatcher
Myiarchus sagrei, La Sagra’s Flycatcher
Myiarchus antillarum, Puerto Rican Flycatcher
Pitangus sulphuratus, Great Kiskadee
Myiobates similis, Social Flycatcher
Myiomyias esculenta, Sulphur-bellied Flycatcher
Legatus leucophalus, Piratic Flycatcher
Empidonumus varius, Variegated Flycatcher
Tyrannus melancholicus, Tropical Kingbird
Tyrannus vociferans, Cassin’s Kingbird
Tyrannus tyrannus, Eastern Kingbird
Tyrannus verticalis, Western Kingbird

Family CORVIDAE
Corvus brachyrhynchos, Common Raven
Corvus corax, Fish Crow
Corvus caurinus, Northwestern Crow
Corvus leucognaphalus, Tamaulipas Crow
Corvus cryptoleucus, Chihuahuan Raven

Family VIREONIDAE
Vireo gilvus, Warbling Vireo
Vireo flavifrons, Western Wood-Pewee
Vireo inornatus, Gray Vireo
Vireo flaviviridis, Yellow-throated Vireo
Vireo plumbeus, Plumbeous Vireo
Vireo cassinii, Cassin’s Vireo
Vireo solitarius, Gray-eyed Vireo
Vireo olivaceus, Eastern Kingbird
Vireo flaviviridis, Yellow-green Vireo
Vireo altiloquus, Bell’s Vireo
Vireo flavipes, Least Flycatcher
Vireo atricapillus, Black-capped Vireo
Vireo semirufus, Warbling Vireo
Vireo cyanochlora, Hammond’s Vireo
Vireo flavifrons, Pacific-slope Flycatcher
Vireo flavifrons, Pacific-slope Flycatcher
Vireo flavifrons, Pacific-slope Flycatcher

Family LANTIDAE
Lanus cristatus, Brown Shrike
Lanus suduiracii, Loggerhead Shrike
Lanus excubitor, Northern Shrike

Family ALAUDIDAE
Alauda arvensis, Sky Lark
Emberiza lutea, Horned Lark

Family HIRUNDINIDAE
Subfamily HIRUNDININAE
Tachycineta bicolor, Tree Swallow
Progne subis, Chestnut-sided Warbler
Progne chalybea, Gray-breasted Martin
Progne chalybea, Gray-breasted Martin
Progne subis, Chestnut-sided Warbler
Progne subis, Chestnut-sided Warbler
Progne subis, Chestnut-sided Warbler

26
§ 10.13

Phylloscopus inornatus, Yellow-browed Warbler
Phylloscopus borealis, Arctic Warbler
Sylvia curruca, Lesser Whitethroat
Subfamily POLIOPTILINAE
Polioptila caerulea, Blue-gray Gnatcatcher
Polioptila californica, California Gnatcatcher
Polioptila melanura, Black-tailed Gnatcatcher
Polioptila nigriceps, Black-capped Gnatcatcher
Family MUSCICAPIDAE
Ficedula narcissina, Narcissus Flycatcher
Muscarpa pristisicta, Gray-streaked Flycatcher
Family TURDIDAE
Luscinia calliope, Siberian Rubythroat
Luscinia svecica, Bluethroat
Luscinia cyane, Siberian Blue Robin
Monticola solitarius, Blue Rock Thrush
Tarsiger cyanurus, Red-flanked Bluetail
Oenanthe oenanthe, Northern Wheatear
Saxicola torquatus, Stonechat
Sialia sialis, Eastern Bluebird
Sialia mexicana, Western Bluebird
Sialia currucoides, Mountain Bluebird
Myioborus tuberculatus, Townsend’s Solitaire
Myioborus myioborus, Kami
Myioborus lanaeensis, Olomau
Myioborus obscurus, Omao
Myioborus palmeri, Puaiohi
Catharus aurirostris, Orange-billed Nightingale-Thrush
Catharus mexicanus, Black-headed Nightingale-Thrush
Catharus fuscescens, Veery
Catharus minimus, Gray-cheeked Thrush
Catharus bicknelli, Bicknell’s Thrush
Catharus ustulatus, Swainson’s Thrush
Catharus guttatus, Hermit Thrush
Hylorchestia mustelina, Wood Thrush
Turdus obscurus, Eyebrowed Thrush
Turdus naumanni, Dusky Thrush
Turdus pilaris, Fieldfare
Turdus pilaris, Clay-colored Robin
Turdus assimilis, White-throated Robin
Turdus rufopalliatus, Rufous-backed Robin
Turdus migratorius, American Robin
Turdus plumbeus, Red-legged Thrush
Izoreas naevius, Varied Thrush
Ridgewayia pinicola, Aztec Thrush
§ 10.13  

Margarops fuscatus, Pearly-eyed Thrasher  
Family STURNIDAE  
Sturnus philippensis, Chestnut-cheeked Starling  
Sturnus cineraceus, White-cheeked Starling  
Family PRUNELLIDAE  
Prunella montanella, Siberian Accentor  
Family MOTACILLIDAE  
Motacilla tschutschensis, Eastern Yellow Wagtail  
Motacilla citreola, Citrine Wagtail  
Motacilla cinerea, Gray Wagtail  
Motacilla alba, White Wagtail  
Anthus trivialis, Tree Pipit  
Anthus hodgsoni, Olive-backed Pipit  
Anthus gustavi, Pechora Pipit  
Anthus cervinus, Red-throated Pipit  
Anthus rubescens, American Pipit  
Anthus spraguei, Sprague’s Pipit  
Family BOMBYCILLIDAE  
Bombycilla garrulus, Bohemian Waxwing  
Bombycilla cedrorum, Cedar Waxwing  
Family PTELOGONATIDAE  
Ptilogonys cinereus, Gray Silky-flycatcher  
Phainopepla nitens, Phainopepla  
Family PEUCEDRAMIDAE  
Peucedramus taeniatus, Abert’s Towhee  
Family PARULIDAE  
Vermivora bachmani, Bachman’s Warbler  
Vermivora pinus, Blue-winged Warbler  
Vermivora chrysoptera, Golden-winged Warbler  
Vermivora peregrina, Tennessee Warbler  
Vermivora celata, Orange-crowned Warbler  
Vermivora ruficapilla, Nashville Warbler  
Vermivora virginiae, Virginia’s Warbler  
Vermivora crissalis, Colima Warbler  
Vermivora luciae, Lucy’s Warbler  
Parula superciliosa, Crescent-chested Warbler  
Parula americana, Northern Parula  
Parula pitiayumi, Tropical Parula  
Dendroica petechia, Yellow Warbler  
Dendroica pensylvanica, Chestnut-sided Warbler  
Dendroica tigrina, Cape May Warbler  
Dendroica caerulescens, Black-throated Blue Warbler  
Dendroica coronata, Yellow-rumped Warbler  
Dendroica nigrescens, Black-throated Gray Warbler  
Dendroica chrysoparia, Golden-cheeked Warbler  
Dendroica virens, Black-throated Green Warbler  
Dendroica townsendi, Townsend’s Warbler  
Dendroica occidentalis, Hermit Warbler  
Dendroica fusca, Blackburnian Warbler  
Dendroica dominica, Yellow-throated Warbler  
Dendroica graciae, Grace’s Warbler  
Dendroica adelaida, Adelaide’s Warbler  
Dendroica pinus, Pine Warbler  
Dendroica kirtlandii, Kirtland’s Warbler  
Dendroica discolor, Prairie Warbler  
Dendroica palmarum, Palm Warbler  
Dendroica castanea, Bay-breasted Warbler  
Dendroica striata, Blackpoll Warbler  
Dendroica cerulea, Cerulean Warbler  
Dendroica angelae, Elfin-woods Warbler  
Mniotilta varia, Black-and-white Warbler  
Setophaga ruticilla, American Redstart  
Protonotaria citrea, Prothonotary Warbler  
Helmitheros vermivorum, Worm-eating Warbler  
Limmothlypis swainsonii, Swainson’s Warbler  
Setorus aurocapilla, Ovenbird  
Setorus novoboracensis, Northern Waterthrush  
Setorus motacilla, Louisiana Waterthrush  
Oporornis formosus, Kentucky Warbler  
Oporornis agilis, Connecticut Warbler  
Oporornis philadelphia, Mourning Warbler  
Oporornis tolmiei, MacGillivray’s Warbler  
Geothlypis trichas, Common Yellowthroat  
Geothlypis poliocephala, Gray-crowned Yellowthroat  
Wilsonia citrina, Hooded Warbler  
Wilsonia pusilla, Wilson’s Warbler  
Wilsonia canadenensis, Canada Warbler  
Cardellina rubrifrons, Red-faced Warbler  
Myioborus pictus, Painted Redstart  
Myioborus minimus, Slate-throated Redstart  
Euthlypis lachrymosa, Fan-tailed Warbler  
Basileuterus culcivorus, Golden-crowned Warbler  
Basileuterus rufifrons, Rufous-capped Warbler  
Icteria virens, Yellow-breasted Chat  
Family THRAPSIDAE  
Nesospingus specularis, Puerto Rican Tanager  
Piranga flava, Hepatic Tanager  
Piranga rubra, Summer Tanager  
Piranga olivacea, Scarlet Tanager  
Piranga ludoviciana, Western Tanager  
Piranga bidentata, Flame-colored Tanager  
Spindalis zena, Western Spindalis  
Spindalis portoricensis, Puerto Rican Spindalis  
Euphonia musica, Antillean Euphonia  
Family EMBERIZIDAE  
Sporophila torquata, White-collared Seedeater  
Tiaris olivaceus, Yellow-faced Grassquit  
Tiaris bicolor, Black-faced Grassquit  
Loxigilla portoricensis, Puerto Rican Bullfinch  
Arremonops rufivirgatus, Olive Sparrow  
Pipilo chlorurus, Green-tailed Towhee  
Pipilo maculatus, Spotted Towhee  
Pipilo erythrophthalmus, Eastern Towhee  
Pipilo fuscus, Canyon Towhee  
Pipilo crissalis, California Towhee  
Pipilo aberti, Abert’s Towhee  
Amphipola carpalis, Rufous-winged Sparrow  
Amphipola cassini, Cassin’s Sparrow  
Amphipola aestivalis, Bachman’s Sparrow  
Amphipola bonticeri, Botteri’s Sparrow  
Amphipola ruficeps, Rufous-crowned Sparrow  

28
<table>
<thead>
<tr>
<th>Scientific Name</th>
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<tbody>
<tr>
<td>Ammodramus savannarum</td>
<td>Grasshopper Sparrow</td>
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<td>Ammodramus bairdii</td>
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<td>Ammodramus henslowii</td>
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<td>Ammodramus lecontei</td>
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<td>Ammodramus nelsoni</td>
<td>Nelson's Sharp-tailed Sparrow</td>
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<td>Ammodramus caudacatus</td>
<td>Saltmarsh Sharp-tailed Sparrow</td>
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<tr>
<td>Calamospiza melanocorys</td>
<td>Chestnut-collared Longspur</td>
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<tr>
<td>Emberiza leucocephalae, Pine Bunting</td>
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<td>Emberiza pusilla, Little Bunting</td>
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<td>Emberiza rustica, Rustic Bunting</td>
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<td>Emberiza elegans, Yellow-throated Bunting</td>
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<tr>
<td>Emberiza aureola, Yellow-breasted Bunting</td>
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<td>Emberiza pallasi, Pallas’s Bunting</td>
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<tr>
<td>Emberiza schoeniclus, Reed Bunting</td>
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<tr>
<td>Plectrophenax nivalis, Snow Bunting</td>
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</tr>
<tr>
<td>Plectrophenax hyperboreus, McKay’s Bunting</td>
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### Family CARDINALIDAE

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<thead>
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<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zonotrichia querula, Harris's Sparrow</td>
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<tr>
<td>Zonotrichia leucophrys, White-crowned Sparrow</td>
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<tr>
<td>Zonotrichia atricapilla, Golden-crowned Sparrow</td>
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<tr>
<td>Junco hyemalis, Dark-eyed Junco</td>
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<tr>
<td>Junco phaeonotus, Yellow-eyed Junco</td>
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<tr>
<td>Callocris maccownii, McCown's Longspur</td>
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<td>Callocris pectoralis, Lapland Longspur</td>
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<td>Callocris pictus, Smith's Longspur</td>
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<tr>
<td>Callocris ornatus, Chestnut-collared Longspur</td>
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### Family FRINGILLIDAE

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
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</thead>
<tbody>
<tr>
<td>Coccothraustes vespertinus,</td>
<td>Evening Grosbeak</td>
</tr>
<tr>
<td>Cepphus poliocephalus, Yellow-billed Loon</td>
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</tr>
<tr>
<td>Cepphus carbo, Common Loon</td>
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</tr>
<tr>
<td>Pagophila eburnea, Snow Bunting</td>
<td></td>
</tr>
<tr>
<td>Melanitta fusca, olds</td>
<td></td>
</tr>
<tr>
<td>Melanitta nigra, Common Merganser</td>
<td></td>
</tr>
<tr>
<td>Clangula hyemalis, Common Scoter</td>
<td></td>
</tr>
<tr>
<td>Melanitta fusca, olds</td>
<td></td>
</tr>
<tr>
<td>Clangula hyemalis, Common Merganser</td>
<td></td>
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<tr>
<td>Melanitta nigra, Common Merganser</td>
<td></td>
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<tr>
<td>Clangula hyemalis, Common Merganser</td>
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<tr>
<td>Melanitta fusca, olds</td>
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<tr>
<td>Clangula hyemalis, Common Merganser</td>
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<tr>
<td>Melanitta nigra, Common Merganser</td>
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<tr>
<td>Clangula hyemalis, Common Merganser</td>
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<td>Melanitta fusca, olds</td>
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<tr>
<td>Clangula hyemalis, Common Merganser</td>
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### Family Dendroicae

<table>
<thead>
<tr>
<th>Scientific Name</th>
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<tbody>
<tr>
<td>Dendroica cerulea, Blue Grosbeak</td>
<td></td>
</tr>
<tr>
<td>Dendroica tigrina, Indigo Bunting</td>
<td></td>
</tr>
<tr>
<td>Dendroica cerulea, Blue Grosbeak</td>
<td></td>
</tr>
<tr>
<td>Dendroica petechia, Varied Bunting</td>
<td></td>
</tr>
<tr>
<td>Dendroica cerulea, Blue Grosbeak</td>
<td></td>
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<tr>
<td>Dendroica petechia, Varied Bunting</td>
<td></td>
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<tr>
<td>Dendroica cerulea, Blue Grosbeak</td>
<td></td>
</tr>
<tr>
<td>Dendroica petechia, Varied Bunting</td>
<td></td>
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<tr>
<td>Dendroica cerulea, Blue Grosbeak</td>
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### Subfamily FRINGILLINAE

<table>
<thead>
<tr>
<th>Scientific Name</th>
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<tbody>
<tr>
<td>Fringilla coelebs, Common Chaffinch</td>
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</tr>
<tr>
<td>Fringilla montifringilla, Brambling</td>
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### Subfamily CARDUELINAE

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
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<tbody>
<tr>
<td>Carpodacus erythrinus, Common Rosefinch</td>
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<tr>
<td>Carpodacus purpureus, Purple Finch</td>
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</tr>
<tr>
<td>Carpodacus cassini, Cassin’s Finch</td>
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<tr>
<td>Carpodacus mexicanus, House Finch</td>
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<tr>
<td>Zonotrichia capensis, Red Crossbill</td>
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<tr>
<td>Bohemian Waxwing,</td>
<td>Bohemian Waxwing</td>
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<tr>
<td>Pyrrhula pyrrhula, Yellow-billed Woodpecker</td>
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### Family PLATYCEPHALIDAE

<table>
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<tr>
<th>Scientific Name</th>
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<tbody>
<tr>
<td>Pyrrhula pyrrhula, Yellow-billed Woodpecker</td>
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<td>Pyrrhula gracilis, Great Gray Owl</td>
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<tr>
<td>Pyrrhula stimula, Red-cockaded Woodpecker</td>
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### Family PYRRHULOXIIDAE

<table>
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<tr>
<th>Scientific Name</th>
<th>Common Name</th>
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<tbody>
<tr>
<td>Pyrrhula pyrrhula, Yellow-billed Woodpecker</td>
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<tr>
<td>Pyrrhula gracilis, Great Gray Owl</td>
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<td>Pyrrhula stimula, Red-cockaded Woodpecker</td>
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</table>
§ 10.21

Coccothraustes coccothraustes, Hawfinch
Subfamily DREPANIDINAE

Telespiza cantans, Laysan Finch
Telespiza ultima, Nihoa Finch
Putirostra pittacus, Ou
Loxioides bailleui, Pallia
Pseudonestor xanthopyrhus, Maui Parrotbill
Hemignathus virens, Hawaii Amakihi
Hemignathus flavus, Oahu Amakihi
Hemignathus kauaiensis, Kauai Amakihi
Hemignathus ellisiensis, Greater Akialoa
Hemignathus lucidus, Nukupuu
Hemignathus munroi, Akiapolaau
Magumma parva, Anianiau
Oreomystis bairdi, Akikiki
Oreomystis mana, Hawaii Creeper
Paroreomyza maculata, Oahu Alauahio
Paroreomyza flammae, Kakawahie
Paroreomyza montana, Maui Alauahio
Loxops caeruleirostris, Akekee
Loxops coccineus, Akepa
Vestiaria coccinea, Iwi
Palmeria dolei, Akohekohe
Himatione sanguinea, Apapane
Melamprosops phaeosoma, Poo-uli

[75 FR 9299, Mar. 1, 2010]

Subpart C—Addresses

§ 10.21 Director.

(a) Mail forwarded to the Director for law enforcement purposes should be addressed: Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, P.O. Box 3247, Arlington, VA 22203–3247.

(b) Mail sent to the Director regarding permits for the Convention on International Trade in Endangered Species of Wild Fauna and Fauna (CITES), injurious wildlife, Wild Bird Conservation Act species, international movement of all ESA-listed endangered or threatened species, and scientific research on, exhibition of, or interstate commerce in nonnative ESA-listed endangered or threatened species should be addressed to: Director, U.S. Fish and Wildlife Service, (Attention: Office of Management Authority), 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203. Address mail for the following permits to the Regional Director. In the address include one of the following: for import/export licenses and exceptation to designated port permits (Attention: Import/export license); for native endangered and threatened species (Attention: Endangered/threatened species permit); and for migratory birds and eagles (Attention: Migratory bird permit office). You can find addresses for regional offices at 50 CFR 2.2.


§ 10.22 Law enforcement offices.

Service law enforcement offices and their areas of responsibility follow. Mail should be addressed: “Assistant Regional Director, Division of Law Enforcement, U.S. Fish and Wildlife Service, (appropriate address below)”.

Areas of Responsibility and Office Addresses

California, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Guam, the Marshall Islands, Northern Mariana Islands, and the Trust Territory of the Pacific Islands (District 1):


Arizona, New Mexico, Oklahoma, and Texas (District 2):

P.O. Box 329, Albuquerque, NM 87103, Telephone: 505–766–2091

Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin (District 3):


Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the Virgin Islands (District 4):

P.O. Box 4839, Atlanta, GA 30302, Telephone: 404–331–5872

Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia (District 5):

P.O. Box 129, New Town Branch, Boston, MA 02258, Telephone: 617–965–2298

Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming (District 6):

P.O. Box 25486, Denver Federal Center, Denver, CO 80225, Telephone: 303–236–7540

Alaska (District 7):

P.O. Box 92597, Anchorage, AK 99509–2597, Telephone: 907–786–3311

Any foreign country (Washington Office):


§ 11.1 Purpose of regulations.

The regulations contained in this part provide uniform rules and procedures for the assessment of civil penalties in connection with violations of certain laws and regulations enforced by the Service.

§ 11.2 Scope of regulations.

The regulations contained in this part apply only to actions arising under the following laws and regulations issued thereunder:

Lacey Act, 18 U.S.C. 43;
Lacey Act Amendments of 1981, 16 U.S.C. 3371 et seq.;
Bald Eagle Protection Act, 16 U.S.C. 668-668d;

[47 FR 56860, Dec. 21, 1982]

§ 11.3 Filing of documents.

(a) Whenever a document or other paper is required to be filed under this part within a certain time, such document or paper will be considered filed as of the date of the postmark if mailed, or the date actually delivered to the office where filing is required. The time periods set forth in this part shall begin to run as of the day following the date of the document or other paper.

(b) If an oral or written application is made to the Director up to 10 calendar days after the expiration of a time period established in this part for the required filing of documents or other papers, the Director may permit a late filing within a fixed period where reasonable grounds are found for an inability or failure to file within the time period required. All such extensions shall be in writing. Except as provided in this subsection, no other requests for an extension of time may be granted.

Subpart B—Assessment Procedure

§ 11.11 Notice of violation.

(a) A notice of violation (hereinafter “notice”), shall be issued by the Director and served personally or by registered or certified mail, return receipt requested, upon the person believed to be subject to a civil penalty (the respondent). The notice shall contain: (1) A concise statement of the facts believed to show a violation, (2) a specific reference to the provisions of the statute or regulation allegedly violated, and (3) the amount of penalty proposed to be assessed. The notice shall also advise the respondent of his right to file a petition for relief pursuant to §11.12, or to await the Director's notice of assessment.

(b) The respondent shall have 45 days from the date of the notice of violation in which to respond. During this time he may:

(1) Undertake informal discussions with the Director;
§ 11.12 Petition for relief.

If the respondent so chooses he may ask that no penalty be assessed or that the amount be reduced, and he may admit or contest the legal sufficiency of the charge and the Director’s allegations of facts, by filing a petition for relief (hereinafter “petition”) with the Director at the address specified in the notice within 45 days of the date thereof. The petition shall be in writing and signed by the respondent. If the respondent is a corporation, the petition must be signed by an officer authorized to sign such documents. It must set forth in full the legal or other reasons for the relief.

§ 11.13 Decision by the Director.

Upon expiration of the period required or granted for filing of a petition for relief, the Director shall proceed to make an assessment of a civil penalty, taking into consideration information available to him and such showing as may have been made by the respondent, either pursuant to §11.11 or §11.12, or upon further request of the Director.

§ 11.14 Notice of assessment.

The Director shall notify the respondent by a written notice of assessment, by personal service or by registered or certified mail, return receipt requested, of his decision pursuant to §11.13. He shall set forth therein the facts and conclusions upon which he decided that the violation did occur and appropriateness of the penalty assessed.

§ 11.15 Request for a hearing.

Except where a right to request a hearing is deemed to have been waived as provided in §11.11, the respondent may, within 45 calendar days from the date of the notice of assessment referred to in §11.14, file a dated, written request for a hearing with the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203. The request should state the respondent’s preference as to the place and date for a hearing. The request must enclose a copy of the notice of violation and notice of assessment. A copy of the request shall be served upon the Director personally or by registered or certified mail, return receipt requested, at the address specified in the notice.

§ 11.16 Final administrative decision.

(a) Where no request for a hearing is filed as provided in §11.15 the Director’s assessment shall become effective and shall constitute the final administrative decision of the Secretary on the 45th calendar day from the date of the notice of assessment.

(b) If a request for a hearing is timely filed in accordance with §11.15, the date of the final administrative decision in the matter shall be as provided in subpart C of this part.

§ 11.17 Payment of final assessment.

When a final administrative decision becomes effective in accordance with this part 11, the respondent shall have 20 calendar days from the date of the final administrative decision within which to make full payment of the penalty assessed. Payment will be timely only if received in Office of the Director during normal business hours, on or before the 20th day. Upon a failure to pay the penalty, the Solicitor of the Department may request the Attorney General to institute a civil action in the U.S. District Court to collect the penalty.
Subpart C—Hearing and Appeal Procedures

§ 11.21 Commencement of hearing procedures.

Proceedings under this subpart are commenced upon the timely filing with the Hearings Division of a request for a hearing, as provided in §11.15 of subpart B. Upon receipt of a request for a hearing, the Hearings Division will assign an administrative law judge to the case. Notice of assignment will be given promptly to the parties, and thereafter, all pleadings, papers, and other documents in the proceeding shall be filed directly with the administrative law judge, with copies served on the opposing party.

§ 11.22 Appearance and practice.

(a) Subject to the provisions of 43 CFR 1.3, the respondent may appear in person, by representative, or by counsel, and may participate fully in these proceedings.

(b) Department counsel designated by the Solicitor of the Department shall represent the Director in these proceedings. Upon notice to the Director of the assignment of an administrative law judge to the case, said counsel shall enter his appearance on behalf of the Director and shall file all petitions and correspondence exchanged by the Director and the respondent pursuant to subpart B of this part, which shall become part of the hearing record. Thereinafter, service upon the Director in these proceedings shall be made to his counsel.

§ 11.23 Hearings.

(a) The administrative law judge shall have all powers accorded by law and necessary to preside over the parties and the proceedings and to make decisions in accordance with 5 U.S.C. 554-557. Failure to appear at the time set for hearing shall be deemed a waiver of the right to a hearing and consent to the making of a decision on the record made at the hearing. Copies of the transcript may be inspected or copied.

(b) The transcript of testimony, the exhibits, and all papers, documents, and requests filed in the proceedings, shall constitute the record for decision.

The judge will render a written decision upon the record, which shall set forth his findings of fact and conclusions of law, and the reasons and basis therefor, and an assessment of a penalty, if any.

§ 11.24 Final administrative action.

Unless a notice of request for an appeal is filed in accordance with §11.25 of this subpart C, the administrative law judge’s decision shall constitute the final administrative determination of the Secretary in the matter and shall become effective 30 calendar days from the date of the decision.

§ 11.25 Appeal.

(a) Either the respondent or the Director may seek an appeal from the decision of an administrative law judge rendered subsequent to January 1, 1974, by the filing of a “Notice of Request for Appeal” with the Director, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203, within 30 calendar days of the date of the administrative law judge’s decision. Such notice shall be accompanied by proof of service on the administrative law judge and the opposing party.

(b) Upon receipt of such a request, the Director, Office of Hearings and Appeals, shall appoint an ad hoc appeals board to determine whether an appeal should be granted, and to hear and decide an appeal. To the extent they are not inconsistent herewith, the provisions of subpart G of the Department Hearings and Appeals Procedures in 43 CFR part 4 shall apply to appeal proceedings under this subpart. The determination of the board to grant or deny an appeal, as well as its decision on the merits of an appeal, shall be in writing and become effective as the final administrative determination of the Secretary in the proceeding on the date it is rendered, unless otherwise specified therein.

§ 11.26 Reporting service.

Copies of decisions in civil penalty proceedings instituted under statutes referred to in subpart A of this part and rendered subsequent to June 3, 1970, may be obtained by letter of request addressed to the Director, Office of...
of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203. Fees for this service shall be as established by the Director of that Office.

PART 12—SEIZURE AND FORFEITURE PROCEDURES

Subpart A—General Provisions

§ 12.1 Purpose of regulations.
The regulations of this part establish procedures relating to property seized or subject to forfeiture under various laws enforced by the Service.

§ 12.2 Scope of regulations.
Except as hereinafter provided, the regulations of this part apply to all property seized or subject to forfeiture under any of the following laws:

(a) The Eagle Protection Act, 16 U.S.C. 668 et seq.;
(b) The National Wildlife Refuge System Administration Act, 16 U.S.C. 668dd et seq.;
(c) The Migratory Bird Treaty Act, 16 U.S.C. 703 et seq.;
(d) The Migratory Bird Hunting Stamp Act, 16 U.S.C. 718 et seq.;
(e) The Airborne Hunting Act, 16 U.S.C. 742j–1;
(f) The Black Bass Act, 16 U.S.C. 851 et seq.;
(g) The Marine Mammal Protection Act, 16 U.S.C. 1361 et seq.;
(h) The Endangered Species Act, 16 U.S.C. 1531 et seq.; and
(i) The Lacey Act, 18 U.S.C. 43–44.


§ 12.3 Definitions.

(a) As used in this part:
(1) Attorney General means the Attorney General of the United States or an authorized representative;
(2) Disposal includes, but is not limited to, remission, return to the wild,
§ 12.12 Filing of documents.

(a) Whenever any document is required by this part to be filed or served within a certain period of time, such document will be considered filed or served as of the date of receipt by the party with or upon whom filing or service is required. The time periods established by this part shall begin to run on the day following the date of filing or service.

(b) If an oral or written application is made before the expiration of a time period established by this part, an extension of such period for a fixed number of days may be granted where there are reasonable grounds for the failure to file or serve the document within the period required. Any such extension shall be in writing. Except as provided in this paragraph, no other requests for an extension shall be granted.

§ 12.13 Seizure by other agencies.

Any authorized employee or officer of any other Federal agency who has seized any wildlife or other property under any of the laws listed in §12.2 will, if so requested, deliver such seizure to the appropriate Special Agent in Charge designated in §10.22 of this title, or to an authorized designee, who shall either hold such seized wildlife or other property or arrange for its proper handling and care.

§ 12.16 Bonded release.

(a) Subject to the conditions set forth in paragraphs (b) and (c) of this section, and to such additional conditions as may be appropriate, the Service, in its discretion, may accept an appearance bond or other security (including, but not limited to, payment of the value as determined under §12.12) in place of any property seized under the Endangered Species Act, 16 U.S.C. 1531 et seq.; Marine Mammal Protection Act, 16 U.S.C. 1361 et seq.; Lacey Act, 18 U.S.C. 43; Lacey Act Amendments of 1981, 16 U.S.C. 3371 et seq.; Airborne Hunting Act, 16 U.S.C. 742j-1; or Eagle Protection Act, 16 U.S.C. 668 et seq.

(b) Property may be released under this section only to the owner or consignee.

(c) Property may be released under this section only if possession thereof will not violate or frustrate the purpose or policy of any applicable law or regulation.

under the Endangered Species Act, 16 U.S.C. 1531 et seq.; Eagle Protection Act, 16 U.S.C. 668 et seq.; Airborne Hunting Act, 16 U.S.C. 742j–1, et seq.; or the Lacey Act Amendments of 1981, 16 U.S.C. 3371 et seq. If the seized property may lawfully be sold in the United States, its domestic value shall be determined in accordance with §12.3. If the seized property may not lawfully be sold in the United States, its value shall be determined by other reasonable means.

[47 FR 56860, Dec. 21, 1982]

Subpart C—Forfeiture Proceedings

§ 12.21 Criminal prosecutions.

If property is subject to criminal forfeiture, such forfeiture will be obtained in accordance with the Federal Rules of Criminal Procedure.

§ 12.22 Civil actions to obtain forfeiture.

The Solicitor may request the Attorney General to file a civil action to obtain forfeiture of any property subject to forfeiture under the Airborne Hunting Act, 16 U.S.C. 742j–1; Lacey Act, 18 U.S.C. 43–44; Lacey Act Amendments of 1981, 16 U.S.C. 3371 et seq.; Black Bass Act, 16 U.S.C. 851 et seq.; Marine Mammal Protection Act, 16 U.S.C. 1361 et seq.; Migratory Bird Treaty Act, 16 U.S.C. 703 et seq.; Migratory Bird Hunting Stamp Act, 16 U.S.C. 718 et seq.; Eagle Protection Act, 16 U.S.C. 668 et seq.; or Endangered Species Act, 16 U.S.C. 1331 et seq. Before any such action is filed against property subject to forfeiture under the Lacey Act, 18 U.S.C. 43, or against property, other than the cargo of a vessel or other conveyance employed in unlawful taking, subject to forfeiture under the Marine Mammal Protection Act, 16 U.S.C. 1361 et seq., a civil penalty must first be assessed in accordance with the statute and applicable regulations, and no such action may be filed more than 30 days after the conclusion of civil penalty assessment proceedings.

[47 FR 56860, Dec. 21, 1982]

§ 12.23 Administrative forfeiture proceedings.

(a) When authorized. Whenever any property subject to forfeiture under the Eagle Protection Act, 16 U.S.C. 668 et seq., or Airborne Hunting Act, 16 U.S.C. 742j–1, or any wildlife or plant subject to forfeiture under the Endangered Species Act, 16 U.S.C. 1531 et seq., or any fish, wildlife or plant subject to forfeiture under the Lacey Act Amendments of 1981, 16 U.S.C. 3371 et seq., is determined under §12.12 to have a value not greater than $100,000, the Solicitor may obtain forfeiture of such property in accordance with this section.

(b) Procedure—(1) Notice of proposed forfeiture. As soon as practicable following seizure, the Solicitor shall issue a notice of proposed forfeiture.

(A) Publication. The notice shall be published once a week for at least three successive weeks in a newspaper of general circulation in the locality where the property was seized. If the value of the seized property as determined under §12.12 does not exceed $1000, the notice may be published by posting, instead of newspaper publication, for at least three successive weeks in a conspicuous place accessible to the public at the Service’s enforcement office, the U.S. District Court or the U.S. Customhouse nearest the place of seizure. In cases of posting, the date of initial posting shall be indicated on the notice. In addition to newspaper publication or posting, a reasonable effort shall be made to serve the notice personally or by registered or certified mail, return receipt requested, on each person whose whereabouts and interest in the seized property are known or easily ascertainable.

(B) Contents. The notice shall be in substantially the same form as a complaint for forfeiture filed in United States District Court. The notice shall describe the property, including, in the case of motor vehicles, the license, registration, motor, and serial numbers. The notice shall state the time and place of seizure, as well as the reason therefor, and shall specify the value of the property as determined under §12.12. The notice shall contain a specific reference to the provisions of the laws or regulations allegedly violated.
and under which the property is subject to forfeiture. The notice shall state that any person desiring to claim the property must file a claim and a bond in accordance with paragraph (b)(2) of this section, and shall state that if a proper claim and bond are not received by the proper office within the time prescribed by such paragraph, the property will be declared forfeited to the United States and disposed of according to law. The notice shall also advise interested persons of their right to file a petition for remission of forfeiture in accordance with §12.24.

(2) Filing a claim and bond. Upon issuance of the notice of proposed forfeiture, any person claiming the seized property may file with the Solicitor’s office indicated in the notice a claim to the property and a bond in the penal sum of $5,000, or ten per centum of the value of the claimed property, whichever is lower, but not less than $250. Any claim and bond must be received in such office within 30 days after the date of first publication or posting of the notice of proposed forfeiture. The claim shall state the claimant’s interest in the property. The bond filed with the claim shall be on a United States Customs Form 4615 or on a similar form provided by the Department. There shall be endorsed on the bond a list or schedule in substantially the following form which shall be signed by the claimant in the presence of the witnesses to the bond, and attested by the witnesses:

The foregoing list is correct.

Claimant

Attest:

The claim and bond referred to in this paragraph shall not entitle the claimant or any other person to possession of the property.

(3) Transmittal to Attorney General. As soon as practicable after timely receipt by the proper office of a proper claim and bond in accordance with paragraph (b)(2) of this section, the Solicitor shall transmit such claim and bond to the Attorney General for institution of forfeiture proceedings in U.S. District Court.

(4) Motion for stay. Upon issuance of the notice of proposed forfeiture, any person claiming the seized property may file with the Solicitor’s regional or field office indicated in the notice a motion to stay administrative forfeiture proceedings. Any motion for stay must be filed within 30 days after the date of first publication or posting of the notice of the proposed forfeiture. Each motion must contain:

(i) The claimant’s verified statement showing that he or she holds absolute, fee simple title to the seized property, free and clear of all liens, encumbrances, security interests, or other third-party interests, contingent or vested; and (ii) the claimant’s offer to pay in advance all reasonable costs anticipated to be incurred in the storage, care, and maintenance of the seized property for which administrative forfeiture is sought. Where a stay of administrative forfeiture proceedings would not injure or impair the rights of any third parties and where the claimant has agreed to pay in advance anticipated, reasonable storage costs associated with the granting of a stay, the Regional or Field Solicitor as appropriate may, in his discretion, grant the motion for stay and specify reasonable and prudent conditions therefor, including but not limited to the duration of the stay, a description of the factors which would automatically terminate the stay, and any requirement for a bond (including amount) to secure the payment of storage and other maintenance costs. If a motion for stay is denied, or if a stay is terminated for any reason, the claimant must file, if he or she has not already done so, a claim and bond in accordance with paragraph (b)(2) of this section not later than 30 days after receipt of the Solicitor’s Office denial or termination order. Failure to file the claim and bond within 30 days will result in summary forfeiture under paragraph (c) of this section.

(c) Summary forfeiture. If a proper claim and bond are not received by the proper office within 30 days as specified in paragraph (b)(2) of this section, the Solicitor shall declare the property forfeited. The declaration of forfeiture
shall be in writing, and shall be sent by registered or certified mail, return receipt requested, to the Service and to each person whose whereabouts and prior interest in the seized property are known or easily ascertainable. The declaration shall be in substantially the same form as a default judgment of forfeiture entered in United States District Court. The declaration shall describe the property and state the time, place, and reason for its seizure. The declaration shall identify the notice of proposed forfeiture, describing the dates and manner of publication of the notice and any efforts made to serve the notice personally or by mail. The declaration shall state that in response to the notice a proper claim and bond were not timely received by the proper office from any claimant, and that therefore all potential claimants are deemed to admit the truth of the allegations of the notice. The declaration shall conclude with an order of condemnation and forfeiture of the property to the United States for disposition according to law.

§ 12.24 Petition for remission of forfeiture.

(a) Any person who has an interest in cargo, of a vessel or other conveyance employed in unlawful taking, subject to forfeiture under the Marine Mammal Protection Act, 16 U.S.C. 1361 et seq., or any person who has an interest in any property subject to forfeiture under the Endangered Species Act, 16 U.S.C. 1531 et seq.; Eagle Protection Act, 16 U.S.C. 668 et seq.; Airborne Hunting Act, 16 U.S.C. 742j-1; or the Lacey Act Amendments of 1981, 16 U.S.C. 3371 et seq., or any person who has incurred or is alleged to have incurred a forfeiture of any such property, may file with the Solicitor or, when forfeiture proceedings have been brought in U.S. District Court, the Attorney General, a petition for remission of forfeiture.

(b) A petition filed with the Solicitor need not be in any particular form, but it must be received before disposition of the property and must contain the following:

(1) A description of the property;
(2) The time and place of seizure;
(3) Evidence of the petitioner’s interest in the property, including contracts, bills of sale, invoices, security interests, certificates of title, and other satisfactory evidence; and
(4) A statement of all facts and circumstances relied upon by the petitioner to justify remission of the forfeiture.

(c) The petition shall be signed by the petitioner or the petitioner’s attorney at law. If the petitioner is a corporation, the petition must be signed by an authorized officer, supervisory employee, or attorney at law, and the corporate seal shall be properly affixed to the signature.

(d) A false statement in the petition may subject the petitioner to prosecution under title 18, U.S. Code, section 1001.

(e) Upon receiving the petition, the Solicitor shall decide whether or not to grant relief. In making a decision, the Solicitor shall consider the information submitted by the petitioner, as well as any other available information relating to the matter.

(f) If the Solicitor finds the existence of such mitigating circumstances as to justify remission or mitigation of the forfeiture or alleged forfeiture, the Solicitor may remit or mitigate the same upon such terms and conditions as may be reasonable and just or may order discontinuance of any proceeding under §12.23.

(g) If the Solicitor decides that relief should not be granted, the Solicitor shall so notify the petitioner in writing, stating in the notification the reasons for denying relief. The petitioner may then file a supplemental petition, but no supplemental petition shall be considered unless it is received within 60 days from the date of the Solicitor’s notification denying the original petition.

§ 12.25 Transfers in settlement of civil penalty claims.

In the discretion of the Solicitor, an owner of wildlife or plants who may be liable for civil penalty under the Endangered Species Act, 16 U.S.C. 1531 et
U.S. Fish and Wildlife Serv., Interior § 12.33

seq.; Lacey Act, 18 U.S.C. 43; Lacey Act Amendments of 1981, 16 U.S.C. 3371 et seq.; Eagle Protection Act, 16 U.S.C. 668 et seq.; or Marine Mammal Protection Act, 16 U.S.C. 1361 et seq., may be given an opportunity to completely or partially settle the civil penalty claim by transferring to the United States all right, title, and interest in any wildlife or plants that are subject to forfeiture. Such transfer may be accomplished by the owner’s execution and return of a U.S. Customs Form 4607 or a similar compromise transfer of property instrument provided by the Department.

[47 FR 56861, Dec. 21, 1982]

Subpart D—Disposal of Forfeited or Abandoned Property

SOURCE: 47 FR 17525, Apr. 23, 1982, unless otherwise noted.

§ 12.30 Purpose.

Upon forfeiture or abandonment of any property to the United States under this part the Director shall dispose of such property under the provisions of this subpart D.

§ 12.31 Accountability.

All property forfeited or abandoned under this part must be accounted for in official records. These records must include the following information:

(a) A description of the item.
(b) The date and place of the item’s seizure (if any) and forfeiture or abandonment.
(c) The investigative case file number with which the item was associated.
(d) The name of any person known to have or to have had an interest in the item.
(e) The date, place, and manner of the item’s initial disposal.
(f) Name of the official responsible for the initial disposal.
(g) Domestic value of the property.

§ 12.32 Effect of prior illegality.

The effect of any prior illegality on a subsequent holder of any wildlife or plant disposed of or subject to disposal is terminated upon forfeiture or abandonment, but the prohibitions, restrictions, conditions, or requirements which apply to a particular species of wildlife or plant under the laws or regulations of the United States or any State, including any applicable conservation, health, quarantine, agricultural, or Customs laws or regulations remain in effect as to the conduct of such holder.

§ 12.33 Disposal.

(a) The Director shall dispose of any wildlife or plant forfeited or abandoned under the authority of this part, subject to the restrictions provided in this subpart, by one of the following means, unless the item is the subject of a petition for remission of forfeiture under §12.24 of this part, or disposed of by court order:

(1) Return to the wild;
(2) Use by the Service or transfer to another government agency for official use;
(3) Donation or loan;
(4) Sale; or
(5) Destruction.

In the exercise of the disposal authority, the Director ordinarily must dispose of any wildlife or plant in the order in which the disposal methods appear in this paragraph (a) of this section.

(b) The Director shall dispose of any other property forfeited or abandoned under the authority of this part (including vehicles, vessels, aircraft, cargo, guns, nets, traps, and other equipment), except wildlife or plants, in accordance with current Federal Property Management Regulations (41 CFR chapter 101) and Interior Property Management Regulations (41 CFR chapter 114), unless the item is the subject of a petition for remission of forfeiture under §12.24 of this part, or disposed of by court order.

(c) The Director shall dispose of property according to the following schedule, unless the property is the subject of a petition for remission of forfeiture under §12.24 of this part:

(1) Any live wildlife or plant that the Director determines is liable to perish, deteriorate, decay, waste, or greatly decrease in value by keeping, or that the expense of keeping is disproportionate to its value may be disposed of immediately after forfeiture or abandonment; and
§ 12.34 Return to the wild.

(a) Any live member of a native species of wildlife which is capable of surviving may be released to the wild in suitable habitat within the historical range of the species in the United States with the permission of the landowner, unless release poses an imminent danger to public health or safety.

(b) Any live member of a native species of plant which is capable of surviving may be transplanted in suitable habitat on Federal or other protected lands within the historical range of the species in the United States with the permission of the landowner.

(c) Any live member of an exotic species of wildlife (including injurious wildlife) or plant may not be returned to the wild in the U.S., but may be returned to one of the following countries for return to suitable habitat in accordance with the provisions of §12.35 of this part if it is capable of surviving:

(1) The country of export (if known) after consultation with and at the expense of the country of export, or

(2) A country within the historic range of the species which is party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249) after consultation with and at the expense of such country.

§ 12.35 Use by the Service or transfer to another government agency for official use.

(a) Wildlife and plants may be used by the Service or transferred to another government agency (including foreign agencies) for official use including, but not limited to, one or more of the following purposes:

(1) Training government officials to perform their official duties;

(2) Identifying protected wildlife or plants, including forensic identification or research;

(3) Educating the public concerning the conservation of wildlife or plants;

(4) Conducting law enforcement operations in performance of official duties;

(5) Enhancing the propagation or survival of a species or other scientific purposes;

(6) Presenting as evidence in a legal proceeding involving the wildlife or plant; or

(7) Returning to the wild in accordance with §12.34 of this part.

(b) Each transfer and the terms of the transfer must be documented.

(c) The agency receiving the wildlife or plants may be required to bear all costs of care, storage, and transportation in connection with the transfer from the date of seizure to the date of delivery.

§ 12.36 Donation or loan.

(a) Except as otherwise provided in this section, wildlife and plants may be donated or loaned for scientific, educational, or public display purposes to any person who demonstrates the ability to provide adequate care and security for the item.

(b) Any donation or loan may be made only after execution of a transfer document between the Director and the donee/borrower, which is subject to the following conditions:

(1) The purpose for which the wildlife or plants are to be used must be stated on the transfer document;

(2) Any attempt by the donee/borrower to use the donation or loan for any other purpose except that stated on the transfer document entitles the Director to immediate repossession of the wildlife or plants;

(3) The donee/borrower must pay all costs associated with the transfer, including the costs of care, storage, transportation, and return to the Service (if applicable);

(4) The donee/borrower may be required to account periodically for the donation or loan;

(5) The donee/borrower is not relieved from the prohibitions, restrictions, conditions, or requirements which may apply to a particular species of wildlife.
or plant imposed by the laws or regulations of the United States or any State, including any applicable health, quarantine, agricultural, or Customs laws or regulations.

(6) Any attempt by a donee to retransfer the donation during the time period specified in the transfer document within which the donee may not retransfer the donation without the prior authorization of the Director entitles the Director to immediate repossess the wildlife or plants;

(7) Any attempt by a borrower to retransfer the loan without the prior authorization of the Director entitles the Director to immediate rerepossession of the wildlife or plants;

(8) Subject to applicable limitations of law, duly authorized Service officers at all reasonable times shall, upon notice, be afforded access to the place where the donation or loan is kept and an opportunity to inspect it;

(9) Any donation is subject to conditions specified in the transfer document, the violation of which causes the property to revert to the United States;

(10) Any loan is for an indefinite period of time unless a date on which the loan must be returned to the Service is stated on the transfer document; and

(11) Any loan remains the property of the United States, and the Director may demand its return at any time.

(c) Wildlife and plants may be donated to individual American Indians for the practice of traditional American Indian religions. Any donation of the parts of bald or golden eagles to American Indians may only be made to individuals authorized by permit issued in accordance with §22.22 of this title to possess such items.

(d) Edible wildlife, fit for human consumption, may be donated to a nonprofit, tax-exempt charitable organization for use as food, but not for barter or sale.

(e) Wildlife and plants may be loaned to government agencies (including foreign agencies) for official use. Each transfer and the terms of the transfer must be documented.

§ 12.37 Sale.

(a) Wildlife and plants may be sold or offered for sale, except any species which at the time it is to be sold or offered for sale falls into one of the following categories:

(1) Listed in §10.13 of this title as a migratory bird protected by the Migratory Bird Treaty Act (16 U.S.C. 703–712);

(2) Protected under the Eagle Protection Act (16 U.S.C. 668–668d);

(3) Listed in §23.33 of this title as “Appendix I” under the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

(4) Listed in §17.11 of this title as “endangered” or “threatened” under the Endangered Species Act of 1973 (16 U.S.C. 1533), unless the item or species may be lawfully traded in interstate commerce; and

(5) Protected under the Marine Mammal Protection Act (16 U.S.C. 1361–1407), unless the item or species may be lawfully traded in interstate commerce.

(b) Wildlife and plants must be sold in accordance with current Federal Property Management Regulations (41 CFR chapter 101) and Interior Property Management Regulations (41 CFR chapter 114) or U.S. Customs laws and regulations, except the Director may sell any wildlife or plant immediately for its fair market value if the Director determines that it is liable to perish, deteriorate, decay, waste, or greatly decrease in value by keeping, or that the expense of keeping it is disproportionate to its value.

(c) Wildlife or plants which may not be possessed lawfully by purchasers under the laws of the State where held may be moved to a State where possession is lawful and may be sold.

(d) Wildlife or plants purchased at sale are subject to the prohibitions, restrictions, conditions, or requirements which apply to a particular species of wildlife or plant imposed by the laws or regulations of the United States or any State, including any applicable conservation, health, quarantine, agricultural, or Customs laws or regulations, except as provided by §12.32 of this part.

(e) The Director may use the proceeds of sale to reimburse the Service for any costs which by law the Service is authorized to recover or to pay any rewards which by law may be paid from sums the Service receives.
§ 12.38 Destruction.

(a) Wildlife and plants not otherwise disposed of must be destroyed.

(b) When destroyed, the fact, manner, and date of destruction and the type and quantity destroyed must be certified by the official actually destroying the items.

§ 12.39 Information on property available for disposal.

Persons interested in obtaining information on property which is available for disposal should contact the appropriate Special Agent in Charge listed in §10.22 of this title.

Subpart E—Restoration of Proceeds and Recovery of Storage Costs

§ 12.41 Petition for restoration of proceeds.

(a) Any person claiming any property or interest therein which has been forfeited under the Endangered Species Act, 16 U.S.C. 1531 et seq.; Eagle Protection Act, 16 U.S.C. 668 et seq.; Airborne Hunting Act, 16 U.S.C. 742j–1; or the Lacey Act Amendments of 1981, 16 U.S.C. 3371 et seq., and sold according to law, or any person claiming cargo or an interest therein, of a vessel or other conveyance employed in unlawful taking which has been forfeited under the Marine Mammal Protection Act, 16 U.S.C. 1361 et seq., and sold according to law, may file with the Solicitor or, where forfeiture proceedings have been brought in U.S. District Court, the Attorney General, a petition for restoration of proceeds.

(b) A petition filed with the Solicitor need not be in any particular form, but it must be received within three months after the date of sale of the property and must contain the following:

(1) A description of the property;

(2) The time and place of seizure;

(3) Evidence of the petitioner’s interest in the property, including contracts, bills of sale, invoices, security interests, certificates of title, and other satisfactory evidence;

(4) A request for restoration of the proceeds or such part thereof as is claimed by the petitioner; and

(5) A statement of all facts and circumstances relied upon by the petitioner to justify restoration of the proceeds, including proof that the petitioner did not know of the seizure before the declaration or order of forfeiture and was in such circumstances as prevented the petitioner from knowing of the same.

(c) The petition shall be signed by the petitioner or the petitioner’s attorney at law. If the petitioner is a corporation, the petition must be signed by an authorized officer, supervisory employee, or attorney at law, and the corporate seal shall be properly affixed to the signature.

(d) A false statement in the petition may subject the petitioner to prosecution under title 18, U.S. Code, section 1001.

(e) Upon receiving the petition, the Solicitor shall decide whether or not to grant relief. In making a decision, the Solicitor shall consider the information submitted by the petitioner, as well as any other available information relating to the matter.

(f) If the Solicitor finds the existence of such mitigating circumstances as to justify restoration of the proceeds or any part thereof and that the petitioner did not know of the seizure before the declaration or order of forfeiture and was in such circumstances as prevented the petitioner from knowing of the same, the Solicitor may order the proceeds or any part thereof restored to the petitioner, after deducting from such proceeds the costs of seizure, storage, forfeiture and disposition, the duties, if any, accruing on the seized property, and any sum due on a lien for freight, charges, or contribution in general average, notice of which has been filed with the Solicitor according to law.

(g) If the Solicitor decides that relief should not be granted, the Solicitor shall so notify the petitioner in writing, stating in the notification the reasons for denying relief. The petitioner may then file a supplemental petition, but no supplemental petition shall be considered unless it is received within 60 days from the date of the Solicitor’s
§ 12.42 Recovery of certain storage costs.

If any wildlife, plant, or evidentiary item is seized and forfeited under the Endangered Species Act, 16 U.S.C. 1531 et seq., any person whose act or omission was the basis for the seizure may be charged a reasonable fee for expenses to the United States connected with the transfer, board, handling, or storage of such property. If any fish, wildlife or plant is seized in connection with a violation of the Lacey Act Amendments of 1981, 16 U.S.C. 3371, et seq., any person convicted thereof, or assessed a civil penalty therefor, may be assessed a reasonable fee for expenses of the United States connected with the storage, care and maintenance of such property. Within a reasonable time after forfeiture, the Service shall send to such person by registered or certified mail, return receipt requested, a bill for such fee. The bill shall contain an itemized statement of the applicable costs, together with instructions on the time and manner of payment. Payment shall be made in accordance with the bill. The recipient of any assessment of costs under this section who has an objection to the reasonableness of the costs described in the bill may, within 30 days of the date on which he received the bill, file written objections with the Regional Director of the Fish and Wildlife Service for the Region in which the seizure occurred. Upon receipt of the written objections, the appropriate Regional Director will promptly review them and within 30 days mail his final decision to the party who filed objections. In all cases, the Regional Director’s decision shall constitute final administrative action on the matter.

[47 FR 56861, Dec. 21, 1982]

Subpart F—Return of Property

§ 12.51 Return procedure.

If, at the conclusion of the appropriate proceedings, seized property is to be returned to the owner or consignee, the Solicitor or Service shall issue a letter or other document authorizing its return. This letter or other document shall be delivered personally or sent by registered or certified mail, return receipt requested, and shall identify the owner or consignee, the seized property, and, if appropriate, the bailee of the seized property. It shall also provide that upon presentation of the letter or other document and proper identification, and the signing of a receipt provided by the Service, the seized property is authorized to be released, provided it is properly marked in accordance with applicable State or Federal requirements.

PART 13—GENERAL PERMIT PROCEDURES

Subpart A—Introduction

Sec.
13.1 General.
13.2 Purpose of regulations.
13.3 Scope of regulations.
13.4 Emergency variation from requirements.
13.5 Information collection requirements.

Subpart B—Application for Permits

13.11 Application procedures.
13.12 General information requirements on applications for permits.

Subpart C—Permit Administration

13.21 Issuance of permits.
13.22 Renewal of permits.
13.23 Amendment of permits.
13.24 Right of succession by certain persons.
13.25 Transfer of permits and scope of permit authorization.
13.26 Discontinuance of permit activity.
13.27 Permit suspension.
13.28 Permit revocation.
13.29 Review procedures.

Subpart D—Conditions

13.41 Humane conditions.
13.42 Permits are specific.
13.43 Alteration of permits.
13.44 Display of permit.
13.45 Filing of reports.
13.46 Maintenance of records.
13.47 Inspection requirement.
13.48 Compliance with conditions of permit.
13.49 Surrender of permit.
13.50 Acceptance of liability.

AUTHORITY: 16 U.S.C. 668a, 704, 712, 742j-1, 1374(g), 1382, 1538(d), 1539, 1540(f), 3374, 4901–
§ 13.1


SOURCE: 39 FR 1161, Jan. 4, 1974, unless otherwise noted.

Subpart A—Introduction

§ 13.1 General.

(a) A person must obtain a valid permit before commencing an activity for which a permit is required by this subchapter, except as provided in §23.53 of this subchapter for retrospective permits for certain CITES shipments under very specific situations.

(b) A person must apply for such a permit under the general permit procedures of this part and any other regulations in this subchapter that apply to the proposed activity.

1. The requirements of all applicable parts of this subchapter must be met.

2. A person may submit one application that includes the information required in each part of this subchapter, and a single permit will be issued if appropriate.

§ 13.2 Purpose of regulations.

The regulations contained in this part provide uniform rules, conditions, and procedures for the application for and the issuance, denial, suspension, revocation, and general administration of all permits issued pursuant to this subchapter B.

§ 13.3 Scope of regulations.

The provisions in this part are in addition to, and are not in lieu of, other permit regulations of this subchapter and apply to all permits issued thereunder, including “Importation, Exportation and Transportation of Wildlife” (part 14), “Wild Bird Conservation Act” (part 15), “Injurious Wildlife” (part 16), “Endangered and Threatened Wildlife and Plants” (part 17), “Marine Mammals” (part 18), “Migratory Bird Permits” (part 21), “Eagle Permits” (part 22), and “Endangered Species Convention” (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) (part 23). As used in this part 13, the term “permit” will refer to a license, permit, certificate, letter of authorization, or other document as the context may require, and to all such documents issued by the Service or other authorized U.S. or foreign government agencies.

§ 13.4 Emergency variation from requirements.

The Director may approve variations from the requirements of this part when he finds that an emergency exists and that the proposed variations will not hinder effective administration of this subchapter B, and will not be unlawful.

§ 13.5 Information collection requirements.

(a) The Office of Management and Budget approved the information collection requirements contained in this part 13 under 44 U.S.C. and assigned OMB Control Number 1018–0092. The Service may not conduct or sponsor, and you are not required to respond, to a collection of information unless it displays a currently valid OMB control number. We are collecting this information to provide information necessary to evaluate permit applications. We will use this information to review permit applications and make decisions, according to criteria established in various Federal wildlife conservation statutes and regulations, on the issuance, suspension, revocation, or denial permits. You must respond to obtain or retain a permit.

(b) We estimate the public reporting burden for these reporting requirements to vary from 15 minutes to 4 hours per response, with an average of 0.803 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the forms. Direct comments regarding the burden estimate or any other aspect of these reporting requirements to the Service Information Collection Control Officer, MS–222 ARLSQ, U.S. Fish and Wildlife Service, Washington, DC 20240, or the Office of Management and Budget, Paperwork Reduction Project (1018–0092), Washington, DC 20603.
Subpart B—Application for Permits

§ 13.11 Application procedures.

The Service may not issue a permit for any activity authorized by this subchapter B unless you have filed an application under the following procedures:

(a) **Forms.** Applications must be submitted in writing on a Federal Fish and Wildlife License/Permit Application (Form 3–200) or as otherwise specifically directed by the Service.

(b) **Forwarding instructions.** Applications for permits in the following categories should be forwarded to the issuing office indicated below.

1. You may obtain applications for migratory bird banding permits (50 CFR 21.22) by writing to: Bird Banding Laboratory, USGS Patuxent Wildlife Research Center, 12100 Beech Forest Road, Laurel, Maryland 20708–4037. Submit completed permit applications to the same address.

2. You may obtain applications for designated port exception permits and import/export licenses (50 CFR 14) by writing to the Special Agent in Charge (SAC) of the Region in which you reside (see 50 CFR 2.2 or the Service Web site, [http://www.fws.gov](http://www.fws.gov), for addresses and boundaries of the Regions). Submit completed application to the same address.

3. You may obtain applications for Wild Bird Conservation Act permits (50 CFR 15); injurious wildlife permits (50 CFR 16); captive-bred wildlife registrations (50 CFR 17); permits authorizing import, export, or foreign commerce of endangered and threatened species, and interstate commerce of non-native endangered or threatened species (50 CFR 17); marine mammal permits (50 CFR 18); and permits and certificates for import, export, and reexport of species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (50 CFR 23) from: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203–1610. Submit completed permit applications to the same address.

4. You may obtain Endangered Species Act permit applications (50 CFR 17) for activities involving native endangered and threatened species, including incidental take, scientific purposes, enhancement of propagation or survival (i.e., recovery), and enhancement of survival by writing to the Regional Director (Attention: Endangered Species Permits) of the Region where the activity is to take place (see 50 CFR 2.2 or the Service Web site, [http://www.fws.gov](http://www.fws.gov), for addresses and boundaries of the Regions). Submit completed applications to the same address (the Regional office covering the area where the activity will take place). You can obtain information on the lead Region via the Service’s Endangered Species Program Web page ([http://endangered.fws.gov/wildlife.html](http://endangered.fws.gov/wildlife.html)) by entering the common or scientific name of the listed species in the Regulatory Profile query box. Send interstate commerce permit applications for native listed species to the same Regional Office that has the lead for that species. Endangered Species Act permit applications for the import or export of native endangered and threatened species may be obtained from the Division of Management Authority in accordance with paragraph (b)(3) of this section.

5. You may obtain applications for bald and golden eagle permits (50 CFR 22) and migratory bird permits (50 CFR 21), except for banding and marking permits, by writing to the Migratory Bird Permit Program Office in the Region in which you reside. For mailing addresses for the Migratory Bird Regional Permit Offices, see below, or go to: [http://permits.fws.gov/mbpermits/addresses.html](http://permits.fws.gov/mbpermits/addresses.html). Send completed applications to the same address. The mailing addresses for the Regional Migratory Bird Permit Offices are as follows:

   Region 1 (CA, HI, ID, NV, OR, WA, American Samoa, Guam, Commonwealth of the Northern Mariana Islands, and other Pacific possessions):
§ 13.11

50 CFR Ch. I (10–1–12 Edition)

Region 2 (AZ, NM, OK, TX): U.S. Fish and Wildlife Service, Migratory Bird Permit Office, P.O. Box 709, Albuquerque, NM 87103.
Region 3 (IA, IL, IN, MN, MO, MI, OH, WI): U.S. Fish and Wildlife Service, Migratory Bird Permit Office, One Federal Drive, Fort Snelling, MN 55111.
Region 6 (CO, KS, MT, ND, NE, SD, UT, WY): U.S. Fish and Wildlife Service, Migratory Bird Permit Office, P.O. Box 25486, DFC (60130), Denver, CO 80225–0486.
Region 7 (AK): U.S. Fish and Wildlife Service, Migratory Bird Permit Office (MS–201), 1011 E. Tudor Road, Anchorage, AK 99503.

(c) Time notice. The Service will process all applications as quickly as possible. However, we cannot guarantee final action within the time limit you request. You should ensure that applications for permits for marine mammals and/or endangered and threatened species are postmarked at least 90 calendar days prior to the requested effective date. The time we require for processing of endangered and threatened species incidental take permits will vary according to the project scope and significance of effects. Submit applications for all other permits to the issuing/reviewing office and ensure they are postmarked at least 60 calendar days prior to the requested effective date. Our processing time may be increased by the procedural requirements of the National Environmental Policy Act (NEPA), the requirement to publish a notice in the Federal Register requesting a 30-day public comment period when we receive certain types of permit applications, and/or the time required for extensive consultation within the Service, with other Federal agencies, and/or State or foreign governments. When applicable, we may require permit applicants to provide additional information on the proposal and on its environmental effects as may be necessary to satisfy the procedural requirements of NEPA.

(d) Fees. (1) Unless otherwise exempted under this paragraph (d), you must pay the required permit processing fee at the time that you apply for issuance or amendment of a permit. You must pay in U.S. dollars. If you submit a check or money order, it must be made payable to the “U.S. Fish and Wildlife Service.” The Service will not refund any application fee under any circumstances if we have processed the application. However, we may return the application fee if you withdraw the application before we have significantly processed it.

(2) If regulations in this subchapter require more than one type of permit for an activity and the permits are issued by the same office, the issuing office may issue one consolidated permit authorizing the activity in accordance with §13.1. You may submit a single application in such cases, provided that the single application contains all the information required by the separate applications for each permitted activity. Where more than one permitted activity is consolidated into one permit, the issuing office will charge the highest single fee for the activity permitted.

(3) Circumstances under which we will not charge a permit application fee are as follows:

(i) We will not charge a permit application fee to any Federal, tribal, State, or local government agency or to any individual or institution acting on behalf of such agency. Except as otherwise authorized or waived, if you fail to submit evidence of such status with your application, we will require the submission of all processing fees prior to the acceptance of the application for processing.

(ii) As noted in paragraph (d)(4) of this section.

(iii) We may waive the fee on a case-by-case basis for extraordinary extenuating circumstances provided that the issuing permit office and a Regional or
Assistant Director approves the waiver.

(4) **User fees.** The following table identifies specific fees for each permit application or amendment to a current permit. If no fee is identified under the Amendment Fee column, this particular permit either cannot be amended and a new application, and application fee, would need to be submitted or no fee will be charged for amending the permit (please contact the issuing office for further information).

<table>
<thead>
<tr>
<th>Type of permit</th>
<th>CFR citation</th>
<th>Fee</th>
<th>Amendment fee</th>
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<tr>
<td>Migratory Bird Treaty Act</td>
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<tr>
<td>Migratory Bird Import/Export</td>
<td>50 CFR 21</td>
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<td>Migratory Bird Banding or Marking</td>
<td>50 CFR 21</td>
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<td>Migratory Bird Taxidermy</td>
<td>50 CFR 21</td>
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<td>Waterfowl Sale and Disposal</td>
<td>50 CFR 21</td>
<td>75</td>
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<td>Special Canada Goose</td>
<td>50 CFR 21</td>
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<tr>
<td>Migratory Bird Special Purpose/Education</td>
<td>50 CFR 21</td>
<td>75</td>
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<td>Migratory Bird Special Purpose/Game Bird Propagation</td>
<td>50 CFR 21</td>
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<td>Migratory Bird Special Purpose/Miscellaneous</td>
<td>50 CFR 21</td>
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<td>Falconry</td>
<td>50 CFR 21</td>
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<td>Migratory Bird Rehabilitation</td>
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<td>Migratory Bird Depredation</td>
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<td>Migratory Bird Depredation/Homeowner</td>
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<td>Bald and Golden Eagle Protection Act</td>
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<td>Eagle Scientific Collecting</td>
<td>50 CFR 22</td>
<td>100</td>
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<td>Eagle Exhibition</td>
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<td>Eagle Falconry</td>
<td>50 CFR 22</td>
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<td>Eagle—Native American Religion</td>
<td>50 CFR 22</td>
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<td>Eagle Take permits—Depredation and Protection of Health and Safety</td>
<td>50 CFR 22</td>
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<td>Golden Eagle Nest Take</td>
<td>50 CFR 22</td>
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<tr>
<td>Eagle Transport—Scientific or Exhibition</td>
<td>50 CFR 22</td>
<td>75</td>
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<tr>
<td>Eagle Transport—Native American Religious Purposes</td>
<td>50 CFR 22</td>
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<td>Eagle Take—Associated With but Not the Purpose of an Activity</td>
<td>50 CFR 22</td>
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<tr>
<td>Eagle Take—Associated With but Not the Purpose of an Activity—Programmatic</td>
<td>50 CFR 22</td>
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<td>Eagle Nest Take</td>
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<td>Eagle Nest Take—Programmatic</td>
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<tr>
<td>Eagle Take—Exempted under ESA</td>
<td>50 CFR 22</td>
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<td>Endangered Species Act/CITES/Lacey Act</td>
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<td>ESA Recovery</td>
<td>50 CFR 17</td>
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<td>ESA Interstate Commerce</td>
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<td>ESA Enhancement of Survival (Safe Harbor Agreement)</td>
<td>50 CFR 17</td>
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<td>ESA Enhancement of Survival (Candidate Conservation Agreement with Assurance)</td>
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<td>ESA Incidental Take (Habitat Conservation Plan)</td>
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<td>ESA and CITES Import/Export and Foreign Commerce</td>
<td>50 CFR 17</td>
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<td>ESA and CITES Museum Exchange</td>
<td>50 CFR 17</td>
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<td>ESA Captive-bred Wildlife Registration</td>
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<td>—Renewal of Captive-bred wildlife registration</td>
<td>50 CFR 17</td>
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<td>CITES Import (including trophies under ESA and MMPA)</td>
<td>50 CFR 17, 18, 23</td>
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<td>CITES Export</td>
<td>50 CFR 23</td>
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<td>CITES Pre-Convention</td>
<td>50 CFR 23</td>
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<td>CITES Certificate of Origin</td>
<td>50 CFR 23</td>
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<td>CITES Re-Export</td>
<td>50 CFR 23</td>
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<tr>
<td>CITES Personal Effects and Pet Export/Re-Export</td>
<td>50 CFR 23</td>
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<tr>
<td>CITES Appendix II Export (native furbearers and alligators—excluding live animals)</td>
<td>50 CFR 23</td>
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<tr>
<td>CITES Master File (includes files for artificial propagation, biomedical, etc. and covers import, export, and re-export documents)</td>
<td>50 CFR 23</td>
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<tr>
<td>—Renewal of CITES Master File</td>
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<td>—Single-use permits issued on Master File</td>
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<td>CITES Annual Program File</td>
<td>50 CFR 23</td>
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<tr>
<td>—Single-use permits issued under Annual Program</td>
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<td>CITES replacement documents (lost, stolen, or damaged documents)</td>
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<td>CITES Passport for Traveling Exhibitions and Pets</td>
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<td>CITES/ESA Passport for Traveling Exhibitions</td>
<td>50 CFR 23</td>
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<td>CITES Introduction from the Sea</td>
<td>50 CFR 23</td>
<td>100</td>
<td>50</td>
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</table>
Type of permit | CFR citation | Fee | Amendment fee
--- | --- | --- | ---
CITES Participation in the Plant Rescue Center Program | 50 CFR 23 | (1) | (1)
CITES Registration of Commercial Breeding Operations for Appendix-I wildlife | 50 CFR 23 | 100 | 
CITES Request for Approval of an Export Program for a State or Tribe (American Ginseng, Certain Furbearers, and American Alligator) | 50 CFR 23 | (1) | (1)
Import/Export License | 50 CFR 14 | 100 | 50
Designated Port Exception | 50 CFR 14 | 100 | 50
Injurious Wildlife Permit | 50 CFR 16 | 100 | 50
—Transport Authorization for Injurious Wildlife | 50 CFR 16 | 25 | 

Wild Bird Conservation Act (WBCA)

Personal Pet Import | 50 CFR 15 | 50 | 
WBCA Scientific Research, Zoological Breeding or Display, Cooperative Breeding | 50 CFR 15 | 100 | 50
WBCA Approval of Cooperative Breeding Programs | 50 CFR 15 | 200 | 100
—Renewal of a WBCA Cooperative Breeding Program | 50 CFR 15 | 50 | 
WBCA Approval of a Foreign Breeding Facility | 50 CFR 15 | *250 | 

Marine Mammal Protection Act

Marine Mammal Public Display | 50 CFR 18 | 300 | 150
Marine Mammal Scientific Research/Enhancement/Registered Agent or Tannery | 50 CFR 18 | 150 | 75
—Renewal of Marine Mammal Scientific Research/Enhancement/Registered Agent or Tannery | 50 CFR 18 | 75 | 

1 No fee.
2 Each.
3 Per animal.
4 Per species.

(5) We will charge a fee for substantive amendments made to permits within the time period that the permit is still valid. The fee is generally half the original fee assessed at the time that the permit is processed; see paragraph (d)(4) of this section for the exact amount. Substantive amendments are those that pertain to the purpose and conditions of the permit and are not purely administrative. Administrative changes, such as updating name and address information, are required under 13.23(c), and we will not charge a fee for such amendments.

(6) Except as specifically noted in paragraph (d)(4) of this section, a permit renewal is an issuance of a new permit, and applicants for permit renewal must pay the appropriate fee listed in paragraph (d)(4) of this section.

(e) Abandoned or incomplete applications. If we receive an incomplete or improperly executed application, or if you do not submit the proper fees, the issuing office will notify you of the deficiency. If you fail to supply the correct information to complete the application or to pay the required fees within 45 calendar days of the date of notification, we will consider the application abandoned. We will not refund any fees for an abandoned application.


§ 13.12 General information requirements on applications for permits.

(a) General information required for all applications. All applications must contain the following information:

(1) Applicant’s full name and address (street address, city, county, state, and zip code; and mailing address if different from street address); home and work telephone numbers; and, if available, a fax number and e-mail address, and:

(i) If the applicant resides or is located outside the United States, an address in the United States, and, if conducting commercial activities, the name and address of his or her agent that is located in the United States; and

(ii) If the applicant is an individual, the date of birth, social security number, if available, occupation, and any business, agency, organizational, or institutional affiliation associated with the wildlife or plants to be covered by the license or permit; or
(iii) If the applicant is a business, corporation, public agency, or institution, the tax identification number; description of the type of business, corporation, agency, or institution; and the name and title of the person responsible for the permit (such as president, principal officer, or director);

(2) Location where the requested permitted activity is to occur or be conducted;

(3) Reference to the part(s) and section(s) of this subchapter B as listed in paragraph (b) of this section under which the application is made for a permit or permits, together with any additional justification, including supporting documentation as required by the referenced part(s) and section(s);

(4) If the requested permitted activity involves the import or re-export of wildlife or plants from or to any foreign country, and the country of origin, or the country of export or re-export restricts the taking, possession, transportation, exportation, or sale of wildlife or plants, documentation as indicated in §14.52(c) of this subchapter B;

(5) Certification in the following language:

I hereby certify that I have read and am familiar with the regulations contained in title 50, part 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of chapter I of title 50, Code of Federal Regulations, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to suspension or revocation of this permit and to the criminal penalties of 18 U.S.C. 1001.

(6) Desired effective date of permit except where issuance date is fixed by the part under which the permit is issued;

(7) Date;

(8) Signature of the applicant; and

(9) Such other information as the Director determines relevant to the processing of the application, including, but not limited to, information on the environmental effects of the activity consistent with 40 CFR 1506.5 and Departmental procedures at 516 DM 6, Appendix 1.3A.

(b) Additional information required on permit applications. As stated in paragraph (a)(3) of this section certain additional information is required on all applications. These additional requirements may be found by referring to the section of this subchapter B cited after the type of permit for which application is being made:

<table>
<thead>
<tr>
<th>Type of permit</th>
<th>Section</th>
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<tr>
<td>Importation at nondesignated ports:</td>
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<td>Scientific ....................................</td>
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<td>Deterioration prevention ...............</td>
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<td>Economic hardship ..........................</td>
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<td>Marking of package or container:</td>
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<td>Import/export license .....................</td>
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<td>Feather import quota: Importation or entry</td>
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<td>Injurious wildlife: Importation or shipment</td>
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<td>Endangered wildlife and plant permits:</td>
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<td>Similarity of appearance ...................</td>
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<td>Scientific, enhancement of propagation or survival, incidental taking for wildlife</td>
<td>17.22</td>
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<td>Scientific, propagation, or survival for plants</td>
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<td>General for wildlife .......................</td>
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<td>American alligator-buyer or tanner .......</td>
<td>17.42(a)</td>
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<td>General for plants .......................</td>
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<td>Marine mammals permits:</td>
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<td>Public display ..................................</td>
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<td>Scientific collecting .......................</td>
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<td>Raptor propagation permit ..................</td>
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<td>Indian religious use ..........................</td>
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<td>Depredation and protection of health and safety</td>
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<td>Falconry purposes ............................</td>
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<td>Take of golden eagle nests ..................</td>
<td>22.25</td>
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<td>Eagle take—Associated with but not the purpose of an activity .......................</td>
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<td>Eagle nest take ..............................</td>
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<td>Eagle take—Exempted under ESA ............</td>
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<td>Endangered Species Convention permits ....</td>
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§ 13.21

Subpart C—Permit Administration

§ 13.21 Issuance of permits.

(a) No permit may be issued prior to the receipt of a written application therefor, unless a written variation from the requirements, as authorized by §13.4, is inserted into the official file of the Bureau. An oral or written representation of an employee or agent of the United States Government, or an action of such employee or agent, shall not be construed as a permit unless it meets the requirements of a permit as defined in 50 CFR 10.12.

(b) Upon receipt of a properly executed application for a permit, the Director shall issue the appropriate permit unless:

(1) The applicant has been assessed a civil penalty or convicted of any criminal provision of any statute or regulation relating to the activity for which the application is filed, if such assessment or conviction evidences a lack of responsibility.

(2) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his application;

(3) The applicant has failed to demonstrate a valid justification for the permit and a showing of responsibility;

(4) The authorization requested potentially threatens a wildlife or plant population, or

(5) The Director finds through further inquiry or investigation, or otherwise, that the applicant is not qualified.

(c) Disqualifying factors. Any one of the following will disqualify a person from receiving permits issued under this part.

(1) A conviction, or entry of a plea of guilty or nolo contendere, for a felony violation of the Lacey Act, the Migratory Bird Treaty Act, or the Bald and Golden Eagle Protection Act disqualifies any such person from receiving or exercising the privileges of a permit, unless such disqualification has been expressly waived by the Director in response to a written petition.

(2) The revocation of a permit for reasons found in §13.28 (a)(1) or (a)(2) disqualifies any such person from receiving or exercising the privileges of a similar permit for a period of five years from the date of the final agency decision on such revocation.

(3) The failure to pay any required fees or assessed costs and penalties, whether or not reduced to judgement disqualifies such person from receiving or exercising the privileges of a permit as long as such moneys are owed to the United States. This requirement shall not apply to any civil penalty presently subject to administrative or judicial appeal; provided that the pendency of a collection action brought by the United States or its assignees shall not constitute an appeal within the meaning of this subsection.

(4) The failure to submit timely, accurate, or valid reports as required may disqualify such person from receiving or exercising the privileges of a permit as long as the deficiency exists.

(d) Use of supplemental information. The issuing officer, in making a determination under this subsection, may use any information available that is relevant to the issue. This may include any prior conviction, or entry of a plea of guilty or nolo contendere, or assessment of a civil or criminal penalty for a violation of any Federal or State law or regulation governing the permitted activity. It may also include any prior permit revocations or suspensions, or any reports of State or local officials. The issuing officer shall consider all relevant facts or information available, and may make independent inquiry or investigation to verify information or substantiate qualifications asserted by the applicant.

(e) Conditions of issuance and acceptance—(1) Conditions of issuance and acceptance. Any permit automatically incorporates within its terms the conditions and requirements of subpart D of this part and of any part(s) or section(s) specifically authorizing or governing the activity for which the permit is issued, as well as any other conditions deemed appropriate and included on the face of the permit at the discretion of the Director.

(2) Any person accepting and holding a permit under this subchapter B acknowledges the necessity for close regulation and monitoring of the permitted activity by the Government. By accepting such permit, the permittee
consents to and shall allow entry by agents or employees of the Service upon premises where the permitted activity is conducted at any reasonable hour. Service agents or employees may enter such premises to inspect the location; any books, records, or permits required to be kept by this subchapter; and any wildlife or plants kept under authority of the permit.

(f) **Term of permit.** Unless otherwise modified, a permit is valid during the period specified on the face of the permit. Such period shall include the effective date and the date of expiration.

(g) **Denial.** The issuing officer may deny a permit to any applicant who fails to meet the issuance criteria set forth in this section or in the part(s) or section(s) specifically governing the activity for which the permit is requested.

§ 13.22 **Renewal of permits.**

(a) **Application for renewal.** Applicants for renewal of a permit must submit a written application at least 30 days prior to the expiration date of the permit. Applicants must certify in the form required by § 13.12(a)(5) that all statements and information in the original application remain current and correct, unless previously changed or corrected. If such information is no longer current or correct, the applicant must provide corrected information.

(b) **Renewal criteria.** The Service shall issue a renewal of a permit if the applicant meets the criteria for issuance in § 13.21(b) and is not disqualified under § 13.21(c).

(c) **Continuation of permitted activity.** Any person holding a valid, renewable permit may continue the activities authorized by the expired permit until the Service acts on the application for renewal if all of the following conditions are met:

(1) The permit is currently in force and not suspended or revoked;

(2) The person has complied with this section; and

(3) The permit is not a CITES document that was issued under part 23 of this subchapter (because the CITES document is void upon expiration).

(d) **Denial.** The issuing officer may deny renewal of a permit to any applicant who fails to meet the issuance criteria set forth in § 13.21 of this part, or in the part(s) or section(s) specifically governing the activity for which the renewal is requested.

§ 13.23 **Amendment of permits.**

(a) **Permittee’s request.** Where circumstances have changed so that a permittee desires to have any condition of his permit modified, such permittee must submit a full written justification and supporting information in conformity with this part and the part under which the permit was issued.

(b) The Service reserves the right to amend any permit for just cause at any time during its term, upon written finding of necessity, provided that any such amendment of a permit issued under § 17.22(b) through (d) or § 17.32(b) through (d) of this subchapter shall be consistent with the requirements of § 17.22(b)(5), (c)(5) and (d)(5) or § 17.32(b)(5), (c)(5) and (d)(5) of this subchapter, respectively.

(c) **Change of name or address.** A permittee is not required to obtain a new permit if there is a change in the legal individual or business name, or in the mailing address of the permittee. A permittee is required to notify the issuing office within 10 calendar days of such change. This provision does not authorize any change in location of the conduct of the permitted activity when approval of the location is a qualifying condition of the permit.

§ 13.24 **Right of succession by certain persons.**

(a) Certain persons other than the permittee are authorized to carry on a permitted activity for the remainder of the term of a current permit, provided they comply with the provisions of paragraph (b) of this section. Such persons are the following:

(1) The surviving spouse, child, executor, administrator, or other legal
§ 13.25 Transfer of permits and scope of permit authorization.

(a) Except as otherwise provided for in this section, permits issued under this part are not transferable or assignable.

(b) Permits issued under §17.22(b) or §17.32(b) of this subchapter B may be transferred in whole or in part through a joint submission by the permittee and the proposed transferee or in the case of a deceased permittee, the deceased permittee’s legal representative and the proposed transferee, provided the Service determines that:

(1) The proposed transferee meets all of the qualifications under this part for holding a permit;

(2) The successor has provided adequate written assurances that it will provide sufficient funding for the conservation plan or Agreement and will implement the relevant terms and conditions of the permit, including any outstanding minimization and mitigation requirements; and

(3) The proposed transferee has provided such other information as the Service determines is relevant to the processing of the submission.

(c) In the case of the transfer of lands subject to an agreement and permit issued under §17.22(c) or (d) or §17.32(c) or (d) of this subchapter B, the Service will transfer the permit to the new owner if the new owner agrees in writing to become a party to the original agreement and permit.

(d) Except as otherwise stated on the face of the permit, any person who is under the direct control of the permittee, or who is employed by or under contract to the permittee for purposes authorized by the permit, may carry out the activity authorized by the permit.

(e) In the case of permits issued under §17.22(b)–(d) or §17.32(b)–(d) of this subchapter to a State or local governmental entity, a person is under the direct control of the permittee where:

(1) The person is under the jurisdiction of the permittee and the permit provides that such person(s) may carry out the authorized activity; or

(2) The person has been issued a permit by the governmental entity or has executed a written instrument with the governmental entity, pursuant to the terms of the implementing agreement.

§ 13.26 Discontinuance of permit activity.

When a permittee, or any successor to a permittee as provided for by §13.24, discontinues activities authorized by a permit, the permittee shall within 30 calendar days of the discontinuance return the permit to the issuing office together with a written statement surrendering the permit for cancellation. The permit shall be deemed void and cancelled upon its receipt by the issuing office. No refund of any fees paid for issuance of the permit or for any other fees or costs associated with a permitted activity shall be made.
§ 13.27 Permit suspension.

(a) Criteria for suspension. The privileges of exercising some or all of the permit authority may be suspended at any time if the permittee is not in compliance with the conditions of the permit, or with any applicable laws or regulations governing the conduct of the permitted activity. The issuing officer may also suspend all or part of the privileges authorized by a permit when the permittee fails to pay any fees, or fails to meet any other conditions of the permit.

(b) Procedure for suspension. When the issuing officer believes there are valid grounds for suspending a permit, the permittee shall be notified in writing of the proposed suspension by certified or registered mail. This notice shall identify the permit to be suspended, the reason(s) for such suspension, the actions necessary to correct the deficiencies, and inform the permittee of the right to object to the proposed suspension. The issuing officer may amend any notice of suspension at any time.

§ 13.28 Permit revocation.

(a) Criteria for revocation. A permit may be revoked for any of the following reasons:

1. The permittee willfully violates any Federal or State statute or regulation, or any Indian tribal law or regulation, or any law or regulation of any foreign country, which involves a violation of the conditions of the permit or of the laws or regulations governing the permitted activity.

2. The permittee fails within 60 days to correct deficiencies that were the cause of a permit suspension.

3. The permittee becomes disqualified under § 13.21(c) of this part.

4. A change occurs in the statute or regulation authorizing the permit that prohibits the continuation of a permit issued by the Service.

5. Except for permits issued under § 17.22(b) through (d) or § 17.32(b) through (d) of this subchapter, the population(s) of the wildlife or plant that is the subject of the permit declines to the extent that continuation of the permitted activity would be detrimental to maintenance or recovery of the affected population.

(b) Procedure for revocation. When the issuing officer believes there are valid grounds for revoking a permit, the permittee shall be notified in writing of the proposed revocation by certified or registered mail. This notice shall identify the permit to be revoked, the reason(s) for such revocation, and inform the permittee of the right to object to the proposed revocation. The issuing officer may amend any notice of revocation at any time.

Upon receipt of a notice of proposed revocation, the permittee may file a written objection to the proposed action. Such objection must be in writing, must be filed within 45 calendar days of the date of the notice of proposal, must state the reasons why the permittee objects to the proposed revocation, and may include supporting documentation.

A decision on the revocation shall be made within 45 days after the end of the objection period. The issuing officer shall modify the permit's terms and conditions and issue a new permit if the revocation is not upheld. The decision shall also provide the permittee with the information concerning the right to request reconsideration of the decision under § 13.29 of this part and the procedures for requesting reconsideration.
§ 13.29 Review procedures.

(a) Request for reconsideration. Any person may request reconsideration of an action under this part if that person is one of the following:

(1) An applicant for a permit who has received written notice of denial;

(2) An applicant for renewal who has received written notice that a renewal is denied;

(3) A permittee who has a permit amended, suspended, or revoked, except for those actions which are required by changes in statutes or regulations, or are emergency changes of limited applicability for which an expiration date is set within 90 days of the permit change; or

(4) A permittee who has a permit issued or renewed but has not been granted authority by the permit to perform all activities requested in the application, except when the activity requested is one for which there is no lawful authority to issue a permit.

(b) Method of requesting reconsideration. Any person requesting reconsideration of an action under this part must comply with the following criteria:

(1) Any request for reconsideration must be in writing, signed by the person requesting reconsideration or by the legal representative of that person, and must be submitted to the issuing officer.

(2) The request for reconsideration must be received by the issuing officer within 45 calendar days of the date of notification of the decision for which reconsideration is being requested.

(3) The request for reconsideration shall state the decision for which reconsideration is being requested and shall state the reason(s) for the reconsideration, including presenting any new information or facts pertinent to the issue(s) raised by the request for reconsideration.

(4) The request for reconsideration shall contain a certification in substantially the same form as that provided by §13.12(a)(5). If a request for reconsideration does not contain such certification, but is otherwise timely and appropriate, it shall be held and the person submitting the request shall be given written notice of the need to submit the certification within 15 calendar days. Failure to submit certification shall result in the request being rejected as insufficient in form and content.

(c) Inquiry by the Service. The Service may institute a separate inquiry into the matter under consideration.

(d) Determination of grant or denial of a request for reconsideration. The issuing officer shall notify the permittee of the Service’s decision within 45 days of the receipt of the request for reconsideration. This notification shall be in writing, shall state the reasons for the decision, and shall contain a description of the evidence which was relied upon by the issuing officer. The notification shall also provide information concerning the right to appeal, the official to whom an appeal may be addressed, and the procedures for making an appeal.

(e) Appeal. A person who has received an adverse decision following submission of a request for reconsideration may submit a written appeal to the Regional Director for the region in which the issuing office is located, or to the Director for offices which report directly to the Director. An appeal must be submitted within 45 days of the date of the notification of the decision on the request for reconsideration. The appeal shall state the reason(s) and issue(s) upon which the appeal is based.

[54 FR 38149, Sept. 14, 1989, as amended at 64 FR 32711, June 17, 1999]
and may contain any additional evidence or arguments to support the appeal.

(f) Decision on appeal. (1) Before a decision is made concerning the appeal the appellant may present oral arguments before the Regional Director or the Director, as appropriate, if such official judges oral arguments are necessary to clarify issues raised in the written record.

(2) The Service shall notify the appellant in writing of its decision within 45 calendar days of receipt of the appeal, unless extended for good cause and the appellant notified of the extension.

(3) The decision of the Regional Director or the Director shall constitute the final administrative decision of the Department of the Interior.

[54 FR 38149, Sept. 14, 1989]

Subpart D—Conditions

§ 13.41 Humane conditions.

Any live wildlife possessed under a permit must be maintained under humane and healthful conditions.

[54 FR 38150, Sept. 14, 1989]

§ 13.42 Permits are specific.

The authorizations on the face of a permit that set forth specific times, dates, places, methods of taking or carrying out the permitted activities, numbers and kinds of wildlife or plants, location of activity, and associated activities that must be carried out; describe certain circumscribed transactions; or otherwise allow a specifically limited matter, are to be strictly interpreted and will not be interpreted to permit similar or related matters outside the scope of strict construction.

[70 FR 18320, Apr. 11, 2005]

§ 13.43 Alteration of permits.

Permits shall not be altered, erased, or mutilated, and any permit which has been altered, erased, or mutilated shall immediately become invalid. Unless specifically permitted on the face thereof, no permit shall be copied, nor shall any copy of a permit issued pursuant to this subchapter B be displayed, offered for inspection, or otherwise used for any official purpose for which the permit was issued.

§ 13.44 Display of permit.

Any permit issued under this part shall be displayed for inspection upon request to the Director or his agent, or to any other person relying upon its existence.

§ 13.45 Filing of reports.

Permittees may be required to file reports of the activities conducted under the permit. Any such reports shall be filed not later than March 31 for the preceding calendar year ending December 31, or any portion thereof, during which a permit was in force, unless the regulations of this subchapter B or the provisions of the permit set forth other reporting requirements.

§ 13.46 Maintenance of records.

From the date of issuance of the permit, the permittee shall maintain complete and accurate records of any taking, possession, transportation, sale, purchase, barter, or importation of plants obtained from the wild (excluding seeds) or wildlife pursuant to such permit. Such records shall be kept current and shall include names and addresses of persons with whom any plant obtained from the wild (excluding seeds) or wildlife has been purchased, sold, bartered, or otherwise transferred, and the date of such transaction, and such other information as may be required or appropriate. Such records shall be legibly written or reproducible in English and shall be maintained for five years from the date of expiration of the permit. Permittees who reside or are located in the United States and permittees conducting commercial activities in the United States who reside or are located outside the United States must maintain records at a location in the United States where the records are available for inspection.


§ 13.47 Inspection requirement.

Any person holding a permit under this subchapter B shall allow the Director's agent to enter his premises at
§ 13.48 Compliance with conditions of permit.

Any person holding a permit under subchapter B and any person acting under authority of such permit must comply with all conditions of the permit and with all applicable laws and regulations governing the permitted activity.

[54 FR 38150, Sept. 14, 1989]

§ 13.49 Surrender of permit.

Any person holding a permit under subchapter B shall surrender such permit to the issuing officer upon notification that the permit has been suspended or revoked by the Service, and all appeal procedures have been exhausted.

[54 FR 38150, Sept. 14, 1989]

§ 13.50 Acceptance of liability.

Except as otherwise limited in the case of permits described in §13.25(d), any person holding a permit under this subchapter B assumes all liability and responsibility for the conduct of any activity conducted under the authority of such permit.

[64 FR 32711, June 17, 1999]
§ 14.4 What fees apply to me?

Subpart J—Standards for the Humane and Healthful Transport of Wild Mammals and Birds to the United States

14.101 Purposes.
14.102 Definitions.
14.103 Prohibitions.
14.104 Translations.
14.105 Consignment to carrier.
14.106 Primary enclosures.
14.107 Conveyance.
14.108 Food and water.
14.109 Care in transit.
14.110 Terminal facilities.
14.111 Handling.
14.112 Other applicable provisions.

Specifications for Nonhuman Primates

14.121 Primary enclosures.
14.122 Food and water.
14.123 Care in transit.

Specifications for Marine Mammals (Cetaceans, Sirensians, Sea Otters, Pinnipeds, and Polar Bears)

14.131 Primary enclosures.
14.132 Food and water.
14.133 Care in transit.

Specifications for Elephants and Ungulates

14.141 Consignment to carrier.
14.142 Primary enclosures.

Specifications for Sloths, Bats, and Flying Lemurs (Cynocephalidae)

14.151 Primary enclosures.

Specifications for Other Terrestrial Mammals

14.161 Primary enclosures.

Specifications for Birds

14.171 Consignment to carrier.
14.172 Primary enclosures.

Subpart K—Captive Wildlife Safety Act

14.250 What is the purpose of these regulations?
14.251 What other regulations may apply?
14.252 What do I need to know?
14.253 What are the restrictions contained in these regulations?
14.254 Are there any exemptions to the restrictions contained in these regulations?

Accredited scientific institutions means any public museum, public zoological park, accredited institution of higher education, accredited member of the American Zoo and Aquarium Association, accredited member of the American Association of Systematic Collections, or any State or Federal government agency that conducts biological or medical research.

Commercial means related to the offering for sale or resale, purchase, trade, barter, or the actual or intended transfer in the pursuit of gain or profit, of any item of wildlife and includes the use of any wildlife article as an exhibit for the purpose of soliciting sales, without regard to quantity or weight. There is a presumption that eight or more similar unused items are for commercial use. The Service or the importer/exporter/owner may rebut this presumption based upon the particular facts and circumstances of each case.

Domesticated animals includes, but is not limited to, the following domesticated animals that are exempted from the requirements of this subchapter B (except for species obtained from wild populations).

Mammals: Alpaca—Lama alpaca; Camel—Camelus dromedarius; Camel (Bohdi)—Camelus bactrianus; Cat (domestic)—Felis domesticus; Cattle—Bos taurus; Dog (domestic)—Canis familiaris; European rabbit—Oryctolagus cuniculus; Ferret (domestic)—Mustela putorius; Goat—Capra hircus; Horse—Equus caballus; Llama—Lama glama; Pig—Sus scrofa; Sheep—Ovis aries; Water buffalo—Bubalus bubalus; White lab mice—Mus musculus; White lab rate—Rattus norvegicus.

Fish (For export purposes only): Carp (kol)—Cyprinus carpio; Goldfish—Carassius auratus.

Insects: Crickets, mealworms, honeybees (not to include Africanized varieties), and similar insects that are routinely farm raised.

Other Invertebrates: Earthworms and similar invertebrates that are routinely farm raised.

Export means to depart from, to send from, to ship from, or to carry out of, or attempt to depart from, to send from, to ship from, or to carry out of, or to consign to a carrier in any place subject to the jurisdiction of the United States with an intended destination of any place not subject to the jurisdiction of the United States, whether or not such departure, sending, or carrying, or shipping constitutes an exportation within the meaning of the Custom laws of the United States. When a passenger leaving the jurisdiction of the United States enters the designated international area of embarkation of an airport, all accompanying personal hand-carried items and checked baggage will be regarded as exports.

Import means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the tariff laws of the United States.

We means Fish and Wildlife Service or Service.

You means licensee, or importer/exporter of record.

[61 FR 31868, June 21, 1996, as amended at 64 FR 23925, Apr. 29, 1999]

Subpart B—Importation and Exportation at Designated Ports

§ 14.11 General restrictions.

Except as otherwise provided in this part, no person may import or export any wildlife at any place other than a Customs port of entry designated in §14.12.

§ 14.12 Designated ports.

The following ports of entry are designated for the importation and exportation of wildlife and wildlife products and are referred to hereafter as “designated ports”:

(a) Anchorage, Alaska.
(b) Atlanta, Georgia.
(c) Baltimore, Maryland.
(d) Boston, Massachusetts.
(e) Chicago, Illinois.
(f) Dallas/Fort Worth, Texas.
(g) Honolulu, Hawaii.
(h) Houston, Texas.
(i) Los Angeles, California.
(j) Louisville, Kentucky.
(k) Memphis, Tennessee.
(l) Miami, Florida.
(m) New Orleans, Louisiana.
(n) New York, New York.
(o) Portland, Oregon.
(p) San Francisco, California.
(q) Seattle, Washington.

[69 FR 70382, Dec. 6, 2004]

§ 14.13 Emergency diversion.

Wildlife which has been imported into the United States at any port or place other than a designated port solely as a result of a diversion due to an aircraft or vessel emergency must proceed as an in-transit shipment under Customs bond to a designated port, or to any port where a permit or other provision of this part provides for lawful importation.

§ 14.14 In-transit shipments.

(a) Wildlife destined for a point within the United States may be imported into the United States at any port if such wildlife proceeds as an in-transit shipment under Customs bond to a designated port, or to any port where a permit or other provision of this part provides for lawful importation.

(b) Wildlife moving in-transit through the United States from one foreign country to another foreign country is exempt from the designated port requirements of this part, if such wildlife is not unloaded within the United States.

§ 14.15 Personal baggage and household effects.

(a) Any person may import into or export from the United States at any Customs port wildlife products or manufactured articles that are not intended for commercial use and are used as clothing or contained in accompanying personal baggage. However, this exception to the designated port requirement does not apply to any raw or dressed fur; raw, salted, or crusted hide or skin; game trophy; or to wildlife requiring a permit pursuant to part 16, 17, 18, 21, or 23 of this subchapter B.

(b) Wildlife products or manufactured articles, including mounted game trophies or tanned hides, which are not intended for sale and are part of a shipment of the household effects of persons moving their residence to or from the United States may be imported or exported at any Customs port of entry. However, this exception to the designated port requirement does not apply to any raw fur; raw, salted, or crusted hide or skin; or to wildlife requiring a permit pursuant to part 16, 17, 18, 21, or 23 of this subchapter B.


§ 14.16 Border ports.

(a) Except for wildlife requiring a permit pursuant to part 16, 17, 18, 21, or 23 of this subchapter B, wildlife whose country of origin is Canada or the United States may be imported or exported at any of the following Customs ports of entry:

(1) Alaska—Alcan;
(2) Idaho—Eastport;
(3) Maine—Calais, Houlton, Jackman;
(4) Massachusetts—Boston;
(5) Michigan—Detroit, Port Huron, Sault Sainte Marie;
(6) Minnesota—Grand Portage, International Falls, Minneapolis-St. Paul;
(7) Montana—Raymond, Sweetgrass;
(8) New York—Buffalo-Niagara Falls, Champlain;
(9) North Dakota—Dunseith, Pembina, Portal;
(10) Ohio—Cleveland;
(11) Vermont—Derby Line, Highgate Springs; and

(b) Except for wildlife requiring a permit pursuant to part 16, 17, 18, 21, or 23 of this subchapter B, wildlife whose country of origin is Mexico or the
§ 14.17 Personally owned pet birds.

Any person may import a personally owned pet bird at any port designated under, and in accordance with, 9 CFR part 92.

§ 14.18 Marine mammals.

Any person subject to the jurisdiction of the United States who has lawfully taken a marine mammal on the high seas and who is authorized to import such marine mammal in accordance with the Marine Mammal Protection Act of 1972 and implementing regulations (50 CFR parts 18 and 216) may import such marine mammal at any port or place.

§ 14.19 Special ports.

(a) Except for wildlife requiring a permit pursuant to part 16, 17, 18, or 21 of this subchapter B, wildlife lawfully taken by U.S. residents in the United States, Canada, or Mexico and imported or exported for noncommercial purposes, may be imported or exported at any Customs port of entry.

(b) Exception for wildlife requiring a permit pursuant to part 16, 17, 18, or 21 of this subchapter B, wildlife which has a final destination of Guam or which originates in Guam may be imported or exported, as appropriate, through the port of Agana, Guam.

§ 14.20 Exceptions by permit.

Wildlife may be imported into or exported from the United States at any Customs port of entry designated in the terms of a valid permit issued pursuant to subpart C of this part.

§ 14.21 Shellfish and fishery products.

(a)(1) General. Except for wildlife requiring a permit pursuant to part 17 or 23 of this subchapter, shellfish and fishery products imported or exported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes may enter or exit at any Customs port.

(b) Pearls. Except for wildlife requiring a permit pursuant to part 17 or part 23 of this subchapter, live aquatic invertebrates of the Class Pelecypoda (commonly known as oysters, clams, mussels, and scallops) and the eggs, larvae, or juvenile forms thereof may be exported for purposes of propagation, or research related to propagation, at any Customs port.

§ 14.22 Certain antique articles.

Any person may import at any Customs Service port designated for such purpose, any article (other than scrimshaw, defined in 16 U.S.C 1539(f)(1)(B) and 50 CFR 217.12 as any art form that involves the etching or engraving of designs upon, or the carving of figures, patterns, or designs from, any bone or
tooth of any marine mammal of the order Cetacea) that is at least 100 years old, is composed in whole or in part of any endangered or threatened species listed under §17.11 or §17.12 of this subchapter, and has not been repaired or modified with any part of any endangered or threatened species on or after December 28, 1973. 

§ 14.23 Live farm-raised fish and farm-raised fish eggs.

Live farm-raised fish and farm-raised fish eggs meet the definition of “bred in captivity” as stated in 50 CFR 17.3. Except for wildlife requiring a permit pursuant to parts 17 or 23 of this subchapter, live farm-raised fish and farm-raised fish eggs may be exported from any U.S. Customs port.

§ 14.24 Scientific specimens.

Except for wildlife requiring a permit pursuant to parts 16, 17, 18, 21, 22 or 23 of this subchapter, dead, preserved, dried, or embedded scientific specimens or parts thereof, imported or exported by accredited scientists or accredited scientific institutions for taxonomic or systematic research purposes may enter or exit through any U.S. Customs port, or may be shipped through the international mail system. Provided, that this exception will not apply to any specimens or parts thereof taken as a result of sport hunting.

Subpart C—Designated Port Exception Permits

§ 14.31 Permits to import or export wildlife at nondesignated port for scientific purposes.

(a) General. The Director may, upon receipt of an application submitted in accordance with the provisions of this section and §§13.11 and 13.12 of this subchapter, and in accordance with the issuance criteria of this section, issue a permit authorizing importation or exportation of wildlife for scientific purposes at one or more named Customs port(s) of entry not otherwise authorized by subpart B. Such permits may authorize a single importation or exportation, a series of importations or exportations, or importation or exportation during a specified period of time.

(b) Application procedure. Applications for permits to import or export wildlife at a nondesignated port for scientific purposes must be submitted to the Director. Each application must contain the general information and certification required by §13.12(a) of this subchapter, plus the following additional information:

1. The scientific purpose or uses of the wildlife to be imported or exported;
2. The kind of wildlife involved and its place of origin;
3. The reasons why importation or exportation should be allowed at the requested port(s) of entry, rather than at a designated port;
4. The port(s) of entry where importation or exportation is requested, and the reasons why importation or exportation should be allowed at the requested port(s) of entry rather than at a designated port; and
5. A statement as to whether the exception is being requested for a single shipment, a series of shipments, or shipments over a specified period of time and the date(s) involved.

(c) Additional permit conditions. In addition to the general conditions set forth in part 13 of this subchapter, permits to import or export wildlife at a nondesignated port issued under this section are subject to the following condition: Permittee shall file such reports as specified on the permit, if any.

(d) Issuance criteria. The Director shall consider the following in determining whether to issue a permit under this section:

1. Benefit to a bona fide scientific research project, other scientific purpose, or facilitation of the exchange of preserved museum specimens;
2. The kind of wildlife involved and its place of origin;
3. The reasons why the exception is requested; and
4. Availability of a Service officer.

(e) Duration of permits. Any permit issued under this section expires on the date designated on the face of the permit. In no case will the permit be valid...
§ 14.32 Permits to import or export wildlife at nondesignated port to minimize deterioration or loss.

(a) General. The Director may, upon receipt of an application submitted in accordance with the provisions of this section and §§ 13.11 and 13.12 of this subchapter, and in accordance with the issuance criteria of this section, issue a permit authorizing importation or exportation of wildlife, in order to minimize deterioration or loss, at one or more named Customs port(s) of entry not otherwise authorized by subpart B. Such permits may authorize a single importation or exportation, a series of importations or exportations, or importation or exportation during a specified period of time.

(b) Application procedure. Applications for permits to import or export wildlife at a nondesignated port to minimize deterioration or loss must be submitted to the Director. Each application must contain the general information and certification required in § 13.12(a) of this subchapter, plus the following additional information:

(1) The number and kinds of wildlife described by scientific and common names to be imported or exported, where such number and kinds can be determined;

(2) The country or place in which the wildlife was removed from the wild (if known), or where born in captivity;

(3) The port(s) of entry where importation or exportation is requested, and the reasons why importation or exportation should be allowed at the requested port(s) of entry rather than at a designated port (information must be included to show that an importation or exportation at a designated port would result in a substantial deterioration or loss of the wildlife); and

(4) A statement as to whether the exception is being requested for a single shipment, a series of shipments, or shipments over a specified period of time and the date(s) involved.

(c) Additional permit conditions. In addition to the general conditions set forth in part 13 of this subchapter B, permits to import or export wildlife at a nondesignated port issued under this section are to be subject to the following conditions:

(1) Permittee shall file such reports as may be specified on the permit, if any; and

(2) Permittee must pay fees in accordance with § 14.94.

(d) Issuance criteria. The Director shall consider the following in determining whether to issue a permit under this section:

(1) Likelihood of a substantial deterioration or loss of the wildlife involved;

(2) The kind of wildlife involved and its place of origin; and

(3) Availability of a Service officer.

(e) Duration of permits. Any permit issued under this section expires on the date designated on the face of the permit. In no case will the permit be valid more than 2 years from the date of issuance.


§ 14.33 Permits to import or export wildlife at nondesignated port to alleviate undue economic hardship.

(a) General. The Director may, upon receipt of an application submitted in accordance with the provisions of this section and §§ 13.11 and 13.12 of this subchapter, and in accordance with the issuance criteria of this section, issue a permit authorizing importation or exportation of wildlife in order to alleviate undue economic hardship at one or more named Customs port(s) of entry not otherwise authorized by subpart B. Such permits may authorize a single importation or exportation, a series of importations or exportations, or importation or exportation during a specified period of time.

(b) Application procedure. Applications for permits to import or export wildlife at a nondesignated port to alleviate undue economic hardship must be submitted to the Director. Each application must contain the general information and certification required in § 13.12(a) of this subchapter, plus the following additional information:

(1) The number and kinds of wildlife described by scientific and common names to be imported or exported, where such number and kinds can be
U.S. Fish and Wildlife Serv., Interior

§ 14.52

(2) The country or place in which the wildlife was removed from the wild (if known), or where born in captivity;

(3) The name and address of the supplier or consignee;

(4) The port(s) of entry where importation or exportation is requested, and the reasons why importation or exportation should be allowed at the requested port(s) of entry rather than at a designated port (information must be included to show the monetary difference between the cost of importation or exportation at the port requested and the lowest cost of importation or exportation at the port through which importation or exportation is authorized by subpart B without a permit); and

(5) A statement as to whether the exception is being requested for a single shipment, a series of shipments, or shipments over a specified period of time and the date(s) involved.

(c) Additional permit conditions. In addition to the general conditions set forth in part 13 of this subchapter B, permits to import or export wildlife at a nondesignated port issued under this section are subject to the following conditions:

(1) Permittee shall file such reports as specified on the permit, if any; and

(2) Permittee must pay fees in accordance with §14.94.

(d) Issuance criteria. The Director shall consider the following in determining whether to issue a permit under this section:

(1) The difference between the cost of importing or exporting the wildlife at the port requested and the lowest cost of importing or exporting such wildlife at a port authorized by these regulations without a permit;

(2) The severity of the economic hardship that likely would result should the permit not be issued;

(3) The kind of wildlife involved, including its form and place of origin; and

(4) Availability of a Service officer.

(e) Duration of permits. Any permit issued under this section expires on the date designated on the face of the permit. In no case will the permit be valid for more than 2 years from the date of issuance.


Subpart D [Reserved]

Subpart E—Inspection and Clearance of Wildlife

§ 14.51 Inspection of wildlife.

Subject to applicable limitations of law, Service officers and Customs officers may detain for inspection and inspect any package, crate, or other container, including its contents, and all accompanying documents, upon importation or exportation. The Director may charge reasonable fees, including salary, overtime, transportation and per diem of Service officers, for wildlife import or export inspections specially requested by the importer or exporter at times other than regular work hours or locations other than usual for such inspections at the port.


§ 14.52 Clearance of imported wildlife.

(a) Except as otherwise provided by this subpart, a Service officer must clear all wildlife imported into the United States prior to release from detention by Customs officers. A Service officer must clear all wildlife to be exported from the United States prior to the physical loading of the merchandise on a vehicle or aircraft, or the containerization or palletizing of such merchandise for export, unless a Service officer expressly authorizes otherwise. Such clearance does not constitute a certification of the legality of an importation or exportation under the laws or regulations of the United States.

(b) An importer/exporter or his/her agent may obtain clearance by a Service officer only at designated ports (§14.12), at border ports (§14.16), at special ports (§14.19), or at a port where importation or exportation is authorized by a permit issued under subpart C.
§ 14.53 Detention and refusal of clearance.

(a) Detention. Any Service officer, or Customs officer acting under §14.54, may detain imported or exported wildlife and any associated property. As soon as practicable following the importation or exportation and decision to detain, the Service will mail a notice of detention by registered or certified mail, return receipt requested, to the importer or consignee, or exporter, if known or easily ascertainable. Such notice must describe the detained wildlife or other property, indicate the reason for the detention, describe the general nature of the tests or inquiries to be conducted, and indicate that if the releasability of the wildlife has not been determined within 30 days after the date of the notice, or a longer period if specifically stated, that the Service will deem the wildlife to be seized and will issue no further notification of seizure.

(b) Refusal of clearance. Any Service officer may refuse clearance of imported or exported wildlife and any associated property. As soon as practicable following the importation or exportation and decision to refuse, the Service will mail a notice of refusal by registered or certified mail, return receipt requested, to the importer or consignee, or exporter, if known or easily ascertainable. Such notice must describe the detained wildlife or other property, indicate the reason for the refusal, describe the general nature of the tests or inquiries to be conducted, and indicate that if the releasability of the wildlife has not been determined within 30 days after the date of the notice, or a longer period if specifically stated, that the Service will deem the wildlife to be seized and will issue no further notification of seizure.

§ 14.54 Unavailability of Service officers.

(a) Designated ports. All wildlife arriving at a designated port must be cleared by a Service officer prior to Customs clearance and release. When importers or their agents expect live or perishable shipments of wildlife or wildlife products or request inspection at the time of arrival, they must notify the Service at least 48 hours prior to the estimated time of arrival. However, where a Service officer is not available within a reasonable time, Customs Officers may clear live or perishable wildlife subject to post-clearance inspection and investigation by the Service.

(b) Border and special ports. Wildlife lawfully imported at Canadian or Mexican border ports under §14.16, or into Alaska, Puerto Rico, or the Virgin Islands, under §14.19, may, if a Service officer...

§ 14.62 Exceptions to import declaration requirements.

(a) Except for wildlife requiring a permit pursuant to part 17 or 23 of this subchapter B, an importer or his/her agent does not have to file a Declaration for Importation or Exportation of Fish or Wildlife (Form 3–177) for importation of shellfish and fishery products imported for purposes of human or animal consumption, or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes; and

(b) Marine mammals lawfully taken on the high seas by United States residents and imported directly into the United States; and

(c) Certain antique articles as specified in § 14.22 which have been released from custody by Customs officers under 19 U.S.C. 1499.
§ 14.63 Export declaration requirements.

Except as otherwise provided by the regulations of this subpart, a completed Declaration for Importation or Exportation of Fish or Wildlife (Form 3–177) signed by the exporter, or the exporter’s agent, shall be filed with the Service prior to the export of any wildlife at the port of exportation as authorized in subpart B of this part. All applicable information requested on the Form 3–177 shall be furnished, and the exporter or the exporter’s agent shall certify that the information furnished is true and complete to the best of his/her knowledge and belief.

§ 14.64 Exceptions to export declaration requirements.

(a) Except for wildlife requiring a permit pursuant to part 17 or 23 of this subchapter, an exporter or his/her agent does not have to file a Declaration for Importation or Exportation of Fish or Wildlife (Form 3–177) for the exportation of shellfish and fishery products exported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes, and does not have to file for the exportation of live aquatic invertebrates of the Class Pelecypoda (commonly known as oysters, clams, mussels, and scallops) and the eggs, larvae, or juvenile forms thereof exported for purposes of propagation, or research related to propagation.
§ 14.82 Alternatives and exceptions to the marking requirement.

(a) The requirements of §14.81 may be met by complying with one of the following alternatives to the marking requirement:

(1)(i) Conspicuously marking the outside of each container or package containing fish or wildlife with the word “fish” or “wildlife” as appropriate for its contents, or with the common name of its contents by species, and

(ii) Including an invoice, packing list, bill of lading, or similar document to accompany the shipment which accurately states the name and address of the shipper and consignee, states the total number of packages or containers in the shipment, and for each species in the shipment specifies:

(A) The common name that identifies the species (examples include: Chinook (or king) salmon; bluefin tuna; and whitetail deer) and whether or not the listed species is venomous; and

(B) The number of that species (or other appropriate measure of quantity such as gross or net weight).

The invoice, packing list, bill of lading, or equivalent document must be securely attached to the outside of one container or package in the shipment or otherwise physically accompany the shipment in a manner which makes it readily accessible for inspection; or

(2) Affixing the shipper’s wildlife import/export license number preceded by the three letters “FWS” on the outside of each container or package containing fish or wildlife, if the shipper


Subpart G [Reserved]

Subpart H—Marking of Containers or Packages

Source: 52 FR 45341, Nov. 27, 1987, unless otherwise noted.
§ 14.91 When do I need an import/export license?

(a) The Endangered Species Act (16 U.S.C. 1538(d)(1)) makes it unlawful for any person to engage in business as an importer or exporter of certain fish or wildlife without first having obtained permission from the Secretary. For the purposes of this subchapter, engage in business means to import or export wildlife for commercial purposes.

(b) Except as provided in §14.92, if you engage in the business of importing or exporting wildlife for commercial purposes (see §14.4), you must obtain an import/export license prior to importing or exporting your wildlife shipment.

(c) The following table includes some examples of when an import/export license is required:

<table>
<thead>
<tr>
<th>If I import into the United States or export from the United States</th>
<th>. . . do I need an import/export license?</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Wildlife in the form of products such as garments, bags, shoes, boots, jewelry, rugs, trophies, or curios for commercial purposes.</td>
<td>Yes.</td>
</tr>
<tr>
<td>(2) Wildlife in the form of hides, furs, or skins for commercial purposes.</td>
<td>Yes.</td>
</tr>
<tr>
<td>(3) Wildlife in the form of food for commercial purposes.</td>
<td>Yes.</td>
</tr>
<tr>
<td>(4) As an animal dealer, animal broker, pet dealer, or pet or laboratory supplier.</td>
<td>Yes.</td>
</tr>
<tr>
<td>(5) As an individual owner of a personally owned live wildlife pet for personal use.</td>
<td>No.</td>
</tr>
<tr>
<td>(6) As a collector or hobbyist for personal use.</td>
<td>No.</td>
</tr>
<tr>
<td>(7) As a collector or hobbyist for commercial purposes, including sale, trade or barter.</td>
<td>Yes.</td>
</tr>
<tr>
<td>(8) As a laboratory researcher or biomedical supplier for commercial purposes.</td>
<td>Yes.</td>
</tr>
</tbody>
</table>
§ 14.92 What are the exemptions to the import/export license requirement?

(a) Certain wildlife. Any person may engage in business as an importer or exporter of the following types of wildlife without obtaining an import/export license:

(1) Shellfish (see §10.12 of this chapter) and nonliving fishery products that do not require a permit under parts 16, 17, or 23 of this subchapter, and are imported or exported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes;

(2) Live farm-raised fish and farm-raised fish eggs of species that do not require a permit under parts 16, 17, or 23 of this subchapter, that meet the definition of “bred-in-captivity” as stated in §17.3 of this subchapter and that are for export only; and

(3) Live aquatic invertebrates of the Class Pelecypoda, commonly known as oysters, clams, mussels, and scallops, and their eggs, larvae, or juvenile forms, that do not require a permit under parts 16, 17, or 23 of this subchapter, and are exported only for the purposes of propagation or research related to propagation; and

(4) Pearls that do not require a permit under parts 16, 17, or 23 of this subchapter.

(b) Certain persons. (1) The following persons may import or export wildlife without obtaining an import/export license, provided that these persons keep records that will fully and correctly describe each importation or exportation of wildlife made by them and the subsequent disposition made by them with respect to the wildlife.

(i) Public museums, or other public, scientific, or educational institutions, importing or exporting wildlife for noncommercial research or educational purposes; and

(ii) Federal, State, tribal, or municipal agencies.

(2) Subject to applicable limitations of law, duly authorized Service officers at all reasonable times will, upon notice, be given access to these persons’ places of business, an opportunity to examine their inventory of imported wildlife or the wildlife to be exported, the records described in paragraph (1) of this section, and an opportunity to copy those records.

§ 14.93 How do I apply for an import/export license?

(a) Application form. You must submit a completed FWS Form 3–200–3, including the certification found on the form and in §13.12(a) of this subchapter, to the appropriate regional Special Agent in Charge under the provisions of this subpart and part 13 of this subchapter.

(b) Import/export license conditions. In addition to the general permit conditions in part 13 of this subchapter, you must comply with the following conditions:

(1) You must comply with all requirements of this part, all other applicable parts of this subchapter, and any specific conditions or authorizations described on the face of, or on an annex to, the import/export license;

(2) You must pay all applicable license and inspection fees as required in §14.94;

(3) You are responsible for providing current contact information to us, including a mailing address where you
§ 14.94 What fees apply to me?

(a) Import/export license application fees. You must pay the application and amendment fees, as defined in §13.11(d)(4), for any required import/export license processed under §14.93 and part 13 of this chapter.

(b) Designated port exception permit application fees. You must pay the application and amendment fees, as defined in §13.11(d)(4), for any required designated port exception permit processed under subpart C of this part.

(c) Designated port base inspection fees. Except as provided in paragraph (k) of this section, an import/export license holder must pay a base inspection fee, as defined in §14.94(h)(1), for each wildlife shipment imported or exported at a designated port or a port acting as a designated port. You can find a list of

50 CFR Ch. I (10–1–12 Edition)

(d) **Staffed nondesignated port base inspection fees.** You must pay a nondesignated port base inspection fee, as defined in §14.94(h)(2), for each wildlife shipment imported or exported at a staffed nondesignated port, using a designated port exception permit issued under subpart C of this part. This fee is in place of, not in addition to, the designated port base fee.

(e) **Nonstaffed, nondesignated port base inspection fees.** You must pay a nondesignated port base inspection fee, as defined in §14.94(h)(3), for each wildlife shipment imported or exported at a nonstaffed, nondesignated port using a designated port exception permit issued under subpart C of this part. You must also pay all travel, transportation, and per diem costs associated with inspection of the shipment. These fees are in place of, not in addition to, the designated port base fee.

(f) **Premium inspection fees.** You must pay a premium inspection fee in addition to any base inspection fees required in paragraphs (c), (d), and (e) of this section, as defined in §14.94(h)(4), for the following types of shipments:

1. Except as provided in paragraph (k) of this section, any shipment containing live or protected species, as defined in §14.94(h)(4), imported or exported at a designated port or a port acting as a designated port. You can find a list of designated ports in §14.12 and the criteria that allow certain ports to act as designated ports in §§14.16–14.19, §14.22, and §14.24;

2. Any shipment containing live or protected species, as defined in §14.94(h)(4), imported or exported via air, ocean, rail, or truck cargo, by persons not requiring an import/export license under §14.91, at a designated port or a port acting as a designated port. You can find a list of designated ports in §14.12 and the criteria that allow certain ports to act as designated ports in §§14.16–14.19, §14.22, and §14.24;

(3) Any shipment containing live or protected species, as defined in §14.94(h)(4), imported or exported at a nondesignated port using a designated port exception permit issued under subpart C of this part.

(4) You must pay two premium inspection fees in addition to any base inspection fees required in paragraphs (c), (d), and (e) of this section, as defined in §14.94(h)(4), if your wildlife shipment contains live and protected species.

(g) **Overtime fees.** You must pay fees for any inspections, including travel time, that begin before normal working hours, that extend beyond normal working hours, or are on a Federal holiday, Saturday, or Sunday.

1. Overtime fees are in addition to any base inspection fees or premium inspection fees required for each shipment. We will charge these fees regardless of whether or not you have an import/export license.

2. Our ability to perform inspections during overtime hours will depend upon the availability of Service personnel. If we cannot perform an inspection during normal working hours, we may give you the option of requesting an overtime inspection.

3. The overtime fee is calculated using a 2-hour minimum plus any actual time in excess of the minimum. It incorporates the actual time to conduct an inspection and the travel time to and from the inspection location.

4. The Service will charge any overtime, including travel time, in excess of the minimum in quarter-hour increments of the hourly rate. The Service will round up an inspection time of 10 minutes or more beyond a quarter-hour increment to the next quarter-hour and will disregard any time over a quarter-hour increment that is less than 10 minutes.

5. The Service will charge only one overtime fee when multiple shipments are consigned to or are to be exported by the same importer or exporter and we inspect all at the same time at one location. The overtime fee will consist of one 2-hour minimum or the actual time for inspection of all the applicable shipments, whichever is greater. All
applicable base and premium fees will apply to each shipment.

(6) We will charge 1 hour of time at 1½ times the hourly labor rate for inspections beginning less than 1 hour before normal working hours.

(7) We will charge a minimum of 2 hours of time at an hourly rate of 1½ times the average hourly labor rate for inspections outside normal working hours, except for inspections performed on a Federal holiday.

(8) We will charge a minimum of 2 hours of time at an hourly rate of 2 times the average hourly labor rate for inspections performed on a Federal holiday.

(h) Fee schedule.

<table>
<thead>
<tr>
<th>Inspection fee schedule</th>
<th>Fee cost per shipment per year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2008</td>
</tr>
<tr>
<td>(1) Designated port base inspection fee (see § 14.94(c))</td>
<td>$85</td>
</tr>
<tr>
<td>(2) Staffed nondesignated port base inspection fee (see § 14.94(d))</td>
<td>$133</td>
</tr>
<tr>
<td>(3) Nonstaffed nondesignated port base inspection fee (see § 14.94(e))</td>
<td>$133</td>
</tr>
<tr>
<td>(4) Premium inspection fee at any port (see § 14.94(f)):</td>
<td></td>
</tr>
<tr>
<td>(i) Protected species. Any species that requires a permit under parts 15, 16, 17, 18, 21, 22, or 23 of this chapter.</td>
<td>$19</td>
</tr>
<tr>
<td>(ii) Live species. Any live wildlife, including live viable eggs and live pupae.</td>
<td>$19</td>
</tr>
<tr>
<td>(5) Overtime inspection fee (see § 14.94(g)):</td>
<td></td>
</tr>
<tr>
<td>(i) Inspections beginning less than 1 hour before normal work hours.</td>
<td>$48</td>
</tr>
<tr>
<td>(ii) Inspections after normal work hours, including Saturday and Sunday. (2 hour minimum charge plus fee for additional time).</td>
<td>$96 min. + $48/hr.</td>
</tr>
<tr>
<td>(iii) Inspections on Federal holidays. (2 hour minimum charge plus fee for additional time).</td>
<td>$128 min. + $64/hr.</td>
</tr>
</tbody>
</table>

(i) The Service will not refund any fee or any portion of any license or inspection fee or excuse payment of any fee because importation, exportation, or clearance of a wildlife shipment is refused for any reason.

(ii) All base inspection fees, premium inspection fees, and overtime fees will apply regardless of whether or not a physical inspection of your wildlife shipment is performed, and no fees will be prorated except as provided in paragraphs (e) and (g)(5) of this section.

(k) Exemptions to inspection fees—(1) Certain North American-origin wild mammal furs or skins. Wildlife shipments that meet all of the following criteria are exempt from the designated port base inspection fee (however, these shipments are not exempt from the designated port overtime fees or the import/export license application fee):

(i) The wildlife is a raw fur; raw, salted, or crusted hide or skin; or a separate fur or skin part, lawfully taken from the wild in the United States, Canada, or Mexico that does not require permits under parts 17, 18, or 23 of this chapter; and

(ii) You, as the importer or exporter, or a member of your immediate family, such as your spouse, parents, siblings, and children, took the wildlife from the wild and are shipping the wildlife between the United States and Canada or Mexico; and

(iii) You have not previously bought or sold the wildlife described in paragraph (k)(1)(i) of this section, and the shipment does not exceed 100 raw furs; raw, salted, or crusted hides or skins; or fur or skin parts; and
(iv) You certify on Form 3–177, Declaration for Importation or Exportation of Fish or Wildlife, that your shipment meets all the criteria in this section.

(2) You do not have to pay base inspection fees, premium inspection fees, or overtime fees if you are importing or exporting wildlife that is exempt from import/export license requirements as defined in §14.92(a) or you are importing or exporting wildlife as a government agency as defined in §14.92(b)(1)(ii).

(3) You do not have to pay base inspection fees, premium inspection fees, or overtime fees if you are importing or exporting wildlife that meets the criteria for “domesticated animals” as defined in §14.4.

Subpart J—Standards for the Humane and Healthful Transport of Wild Mammals and Birds to the United States

SOURCE: 57 FR 27108, June 17, 1992, unless otherwise noted.

§ 14.101 Purposes.

The purpose of this subpart is to prescribe requirements necessary to ensure that live wild mammals and birds shipped to the United States arrive alive, healthy, and uninjured, and that transportation of such animals occurs under humane and healthful conditions. These regulations implement section 9(d) of the Lacey Act Amendments of 1981.

§ 14.102 Definitions.

In addition to the definitions contained in part 10 of subchapter B of this chapter, in this subpart—

Ambient air temperature means the temperature of the air surrounding a primary enclosure containing a wild mammal or bird.

Auxiliary ventilation means cooling or air circulation provided by such means as vents, fans, blowers, or air conditioning.

Carrier means any person operating an airline, railroad, motor carrier, shipping line, or other enterprise engaged in the business of transporting any wild mammal or bird for any purpose including exhibition and for any person, including itself.

Communicable disease means any contagious, infectious, or transmissible disease of wild mammals or birds.

Conveyance means any vehicle, vessel, or aircraft employed to transport an animal between its origin and destination.

Do not tip means do not excessively rock or otherwise move from a vertical to a slanting position, knock over, or upset.

Handle means feed, manipulate, crate, shift, transfer, immobilize, restrain, treat, or otherwise control the movement or activities of any wild mammal or bird.

Holding area means a designated area at or within a terminal facility that has been specially prepared to provide shelter and other requirements of wild mammals or birds being transported to the United States and in which such mammals or birds are maintained prior to, during, or following such shipment.

Kept clean means maintained free from dirt, trash, refuse, excreta, remains from other cargo, and impurities of any type.

Marine mammal means an individual of a species of the orders Cetacea, Pinnipedia, or Sirenia, or a polar bear (Ursus maritimus) or sea otter (Enhydra lutris).

Noncompatible means not capable of existing together in harmony.

Nonhuman primate means any nonhuman member of the order Primates.

Normal rigors of transportation means the stress that a wild animal can be expected to experience as a result of exposure to unaccustomed surroundings, unfamiliar confinement, caging, unfamiliar sounds, motion, and other conditions commonly encountered during transport.

Primary enclosure means any structure used to restrict a mammal or bird to a limited amount of space, such as a cage, room, pen, run, stall, pool, or hutch.

Professionally accepted standards means a level of practice established as acceptable by a body of qualified persons of the veterinary medical profession.
§ 14.103 Prohibitions.

Unless the requirements of this subpart are fully satisfied and all other legal requirements are met, it is unlawful for any person to transport to the United States, cause to be transported to the United States, or allow to be transported to the United States any live wild mammal or bird. It shall be unlawful for any person to import, to transport, or to cause or permit to be transported to the United States any wild mammal or bird under inhumane or unhealthful conditions or in violation of this subpart J.

§ 14.104 Translations.

Any certificate or document required by this subpart to accompany a mammal or bird transported to the United States and written in a foreign language must be accompanied by an accurate English translation.

§ 14.105 Consignment to carrier.

(a) No carrier shall accept any live wild mammal or bird for transport to the United States that has not been examined within 10 days prior to commencement of transport to the United States by a veterinarian certified as qualified by the national government of the initial country from which the mammal or bird is being exported. If the national government of such country does not certify veterinarians, then the veterinarian must be certified or licensed by a local government authority designated by the national government as authorized to certify veterinarians.

(b)(1) A certificate of veterinary medical inspection, signed by the examining veterinarian, stating that the animal has been examined, is healthy, appears to be free of any communicable disease, and is able to withstand the normal rigors of transport must accompany the mammal or bird; the certificate should include the veterinarian’s license number, certification number, or equivalent. A mammal in the last third of its pregnancy, if this is detectable using professionally accepted standards, shall not be accepted for transport to the United States except for medical treatment and unless the examining veterinarian certifies in writing that the animal has been examined, the state of pregnancy has been evaluated, and that, despite the medical condition requiring treatment, the animal is physically able to withstand the normal rigors of transportation to the United States.

(b)(2) A nursing mother with young, an unweaned mammal unaccompanied by its mother, or an unweaned bird shall be transported only if the primary purpose is for needed medical treatment and upon certification in writing by the examining veterinarian that the treatment is necessary and the animal is able to withstand the normal rigors
of transport. Such an unweaned mammal or bird shall not be transported to the United States for medical treatment unless it is accompanied at all times by and completely accessible to a veterinary attendant.

(c) A sick or injured wild mammal or bird shall be permitted transport to the United States only if the primary purpose of such transport is for needed medical treatment and upon certification in writing by the examining veterinarian that the treatment is necessary and the animal is able to withstand the normal rigors of travel in its present condition. A sick or injured animal shall be accompanied at all times throughout the transport process by a veterinary attendant qualified to care for and treat it, with continuous access to the animal. This individual shall be in possession of or have ready access to all medications to be administered during the transport.

(d) No carrier shall accept any wild mammal or bird for transport to the United States presented by the shipper less than 2 hours or more than 6 hours prior to the scheduled departure of the conveyance on which it is to be transported. The carrier shall notify the crew of the presence of live animal shipments.

§ 14.106 Primary enclosures.

No carrier shall accept for transport to the United States any live wild mammal or bird in a primary enclosure that does not conform to the following requirements:

(a) The Container Requirements of the Live Animal Regulations (LAR), 20th edition, October 1, 1993, published by the International Air Transport Association (IATA) shall be complied with by all parties transporting wild mammals or birds to the United States. The incorporation by reference of the LAR was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from IATA, 2000 Peel St., Montreal, Quebec, Canada H3A 2R4. Copies may be inspected at the U.S. Fish and Wildlife Service, 4401 N. Fairfax Dr., Arlington, VA 22203 or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) A primary enclosure shall be constructed so that—

1. The strength of the enclosure is sufficient to contain the mammal or bird and to withstand the normal effects of transport;

2. The interior of the enclosure is free from any protrusion that could be injurious to the mammal or bird within;

3. No part of the animal can extend or protrude outside of the primary enclosure which may result in injury to the contained animal, to nearby persons or animals, or to handlers of the primary enclosure;

4. Access to the primary enclosure is closed and secured with an animal-proof device designed to prevent accidental opening and release of the mammal or bird;

5. The opening of the enclosure is easily accessible for either emergency removal or inspection of the mammal or bird by authorized personnel without the risk of escape of the mammal or bird;

6. The enclosure has sufficient openings to ensure adequate circulation of air at all times.

7. The material of which the primary enclosure is constructed is not treated with any paint, preservative, or other chemical that is injurious or otherwise harmful to the health or well-being of mammals and birds.

(c) Unless the enclosure is permanently affixed in the conveyance or has an open top for certain large mammals, spacer bars allowing circulation of air around the enclosure shall be fitted to the exterior of its top, sides, and base. Spacer bars on an enclosure need extend no more than 6 inches (15 centimeters) from the surface of the enclosure. Within this 6 inch limit, the spacers on an enclosure containing one animal shall extend a distance equal to at least 10 percent of the longer dimension of the surface to which they are attached, and the spacers on an enclosure containing more than one animal shall extend a distance equal to at
least 20 percent of the longer dimension of the surface to which they are attached. Hand-holds may serve as spacer bars for the sides of the enclosure to which they are attached. A primary enclosure constructed with one or more slanted or curved walls containing ventilation openings need not be fitted with spacer bars on such walls.

(d) An enclosure that is not permanently affixed within the conveyance shall have adequate hand-holds or other devices for lifting by hand or to facilitate lifting and carrying by machine. Such hand-holds or other devices shall be made an integral part of the enclosure, shall enable it to be lifted without excessive tipping, and shall be designed so that the person handling the enclosure will not come in contact with the animals contained therein.

(e) An enclosure shall have a solid, leak-proof bottom or removable, leak-proof collection tray under a slatted or wire mesh floor. The slatted or wire mesh floor shall be designed and constructed so that the spaces between the slats or the holes in the mesh cannot trap the limbs of animals contained within the enclosure. An enclosure for mammals shall contain unused absorbent litter on the solid bottom or in the leak-proof tray in sufficient quantity to absorb and cover excreta. This litter shall be safe and nontoxic and shall not resemble food normally consumed by the mammals. An enclosure used to transport marine mammals in water, in a waterproof enclosure, a sling, or on foam is exempt from the requirement to contain litter. An enclosure containing birds shall contain a foam or sponge insert, a perforated wooden block, or other suitable device to prevent spillage or drowning.

(f) If an enclosure has been previously used to transport or store wild mammals or birds, it shall have been cleaned and sanitized in a manner that will destroy pathogenic agents and pests injurious to the health of mammals and birds before the enclosure can be re-used.

(g) An enclosure that is not permanently affixed in the conveyance shall be clearly marked in English on the outside of the top and one or more sides of the enclosure, in letters not less than 2.5 centimeters (1 inch) in height, “Live Animals” or “Wild Animals”, “Do Not Tip,” “Only Authorized Personnel May Open Container,” and other appropriate or required instructions. All enclosure sides shall also be conspicuously marked on the outside with arrows to indicate the correct upright position of the enclosure. These arrows should extend up the sides of the enclosure so that the point of the arrow is visible and clearly indicates the top of the enclosure.

(h) Food and water instructions as specified in §14.108, information regarding what constitutes obvious signs of stress in the species being transported, and information about any drugs or medication to be administered by the accompanying veterinary attendant shall be securely attached to each enclosure. Copies of shipping documents accompanying the shipment shall also be securely attached to the primary enclosure. Original documents shall be carried in the carrier’s pouch or manifest container or by the shipper’s attendant accompanying the wild mammal or bird.

(i) Any food and water troughs shall be securely attached to the interior of the enclosure in such a manner that the troughs can be filled from outside the enclosure. Any opening providing access to a trough shall be capable of being securely closed with an animal-proof device. A water trough in an enclosure containing birds shall contain a foam or sponge insert, a perforated wooden block, or other suitable device to prevent spillage or drowning.

(j) When a primary enclosure is permanently affixed within a conveyance so that its front opening is the only source of ventilation, the opening shall face the outside of the conveyance or an unobstructed aisle or passageway within the conveyance. Such an aisle or passageway shall be at least 12 inches (30 centimeters) wide. The opening in the primary enclosure shall occupy at least 90 percent of the total surface area of the front wall of the enclosure and be covered with bars or wire mesh.

[57 FR 27108, June 17, 1992, as amended at 59 FR 36719, July 19, 1994; 69 FR 18803, Apr. 9, 2004]
§ 14.107 Conveyance.

(a) The animal cargo space of a conveyance used to transport wild mammals or birds to the United States shall be designed, constructed, and maintained so as to ensure the humane and healthful transport of the animals.

(b) The cargo space shall be constructed and maintained so as to prevent the harmful ingress of engine exhaust fumes and gases produced by the conveyance.

(c) No wild mammal or bird shall be placed in a cargo space of a conveyance that does not provide sufficient air for it to breathe normally. Primary enclosures shall be positioned in a cargo space in such a manner that each animal has access to sufficient air for normal breathing.

(d) The interior of an animal cargo space shall be kept clean of disease-causing agents.

(e) A wild mammal or bird shall not be transported in a cargo space that contains any material, substance, or device that may reasonably be expected to result in inhumane conditions or be injurious to the animal's health unless all reasonable precautions are taken to prevent such conditions or injury.

§ 14.108 Food and water.

(a) No carrier shall accept any wild mammal or bird for transport to the United States unless written instructions from the shipper concerning the animal's food and water requirements are securely affixed to the outside of its primary enclosure. Such instructions shall be consistent with professionally accepted standards of care and include specifically the quantity of water required, the amount and type of food required, and the frequency of feeding and watering necessary to ensure that the animal is transported humanely and healthfully.

(b) A mammal or bird requiring drinking water shall have uncontaminated water suitable for drinking made available to it at all times prior to commencement of transport to the United States, during intermediate stopovers, and upon arrival in the United States, as directed by the shipper's written instructions.

(c) A mammal or bird that obtains moisture from fruits or other food shall be provided such food prior to commencement of transport to the United States, during stopovers, and upon arrival in the United States, or as directed by the shipper's written instructions.

(d) During a stopover or while in the custody of the carrier after arrival in the United States, a mammal or bird in transit shall be observed no less frequently than once every four hours and given food and water according to the instructions required by §14.108(a).

(e) Suitable and sufficient food shall be made available during transport.

(f) Additional requirements for feeding and watering particular kinds of animals are found below in the specifications for the various groups.

§ 14.109 Care in transit.

(a) During transportation to the United States, including any stopovers during transport, the carrier shall visually inspect each primary enclosure not less than once every 4 hours, or in the case of air transport, every 4 hours whenever the cargo hold is accessible. During such inspections, the carrier shall verify that the ambient air temperature is within allowable limits (see §14.109(b)), that enclosures have not been damaged, that adequate ventilation is being provided, and when transport is by air, that air pressure suitable to support live animals is maintained within the cargo area (pressure equivalent to a maximum altitude of 8000 feet). During these observations the carrier shall also determine whether any animals are in obvious distress as described in documents attached to the enclosure. The absence of such a document or the absence of information as to signs of distress shall not remove this responsibility. The carrier shall attempt to correct any condition causing distress and shall consult the shipper concerning any possible need for veterinary care if no veterinary attendant is traveling with the shipment; if the shipper cannot be reached in the case of an emergency, qualified veterinary care should be provided. A veterinarian or qualified attendant traveling with the shipment shall be provided access to the animal.
(b) Unless otherwise specified in writing by the examining veterinarian the ambient air temperature in a holding area, transporting device, conveyance or terminal facility containing mammals or birds shall not be allowed to fall below 12.8 degrees C (55 degrees F) nor to exceed 26.7 degrees C (80 degrees F). Auxiliary ventilation shall be provided when the ambient air temperature is 23.9 degrees C (75 degrees F) or higher. In the case of penguins and auks, the ambient air temperature shall not be allowed to exceed 18.3 degrees C (65 degrees F) at any time, and auxiliary ventilation shall be provided when the ambient air temperature exceeds 15.6 degrees C (60 degrees F). In the case of polar bears and sea otters, ambient air temperature shall not be allowed to exceed 10 degrees C (50 degrees F).

§ 14.110 Terminal facilities.

(a) Any terminal facility used for wild mammal or bird transport in the country of export, stopover countries, or the United States shall contain an animal holding area or areas. No carrier or shipper shall co-mingle live animal shipments with inanimate cargo in an animal holding area.

(b) A carrier or shipper holding any wild mammal or bird in a terminal facility shall provide the following:

1. A holding area cleaned and sanitized so as to destroy pathogenic agents, maintained so that there is no accumulation of debris or excreta, and in which vermin infestation is minimized;

2. An effective program for the control of insects, ectoparasites, and pests of mammals or birds;

3. Sufficient fresh air to allow the animals to breathe normally with ventilation maintained so as to minimize drafts, odors, and moisture condensation;

4. Ambient air temperatures maintained within prescribed limits as specified in §14.109(b).

§ 14.111 Handling.

(a) Care shall be exercised to avoid handling the primary enclosure in a manner likely to cause physical or psychological trauma to the mammal or bird.

(b) A primary enclosure used to move any mammal or bird shall not be dropped, tipped excessively, or otherwise mishandled, and shall not be stacked or placed in a manner that may reasonably be expected to result in its falling or being tipped.

(c) Animals incompatible with one another shall not be crated together or held in close proximity.

(d) Transport of mammals or birds to the United States shall be accomplished by the carrier in the most expeditious manner, with the fewest stopovers possible, and without unnecessary delays.

(e) Consistent with other procedures and requirements of the carrier, live wild mammals or birds shall be last loaded and first unloaded from a conveyance.

(f) A carrier shall not allow mammals or birds to remain for extended periods of time outside a holding area and shall move them between a holding area and a conveyance as expeditiously as possible. A carrier or shipper maintaining mammals or birds in a holding area, or transporting them to or from a holding area or between a holding area and a conveyance, shall provide the following:

1. Shelter from sunlight. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect animals from the direct rays of the sun.

2. Shelter from precipitation. Animals shall be provided protection so that they remain dry during rain, snow, or other forms of precipitation.

3. Shelter from cold. Animals shall be provided protection from cold. Protection shall include, but not be limited to, that provided by covering and/or heating of transporting devices, holding areas, conveyances or terminal facilities.

4. Protection from harassment. Animals shall be protected from disturbances, including, but not limited to, harassment by humans, other animals, or machinery that makes noise, emits fumes, heat, or light, or causes vibration.

§ 14.112 Other applicable provisions.

In addition to the provisions of §§14.101–14.111, the requirements of
§§14.121-14.172 applicable for particular groups of animals shall be met for all shipments of wild mammals and birds covered by this part.

SPECIFICATIONS FOR NONHUMAN PRIMATES

§14.121 Primary enclosures.

(a) No more than one primate shall be transported in a primary enclosure. However, a mother and her nursing young being transported to the United States for medical treatment, an established male-female pair, a family group, a pair of juvenile animals that have not reached puberty, or other pairs of animals that have been habitually housed together may be shipped in the same primary enclosure. Primates of different species shall not be shipped together in the same enclosure.

(b) A primary enclosure used to transport a primate shall be large enough to ensure that the animal has sufficient space to turn around freely in a normal manner, lie down, stand up (as appropriate for the species), and sit in a normal upright position without its head touching the top of the enclosure. However, a primate may be restricted in its movements according to professionally accepted standards of care when greater freedom of movement would constitute a danger to the primate or to its handler or other persons.

(c) Except as provided in §14.106(j), ventilation openings must be located on at least two walls of a primary enclosure. When the required ventilation openings are located on two opposite walls of the primary enclosure, these ventilation openings shall comprise at least 30 percent of the total surface area of the ventilated wall and be situated above the midline of the enclosure. If ventilation openings are located on all four sides of the enclosure, the openings on each wall shall comprise at least 20 percent of the total surface area of the wall and be situated above the midline of the primary enclosure.

§14.122 Food and water.

(a) A nonhuman primate shall be provided water suitable for drinking within 4 hours prior to commencement of transport to the United States unless the shipper's written instructions direct otherwise. A carrier shall provide suitable drinking water to any primate at least every 12 hours after acceptance for transport to the United States, unless instructed in writing to do so more frequently by the shipper.

(b) After acceptance for transport, and unless otherwise instructed in writing by the shipper, a carrier shall provide suitable food to any nonhuman primate at least once every 12 hours.

§14.123 Care in transit.

(a) A primate shall be observed for signs of distress and given food and water according to the shipper's instructions during any intermediate stop that lasts more than 4 hours.

(b) Care shall be taken to keep enclosures containing primates sufficiently separated in the conveyance or holding area to minimize the risk of spread of disease from one species or shipment to another.

SPECIFICATIONS FOR MARINE MAMMALS (CETACEANS, SIRENIANS, SEA OTTERS, Pinnipeds, and Polar Bears)

§14.131 Primary enclosures.

(a) A primary enclosure that is not open on top shall have air inlets situated at heights that provide cross ventilation at all levels and that are located on all four sides of the enclosure. Such ventilation openings shall comprise not less than 20 percent of the total surface area of each side of the enclosure.

(b) Straps, slings, harnesses, or other such devices used for body support or restraint when transporting marine mammals such as cetaceans or sireniants shall meet the following requirements:

(1) The devices shall not prevent attendants from having access to the mammal to administer care during transportation;

(2) The devices shall be equipped with sufficient padding to prevent trauma or injury at points of contact with the mammal’s body;

(3) Slings or harnesses shall allow free movement of flippers outside of the harness or sling;
§ 14.132 Food and water.

A marine mammal shall not be transported for more than a period of 36 hours without being offered suitable food unless the shipper’s written instructions or the shipper’s attendant travelling with the mammal direct otherwise. After feeding, a marine mammal shall be rested for 6 hours prior to resuming transport.

§ 14.133 Care in transit.

(a) Any marine mammal shall be accompanied, in the same conveyance, by the shipper or an authorized representative of the shipper knowledgeable in marine mammal care to provide for the animal’s health and well-being. The shipper or representative shall observe such marine mammals to determine whether or not they need veterinary care and shall provide or obtain any needed veterinary care as soon as possible. Care during transport shall include the following (on a species-specific basis):

(1) Keeping the skin moist or preventing the drying of the skin by such methods as covering with wet cloths, spraying it with water or applying a nontoxic emollient;

(2) Assuring that the pectoral flippers (when applicable) are allowed freedom of movement at all times;

(3) Making adjustments in the position of the mammal when necessary to prevent necrosis of the skin at weight pressure points; and

(4) Calming the mammal to prevent struggling, thrashing, and other activity that may cause overheating or physical trauma.

(b) Unless otherwise directed by a shipper or authorized representative, at least one-half of the floor area in a primary enclosure used to transport sea otters to the United States shall contain sufficient crushed ice or ice water to provide each otter with moisture necessary to maintain its hair coat by preventing it from drying and to minimize soiling of the hair coat with urine and fecal material.

(c) A marine mammal exhibiting excited or otherwise dangerous behavior shall not be taken from its primary enclosure except under extreme emergency conditions and then only by the shipper or other authorized individual who is capable of handling the animal safely.

§ 14.141 Consignment to carrier.

Species that grow antlers shall not be accepted for transport unless the antlers have been shed or surgically removed.

§ 14.142 Primary enclosures.

(a) Except as provided in §14.106(j), ventilation openings must be located
on at least two walls of a primary enclosure. When the required ventilation openings are located on two opposite walls of the primary enclosure, these ventilation openings shall comprise at least 16 percent of the total surface area of each ventilated wall. When ventilation openings are located on all four walls of the primary enclosure, the openings shall comprise at least 8 percent of the total surface area of each wall. At least one-third of the minimum area required for ventilation shall be located on the lower one-half of the primary enclosure and at least one-third of the total minimum area required for ventilation shall be located on the upper one-half of the primary enclosure.

(b) No more than one elephant or ungulate shall be transported in a primary enclosure, except that: a mother and nursing young may be shipped in the same primary enclosure if the shipment complies with the provisions of §14.105(b); in the case of land or sea transport, a pair of juvenile elephants or ungulates or other pairs that have been habitually housed together may be shipped in the same primary enclosure.

(c) A primary enclosure used to transport sloths, bats, or flying lemurs shall be large enough to ensure that each animal has sufficient space to move freely and in a normal manner and shall have a wide perch, bar, or mesh of suitable strength fitted under the top of the enclosure and spaced from it in such a way that the animals may hang from it freely in a natural position.

§ 14.151 Primary enclosures.
(a) Except as provided in §14.106(j), ventilation openings must be located on at least two walls of a primary enclosure. When the required ventilation openings are located on two opposite walls of the primary enclosure, these ventilation openings shall comprise at least 16 percent of the total surface area of each ventilated wall. When ventilation openings are located on all four walls of the enclosure, the openings shall comprise at least 8 percent of the total surface area of each wall. At least one-third of the total minimum area required for ventilation shall be located on the upper one-half of the primary enclosure.

(b) No more than one sloth, bat, or flying lemur (Cynocephalidae) shall be transported in a primary enclosure. However, a mother and her nursing young being transported for medical reasons, an established male-female pair, a family group, a pair of juvenile animals that have not reached puberty, or other small groups of animals that have been habitually housed together may be shipped in the same primary enclosure.

(c) A primary enclosure used to transport sloths, bats, or flying lemurs shall be large enough to allow the animal to lie or stand in a natural upright position with the head extended, but not large enough for the animal to roll over.

(d) A primary enclosure used to transport an elephant or ungulate with horns or tusks shall be designed and constructed to prevent the horns or tusks from becoming trapped or injuring the animal itself, other animals nearby, attendants, or cargo handlers.

(e) A primary enclosure for an elephant or ungulate shall be equipped with a removable water trough that can be securely hung within the enclosure above the floor and can be filled from outside the enclosure.
§ 14.171

area required for ventilation shall be located on the upper one-half of the enclosure.

(b) No more than one terrestrial mammal (other than rodents) shall be transported in a primary enclosure. However, a mother and her nursing young may be shipped in the same primary enclosure if the shipment complies with the provisions of § 14.105(b).

(c) More than one rodent may be transported in the same primary enclosure if they are members of the same species and are maintained in compatible groups. Rodents that are incompatible shall be transported in individual primary enclosures that are stored and transported so they are visually separated. A female with young being transported for medical reasons shall not be placed in a primary enclosure with other animals. The following chart specifies maximum densities, minimum space for transporting rodents that fall within the specified weight limitations. Max. No. refers to maximum number per primary enclosure; Space/animal refers to minimum area of floor space per animals. Rodents weighing more than 5,000 grams shall be transported in individual enclosures.

<table>
<thead>
<tr>
<th>wt. in grams of rodent:</th>
<th>Max. No.</th>
<th>Space/Animal cm²/cm²</th>
<th>Ht. of Box cm</th>
<th>Ht. of Box in</th>
</tr>
</thead>
<tbody>
<tr>
<td>220 or less</td>
<td>20</td>
<td>194</td>
<td>30</td>
<td>15</td>
</tr>
<tr>
<td>220–450</td>
<td>12</td>
<td>388</td>
<td>60</td>
<td>20</td>
</tr>
<tr>
<td>450–1000</td>
<td>6</td>
<td>770</td>
<td>120</td>
<td>25</td>
</tr>
<tr>
<td>1,000–5,000</td>
<td>2</td>
<td>2,310</td>
<td>360</td>
<td>30</td>
</tr>
</tbody>
</table>

(d) A primary enclosure used to transport terrestrial mammals shall be large enough to ensure that each animal has sufficient space to turn around freely in a normal manner. The height of the primary enclosure shall provide adequate space for the animal to stand upright in a normal posture with space above its head. The length of the primary enclosure shall be great enough to enable the animal to lie in a full prone position.

§ 14.172 Primary enclosures.

(a) A primary enclosure for birds shall have ventilation openings on two vertical sides that comprise at least 16 percent of the surface area of each side and are positioned so as to decrease the likelihood of creating a draft.

(b) Perches shall be provided for birds that rest by perching. The diameter of the perch shall be sufficient to permit the birds to maintain a firm, comfortable grip. Perches shall be placed so that droppings do not fall into food or water troughs or onto other perched birds. There shall be enough head room to allow the birds to move onto and off the perches without touching the top of the enclosure.

(c) An enclosure used to transport one or more birds that rest by perching shall be large enough to ensure that sufficient perch space is available for all birds to perch comfortably at the same time. No more than 50 birds that rest by perch shall be transported in one primary enclosure, with the exception of large birds (longer than 23 cm, or 9 inches), which are limited to a maximum of 25 per primary enclosure.

(d) A primary enclosure used to transport a raptorial bird shall be large enough to transport the bird comfortably and to permit it to turn around without stretching its wings to the fullest extent. Only one raptorial bird shall be contained in a primary enclosure.

(e) A primary enclosure containing nonraptorial birds that do not rest by
perching shall be large enough for the birds to turn around, to lie down, to stand erect, and to change posture in a normal manner.

(f) Nectar-feeding birds shall either be transported in a primary enclosure equipped with feeding bottles accessible from outside the enclosure for replenishment or hand-carried and fed in accordance with the written instructions of the shipper.

(g) Birds transported in the same primary enclosure shall be of the same species and be compatible with one another. Birds that are incompatible shall be placed in individual primary enclosures and these enclosures shall not be stored or transported in visual proximity to one another.

Subpart K—Captive Wildlife Safety Act

SOURCE: 72 FR 45946, Aug. 16, 2007, unless otherwise noted.

§ 14.250 What is the purpose of these regulations?


§ 14.251 What other regulations may apply?

The provisions of this subpart are in addition to, and are not in place of, other regulations of this subchapter B that may require a permit or describe additional restrictions or conditions for the importation, exportation, transportation, sale, receipt, acquisition, or purchase of wildlife in interstate or foreign commerce.

§ 14.252 What definitions do I need to know?

In addition to the definitions contained in part 10 of this subchapter, and unless the context otherwise requires, in this subpart:

Accredited wildlife sanctuary means a facility that cares for live specimens of one or more of the prohibited wildlife species and:

1. Is approved by the United States Internal Revenue Service as a corporation that is exempt from taxation under §501(a) of the Internal Revenue Code of 1986, which is described in §§501(c)(3) and 170(b)(1)(A)(vi) of that code;
2. Does not commercially trade in prohibited wildlife species, including offspring, parts, and products;
3. Does not propagate any of the prohibited wildlife species; and
4. Does not allow any direct contact between the public and the prohibited wildlife species.

Direct contact means any situation in which any individual other than an authorized keeper or caregiver may potentially touch or otherwise come into physical contact with any live specimen of the prohibited wildlife species.

Licensed person means any individual, facility, agency, or other entity that holds a valid license from and is inspected by the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (APHIS) under the Animal Welfare Act (AWA) (7 U.S.C. 2131 et seq.) (See definition of “licensee” in 9 CFR 1.1.).

Prohibited wildlife species means a specimen of any of the following eight species: Lion (Panthera leo), tiger (Panthera tigris), leopard (Panthera pardus), snow leopard (Uncia uncia), clouded leopard (Neofelis nebulosa), jaguar (Panthera onca), cheetah (Acinonyx jubatus), and cougar (Puma concolor) or any hybrids resulting from the breeding of any combination of any of these species, for example, a liger (a male lion and a female tiger) or a tiglon (a male tiger and a female lion), whether naturally or artificially produced.

Propagate means to allow or facilitate the production of offspring of any of the prohibited wildlife species, by any means.

Registered person means any individual, facility, agency, or other entity that is registered with and inspected by APHIS under the AWA (See definition of “registrant” in 9 CFR 1.1.).

§ 14.253 What are the restrictions contained in these regulations?

Except as provided in §14.255, it is unlawful for any person to import, export, transport, sell, receive, acquire,
or purchase, in interstate or foreign commerce, any live prohibited wildlife species.

§ 14.254 What are the requirements contained in these regulations?

In order to qualify for the exemption in §14.255, an accredited wildlife sanctuary must maintain complete and accurate records of any possession, transportation, acquisition, disposition, importation, or exportation of the prohibited wildlife species covered by the CWSA. These records must be up to date, and must include the names and addresses of persons to or from whom any prohibited wildlife species has been acquired, imported, exported, purchased, sold, or otherwise transferred; and the dates of these transactions. The accredited wildlife sanctuary must maintain these records for 5 years, must make these records available to Service officials for inspection at reasonable hours, and must copy these records for Service officials, if requested. In addition, by declaring itself to be accredited under this subpart, a wildlife sanctuary agrees to allow access to its facilities and its prohibited wildlife specimens by Service officials at reasonable hours.

§ 14.255 Are there any exemptions to the restrictions contained in these regulations?

The prohibitions of §14.253 do not apply to:
(a) A licensed person or registered person;
(b) A State college, university, or agency;
(c) A State-licensed wildlife rehabilitator;
(d) A State-licensed veterinarian;
(e) An accredited wildlife sanctuary; or
(f) A person who:
(1) Can produce documentation showing that he or she is transporting live prohibited wildlife species between persons who are exempt from the prohibitions in §14.253; and
(2) Has no financial interest in the prohibited wildlife species other than payment received for transporting them.
§ 15.1  Purpose of regulations.


§ 15.2  Scope of regulations.

(a) The regulations in this part apply to all species of exotic birds, as defined in section 15.3.
(b) The provisions in this part are in addition to, and are not in lieu of, other regulations of this subchapter B that may require a permit or prescribe additional restrictions or conditions for the import, export, reexport, and transportation of wildlife.

§ 15.3  Definitions.

In addition to the definitions contained in parts 10 and 23 of this subchapter B, and unless the context requires otherwise, in this part:

Documentation means a description of how scientific information was collected, including the methodologies used; names and institutions of individuals conducting the work; dates and locations of any study; and any published results or reports from the work.

Exotic bird means any live or dead member of the Class Aves that is not indigenous to the 50 States or the District of Columbia, including any egg or offspring thereof, but does not include domestic poultry, dead sport-hunted birds, dead museum specimens, dead scientific specimens, products manufactured from such birds, or birds in any of the following families: Phasianidae, Numididae, Cracidae, Meleagrididae, Megapodiidae, Anatidae, Struthionidae, Rheidae, Dromaiinae, and Gruidae.

Indigenous means a species that is naturally occurring, not introduced as a result of human activity, and that currently regularly inhabits or breeds in the 50 States or the District of Columbia.

Life cycle means the annual processes involved with breeding, migration, and all other non-breeding activities.

Person means an individual, corporation, partnership, trust, association, or any other private entity; or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State, municipality, or political subdivision of a State, or of any foreign government; any State, municipality, or political subdivision of a State; or any other entity subject to the jurisdiction of the United States.

Species means any species, any subspecies, or any district population segment of a species or subspecies, and includes hybrids of any species or subspecies. Hybrids will be treated according to the more restrictive appendix or category in which either parental species is listed.

Status means a qualitative measure of the vulnerability to extinction or extirpation of a population at a given time (e.g., endangered, threatened, vulnerable, non-threatened, or insufficiently known).

Sustainable use means the use of a species in a manner and at a level such that populations of the species are maintained at biologically viable levels for the long term and involves a determination of the productive capacity of the species and its ecosystem, in order to ensure that utilization does not exceed those capacities or the ability of the population to reproduce, maintain itself and perform its role or function in its ecosystem.

Trend means a long-term assessment of any change in the absolute or relative size of a species’ population or habitat over time (e.g., increasing, decreasing, at equilibrium, insufficiently known).

United States means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.


§ 15.4  Information collection requirements.

(a) The Office of Management and Budget approved the information collection requirements contained in this part 15 under 44 U.S.C. 3507 and assigned OMB Control Number 1018–0093.
§ 15.11 Prohibitions.

(a) Except as provided under a permit issued pursuant to subpart C of this part, it is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, to solicit another to commit, or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any exotic bird.

(b) It is unlawful to import into the United States any exotic bird species listed in the Appendices to the Convention that is not included in the approved list of species, pursuant to subpart D of this part, except that this paragraph (b) does not apply to any exotic bird that was bred in a foreign breeding facility listed as qualifying pursuant to subpart E of this part.

(c) It is unlawful to import into the United States any exotic bird species not listed in the Appendices to the Convention that is listed in the prohibited species list, pursuant to subpart F of this part.

(d) It is unlawful to import into the United States any exotic bird species from any country included in the prohibited country list, pursuant to subpart F of this part.

(e) It is unlawful to import into the United States any exotic bird species from a qualifying facility breeding exotic birds in captivity, listed pursuant to subpart E of this part, if the exotic bird was not captive-bred at the listed facility.

(f) It is unlawful for any person subject to the jurisdiction of the United States to engage in any activity with an exotic bird imported under a permit issued pursuant to this part that violates a condition of said permit.


§ 15.12 Requirements.

(a) No person shall import into the United States any exotic bird except as may be permitted under the terms of a valid permit issued pursuant to the provisions of subpart C of this part and 50 CFR part 13, or in accordance with the provisions of subparts D–F of this part 15, or in accordance with the provisions of paragraph (b) of this section.

(b) Any exotic bird can be imported to the United States if it was legally exported from the United States with a permit issued by the Service’s Office of Management Authority, provided that the import is by the same person who exported the bird, the import is accompanied by a copy of the cleared CITES export permit or certificate issued by the Service that was used to export the exotic bird, and the Service is satisfied that the same bird is being imported as is indicted on the aforementioned permit or certificate.
Subpart C—Permits and Approval of Cooperative Breeding Programs

§15.21 General application procedures.
(a) The Director may issue a permit authorizing the importation of exotic birds otherwise prohibited by §15.11, in accordance with the issuance criteria of this subpart, for the following purposes only: Scientific research; zoological breeding or display programs; cooperative breeding programs designed to promote the conservation and maintenance of the species in the wild; or personally owned pets accompanying persons returning to the United States after being out of the country for more than 1 year.
(b) Additional requirements as indicated in parts 13, 14, 17, 21, and 23 of this subchapter must also be met.
(c) A person wishing to obtain a permit under this subpart or approval of cooperative breeding programs under this subpart submits an application to the Director, U.S. Fish and Wildlife Service (Attention: Office of Management Authority), 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203. Each application must contain the general information and certification required in §13.12(a) of this subchapter, and all of the information specified in the applicable section §§15.22 through 15.26.

§15.22 Permits for scientific research.
(a) Application requirements for permits for scientific research. Each application shall provide the following information and such other information that the Director may require:
(1) A description of the exotic bird(s) to be imported, including:
   (i) The common and scientific names of the species, number, age or age class, and, when known, sex; and
   (ii) A statement as to whether, at the time of the application, the exotic bird is still in the wild, has already been removed from the wild, or was bred in captivity;
(2) If the exotic bird is in the wild or was taken from the wild, include:
   (i) The country and region where the removal will occur or occurred;
   (ii) A description of the status of the species in the region of removal; and
   (iii) A copy of any foreign collecting permit or authorizing letter, if applicable;
(3) If the exotic bird was bred in captivity, include:
   (i) Documents or other evidence that the bird was bred in captivity, including the name and address of the breeder, and when known, hatch date and identity of the parental birds; and
   (ii) If the applicant is not the breeder, documentation showing the bird was acquired from a breeder and a history of multiple transactions, if applicable:
   (4) A statement of the reasons the applicant is justified in obtaining a permit, and a complete description of the scientific research to be conducted on the exotic bird requested, including:
   (i) Formal research protocol with timetable;
   (ii) The relationship of such research to the conservation of the species in the wild;
   (iii) A discussion of possible alternatives and efforts to obtain birds from other sources; and
   (iv) Plans for disposition of the exotic birds and any progeny upon completion of the research project;
   (5) Qualifications of the scientific personnel conducting the proposed research, including applicable experience and a description of relevant past research conducted;
   (6) A description of the care and maintenance of the exotic bird, and how the facility meets professionally recognized standards, including:
   (i) The name and address of the facility where the exotic bird will be maintained;
   (ii) Dimensions of existing enclosures for the birds to be imported and number of birds to be housed in each; and
   (iii) Husbandry practices.
(b) Issuance criteria. Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making this decision, the Director shall consider, in addition to the general criteria in part
§ 15.23 Permits for zoological breeding or display programs.

(a) Application requirements for permits for zoological breeding or display programs. Each application shall provide the following information and such other information that the Director may require:

(1) A description of the exotic bird(s) to be imported, including:
   (i) The common and scientific names of the species, number, age or age class, and, when known, sex; and
   (ii) A statement as to whether, at the time of the application, the exotic bird is still in the wild, has already been removed from the wild, or was bred in captivity;

(2) If the exotic bird is in the wild or was taken from the wild include:
   (i) The country and region where the removal will occur or occurred;
   (ii) A description of the status of the species in the region of removal; and
   (iii) A copy of any foreign collecting permit or authorizing letter, if applicable;

(3) If the exotic bird was bred in captivity, include:
   (i) Documents or other evidence that the bird was bred in captivity, including the name and address of the breeder, and when known, identity of the parental birds, and hatch date; and
   (ii) If the applicant is not the breeder, documentation showing the bird was acquired from a breeder and a history of multiple transactions, if applicable;

(4) A statement of the reasons the applicant is justified in obtaining a permit, and a complete description of the breeding or display program to be conducted with the exotic bird requested, including:
   (i) A breeding or education protocol that provides information on educational materials on the ecology and/or conservation status of the species provided to the general public;
   (ii) Plans, if any, for developing or maintaining a self-sustaining population of the exotic bird species in captivity;
   (iii) A statement on efforts to obtain birds from alternative sources or sources within the United States;
   (iv) The relationship of such a breeding or display program to the conservation of the species in the wild; and
   (v) Plans for disposition of the exotic birds and any progeny;

(5) A description of the care and maintenance of the exotic bird, and how the facility meets professionally recognized standards of the public display community, including:
   (i) The name and address of the facility where the exotic bird will be maintained;
   (ii) Dimensions of existing enclosures for the birds to be imported and number of birds to be housed in each;
   (iii) Husbandry practices;
   (iv) A history of the zoological facility's breeding programs with the same or similar species, including:
§ 15.24 Permits for cooperative breeding.

(a) Application requirements for permits for cooperative breeding. Each application shall provide the following information and such other information that the Director may require:

1. A description of the exotic bird(s) to be imported, including:
   (i) The common and scientific names of the species, number, age or age class, and, when known, sex; and
   (ii) A statement as to whether, at the time of the application, the exotic bird is still in the wild, has already been removed from the wild, or was bred in captivity;

2. If the exotic bird is still in the wild or was taken from the wild include:
   (i) The country and region where the removal will occur or occurred;
   (ii) A description of the status of the species in the region of removal; and
   (iii) A copy of any foreign collecting permit or authorizing letter, if applicable;

3. If the exotic bird was bred in captivity, include:
   (i) Documents or other evidence that the bird was bred in captivity, including the name and address of the breeder, when known, the identity of the parental birds and hatch date; and
   (ii) If the applicant is not the breeder, documentation showing the bird was acquired from the breeder and a history of multiple transactions, if applicable;

4. A statement of the reasons the applicant is justified in obtaining a permit, and a statement detailing the applicant’s participation in a cooperative breeding program approved under section 15.26 of this chapter, including:
   (i) Copies of any signed agreements or protocols with the monitoring avicultural, conservation, or zoological organization overseeing the program; and
   (ii) Applicable records of the cooperative breeding program of any other birds imported, their progeny, and their disposition;

5. A complete description of the relationship of the exotic bird to the approved cooperative breeding program, including:

(ii) Breeding and inventory records for the last two years, including hatching, survival, and mortality records; and

(iii) Causes of any mortalities and efforts made to correct any problems.

(b) Issuance criteria. Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making this decision, the Director shall consider, in addition to the general criteria in part 13 of this subchapter, the following factors:

1. Whether the zoological breeding or display program is adequate to justify removing the exotic bird from the wild or otherwise changing its status;

2. Whether the proposed import would be detrimental to the survival of the exotic bird species in the wild, including whether the exotic bird was bred in captivity or was (or will be) taken from the wild, taking into consideration the conservation status of the species in the wild;

3. Whether the permit, if issued, would conflict with any known program intended to enhance the survival of the population from which the exotic bird was or would be removed;

4. Whether the breeding or display program for which the permit is required has conservation merit; and

5. Whether the expertise, facilities or other resources available to the applicant appear adequate for proper care and maintenance of the exotic bird and to successfully accomplish the zoological breeding or display objectives stated in the application.

(c) Permit conditions. In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this section shall be subject to special conditions as the Director may deem appropriate.

(d) Duration of permits. The duration of the import permits issued under this section shall be designated on the face of the permit, but in no case will these permits be valid for longer than one year.
§ 15.25 Permits for personal pets.

(a) Application requirements for personal pets not intended for sale. No individual may import more than two exotic birds as pets in any year. Each application shall provide the following information and such other information that the Director may require:

(1) A description of the exotic bird to be imported, including:
   (i) The common and scientific names, number, age, and, when known, sex;
   (ii) A band number, house name, or any other unique identifying feature; and
   (iii) A statement as to whether the exotic bird was bred in captivity or taken from the wild;

(2) Whether the proposed import would be detrimental to the survival of the exotic bird species in the wild, including whether the exotic bird was bred in captivity or was (or will be) taken from the wild, taking into consideration the conservation status of the species in the wild;

(3) Whether the cooperative breeding program for which the permit is required would be likely to enhance or promote the conservation of the exotic bird species in the wild or result in a self-sustaining population of the exotic bird species in captivity; and

(4) Whether the expertise, facilities, or other resources available to the applicant appear adequate for proper care and maintenance of the exotic birds and to successfully accomplish the cooperative breeding objectives stated in the application.

(b) Issuance criteria. Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making this decision, the Director shall consider, in addition to the general criteria in part 13 of this subchapter, the following factors:

(1) Whether the cooperative breeding program is adequate to justify removing the exotic bird from the wild or otherwise changing its status;

(2) Whether the proposed import would be detrimental to the survival of the exotic bird species in the wild, including whether the exotic bird was bred in captivity or was (or will be) taken from the wild, taking into consideration the conservation status of the species in the wild;

(c) Permit conditions. In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this section shall be subject to special conditions as the Director may deem appropriate.

(d) Duration of permits. The duration of the import permits issued under this section shall be designated on the face of the permit, but in no case will these permits be valid for longer than one year.
(ii) A description and documentation of how the exotic bird was acquired, including a copy of any Convention permit under which the bird was re-exported or exported. If there is no such permit, a sales receipt or signed statement from seller with name and address of seller, date of sale, species, and other identifying information on the bird or signed breeder’s certificate or statement with name and address of breeder, date of sale or transfer, species and hatch date.

(b) Issuance criteria. Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a permit should be issued. In making this decision, the Director shall consider, in addition to the general criteria in part 13 of this subchapter, the following factors:

(1) Whether the proposed import would be detrimental to the survival of the exotic bird species in the wild;

(2) Whether the exotic bird to be imported is a personal pet owned by the applicant, who has continuously resided outside the United States for a minimum of one year, and who has no intention to sell the bird; and

(3) Whether the number of exotic birds imported in the previous 12 months by the applicant does not exceed two.

(c) Permit conditions. In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this section shall be subject to special conditions that no individual may import more than two exotic birds as personal pets in any year, the exotic birds cannot be sold after importation into the United States, and any other conditions as the Director may deem appropriate.

(d) Duration of permits. The duration of the import permits issued under this section shall be designated on the face of the permit.

§ 15.26 Approval of cooperative breeding programs.

Upon receipt of a complete application, the Director may approve cooperative breeding programs. Such approval will allow individuals to import exotic birds otherwise prohibited by section 15.11, with permits under section 15.24. Such approval for cooperative breeding programs shall be granted in accordance with the issuance criteria of this section.

(a) Application requirements for approval of cooperative breeding programs. Each application shall provide the following information and such other information that the Director may require:

(1) A description of the exotic bird(s) to be imported or to be covered under the program, including the common and scientific names of the species, number, sex ratio (if applicable), and age class;

(2) A statement of the reasons the applicant is justified in obtaining this approval, and a description of the cooperative breeding program requested for the exotic bird species, including:

(i) A breeding protocol, including a genetic management plan and breeding methods;

(ii) A statement on the plans for developing and maintaining a self-sustaining population in captivity of the exotic bird species;

(iii) Details on the system of record-keeping and tracking of birds and their progeny, including how individual specimens will be marked or otherwise identified;

(iv) A statement on the relationship of such a breeding program to the conservation of the exotic bird species in the world;

(v) Details on the funding of this program; and

(vi) Plans for disposition of the exotic birds and any progeny;

(3) A qualification statement for each individual who will be overseeing the cooperative breeding program. This statement should include information on the individual’s prior experience with the same or similar bird species. Individuals overseeing the program will be required to demonstrate an affiliation with an avicultural, conservation, or zoological organization;

(4) A statement of the oversight of the program by the avicultural, zoological, or conservation organization, including their monitoring of participation in the program, criteria for acceptance of individuals into the program, and the relationship of the cooperative breeding program to enhancing
§ 15.31 Criteria for including species in the approved list for captive-bred species.

The Director will periodically review the list of captive-bred exotic bird species in paragraph 15.33(a), for which importation into the United States is approved. Any exotic bird species listed in paragraph 15.33(a) pursuant to this section must meet all of the following criteria:

(a) All specimens of the species known to be in trade (legal or illegal) are captive-bred;

(b) No specimens of the species are known to be removed from the wild for commercial purposes;

(c) Any importation of specimens of the species would not be detrimental to the survival of the species in the wild; and

(d) Adequate enforcement controls are in place to ensure compliance with paragraphs (a) through (c) of this section.

Subpart D—Approved List of Species Listed in the Appendices to the Convention

Source: 59 FR 62262, Dec. 2, 1994, unless otherwise noted.
§ 15.32 Criteria for including species in the approved list for non-captive-bred species.

Upon receipt of a completed sustainable use management plan for a country of export, the Director may approve a species listed in Appendices II or III of the Convention for importation from that country. Such approval shall be granted in accordance with the issuance criteria of this section. All approved species and countries of export will be listed in section 15.33.

(a) Requirements for scientifically-based sustainable use management plans. Sustainable use management plans developed by the country of export should be submitted for species which breed in the country of export. If the species does not breed in the country of export, the Service will consider sustainable use management plans only when the plan is scientifically valid and nesting (breeding) information can be provided from countries in which the species breeds. Sustainable use management plans shall include the following information, and any other information that may be appropriate:

(1) Background information, including the following:
   (i) The scientific and common name of the species;
   (ii) Letters from the country of export’s Management and Scientific Authorities transmitting the management plan of this species;
   (iii) A summary of the country of export’s legislation related to this species and legislation implementing the Convention, and, where appropriate, a summary of implementing regulations;
   (iv) A summary, from the country of export’s Management Authority, of the country’s infrastructure and law enforcement and monitoring mechanisms designed to ensure both enforcement of and compliance with the requirements of the management plan, and that the number of birds removed from the wild or exported will be consistent with the management plan;
   (v) Recent information on the distribution of the species within the country of export, including scientific references and maps, and historical information on distributions, if relevant; and
   (vi) The species’ status and its current population trend in the country of export, including scientific references and copies of the most recent non-detritment findings made by the exporting country’s Scientific Authority.

(2) Habitat information, including:
   (i) A general description of habitats used by the species for each portion of the life cycle completed within the country of export;
   (ii) Recent information on the size and distribution of these habitats throughout the country of export and in each area or region of take, including scientific references and maps. The approximate location of any reserves that provide protection for this species should be indicated on the accompanying map(s), along with a brief description of how reserves are protected and how that protection is enforced;
   (iii) Status and trends of the important habitats used by the species in the country of export as a whole whenever available and within each area or region of take, including scientific references;
   (iv) Factors, including management activities, favoring or threatening the species’ habitat in the foreseeable future within each area or region of take, and throughout the country of export whenever available, including scientific references; and
   (v) A list of management plans that have been or are being planned, developed, or implemented for the species’ important habitats, if any.

(3) Information on the role of the species in its ecosystem, including:
   (i) A description of the part(s) of the species’ life cycle completed within the country of export;
   (ii) A description of nest sites and/or plant communities that are most frequently used for placement of nests and, if applicable, nesting habits;
   (iii) A general description of the species’ diet and where the species forages (aerial feeder, tree canopy, tree trunk, midstory, understory, open water or other), and seasonal changes in foraging habits, including, when available, scientific references; and
   (iv) Information on any species or plant community which is dependent on the occurrence of the exotic bird species.
(4) Population dynamics of the species, including:
   (i) Recent population data for the population of the species in the country of export, as derived from indices of relative abundance or population estimates, along with documentation for each estimate;
   (ii) Within each area or region of take, documentation for recent population data or estimates, conducted for at least 3 separate years or 1 year with a description of survey plans for future years. These population assessments should have been conducted during the same season (breeding or non-breeding) of each year for which documentation is submitted (i.e., be methodologically comparable—both temporally and spatially);
   (iii) Within each area or region of take, a scientific assessment (with documentation) of recent reproductive (nesting) success. This assessment should include information on the number of young produced per egg-laying female per year or per nesting pair, or if scientifically appropriate for the species to be exported, estimates on the number of young produced per year from pre-breeding and post-breeding surveys conducted within the same annual cycle;  
   (iv) Within each area or region of take, estimation (with documentation) of annual mortality or loss including natural mortality and take for subsistence use, export trade, and domestic trade in each area of take; or
   (v) When appropriate, information (with documentation) on the number of young which can be taken from the area, as a result of a conservation enhancement program.

(5) Determination of biologically sustainable use:
   (i) Estimation of the number exported from the country during the past 2 years, and the number of birds removed from the wild for export, domestic trade, illegal trade, subsistence use, and other purposes (specify) for the country of export during the past 2 years;
   (ii) The estimated number of birds that will be removed from the wild from each area of take each year for all purposes (export trade, domestic trade, illegal trade, and subsistence use), including a description of age-classes (nestlings, fledglings, sub-adults, adults, all classes), when applicable;
   (iii) For the projected take addressed in the management plan, a description of the removal process, including, but not limited to, locations, time of year, capture methods, means of transport, and pre-export conditioning;
   (iv) Documentation of how each projected level of take was determined;
   (v) Explanation of infrastructure and law enforcement and monitoring mechanisms that ensure compliance with the methodology in the management plan and that the species will be removed at a level that ensures sustainable use; and
   (vi) Description of how species in each area or region of take will be monitored in order to determine whether the number and age classes of birds taken is sustainable.

(6)(i) For species that are considered “pests” in the country of origin: documentation that such a species is a pest, including a description of the type of pest,—e.g., agricultural, disease carrier; a description of the damage the pest species causes to its ecosystem; and a description of how the sustainable use management plan controls population levels of the pest species.
   (ii) For non-pest species: A description of how the sustainable use management plan promotes the value of the species and its habitats. Incentives for conservation may be generated by environmental education, cooperative efforts or projects, development of cooperative management units, and/or activities involving local communities.

(7) Additional factors:
   (i) Description of any existing enhancement activities developed for the species, including, but not limited to, annual banding programs, nest watching/guarding, and nest improvement; and
   (ii) Description, including photographs or diagrams, of the shipping methods and enclosures proposed to be used to transport the exotic birds, including but not limited to feeding and care during transport, densities of birds in shipping enclosures, and estimated consignment sizes.

(b) Approval criteria. Upon receiving a sustainable use management plan in
accordance with paragraph (a) of this section, the Director will decide whether or not an exotic bird species should be listed as an approved species for importation from the country of export, under section 15.33. In making this decision, the Director shall consider in addition to the general criteria in part 13 of this subchapter, all of the following factors for the species:

1. Whether the country of export is effectively implementing the Convention, particularly with respect to:
   (i) Establishment of a functioning Scientific Authority;
   (ii) The requirements of Article IV of the Convention;
   (iii) Remedial measures recommended by the Parties to the Convention with respect to this and similar species, including recommendations of permanent committees of the Convention; and
   (iv) Article VIII of the Convention, including but not limited to establishment of legislation and infrastructure necessary to enforce the Convention, and submission of annual reports to the Convention’s Secretariat;

2. Whether the country of export has developed a scientifically-based management plan for the species that:
   (i) Provides for the conservation of the species and its habitat(s);
   (ii) Includes incentives for conservation unless the species is a documented pest species;
   (iii) Is adequately implemented and enforced;
   (iv) Ensures that the use of the species is:
      (A) Sustainable;
      (B) Maintained throughout its range at a level that is consistent with the species’ role in its ecosystem; and
      (C) Is well above the level at which the species might become threatened;
   (v) Addresses illegal trade, domestic trade, subsistence use, disease, and habitat loss; and
   (vi) Ensures that the methods of capture, transport, and maintenance of the species minimize the risk of injury, damage to health, and inhumane treatment; and

3. If the species has a multi-national distribution:
   (i) Whether populations of the species in other countries in which it occurs will not be detrimentally affected by exports of the species from the country requesting approval;
   (ii) Whether factors affecting conservation of the species, including export from other countries, illegal trade, domestic use, or subsistence use are regulated throughout the range of the species so that recruitment and/or breeding stocks of the species will not be detrimentally affected by the proposed export;
   (iii) Whether the projected take and export will not detrimentally affect breeding populations; and
   (iv) Whether the projected take and export will not detrimentally affect existing enhancement activities, conservation programs, or enforcement efforts throughout the species’ range.

4. For purposes of applying the criterion in paragraph (b)(2)(iv) of this section, the Director may give positive consideration to plans wherein very conservative capture and export quotas are implemented prior to being able to obtain all of the biological information necessary for a more large-scale management plan, if the country can demonstrate that such conservative capture and export quotas are non-detrimental to the species survival in the wild under the criterion in paragraph (b)(2)(iv) of this section.

(c) Publication in the Federal Register. The Director shall publish notice in the Federal Register of the availability of each complete sustainable use management plan received under paragraph (a) of this section. Each notice shall invite the submission from interested parties of written data, views, or arguments with respect to the proposed approval.

(d) Duration of approval. A species and country of export listed in section 15.33 as approved shall be approved for 3 years, at which time renewal of approval shall be considered by the Service.

[61 FR 2091, Jan. 24, 1996]
§ 15.33 50 CFR Ch. I (10–1–12 Edition)

prohibited by section 15.11. The species are grouped taxonomically by order.

<table>
<thead>
<tr>
<th>Species</th>
<th>Common name</th>
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<tr>
<td>Buteo buteo</td>
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<td>Agapornis roseicollis</td>
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(b) Non-captive-bred species. The list in this paragraph includes species of non-captive-bred exotic birds and countries for which importation into the United States is not prohibited by section 15.11. The species are grouped taxonomically by order, and may only be imported from the approved country, except as provided under a permit.
§ 16.11 Importation of live wild mammals.

(a) The importation, transportation, or acquisition is prohibited of live specimens of: (1) Any species of so-called “flying fox” or fruit bat of the genus *Pteropus*; (2) any species of mongoose or meerkat of the genera *Atilax*, *Cynictis*, *Helogale*, *Herpestes*, *Ichneumia*, *Mungos*, and *Suricata*; (3) any species of European rabbit of the genus *Oryctolagus cuniculus*.
§ 16.12 Importation of live wild birds or their eggs.

(a) The importation, transportation, or acquisition is prohibited of any live specimen or egg of (1) the species of so-called “pink starling” or “rosy pastor” Sturnus roseus; (2) the species of dioch (including the subspecies black-fronted, red-billed, or Sudan dioch) Quelea quelea; (3) any species of Java sparrow, Padda oryzivora; (4) the species of red-whiskered bul-bul, Pycnonotus jocosus: Provided, That the Director shall issue permits authorizing the importation, transportation, and possession of such live birds under the terms and conditions set forth in §16.22.

(b) Upon the filing of a written declaration with the Director of the State Wildlife Conservation agency, §16.22, and possessed, without a permit, for propagating or scientific collection purposes, but no such live wild game birds or any progeny thereof may be released into the wild except by or under the direction of State wildlife conservation agencies when such agencies have received prior written permission from the Director for such release: Provided, That the provisions of this paragraph shall not apply to live wild mammals from Mexico, the importation of which is governed by regulations under part 14 of this chapter.

(c) Upon the filing of a written declaration with the Director of Customs at the port of entry as required under §14.61, all species of live wild game, birds may be imported, transported, and possessed in captivity, without a permit, for scientific, medical, educational, exhibition, or propagating purposes, but no such live wild game birds or any progeny thereof may be released into the wild except by or under the direction of State wildlife conservation agencies when such agencies have received prior written permission from the Director for such release:

(d) The importation of the eggs of wild nongame birds is prohibited except as permitted under §16.33.

§ 16.13 Importation of live or dead fish, mollusks, and crustaceans, or their eggs.

(a) Upon an exporter filing a written declaration with the District Director of Customs at the port of entry as required under §14.61 of this chapter, live or dead fish, mollusks, and crustaceans, or parts thereof, or their gametes or fertilized eggs, may be imported, transported, and possessed in captivity,
§ 16.13

U.S. Fish and Wildlife Serv., Interior

captivity without a permit except as follows:
(1) No such live fish, mollusks, crustacean, or any progeny or eggs thereof may be released into the wild except by the State wildlife conservation agency having jurisdiction over the area of release or by persons having prior written permission from such agency.
(2) The importation, transportation, or acquisition of any of the species listed in this paragraph is prohibited except as provided under the terms and conditions set forth in §16.22:
(i) Live fish or viable eggs of walking catfish, family Clariidae.
(ii) Live mitten crabs, genus Eriocheir, or their viable eggs.
(iii) Live mollusks, veligers, or viable eggs of zebra mussels, genus Dreissena.
(iv) Any live fish or viable eggs of snakehead fishes of the genera Channa and Parachanna (or their generic synonyms of Bostrychoides, Ophiocephalus, Ophiocephalus, and Parohiocephalus) of the Family Channidae, including but not limited to:
(A) Channa amphiheus (Chel or Borna snakehead).
(B) Channa argus (Northern or Amur snakehead).
(C) Channa asiatica (Chinese or Northern Green snakehead).
(D) Channa aurantimaculata.
(E) Channa bankanensis (Bangka snakehead).
(F) Channa baramensis (Baram snakehead).
(G) Channa barca (barca or tiger snakehead).
(H) Channa bleheri (rainbow or jewel snakehead).
(I) Channa cyanospilos (bluespotted snakehead).
(J) Channa gachua (dwarf, gaucha, or frog snakehead).
(K) Channa harcourtbutleri (Inle snakehead).
(L) Channa lucius (shiny or splendid snakehead).
(M) Channa maculata (blotched snakehead).
(N) Channa marulius (bullseye, murrel, Indian, great, or cobra snakehead).
(O) Channa maruloides (emperor snakehead).
(P) Channa melanoptera.
(Q) Channa melasoma (black snakehead).
(R) Channa micropeltes (giant, red, or redline snakehead).
(S) Channa nox.
(T) Channa orientalis (Ceylon or Ceylonese Green snakehead).
(U) Channa panaw.
(V) Channa pleurophthalmus (ocellated, spotted, or eyespot snakehead).
(W) Channa punctata (dotted or spotted snakehead).
(X) Channa stewartii (golden snakehead).
(Y) Channa striata (chevron or striped snakehead).
(Z) Parachanna africana (Niger or African snakehead).
(AA) Parachanna insignis (Congo, square-spotted African or light African snakehead).
(BB) Parachanna obscura (dark African, dusky, or square-spotted snakehead).
(v) Any live fish, gametes, viable eggs, or hybrids of the following Asian carp species in family Cyprinidae:
(A) Hypophthalmichthys harmandi (largescale silver carp).
(B) Hypophthalmichthys molitrix (silver carp).
(C) Hypophthalmichthys nobilis (bighead carp).
(D) Mylopharyngodon piceus (black carp).
(3) Notwithstanding §16.32, all Federal agencies shall be subject to the requirements stated within this section. Live or dead unevacinated salmonid fish (family Salmonidae), live fertilized eggs, or gametes of salmonid fish are prohibited entry into the United States for any purpose except by direct shipment accompanied by a certification that: as defined in paragraph (e)(1) of this section, the fish lots, from which the shipments originated, have been sampled; virus assays have been conducted on the samples according to methods described in paragraphs (e)(2) through (4) of this section; and O. masou virus and the viruses causing viral hemorrhagic septicaemia, infectious hematopoietic necrosis, and infectious pancreatic necrosis have not been detected in the fish stocks from which the samples were taken. In addition, live salmonid fish can be imported into the United States
only upon written approval from the Director of the U.S. Fish and Wildlife Service.

(4) All live fish eggs of salmonid fish must be disinfected within 24 hours prior to shipment to the United States. Disinfection shall be accomplished by immersion for 15 minutes in a 75 part per million (titratable active iodine) non-detergent solution of polyvinylpyrrolidone iodine (iodophor) buffered to a pH of 6.0 to 7.0. Following disinfection, the eggs shall be rinsed and maintained in water free of fish pathogens until packed and shipped. Any ice or water used for shipping shall be from pathogen-free water.

(b)(1) The certification to accompany importations as required by this section shall consist of a statement in the English language, printed or typewritten, stating that this shipment of dead uneviscerated salmonid fish, live salmonid fish, or live, disinfected fertilized eggs or gametes of salmonid fish has been tested, by the methods outlined in this section, and none of the listed viruses were detected. The certification shall be signed in the country of origin by a qualified fish pathologist designated as a certifying official by the Director.

(2) The certification must contain:

(i) The date and port of export in the country of origin and the anticipated date of arrival in the United States and port of entry;

(ii) Surface vessel name or number or air carrier and flight number;

(iii) Bill of lading number or airway bill number;

(iv) The date and where fish, tissue, or fluid samples were collected;

(v) The date and location where virus assays were completed; and

(vi) The original handwritten signature, in ink, of the certifying official and his or her address and telephone number.

(3) Certification may be substantially in the following form:

I, __________________________, designated by the Director of the U.S. Fish and Wildlife Service on __________________________ (date), as a certifying official for __________________________ (country), as required by Title 50, CFR 16.13, do hereby certify that the fish lot(s) of origin for this shipment of __________________________ (weight in kilograms) dead uneviscerated salmonid fish, live salmonid fish, live salmonid fish eggs disinfected as described in §16.13, or live salmonid gametes to be shipped under __________________________ (bill of lading number or airway bill number), were sampled at __________________________ (location of fish facility) on __________________________ (sampling date) and the required viral assays were completed on __________________________ (date assays were completed) at __________________________ (location where assays were conducted) using the methodology described in §16.13. I further certify that Oncorhynchus masou virus and the viruses causing viral hemorrhagic septicemia, infectious hematopoietic necrosis, and infectious pancreatic necrosis have not been detected in viral assays of the fish lot(s) of origin.

The shipment is scheduled to depart __________________________ (city and country) on __________________________ (date), via __________________________ (name of carrier) with anticipated arrival at the port of __________________________ (city), U.S.A., on __________________________ (date).

(Signature in ink of certifying official)

(Printed name of certifying official)

Date:

Organization employing certifying official:

Mailing address:

City:

State/Province:

Zip Code/Mail Code:

Country:

Office telephone number: International code

Telephone number

Fax number

(c) Nothing in this part shall restrict the importation and transportation of dead salmonid fish when such fish have been eviscerated (all internal organs removed, gills may remain) or filleted or when such fish or eggs have been processed by canning, pickling, smoking, or otherwise prepared in a manner whereby the Oncorhynchus masou virus and the viruses causing viral hemorrhagic septicemia, infectious hematopoietic necrosis, and infectious pancreatic necrosis have been killed.

(d) Any fish caught in the wild in North America under a valid sport or commercial fishing license shall be exempt from sampling and certification requirements and from filing the Declaration for Importation of Wildlife. The Director may enter into formal agreements allowing the importation of gametes, fertilized eggs, live fish, or dead, uneviscerated fish without inspection and certification of pathogen status, if the exporting Nation has an acceptable program of inspection and pathogen control in operation, can document the occurrence and distribution
of fish pathogens within its boundaries, and can demonstrate that importation of salmonid fishes into the United States from that National will not pose a substantial risk to the public and private fish stocks of the United States.

(e) Fish sampling requirements, sample processing, and methods for virus assays—(1) Fish sampling requirements. (i) Sampling for virus assays required by this section must be conducted within the six (6) months prior to the date of shipment of dead uneviscerated salmonid fish, live salmonid fish, live salmonid eggs, or salmonid gametes to the United States. Sampling shall be on a lot-by-lot basis with the samples from each lot distinctively marked, maintained, and processed for virus assay separately. A fish lot is defined as a group of fish of the same species and age that originated from the same discrete spawning population and that always have shared a common water supply. In the case of adult broodstock, various age groups of the same fish species may be sampled as a single lot, provided they meet the other conditions previously stated and have shared the same container(s) for at least 1 year prior to the sampling date.

(ii) In a sample, or sub-sample of a given lot, collection of 10 or more moribund fish shall be given first preference. The remainder of fish required for collection shall be randomly selected live fish from all containers occupied by the lot being sampled. Moribund fish shall be collected and processed separately from randomly selected fish. In the event the sample is taken from adult broodstock of different ages that share the same container, first preference shall be given to collecting samples from the older fish.

(iii) The minimum sample numbers collected from each lot must be in accordance with a plan that provides 95 percent confidence that at least one fish, with a detectable level of infection, will be collected and will be present in the sample if the assumed minimum prevalence of infection equals or exceeds 2 percent. A total of 150 fish collected proportionately from among all containers shared by the lot usually meets this requirement. A sampling strategy based on a presumed pathogen prevalence of 5 percent (60 fish) may be used to meet sampling requirements for shipments of gametes, fertilized eggs, or uneviscerated dead fish; provided that in the previous 2 years no disease outbreaks caused by a pathogen of concern have occurred at the facility from which the shipment originated and all stocks held at the facility have been inspected at least four times during that period (at intervals of approximately 6 months) and no pathogens of concern detected.

(iv) Fish must be alive when collected and processed within 48 hours after collection. Tissue and fluid samples shall be stored in sealed, aseptic containers and kept at 4 °Celsius (C.) or on ice but not frozen.

(v) Tissue collection shall be as follows:

(A) Sac Fry and fry to 4 centimeter (cm): Assay entire fish. If present, remove the yolk sac.

(B) Fish 4–6 cm: Assay entire visceral mass including kidney.

(C) Fish longer than 6 cm: Assay kidney and spleen in approximately equal weight proportions.

(D) Spawning adult broodstock: Assay kidney and spleen tissues from males and/or females and ovarian fluid from females. Ovarian fluid may comprise up to 50 percent of the samples collected.

(2) General sample processing requirements. (i) Ovarian fluid samples shall be collected from each spawning female separately. All samples from individual fish shall be measured to ensure that similar quantities from each fish are combined if samples are pooled. Ovarian fluid samples from no more than five fish may be combined to form a pool.

(ii) Whole fry (less yolk sacs), viscera, and kidney and spleen tissues from no more than five fish may be similarly pooled.

(iii) Antibiotics and antifungal agents may be added to ovarian fluid or tissue samples to control microbial contaminant growth at the time of sample collection. Final concentrations shall not exceed 200–500 micrograms/milliliter (μg/ml) of Gentamycin, 800 international units/milliliter (IU/ml) of penicillin, or 800 μg/ml of streptomycin. Antifungal
agent concentrations should not exceed 200 IU/ml of mycostatin (Nystatin) of 20 μg/ml of amphotericin B (Fungizone).

(iv) Sample temperature must be maintained between 4 at 15 °C. during processing. Use separate sets of sterile homogenization and processing equipment to process fluids or tissues from each fish lot sampled. Processing equipment need not be sterilized between samples within a single lot.

(v) Homogenized tissue samples may be diluted 1:10 with buffered cell culture medium (pH 7.4–7.8) containing antibiotics and antifungal agents not exceeding the concentrations described in paragraph (e)(2)(iii) of this section. Centrifuge tissue suspensions and ovarian fluid samples 4 °C. at 2,500 × gravity (g) (relative centrifugal force) for 15 minutes. Resulting supernatant solutions can be stored overnight at 4 °C.

(vi) At the time of inoculation onto cell cultures, total dilution of processed tissue samples must not exceed 1:10 (v/v); total dilution of ovarian fluid samples must not exceed 1:20 (v/v). In samples inoculated onto cell cultures, the final antibiotic concentration shall not exceed 100 μg/ml of Gentamicin, 100 IU/ml of penicillin, or 100 μg/ml of streptomycin and antifungal agent concentrations should not exceed 25 IU/ml of mycostatin (Nystatin) or 2.5 μg/ml of amphotericin B (Fungizone).

(3) Cell culture procedures. (i) Both epithelioma papulosum cyprini (EPC) and chinook salmon embryo (CHSE–214) cell lines must be maintained and used in all virus assays. Susceptible, normal appearing, and rapidly dividing cell cultures shall be selected. Penicillin (100 IU/ml), streptomycin (100 μg/ml), and antifungal agents, such as mycostatin/Nystatin (25 IU/ml) or amphotericin B/Fungizone (2.5 μg/ml), are permitted in media used for cell culture and virus assay work.

(ii) Cell cultures shall be seeded and grown, at optimum temperatures, to 80–90 percent confluence in 24-well plates for virus assay work.

(iii) Decant the medium from the required number of 24-well plates of each cell line, and inoculate four replicate wells per cell line with .10 ml per well of each processed sample. When all wells have been inoculated, tilt plates to spread the inocula evenly. Incubate inoculated plates for 1 hour at 15 °C. for sample contact. After the 1 hour contact add cell culture medium. Medium shall be buffered or cells incubated so that a pH between 7.4 and 7.8 is maintained. All cell culture assays shall be incubated, without overlays, at 15 °C. for 21 days.

(4) Virus identification by serological methods. All cell cultures showing cytopathic effects (CPE) must be subcultured onto fresh cell cultures. If CPE is observed, determine the presence and identity the virus by serum neutralization, dot blot, enzyme-linked immunosorbent assay, or other equivalent serological technique.

(f) Information concerning the importation requirements of this section and application requirements for designation as a certifying official for purposes of this section may be obtained by contacting: U.S. Department of the Interior, U.S. Fish and Wildlife Service, Division of Fish Hatcheries (820 Arlington Square), 1849 C Street, NW., Washington, DC 20240. Telephone 703–358–1878.

(g) The information collection requirements contained in this part have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance number 1018–0078. The information is being collected to inform U.S. Customs and USFWS inspectors of the contents, origin, routing, and destination of fish and eggs shipments and to certify that the fish lots were inspected for listed pathogens. The information will be used to protect the health of the fishery resource. Response is required to obtain a benefit.

without a permit, for scientific, medical, education, exhibition, or propagating purposes, but no such live amphibians or any progeny or eggs thereof may be released into the wild except by the State wildlife conservation agency having jurisdiction over the area of release or by persons having prior written permission for release from such agency.

§ 16.15 Importation of live reptiles or their eggs.

(a) The importation, transportation, or acquisition of any live specimen, gamete, viable egg, or hybrid of the species listed in this paragraph is prohibited except as provided under the terms and conditions set forth in § 16.22:

(1) *Boiga irregularis* (brown tree snake).

(2) *Python molurus* (including *P. molurus molurus* (Indian python) and *P. molurus bivittatus* (Burmese python)).

(3) *Python sebae* (Northern African python or African rock python).

(4) *Python natalensis* (Southern African python or African rock python).

(5) *Eunectes notaeus* (yellow anaconda).

(b) Upon the filing of a written declaration with the District Director of Customs at the port of entry required under §14.61, all other species of live reptiles or their eggs may be imported, transported, and possessed in captivity, without a permit, for scientific, medical, educational, exhibitional or propagating purposes, but no such live reptiles or any progeny or eggs thereof may be released into the wild except by the State wildlife conservation agency having jurisdiction over the area of release or by persons having prior written permission for release from such agency.


Subpart C—Permits

§ 16.22 Injurious wildlife permits.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing the importation into or shipment between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any possession of the United States of injurious wildlife (See subpart B of this part) for zoological, educational, medical, or scientific purposes.

(a) Application requirements. Submit applications for permits to import, transport or acquire injurious wildlife for such purposes to the Director, U.S. Fish and Wildlife Service, (Attention: Office of Management Authority), 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203. Submit applications in writing on a Federal Fish and Wildlife License/Permit application (Form 3-200) and attach all of the following information:

(1) The number of specimens and the common and scientific names (genus and species) of each species of live wildlife proposed to be imported or otherwise acquired, transported and possessed;

(2) The purpose of such importation or other acquisition, transportation and possession;

(3) The address of the premises where such live wildlife will be kept in captivity;

(4) A statement of the applicant’s qualifications and previous experience in caring for and handling captive wildlife.

(b) Additional permit conditions. In addition to the general conditions set forth in part 13 of this subchapter B, permits to import or ship injurious wildlife for zoological, educational, medical, or scientific purposes shall be subject to the following conditions:

(1) All live wildlife acquired under permit and all progeny thereof, must be confined in the approved facilities on the premises authorized in the permit.

(2) No live wildlife, acquired under permit, or any eggs or progeny thereof, may be sold, donated, traded, loaned, or transferred to any other person unless such person has a permit issued by the Director under §16.22 authorizing him to acquire and possess such wildlife or the eggs or progeny thereof.

(3) Permittees shall notify the nearest Special Agent-in-Charge (see §10.22 of this chapter) by telephone or other
§ 16.32 Importation by Federal agencies.

Nothing in this part shall restrict the importation and transportation, without a permit, of any live wildlife by Federal agencies solely for their own use, upon the filing of a written declaration with the District Director of Customs at the port of entry as required under §14.61: Provided, That the provisions of this section shall not apply to bald and golden eagles or their eggs, or to migratory birds or their eggs, the importations of which are governed by regulations under parts 22 and 21 of this chapter, respectively.

§ 16.33 Importation of natural-history specimens.

Nothing in this part shall restrict the importation and transportation, without a permit, of dead natural-history specimens of wildlife or their eggs for museum or scientific collection purposes: Provided, That the provisions of this section shall not apply to dead migratory birds, the importation of which is governed by regulations under parts 20 and 21 of this chapter; to dead game mammals from Mexico, the importation of which is governed by regulations under part 14 of this chapter; or to dead bald and golden eagles or their eggs, the importation of which is governed by regulations under part 22 of this chapter.
FINDING AIDS

A list of CFR titles, subtitles, chapters, subchapters and parts and an alphabetical list of agencies publishing in the CFR are included in the CFR Index and Finding Aids volume to the Code of Federal Regulations which is published separately and revised annually.

Table of CFR Titles and Chapters
Alphabetical List of Agencies Appearing in the CFR
List of CFR Sections Affected
Table of CFR Titles and Chapters  
(Revised as of October 1, 2012)

**Title 1—General Provisions**

I Administrative Committee of the Federal Register (Parts 1—49)  
II Office of the Federal Register (Parts 50—299)  
III Administrative Conference of the United States (Parts 300—399)  
IV Miscellaneous Agencies (Parts 400—500)

**Title 2—Grants and Agreements**

**Subtitle A—Office of Management and Budget Guidance for Grants and Agreements**

I Office of Management and Budget Governmentwide Guidance for Grants and Agreements (Parts 2—199)  
II Office of Management and Budget Circulars and Guidance (200—299)

**Subtitle B—Federal Agency Regulations for Grants and Agreements**

III Department of Health and Human Services (Parts 300—399)  
IV Department of Agriculture (Parts 400—499)  
VI Department of State (Parts 600—699)  
VII Agency for International Development (Parts 700—799)  
VIII Department of Veterans Affairs (Parts 800—899)  
IX Department of Energy (Parts 900—999)  
XI Department of Defense (Parts 1100—1199)  
XII Department of Transportation (Parts 1200—1299)  
XIII Department of Commerce (Parts 1300—1399)  
XIV Department of the Interior (Parts 1400—1499)  
XV Environmental Protection Agency (Parts 1500—1599)  
XVIII National Aeronautics and Space Administration (Parts 1800—1899)  
XX United States Nuclear Regulatory Commission (Parts 2000—2099)  
XXII Corporation for National and Community Service (Parts 2200—2299)  
XXIII Social Security Administration (Parts 2300—2399)  
XXIV Housing and Urban Development (Parts 2400—2499)  
XXV National Science Foundation (Parts 2500—2599)  
XXVI National Archives and Records Administration (Parts 2600—2699)  
XXVII Small Business Administration (Parts 2700—2799)  
XXVIII Department of Justice (Parts 2800—2899)
Title 2—Grants and Agreements—Continued

XXX Department of Homeland Security (Parts 3000—3099)
XXXI Institute of Museum and Library Services (Parts 3100—3199)
XXXII National Endowment for the Arts (Parts 3200—3299)
XXXIII National Endowment for the Humanities (Parts 3300—3399)
XXXIV Department of Education (Parts 3400—3499)
XXXV Export-Import Bank of the United States (Parts 3500—3599)
XXXVII Peace Corps (Parts 3700—3799)
LVIII Election Assistance Commission (Parts 5800—5899)

Title 3—The President

I Executive Office of the President (Parts 100—199)

Title 4—Accounts

I Government Accountability Office (Parts 1—199)
II Recovery Accountability and Transparency Board (Parts 200—299)

Title 5—Administrative Personnel

I Office of Personnel Management (Parts 1—1199)
II Merit Systems Protection Board (Parts 1200—1299)
III Office of Management and Budget (Parts 1300—1399)
V The International Organizations Employees Loyalty Board (Parts 1500—1599)
VI Federal Retirement Thrift Investment Board (Parts 1600—1699)
VIII Office of Special Counsel (Parts 1800—1899)
IX Appalachian Regional Commission (Parts 1900—1999)
XI Armed Forces Retirement Home (Parts 2100—2199)
XIV Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority and Federal Service Impasses Panel (Parts 2400—2499)
XV Office of Administration, Executive Office of the President (Parts 2500—2599)
XVI Office of Government Ethics (Parts 2600—2699)
XXI Department of the Treasury (Parts 3100—3199)
XXII Federal Deposit Insurance Corporation (Parts 3200—3299)
XXIII Department of Energy (Parts 3300—3399)
XXIV Federal Energy Regulatory Commission (Parts 3400—3499)
XXV Department of the Interior (Parts 3500—3599)
XXVI Department of Defense (Parts 3600—3699)
XXVIII Department of Justice (Parts 3800—3899)
XXIX Federal Communications Commission (Parts 3900—3999)
XXX Farm Credit System Insurance Corporation (Parts 4000—4099)
XXXI Farm Credit Administration (Parts 4100—4199)
Title 5—Administrative Personnel—Continued

XXXIII Overseas Private Investment Corporation (Parts 4300—4399)
XXXIV Securities and Exchange Commission (Parts 4400—4499)
XXXV Office of Personnel Management (Parts 4500—4599)
XXXVI Federal Election Commission (Parts 4700—4799)
XL Interstate Commerce Commission (Parts 5000—5099)
XLI Commodity Futures Trading Commission (Parts 5100—5199)
XLII Department of Labor (Parts 5200—5299)
XLIII National Science Foundation (Parts 5300—5399)
XLIV Department of Health and Human Services (Parts 5500—5599)
XLVI Postal Rate Commission (Parts 5600—5699)
XLVII Federal Trade Commission (Parts 5700—5799)
XLVIII Nuclear Regulatory Commission (Parts 5800—5899)
XLIX Federal Labor Relations Authority (Parts 5900—5999)
L Department of Transportation (Parts 6000—6099)
LII Export-Import Bank of the United States (Parts 6200—6299)
LIII Department of Education (Parts 6300—6399)
LIV Environmental Protection Agency (Parts 6400—6499)
LV National Endowment for the Arts (Parts 6500—6599)
LVI National Endowment for the Humanities (Parts 6600—6699)
LVII General Services Administration (Parts 6700—6799)
LVIII Board of Governors of the Federal Reserve System (Parts 6800—6899)
LIX National Aeronautics and Space Administration (Parts 6900—6999)
LX United States Postal Service (Parts 7000—7099)
LXI National Labor Relations Board (Parts 7100—7199)
LXII Equal Employment Opportunity Commission (Parts 7200—7299)
LXIII Inter-American Foundation (Parts 7300—7399)
LXIV Merit Systems Protection Board (Parts 7400—7499)
LXV Department of Housing and Urban Development (Parts 7500—7599)
LXVI National Archives and Records Administration (Parts 7600—7699)
LXVII Institute of Museum and Library Services (Parts 7700—7799)
LXVIII Commission on Civil Rights (Parts 7800—7899)
LXIX Tennessee Valley Authority (Parts 7900—7999)
LXX Court Services and Offender Supervision Agency for the District of Columbia (Parts 8000—8099)
LXXI Consumer Product Safety Commission (Parts 8100—8199)
LXXII Department of Agriculture (Parts 8300—8399)
LXXIV Federal Mine Safety and Health Review Commission (Parts 8400—8499)
LXXVI Federal Retirement Thrift Investment Board (Parts 8600—8699)
LXXII Office of Management and Budget (Parts 8700—8799)
LXXX Federal Housing Finance Agency (Parts 9000—9099)
LXXXII Special Inspector General for Iraq Reconstruction (Parts 9200—9299)
Title 5—Administrative Personnel—Continued

LXXXIII Special Inspector General for Afghanistan Reconstruction (Parts 9300—9399)
LXXXIV Bureau of Consumer Financial Protection (Parts 9400—9499)

Title 6—Domestic Security

I Department of Homeland Security, Office of the Secretary (Parts 1—99)

Title 7—Agriculture

SUBTITLE A—Office of the Secretary of Agriculture (Parts 0—26)

SUBTITLE B—Regulations of the Department of Agriculture

I Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture (Parts 27—209)

II Food and Nutrition Service, Department of Agriculture (Parts 210—299)

III Animal and Plant Health Inspection Service, Department of Agriculture (Parts 300—399)

IV Federal Crop Insurance Corporation, Department of Agriculture (Parts 400—499)

V Agricultural Research Service, Department of Agriculture (Parts 500—599)

VI Natural Resources Conservation Service, Department of Agriculture (Parts 600—699)

VII Farm Service Agency, Department of Agriculture (Parts 700—799)

VIII Grain Inspection, Packers and Stockyards Administration (Federal Grain Inspection Service), Department of Agriculture (Parts 800—899)

IX Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture (Parts 900—999)

X Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture (Parts 1000—1199)

XI Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture (Parts 1200—1299)

XIV Commodity Credit Corporation, Department of Agriculture (Parts 1400—1499)

XV Foreign Agricultural Service, Department of Agriculture (Parts 1500—1599)

XVI Rural Telephone Bank, Department of Agriculture (Parts 1600—1699)

XVII Rural Utilities Service, Department of Agriculture (Parts 1700—1799)
Title 7—Agriculture—Continued

XVIII Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency, Department of Agriculture (Parts 1800—2099)

XX Local Television Loan Guarantee Board (Parts 2200—2299)

XXV Office of Advocacy and Outreach, Department of Agriculture (Parts 2500—2599)

XXVI Office of Inspector General, Department of Agriculture (Parts 2600—2699)

XXVII Office of Information Resources Management, Department of Agriculture (Parts 2700—2799)

XXVIII Office of Operations, Department of Agriculture (Parts 2800—2899)

XXIX Office of Energy Policy and New Uses, Department of Agriculture (Parts 2900—2999)

XXX Office of the Chief Financial Officer, Department of Agriculture (Parts 3000—3099)

XXXI Office of Environmental Quality, Department of Agriculture (Parts 3100—3199)

XXXII Office of Procurement and Property Management, Department of Agriculture (Parts 3200—3299)

XXXIII Office of Transportation, Department of Agriculture (Parts 3300—3399)

XXXIV National Institute of Food and Agriculture (Parts 3400—3499)

XXXV Rural Housing Service, Department of Agriculture (Parts 3500—3599)

XXXVI National Agricultural Statistics Service, Department of Agriculture (Parts 3600—3699)

XXXVII Economic Research Service, Department of Agriculture (Parts 3700—3799)

XXXVIII World Agricultural Outlook Board, Department of Agriculture (Parts 3800—3899)

XLI [Reserved]

XLII Rural Business-Cooperative Service and Rural Utilities Service, Department of Agriculture (Parts 4200—4299)

Title 8—Aliens and Nationality

I Department of Homeland Security (Immigration and Naturalization) (Parts 1—499)

V Executive Office for Immigration Review, Department of Justice (Parts 1000—1399)

Title 9—Animals and Animal Products

I Animal and Plant Health Inspection Service, Department of Agriculture (Parts 1—199)

II Grain Inspection, Packers and Stockyards Administration (Packers and Stockyards Programs), Department of Agriculture (Parts 200—299)
Title 9—Animals and Animal Products—Continued

III Food Safety and Inspection Service, Department of Agriculture (Parts 300—599)

Title 10—Energy

I Nuclear Regulatory Commission (Parts 0—199)
II Department of Energy (Parts 200—699)
III Department of Energy (Parts 700—999)
X Department of Energy (General Provisions) (Parts 1000—1099)
XIII Nuclear Waste Technical Review Board (Parts 1300—1399)
XVII Defense Nuclear Facilities Safety Board (Parts 1700—1799)
XVIII Northeast Interstate Low-Level Radioactive Waste Commission (Parts 1800—1899)

Title 11—Federal Elections

I Federal Election Commission (Parts 1—999)
II Election Assistance Commission (Parts 9400—9499)

Title 12—Banks and Banking

I Comptroller of the Currency, Department of the Treasury (Parts 1—199)
II Federal Reserve System (Parts 200—299)
III Federal Deposit Insurance Corporation (Parts 300—399)
IV Export-Import Bank of the United States (Parts 400—499)
V Office of Thrift Supervision, Department of the Treasury (Parts 500—599)
VI Farm Credit Administration (Parts 600—699)
VII National Credit Union Administration (Parts 700—799)
VIII Federal Financing Bank (Parts 800—899)
IX Federal Housing Finance Board (Parts 900—999)
X Bureau of Consumer Financial Protection (Parts 1000—1099)
XI Federal Financial Institutions Examination Council (Parts 1100—1199)
XII Federal Housing Finance Agency (Parts 1200—1299)
XIII Financial Stability Oversight Council (Parts 1300—1399)
XIV Farm Credit System Insurance Corporation (Parts 1400—1499)
XV Department of the Treasury (Parts 1500—1599)
XVI Office of Financial Research (Parts 1600—1699)
XVII Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development (Parts 1700—1799)
XVIII Community Development Financial Institutions Fund, Department of the Treasury (Parts 1800—1899)
Title 13—Business Credit and Assistance

I Small Business Administration (Parts 1—199)
III Economic Development Administration, Department of Commerce (Parts 300—399)
IV Emergency Steel Guarantee Loan Board (Parts 400—499)
V Emergency Oil and Gas Guaranteed Loan Board (Parts 500—599)

Title 14—Aeronautics and Space

I Federal Aviation Administration, Department of Transportation (Parts 1—199)
II Office of the Secretary, Department of Transportation (Aviation Proceedings) (Parts 200—399)
III Commercial Space Transportation, Federal Aviation Administration, Department of Transportation (Parts 400—1199)
V National Aeronautics and Space Administration (Parts 1200—1299)
VI Air Transportation System Stabilization (Parts 1300—1399)

Title 15—Commerce and Foreign Trade

Subtitle A—Office of the Secretary of Commerce (Parts 0—29)
Subtitle B—Regulations Relating to Commerce and Foreign Trade
I Bureau of the Census, Department of Commerce (Parts 30—199)
II National Institute of Standards and Technology, Department of Commerce (Parts 200—299)
III International Trade Administration, Department of Commerce (Parts 300—399)
IV Foreign-Trade Zones Board, Department of Commerce (Parts 400—499)
VII Bureau of Industry and Security, Department of Commerce (Parts 700—799)
VIII Bureau of Economic Analysis, Department of Commerce (Parts 800—899)
IX National Oceanic and Atmospheric Administration, Department of Commerce (Parts 900—999)
XI Technology Administration, Department of Commerce (Parts 1100—1199)
XIII East-West Foreign Trade Board (Parts 1300—1399)
XIV Minority Business Development Agency (Parts 1400—1499)
Subtitle C—Regulations Relating to Foreign Trade Agreements
XX Office of the United States Trade Representative (Parts 2000—2099)
Subtitle D—Regulations Relating to Telecommunications and Information
XXIII National Telecommunications and Information Administration, Department of Commerce (Parts 2300—2399)

113
Title 16—Commercial Practices

I Federal Trade Commission (Parts 0—999)
II Consumer Product Safety Commission (Parts 1000—1799)

Title 17—Commodity and Securities Exchanges

I Commodity Futures Trading Commission (Parts 1—199)
II Securities and Exchange Commission (Parts 200—399)
IV Department of the Treasury (Parts 400—499)

Title 18—Conservation of Power and Water Resources

I Federal Energy Regulatory Commission, Department of Energy (Parts 1—399)
III Delaware River Basin Commission (Parts 400—499)
VI Water Resources Council (Parts 700—799)
VIII Susquehanna River Basin Commission (Parts 800—899)
XIII Tennessee Valley Authority (Parts 1300—1399)

Title 19—Customs Duties

I U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury (Parts 0—199)
II United States International Trade Commission (Parts 200—299)
III International Trade Administration, Department of Commerce (Parts 300—399)
IV U.S. Immigration and Customs Enforcement, Department of Homeland Security (Parts 400—599)

Title 20—Employees' Benefits

I Office of Workers’ Compensation Programs, Department of Labor (Parts 1—199)
II Railroad Retirement Board (Parts 200—399)
III Social Security Administration (Parts 400—499)
IV Employees’ Compensation Appeals Board, Department of Labor (Parts 500—599)
V Employment and Training Administration, Department of Labor (Parts 600—699)
VI Office of Workers’ Compensation Programs, Department of Labor (Parts 700—799)
VII Benefits Review Board, Department of Labor (Parts 800—899)
VIII Joint Board for the Enrollment of Actuaries (Parts 900—999)
IX Office of the Assistant Secretary for Veterans’ Employment and Training Service, Department of Labor (Parts 1000—1099)
Title 21—Food and Drugs

I Food and Drug Administration, Department of Health and Human Services (Parts 1—1299)
II Drug Enforcement Administration, Department of Justice (Parts 1300—1399)
III Office of National Drug Control Policy (Parts 1400—1499)

Title 22—Foreign Relations

I Department of State (Parts 1—199)
II Agency for International Development (Parts 200—299)
III Peace Corps (Parts 300—399)
IV International Joint Commission, United States and Canada (Parts 400—499)
V Broadcasting Board of Governors (Parts 500—599)
VII Overseas Private Investment Corporation (Parts 700—799)
IX Foreign Service Grievance Board (Parts 900—999)
X Inter-American Foundation (Parts 1000—1099)
XI International Boundary and Water Commission, United States and Mexico, United States Section (Parts 1100—1199)
XII United States International Development Cooperation Agency (Parts 1200—1299)
XIII Millennium Challenge Corporation (Parts 1300—1399)
XIV Foreign Service Labor Relations Board; Federal Labor Relations Authority; General Counsel of the Federal Labor Relations Authority; and the Foreign Service Impasse Disputes Panel (Parts 1400—1499)
XV African Development Foundation (Parts 1500—1599)
XVI Japan-United States Friendship Commission (Parts 1600—1699)
XVII United States Institute of Peace (Parts 1700—1799)

Title 23—Highways

I Federal Highway Administration, Department of Transportation (Parts 1—999)
II National Highway Traffic Safety Administration and Federal Highway Administration, Department of Transportation (Parts 1200—1299)
III National Highway Traffic Safety Administration, Department of Transportation (Parts 1300—1399)

Title 24—Housing and Urban Development

Subtitle A—Office of the Secretary, Department of Housing and Urban Development (Parts 0—99)
Subtitle B—Regulations Relating to Housing and Urban Development
I Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development (Parts 100—199)
Title 24—Housing and Urban Development—Continued

II Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development (Parts 200—299)

III Government National Mortgage Association, Department of Housing and Urban Development (Parts 300—399)

IV Office of Housing and Office of Multifamily Housing Assistance Restructuring, Department of Housing and Urban Development (Parts 400—499)

V Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development (Parts 500—599)

VI Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development (Parts 600—699) [Reserved]

VII Office of the Secretary, Department of Housing and Urban Development (Housing Assistance Programs and Public and Indian Housing Programs) (Parts 700—799)

VIII Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Section 8 Housing Assistance Programs, Section 202 Direct Loan Program, Section 202 Supportive Housing for the Elderly Program and Section 811 Supportive Housing for Persons With Disabilities Program) (Parts 800—899)

IX Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development (Parts 900—1699)

X Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Interstate Land Sales Registration Program) (Parts 1700—1799)

XII Office of Inspector General, Department of Housing and Urban Development (Parts 2000—2099)

XV Emergency Mortgage Insurance and Loan Programs, Department of Housing and Urban Development (Parts 2700—2799)

XX Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Parts 3200—3899)

XXIV Board of Directors of the HOPE for Homeowners Program (Parts 4000—4099)

XXV Neighborhood Reinvestment Corporation (Parts 4100—4199)

Title 25—Indians

I Bureau of Indian Affairs, Department of the Interior (Parts 1—299)

II Indian Arts and Crafts Board, Department of the Interior (Parts 300—399)

III National Indian Gaming Commission, Department of the Interior (Parts 500—599)

IV Office of Navajo and Hopi Indian Relocation (Parts 700—799)

V Bureau of Indian Affairs, Department of the Interior, and Indian Health Service, Department of Health and Human Services (Part 900)
Title 25—Indians—Continued

VI Office of the Assistant Secretary-Indian Affairs, Department of the Interior (Parts 1000—1199)

VII Office of the Special Trustee for American Indians, Department of the Interior (Parts 1200—1299)

Title 26—Internal Revenue

I Internal Revenue Service, Department of the Treasury (Parts 1—End)

Title 27—Alcohol, Tobacco Products and Firearms

I Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury (Parts 1—399)

II Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice (Parts 400—699)

Title 28—Judicial Administration

I Department of Justice (Parts 0—299)

III Federal Prison Industries, Inc., Department of Justice (Parts 300—399)

V Bureau of Prisons, Department of Justice (Parts 500—599)

VI Offices of Independent Counsel, Department of Justice (Parts 600—699)

VII Office of Independent Counsel (Parts 700—799)

VIII Court Services and Offender Supervision Agency for the District of Columbia (Parts 800—899)

IX National Crime Prevention and Privacy Compact Council (Parts 900—999)

XI Department of Justice and Department of State (Parts 1100—1199)

Title 29—Labor

SUBTITLE A—Office of the Secretary of Labor (Parts 0—99)

SUBTITLE B—Regulations Relating to Labor

I National Labor Relations Board (Parts 100—199)

II Office of Labor-Management Standards, Department of Labor (Parts 200—299)

III National Railroad Adjustment Board (Parts 300—399)

IV Office of Labor-Management Standards, Department of Labor (Parts 400—499)

V Wage and Hour Division, Department of Labor (Parts 500—899)

IX Construction Industry Collective Bargaining Commission (Parts 900—999)

X National Mediation Board (Parts 1200—1299)

XII Federal Mediation and Conciliation Service (Parts 1400—1499)

XIV Equal Employment Opportunity Commission (Parts 1600—1699)
Title 29—Labor—Continued

XVII Occupational Safety and Health Administration, Department of Labor (Parts 1900—1999)
XX Occupational Safety and Health Review Commission (Parts 2200—2499)
XXV Employee Benefits Security Administration, Department of Labor (Parts 2500—2599)
XXVII Federal Mine Safety and Health Review Commission (Parts 2700—2799)
XL Pension Benefit Guaranty Corporation (Parts 4000—4999)

Title 30—Mineral Resources

I Mine Safety and Health Administration, Department of Labor (Parts 1—199)
II Bureau of Safety and Environmental Enforcement, Department of the Interior (Parts 200—299)
IV Geological Survey, Department of the Interior (Parts 400—499)
V Bureau of Ocean Energy Management, Department of the Interior (Parts 500—599)
VII Office of Surface Mining Reclamation and Enforcement, Department of the Interior (Parts 700—999)
XII Office of Natural Resources Revenue, Department of the Interior (Parts 1200—1299)

Title 31—Money and Finance: Treasury

SUBTITLE A—OFFICE OF THE SECRETARY OF THE TREASURY (PARTS 0—50)
SUBTITLE B—REGULATIONS RELATING TO MONEY AND FINANCE
I Monetary Offices, Department of the Treasury (Parts 51—199)
II Fiscal Service, Department of the Treasury (Parts 200—399)
IV Secret Service, Department of the Treasury (Parts 400—499)
V Office of Foreign Assets Control, Department of the Treasury (Parts 500—599)
VI Bureau of Engraving and Printing, Department of the Treasury (Parts 600—699)
VII Federal Law Enforcement Training Center, Department of the Treasury (Parts 700—799)
VIII Office of International Investment, Department of the Treasury (Parts 800—899)
IX Federal Claims Collection Standards (Department of the Treasury—Department of Justice) (Parts 900—999)
X Financial Crimes Enforcement Network, Department of the Treasury (Parts 1000—1099)

Title 32—National Defense

SUBTITLE A—DEPARTMENT OF DEFENSE
I Office of the Secretary of Defense (Parts 1—399)
Title 32—National Defense—Continued

V Department of the Army (Parts 400—699)
VI Department of the Navy (Parts 700—799)
VII Department of the Air Force (Parts 800—1099)

Subtitle B—Other Regulations Relating to National Defense

XII Defense Logistics Agency (Parts 1200—1299)
XVI Selective Service System (Parts 1600—1699)
XVII Office of the Director of National Intelligence (Parts 1700—1799)
XVIII National Counterintelligence Center (Parts 1800—1899)
XIX Central Intelligence Agency (Parts 1900—1999)
XX Information Security Oversight Office, National Archives and Records Administration (Parts 2000—2099)
XXI National Security Council (Parts 2100—2199)
XXIV Office of Science and Technology Policy (Parts 2400—2499)
XXVII Office for Micronesian Status Negotiations (Parts 2700—2799)
XXVIII Office of the Vice President of the United States (Parts 2800—2899)

Title 33—Navigation and Navigable Waters

I Coast Guard, Department of Homeland Security (Parts 1—199)
II Corps of Engineers, Department of the Army (Parts 200—399)
IV Saint Lawrence Seaway Development Corporation, Department of Transportation (Parts 400—499)

Title 34—Education

Subtitle A—Office of the Secretary, Department of Education (Parts 1—99)

Subtitle B—Regulations of the Offices of the Department of Education

I Office for Civil Rights, Department of Education (Parts 100—199)
II Office of Elementary and Secondary Education, Department of Education (Parts 200—299)
III Office of Special Education and Rehabilitative Services, Department of Education (Parts 300—399)
IV Office of Vocational and Adult Education, Department of Education (Parts 400—499)
V Office of Bilingual Education and Minority Languages Affairs, Department of Education (Parts 500—599)
VI Office of Postsecondary Education, Department of Education (Parts 600—699)
VII Office of Educational Research and Improvement, Department of Education [Reserved]
XI National Institute for Literacy (Parts 1100—1199)

Subtitle C—Regulations Relating to Education

XII National Council on Disability (Parts 1200—1299)
Title 35 [Reserved]

Title 36—Parks, Forests, and Public Property

I National Park Service, Department of the Interior (Parts 1—199)
II Forest Service, Department of Agriculture (Parts 200—299)
III Corps of Engineers, Department of the Army (Parts 300—399)
IV American Battle Monuments Commission (Parts 400—499)
V Smithsonian Institution (Parts 500—599)
VI [Reserved]
VII Library of Congress (Parts 700—799)
VIII Advisory Council on Historic Preservation (Parts 800—899)
IX Pennsylvania Avenue Development Corporation (Parts 900—999)
X Presidio Trust (Parts 1000—1099)
XI Architectural and Transportation Barriers Compliance Board (Parts 1100—1199)
XII National Archives and Records Administration (Parts 1200—1299)
XV Oklahoma City National Memorial Trust (Parts 1500—1599)
XVI Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation (Parts 1600—1699)

Title 37—Patents, Trademarks, and Copyrights

I United States Patent and Trademark Office, Department of Commerce (Parts 1—199)
II Copyright Office, Library of Congress (Parts 200—299)
III Copyright Royalty Board, Library of Congress (Parts 300—399)
IV Assistant Secretary for Technology Policy, Department of Commerce (Parts 400—499)
V Under Secretary for Technology, Department of Commerce (Parts 500—599)

Title 38—Pensions, Bonuses, and Veterans' Relief

I Department of Veterans Affairs (Parts 0—199)
II Armed Forces Retirement Home (Parts 200—299)

Title 39—Postal Service

I United States Postal Service (Parts 1—999)
III Postal Regulatory Commission (Parts 3000—3099)

Title 40—Protection of Environment

I Environmental Protection Agency (Parts 1—1099)
IV Environmental Protection Agency and Department of Justice (Parts 1400—1499)
V Council on Environmental Quality (Parts 1500—1599)
Title 40—Protection of Environment—Continued

VI Chemical Safety and Hazard Investigation Board (Parts 1600—1699)

VII Environmental Protection Agency and Department of Defense; Uniform National Discharge Standards for Vessels of the Armed Forces (Parts 1700—1799)

Title 41—Public Contracts and Property Management

SUBTITLE A—FEDERAL PROCUREMENT REGULATIONS SYSTEM [NOTE]

SUBTITLE B—OTHER PROVISIONS RELATING TO PUBLIC CONTRACTS
50 Public Contracts, Department of Labor (Parts 50–1—50–999)
51 Committee for Purchase From People Who Are Blind or Severely Disabled (Parts 51–1—51–99)
60 Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Parts 60–1—60–999)
61 Office of the Assistant Secretary for Veterans’ Employment and Training Service, Department of Labor (Parts 61–1—61–999)
62—100 [Reserved]

SUBTITLE C—FEDERAL PROPERTY MANAGEMENT REGULATIONS SYSTEM
101 Federal Property Management Regulations (Parts 101–1—101–99)
102 Federal Management Regulation (Parts 102–1—102–299)
103—104 [Reserved]
105 General Services Administration (Parts 105–1—105–999)
109 Department of Energy Property Management Regulations (Parts 109–1—109–99)
114 Department of the Interior (Parts 114–1—114–99)
115 Environmental Protection Agency (Parts 115–1—115–99)
128 Department of Justice (Parts 128–1—128–99)
129—200 [Reserved]

SUBTITLE D—OTHER PROVISIONS RELATING TO PROPERTY MANAGEMENT [Reserved]

SUBTITLE E—FEDERAL INFORMATION RESOURCES MANAGEMENT REGULATIONS SYSTEM [Reserved]

SUBTITLE F—FEDERAL TRAVEL REGULATION SYSTEM
300 General (Parts 300–1—300–99)
301 Temporary Duty (TDY) Travel Allowances (Parts 301–1—301–99)
302 Relocation Allowances (Parts 302–1—302–99)
303 Payment of Expenses Connected with the Death of Certain Employees (Part 303–1—303–99)
304 Payment of Travel Expenses from a Non-Federal Source (Parts 304–1—304–99)

Title 42—Public Health

I Public Health Service, Department of Health and Human Services (Parts 1–199)
Title 42—Public Health—Continued

IV Centers for Medicare & Medicaid Services, Department of Health and Human Services (Parts 400—599)
V Office of Inspector General-Health Care, Department of Health and Human Services (Parts 1000—1999)

Title 43—Public Lands: Interior

SUBTITLE A—Office of the Secretary of the Interior (Parts 1—199)
SUBTITLE B—Regulations relating to Public Lands
I Bureau of Reclamation, Department of the Interior (Parts 400—999)
II Bureau of Land Management, Department of the Interior (Parts 1000—9999)
III Utah Reclamation Mitigation and Conservation Commission (Parts 10000—10099)

Title 44—Emergency Management and Assistance

I Federal Emergency Management Agency, Department of Homeland Security (Parts 0—399)
IV Department of Commerce and Department of Transportation (Parts 400—499)

Title 45—Public Welfare

SUBTITLE A—Department of Health and Human Services (Parts 1—199)
SUBTITLE B—Regulations relating to Public Welfare
II Office of Family Assistance (Assistance Programs), Administration for Children and Families, Department of Health and Human Services (Parts 200—299)
III Office of Child Support Enforcement (Child Support Enforcement Program), Administration for Children and Families, Department of Health and Human Services (Parts 300—399)
IV Office of Refugee Resettlement, Administration for Children and Families, Department of Health and Human Services (Parts 400—499)
V Foreign Claims Settlement Commission of the United States, Department of Justice (Parts 500—599)
VI National Science Foundation (Parts 600—699)
VII Commission on Civil Rights (Parts 700—799)
VIII Office of Personnel Management (Parts 800—899) [Reserved]
X Office of Community Services, Administration for Children and Families, Department of Health and Human Services (Parts 1000—1099)
XI National Foundation on the Arts and the Humanities (Parts 1100—1199)
XII Corporation for National and Community Service (Parts 1200—1299)
Title 45—Public Welfare—Continued

XIII Office of Human Development Services, Department of Health and Human Services (Parts 1300—1399)
XVI Legal Services Corporation (Parts 1600—1699)
XVII National Commission on Libraries and Information Science (Parts 1700—1799)
XVIII Harry S. Truman Scholarship Foundation (Parts 1800—1899)
XXI Commission on Fine Arts (Parts 2100—2199)
XXIII Arctic Research Commission (Part 2301)
XXIV James Madison Memorial Fellowship Foundation (Parts 2400—2499)
XXV Corporation for National and Community Service (Parts 2500—2599)

Title 46—Shipping

I Coast Guard, Department of Homeland Security (Parts 1—199)
II Maritime Administration, Department of Transportation (Parts 200—399)
III Coast Guard (Great Lakes Pilotage), Department of Homeland Security (Parts 400—499)
IV Federal Maritime Commission (Parts 500—599)

Title 47—Telecommunication

I Federal Communications Commission (Parts 0—199)
II Office of Science and Technology Policy and National Security Council (Parts 200—299)
III National Telecommunications and Information Administration, Department of Commerce (Parts 300—399)
IV National Telecommunications and Information Administration, Department of Commerce, and National Highway Traffic Safety Administration, Department of Transportation (Parts 400—499)

Title 48—Federal Acquisition Regulations System

1 Federal Acquisition Regulation (Parts 1—99)
2 Defense Acquisition Regulations System, Department of Defense (Parts 200—299)
3 Health and Human Services (Parts 300—399)
4 Department of Agriculture (Parts 400—499)
5 General Services Administration (Parts 500—599)
6 Department of State (Parts 600—699)
7 Agency for International Development (Parts 700—799)
8 Department of Veterans Affairs (Parts 800—899)
9 Department of Energy (Parts 900—999)
10 Department of the Treasury (Parts 1000—1099)
12 Department of Transportation (Parts 1200—1299)
Title 48—Federal Acquisition Regulations System—Continued

13 Department of Commerce (Parts 1300—1399)
14 Department of the Interior (Parts 1400—1499)
15 Environmental Protection Agency (Parts 1500—1599)
16 Office of Personnel Management, Federal Employees Health Benefits Acquisition Regulation (Parts 1600—1699)
17 Office of Personnel Management (Parts 1700—1799)
18 National Aeronautics and Space Administration (Parts 1800—1899)
19 Broadcasting Board of Governors (Parts 1900—1999)
20 Nuclear Regulatory Commission (Parts 2000—2099)
21 Office of Personnel Management, Federal Employees Group Life Insurance Federal Acquisition Regulation (Parts 2100—2199)
23 Social Security Administration (Parts 2300—2399)
24 Department of Housing and Urban Development (Parts 2400—2499)
25 National Science Foundation (Parts 2500—2599)
28 Department of Justice (Parts 2800—2899)
29 Department of Labor (Parts 2900—2999)
30 Department of Homeland Security, Homeland Security Acquisition Regulation (HSAR) (Parts 3000—3099)
34 Department of Education Acquisition Regulation (Parts 3400—3499)
51 Department of the Army Acquisition Regulations (Parts 5100—5199)
52 Department of the Navy Acquisition Regulations (Parts 5200—5299)
53 Department of the Air Force Federal Acquisition Regulation Supplement [Reserved]
54 Defense Logistics Agency, Department of Defense (Parts 5400—5499)
57 African Development Foundation (Parts 5700—5799)
61 Civilian Board of Contract Appeals, General Services Administration (Parts 6100—6199)
63 Department of Transportation Board of Contract Appeals (Parts 6300—6399)
99 Cost Accounting Standards Board, Office of Federal Procurement Policy, Office of Management and Budget (Parts 9900—9999)

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION (PARTS 1—99)
SUBTITLE B—OTHER REGULATIONS RELATING TO TRANSPORTATION
I Pipeline and Hazardous Materials Safety Administration, Department of Transportation (Parts 100—199)
II Federal Railroad Administration, Department of Transportation (Parts 200—299)
Title 49—Transportation—Continued

III Federal Motor Carrier Safety Administration, Department of Transportation (Parts 300—399)
IV Coast Guard, Department of Homeland Security (Parts 400—499)
V National Highway Traffic Safety Administration, Department of Transportation (Parts 500—599)
VI Federal Transit Administration, Department of Transportation (Parts 600—699)
VII National Railroad Passenger Corporation (AMTRAK) (Parts 700—799)
VIII National Transportation Safety Board (Parts 800—899)
X Surface Transportation Board, Department of Transportation (Parts 1000—1399)
XI Research and Innovative Technology Administration, Department of Transportation [Reserved]
XII Transportation Security Administration, Department of Homeland Security (Parts 1500—1699)

Title 50—Wildlife and Fisheries

I United States Fish and Wildlife Service, Department of the Interior (Parts 1—199)
II National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce (Parts 200—299)
III International Fishing and Related Activities (Parts 300—399)
IV Joint Regulations (United States Fish and Wildlife Service, Department of the Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce; Endangered Species Committee Regulations (Parts 400—499)
V Marine Mammal Commission (Parts 500—599)
VI Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce (Parts 600—699)

CFR Index and Finding Aids

Subject/Agency Index
List of Agency Prepared Indexes
Parallel Tables of Statutory Authorities and Rules
List of CFR Titles, Chapters, Subchapters, and Parts
Alphabetical List of Agencies Appearing in the CFR
## Alphabetical List of Agencies Appearing in the CFR

(Revised as of October 1, 2012)

<table>
<thead>
<tr>
<th>Agency</th>
<th>CFR Title, Subtitle or Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Committee of the Federal Register</td>
<td>1, I</td>
</tr>
<tr>
<td>Administrative Conference of the United States</td>
<td>1, III</td>
</tr>
<tr>
<td>Advisory Council on Historic Preservation</td>
<td>36, VIII</td>
</tr>
<tr>
<td>Advocacy and Outreach, Office of</td>
<td>7, XXV</td>
</tr>
<tr>
<td>Afghanistan Reconstruction, Special Inspector General for</td>
<td>22, LXXXIII</td>
</tr>
<tr>
<td>African Development Foundation</td>
<td>22, XV</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 57</td>
</tr>
<tr>
<td>Agency for International Development</td>
<td>2, VII; 22, II</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 7</td>
</tr>
<tr>
<td>Agricultural Marketing Service</td>
<td>7, I, IX, X, XI</td>
</tr>
<tr>
<td>Agricultural Research Service</td>
<td>7, V</td>
</tr>
<tr>
<td>Agriculture Department</td>
<td>2, IV; 5, LXXIII</td>
</tr>
<tr>
<td>Advocacy and Outreach, Office of</td>
<td>7, XXV</td>
</tr>
<tr>
<td>Agricultural Marketing Service</td>
<td>7, I, IX, X, XI</td>
</tr>
<tr>
<td>Agricultural Research Service</td>
<td>7, V</td>
</tr>
<tr>
<td>Animal and Plant Health Inspection Service</td>
<td>7, III; 9, I</td>
</tr>
<tr>
<td>Chief Financial Officer, Office of</td>
<td>7, XXX</td>
</tr>
<tr>
<td>Commodity Credit Corporation</td>
<td>7, XIV</td>
</tr>
<tr>
<td>Economic Research Service</td>
<td>7, XXXVII</td>
</tr>
<tr>
<td>Energy Policy and New Uses, Office of</td>
<td>2, IX; 7, XXIX</td>
</tr>
<tr>
<td>Environmental Quality, Office of</td>
<td>7, XXXI</td>
</tr>
<tr>
<td>Farm Service Agency</td>
<td>7, VII; XVIII</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 4</td>
</tr>
<tr>
<td>Federal Crop Insurance Corporation</td>
<td>7, IV</td>
</tr>
<tr>
<td>Food and Nutrition Service</td>
<td>7, II</td>
</tr>
<tr>
<td>Food Safety and Inspection Service</td>
<td>9, III</td>
</tr>
<tr>
<td>Foreign Agricultural Service</td>
<td>7, XV</td>
</tr>
<tr>
<td>Forest Service</td>
<td>36, II</td>
</tr>
<tr>
<td>Grain Inspection, Packers and Stockyards Administration</td>
<td>7, VIII; 9, II</td>
</tr>
<tr>
<td>Information Resources Management, Office of</td>
<td>7, XXVII</td>
</tr>
<tr>
<td>Inspector General, Office of</td>
<td>7, XXVI</td>
</tr>
<tr>
<td>National Agricultural Library</td>
<td>7, XLI</td>
</tr>
<tr>
<td>National Agricultural Statistics Service</td>
<td>7, XXXVI</td>
</tr>
<tr>
<td>National Institute of Food and Agriculture</td>
<td>7, XXXIV</td>
</tr>
<tr>
<td>Natural Resources Conservation Service</td>
<td>7, VI</td>
</tr>
<tr>
<td>Operations, Office of</td>
<td>7, XXVIII</td>
</tr>
<tr>
<td>Procurement and Property Management, Office of</td>
<td>7, XXXII</td>
</tr>
<tr>
<td>Rural Business-Cooperative Service</td>
<td>7, XVIII, XLII, L</td>
</tr>
<tr>
<td>Rural Development Administration</td>
<td>7, XLII</td>
</tr>
<tr>
<td>Rural Housing Service</td>
<td>7, XVIII, XXXV, L</td>
</tr>
<tr>
<td>Rural Telephone Bank</td>
<td>7, XVI</td>
</tr>
<tr>
<td>Rural Utilities Service</td>
<td>7, XVII, XVIII, XLII, L</td>
</tr>
<tr>
<td>Secretary of Agriculture, Office of</td>
<td>7, Subtitle A</td>
</tr>
<tr>
<td>Transportation, Office of</td>
<td>7, XXXIII</td>
</tr>
<tr>
<td>World Agricultural Outlook Board</td>
<td>7, XXXVIII</td>
</tr>
<tr>
<td>Air Force Department</td>
<td>32, VII</td>
</tr>
<tr>
<td>Federal Acquisition Regulation Supplement</td>
<td>48, 53</td>
</tr>
<tr>
<td>Air Transportation Stabilization Board</td>
<td>14, VI</td>
</tr>
<tr>
<td>Alcohol and Tobacco Tax and Trade Bureau</td>
<td>27, I</td>
</tr>
<tr>
<td>Alcohol, Tobacco, Firearms, and Explosives, Bureau of AMTRAK</td>
<td>27, II</td>
</tr>
<tr>
<td>American Battle Monuments Commission</td>
<td>36, IV</td>
</tr>
<tr>
<td>American Indians, Office of the Special Trustee</td>
<td>25, VII</td>
</tr>
</tbody>
</table>
Agency | CFR Title, Subtitle or Chapter
--- | ---
Animal and Plant Health Inspection Service | 7, III; 9, I
Appalachian Regional Commission | 5, IX
Architectural and Transportation Barriers Compliance Board | 36, XI
Arctic Research Commission | 45, XXIII
Army Department | 5, XI
Army Corps of Engineers, Corps of | 32, V
Federal Acquisition Regulation | 33, II; 36, III
Bilingual Education and Minority Languages Affairs, Office of | 48, 51
Blind or Severely Disabled, Committee for Purchase from People Who Are | 41, 51
Broadcasting Board of Governors | 22, V
Federal Acquisition Regulation | 48, 19
Bureau of Ocean Energy Management, Regulation, and Enforcement | 5, LXVII; 45, VII
Census Bureau | 15, I
Centers for Medicare & Medicaid Services | 42, IV
Central Intelligence Agency | 32, XIX
Chemical Safety and Hazardous Investigation Board | 40, VI
Chief Financial Officer, Office of | 7, XXX
Child Support Enforcement, Office of | 45, III
Children and Families, Administration for | 45, II, III, IV, X
Civil Rights, Commission on | 5, LXVIII; 45, VII
Civil Rights, Office for | 34, I
Court Services and Offender Supervision Agency for the District of Columbia | 5, LXX
Coast Guard | 33, I; 46, I; 49, IV
Coast Guard (Great Lakes Pilotage) | 46, III
Commerce Department | 2, XIII; 44, IV; 50, VI
Census Bureau | 15, I
Economic Affairs, Under Secretary | 37, V
Economic Analysis, Bureau of | 15, VIII
Economic Development Administration | 13, III
Emergency Management and Assistance | 44, IV
Federal Acquisition Regulation | 48, 13
Foreign-Trade Zones Board | 15, IV
Industry and Security, Bureau of | 15, VII
International Trade Administration | 15, III; 19, III
National Institute of Standards and Technology | 15, II
National Marine Fisheries Service | 50, II, IV
National Oceanic and Atmospheric Administration | 15, IX; 50, II, III, IV, VI
National Telecommunications and Information Administration | 15, XXIII; 47, III, IV
National Weather Service | 15, IX
Patent and Trademark Office, United States | 37, I
Productivity, Technology and Innovation, Assistant Secretary for | 37, IV
Secretary for | 15, Subtitle A
Technology, Under Secretary for | 37, V
Technology Administration | 15, XI
Technology Policy, Assistant Secretary for | 37, IV
Commercial Space Transportation | 14, III
Commodity Credit Corporation | 7, XIV
Commodity Futures Trading Commission | 5, XLII; 17, I
Community Planning and Development, Office of Assistant Secretary for | 24, V, VI
Comptroller of the Currency | 45, X
Construction Industry Collective Bargaining Commission | 29, IX
Consumer Financial Protection Bureau | 5, LXXXIV; 12, X
Consumer Product Safety Commission | 5, LXI; 16, II
Copyright Office | 37, II
Copyright Royalty Board | 37, III
Corporation for National and Community Service | 2, XXII; 45, XII, XXV
Cost Accounting Standards Board | 48, 99
Council on Environmental Quality | 40, V
Court Services and Offender Supervision Agency for the District of Columbia | 5, LXX; 28, VIII
<table>
<thead>
<tr>
<th>Agency</th>
<th>CFR Title, Subtitle or Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customs and Border Protection</td>
<td>19, I</td>
</tr>
<tr>
<td>Defense Contract Audit Agency</td>
<td>32, I</td>
</tr>
<tr>
<td>Defense Department</td>
<td>2, XI; 5, XXVI; 32, Subtitle A; 49, VII</td>
</tr>
<tr>
<td>Advanced Research Projects Agency</td>
<td>32, I</td>
</tr>
<tr>
<td>Air Force Department</td>
<td>32, VII</td>
</tr>
<tr>
<td>Army Department</td>
<td>32, V; 33, II; 36, III; 48, 51</td>
</tr>
<tr>
<td>Defense Acquisition Regulations System</td>
<td>48, 2</td>
</tr>
<tr>
<td>Defense Intelligence Agency</td>
<td>32, I</td>
</tr>
<tr>
<td>Defense Logistics Agency</td>
<td>32, I, XII; 48, 54</td>
</tr>
<tr>
<td>Engineers, Corps of</td>
<td>33, II; 36, III</td>
</tr>
<tr>
<td>National Imagery and Mapping Agency</td>
<td>32, I</td>
</tr>
<tr>
<td>Navy Department</td>
<td>32, VI; 48, 52</td>
</tr>
<tr>
<td>Secretary of Defense, Office of</td>
<td>2, XI; 32, I</td>
</tr>
<tr>
<td>Defense Contract Audit Agency</td>
<td>32, I</td>
</tr>
<tr>
<td>Defense Intelligence Agency</td>
<td>32, I</td>
</tr>
<tr>
<td>Defense Logistics Agency</td>
<td>32, XII; 48, 54</td>
</tr>
<tr>
<td>Defense Nuclear Facilities Safety Board</td>
<td>10, XVII</td>
</tr>
<tr>
<td>Delaware River Basin Commission</td>
<td>18, III</td>
</tr>
<tr>
<td>District of Columbia, Court Services and Offender Supervision Agency for the Drug Enforcement Administration</td>
<td>21, II</td>
</tr>
<tr>
<td>East-West Foreign Trade Board</td>
<td>15, XIII</td>
</tr>
<tr>
<td>Economic Affairs, Under Secretary</td>
<td>37, V</td>
</tr>
<tr>
<td>Economic Analysis, Bureau of</td>
<td>15, VIII</td>
</tr>
<tr>
<td>Economic Development Administration</td>
<td>13, III</td>
</tr>
<tr>
<td>Economic Research Service</td>
<td>7, XXXVII</td>
</tr>
<tr>
<td>Education, Department of</td>
<td></td>
</tr>
<tr>
<td>Bilingual Education and Minority Languages Affairs, Office of</td>
<td>34, V</td>
</tr>
<tr>
<td>Civil Rights, Office for</td>
<td>34, I</td>
</tr>
<tr>
<td>Educational Research and Improvement, Office of</td>
<td>34, VII</td>
</tr>
<tr>
<td>Elementary and Secondary Education, Office of</td>
<td>34, IV</td>
</tr>
<tr>
<td>Educational Research and Improvement, Office of</td>
<td>34, VII</td>
</tr>
<tr>
<td>Postsecondary Education, Office of</td>
<td>34, VI</td>
</tr>
<tr>
<td>Secretary of Education, Office of</td>
<td>34, Subtitle A</td>
</tr>
<tr>
<td>Special Education and Rehabilitative Services, Office of</td>
<td>34, III</td>
</tr>
<tr>
<td>Vocational and Adult Education, Office of</td>
<td>34, IV</td>
</tr>
<tr>
<td>Educational Research and Improvement, Office of</td>
<td>34, VII</td>
</tr>
<tr>
<td>Election Assistance Commission</td>
<td>2, LVIII; 11, II</td>
</tr>
<tr>
<td>Elementary and Secondary Education, Office of</td>
<td>34, II</td>
</tr>
<tr>
<td>Emergency Oil and Gas Guaranteed Loan Board</td>
<td>13, V</td>
</tr>
<tr>
<td>Emergency Steel Guarantee Loan Board</td>
<td>13, IV</td>
</tr>
<tr>
<td>Employee Benefits Security Administration</td>
<td>29, XXV</td>
</tr>
<tr>
<td>Employees’ Compensation Appeals Board</td>
<td>20, IV</td>
</tr>
<tr>
<td>Employees Loyalty Board</td>
<td>5, V</td>
</tr>
<tr>
<td>Employment and Training Administration</td>
<td>20, V</td>
</tr>
<tr>
<td>Employment Standards Administration</td>
<td>20, VI</td>
</tr>
<tr>
<td>Endangered Species Committee</td>
<td>50, IV</td>
</tr>
<tr>
<td>Energy, Department of</td>
<td>2, IX; 5, XXIII; 10, II, III, X</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 9</td>
</tr>
<tr>
<td>Federal Energy Regulatory Commission</td>
<td>5, XXIV; 18, I</td>
</tr>
<tr>
<td>Property Management Regulations</td>
<td>41, 109</td>
</tr>
<tr>
<td>Energy, Office of</td>
<td>7, XXXIX</td>
</tr>
<tr>
<td>Engineers, Corps of</td>
<td>33, II; 36, III</td>
</tr>
<tr>
<td>Engraving and Printing, Bureau of</td>
<td>31, VI</td>
</tr>
<tr>
<td>Environmental Protection Agency</td>
<td>2, XV; 5, LIV; 40, I, IV, VII</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 15</td>
</tr>
<tr>
<td>Property Management Regulations</td>
<td>41, 115</td>
</tr>
<tr>
<td>Environmental Quality, Office of</td>
<td>7, XXXI</td>
</tr>
<tr>
<td>Equal Employment Opportunity Commission</td>
<td>5, LXII; 29, XIV</td>
</tr>
<tr>
<td>Equal Opportunity, Office of Assistant Secretary for Administration, Office of</td>
<td>24, I</td>
</tr>
<tr>
<td>Executive Office of the President</td>
<td>3, I</td>
</tr>
<tr>
<td>129</td>
<td></td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Environmental Quality, Council on Management and Budget, Office of</td>
<td>40, V</td>
</tr>
<tr>
<td>National Drug Control Policy, Office of</td>
<td>2, Subtitle A; 5, III; LXXVII; 14, VI; 48, 99</td>
</tr>
<tr>
<td>National Security Council</td>
<td>21, III</td>
</tr>
<tr>
<td>Presidential Documents</td>
<td>32, XXI; 47, 2</td>
</tr>
<tr>
<td>Science and Technology Policy, Office of</td>
<td>32, XXIV; 47, II</td>
</tr>
<tr>
<td>Trade Representative, Office of the United States</td>
<td>15, XX</td>
</tr>
<tr>
<td>Export-Import Bank of the United States</td>
<td>2, XXXV; 5, LII; 12, IV</td>
</tr>
<tr>
<td>Family Assistance, Office of</td>
<td>45, II</td>
</tr>
<tr>
<td>Farm Credit Administration</td>
<td>5, XXXI; 12, VI</td>
</tr>
<tr>
<td>Farm Credit System Insurance Corporation</td>
<td>5, XXX; 12, XIV</td>
</tr>
<tr>
<td>Farm Service Agency</td>
<td>7, VII, XVIII</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, I</td>
</tr>
<tr>
<td>Federal Aviation Administration</td>
<td>14, I</td>
</tr>
<tr>
<td>Commercial Space Transportation</td>
<td>14, III</td>
</tr>
<tr>
<td>Federal Communications Commission</td>
<td>5, XXXIX; 47, I</td>
</tr>
<tr>
<td>Federal Contract Compliance Programs, Office of</td>
<td>41, 60</td>
</tr>
<tr>
<td>Federal Crop Insurance Corporation</td>
<td>7, IV</td>
</tr>
<tr>
<td>Federal Deposit Insurance Corporation</td>
<td>5, XXII; 12, III</td>
</tr>
<tr>
<td>Federal Election Commission</td>
<td>5, XXXVII; 11, I</td>
</tr>
<tr>
<td>Federal Emergency Management Agency</td>
<td>44, I</td>
</tr>
<tr>
<td>Federal Employees Group Life Insurance Federal Acquisition Regulation</td>
<td>48, 21</td>
</tr>
<tr>
<td>Federal Employees Health Benefits Acquisition Regulation</td>
<td>48, 16</td>
</tr>
<tr>
<td>Federal Energy Regulatory Commission</td>
<td>5, XXIV; 18, I</td>
</tr>
<tr>
<td>Federal Financial Institutions Examination Council</td>
<td>12, XI</td>
</tr>
<tr>
<td>Federal Financing Bank</td>
<td>12, VIII</td>
</tr>
<tr>
<td>Federal Highway Administration</td>
<td>23, 1, II</td>
</tr>
<tr>
<td>Federal Home Loan Mortgage Corporation</td>
<td>1, IV</td>
</tr>
<tr>
<td>Federal Housing Enterprise Oversight Office</td>
<td>12, XVII</td>
</tr>
<tr>
<td>Federal Housing Finance Agency</td>
<td>5, LXXX; 12, XII</td>
</tr>
<tr>
<td>Federal Housing Finance Board</td>
<td>12, IX</td>
</tr>
<tr>
<td>Federal Labor Relations Authority</td>
<td>5, XIV, XLIX; 22, XIV</td>
</tr>
<tr>
<td>Federal Law Enforcement Training Center</td>
<td>31, VII</td>
</tr>
<tr>
<td>Federal Management Regulation</td>
<td>41, 102</td>
</tr>
<tr>
<td>Federal Maritime Commission</td>
<td>46, IV</td>
</tr>
<tr>
<td>Federal Mediation and Conciliation Service</td>
<td>29, XII</td>
</tr>
<tr>
<td>Federal Mine Safety and Health Review Commission</td>
<td>5, LXXIV; 29, XXVII</td>
</tr>
<tr>
<td>Federal Motor Carrier Safety Administration</td>
<td>49, III</td>
</tr>
<tr>
<td>Federal Prison Industries, Inc.</td>
<td>28, III</td>
</tr>
<tr>
<td>Federal Procurement Policy Office</td>
<td>48, 99</td>
</tr>
<tr>
<td>Federal Property Management Regulations</td>
<td>41, 101</td>
</tr>
<tr>
<td>Federal Railroad Administration</td>
<td>49, II</td>
</tr>
<tr>
<td>Federal Register, Administrative Committee of</td>
<td>1, I</td>
</tr>
<tr>
<td>Federal Register, Office of</td>
<td>1, II</td>
</tr>
<tr>
<td>Federal Reserve System</td>
<td>12, II</td>
</tr>
<tr>
<td>Board of Governors</td>
<td>5, LVIII</td>
</tr>
<tr>
<td>Federal Retirement Thrift Investment Board</td>
<td>5, VI, LXXVI</td>
</tr>
<tr>
<td>Federal Service Impasses Panel</td>
<td>5, XIV</td>
</tr>
<tr>
<td>Federal Trade Commission</td>
<td>5, XLVII; 16, I</td>
</tr>
<tr>
<td>Federal Transit Administration</td>
<td>49, VI</td>
</tr>
<tr>
<td>Federal Travel Regulation System</td>
<td>41, Subtitle F</td>
</tr>
<tr>
<td>Financial Crimes Enforcement Network</td>
<td>31, X</td>
</tr>
<tr>
<td>Financial Research Office</td>
<td>12, XVI</td>
</tr>
<tr>
<td>Financial Stability Oversight Council</td>
<td>12, XIII</td>
</tr>
<tr>
<td>Fine Arts, Commission on</td>
<td>45, XXI</td>
</tr>
<tr>
<td>Fiscal Service</td>
<td>31, II</td>
</tr>
<tr>
<td>Fish and Wildlife Service, United States</td>
<td>50, I, IV</td>
</tr>
<tr>
<td>Food and Drug Administration</td>
<td>21, I</td>
</tr>
<tr>
<td>Food and Nutrition Service</td>
<td>7, II</td>
</tr>
<tr>
<td>Food Safety and Inspection Service</td>
<td>9, III</td>
</tr>
<tr>
<td>Foreign Agricultural Service</td>
<td>7, XV</td>
</tr>
<tr>
<td>Foreign Assets Control, Office of</td>
<td>31, V</td>
</tr>
<tr>
<td>Foreign Claims Settlement Commission of the United States</td>
<td>45, V</td>
</tr>
<tr>
<td>Foreign Service Grievance Board</td>
<td>22, IX</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Foreign Service Impasse Disputes Panel</td>
<td>22, XIV</td>
</tr>
<tr>
<td>Foreign Service Labor Relations Board</td>
<td>22, XIV</td>
</tr>
<tr>
<td>Foreign-Trade Zones Board</td>
<td>15, IV</td>
</tr>
<tr>
<td>Forest Service</td>
<td>36, II</td>
</tr>
<tr>
<td>General Services Administration</td>
<td>5, LVII; 41, 105</td>
</tr>
<tr>
<td>Contract Appeals, Board of</td>
<td>48, 61</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 5</td>
</tr>
<tr>
<td>Federal Management Regulation</td>
<td>41, 102</td>
</tr>
<tr>
<td>Federal Property Management Regulations</td>
<td>41, 101</td>
</tr>
<tr>
<td>Federal Travel Regulation System</td>
<td>41, Subtitle F</td>
</tr>
<tr>
<td>General</td>
<td>41, 300</td>
</tr>
<tr>
<td>Payment From a Non-Federal Source for Travel Expenses</td>
<td>41, 304</td>
</tr>
<tr>
<td>Payment of Expenses Connected With the Death of Certain Employees</td>
<td>41, 303</td>
</tr>
<tr>
<td>Relocation Allowances</td>
<td>41, 302</td>
</tr>
<tr>
<td>Temporary Duty (TDY) Travel Allowances</td>
<td>41, 303</td>
</tr>
<tr>
<td>Geological Survey</td>
<td>30, IV</td>
</tr>
<tr>
<td>Government Accountability Office</td>
<td>4, 1</td>
</tr>
<tr>
<td>Government Ethics, Office of</td>
<td>5, XVI</td>
</tr>
<tr>
<td>Government National Mortgage Association</td>
<td>24, III</td>
</tr>
<tr>
<td>Grain Inspection, Packers and Stockyards Administration</td>
<td>7, VIII; 9, II</td>
</tr>
<tr>
<td>Harry S. Truman Scholarship Foundation</td>
<td>45, XVIII</td>
</tr>
<tr>
<td>Health and Human Services, Department of</td>
<td>2, III; 6, XLV; 45, Subtitle A,</td>
</tr>
<tr>
<td>Centers for Medicare &amp; Medicaid Services</td>
<td>42, IV</td>
</tr>
<tr>
<td>Child Support Enforcement, Office of</td>
<td>45, III</td>
</tr>
<tr>
<td>Children and Families, Administration for</td>
<td>45, II, III, IV, X</td>
</tr>
<tr>
<td>Community Services, Office of</td>
<td>45, X</td>
</tr>
<tr>
<td>Family Assistance, Office of</td>
<td>45, II</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 3</td>
</tr>
<tr>
<td>Food and Drug Administration</td>
<td>21, I</td>
</tr>
<tr>
<td>Human Development Services, Office of</td>
<td>45, XIII</td>
</tr>
<tr>
<td>Indian Health Service</td>
<td>25, V</td>
</tr>
<tr>
<td>Inspector General (Health Care), Office of</td>
<td>42, V</td>
</tr>
<tr>
<td>Public Health Service</td>
<td>42, I</td>
</tr>
<tr>
<td>Refugee Resettlement, Office of</td>
<td>45, IV</td>
</tr>
<tr>
<td>Homeland Security, Department of</td>
<td>2, XXX; 6, I; 8, I</td>
</tr>
<tr>
<td>Coast Guard</td>
<td>33, I; 46, I; 49, IV</td>
</tr>
<tr>
<td>Coast Guard (Great Lakes Pilotage)</td>
<td>46, III</td>
</tr>
<tr>
<td>Customs and Border Protection</td>
<td>19, I</td>
</tr>
<tr>
<td>Federal Emergency Management Agency</td>
<td>44, I</td>
</tr>
<tr>
<td>Human Resources Management and Labor Relations Systems</td>
<td>5, XCVII</td>
</tr>
<tr>
<td>Immigration and Customs Enforcement Bureau</td>
<td>19, IV</td>
</tr>
<tr>
<td>Transportation Security Administration</td>
<td>49, XII</td>
</tr>
<tr>
<td>HOPE for Homeowners Program, Board of Directors of</td>
<td>24, XXIV</td>
</tr>
<tr>
<td>Housing and Urban Development, Department of</td>
<td>2, XXIV; 5, LXV; 24, Subtitle B</td>
</tr>
<tr>
<td>Community Planning and Development, Office of Assistant Secretary for</td>
<td>24, V, VI</td>
</tr>
<tr>
<td>Equal Opportunity, Office of Assistant Secretary for</td>
<td>24, I</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 24</td>
</tr>
<tr>
<td>Federal Housing Enterprise Oversight, Office of</td>
<td>12, XVII</td>
</tr>
<tr>
<td>Government National Mortgage Association</td>
<td>24, XIII</td>
</tr>
<tr>
<td>Housing—Federal Housing Commissioner, Office of Assistant Secretary for</td>
<td>24, II, VIII, X, XX</td>
</tr>
<tr>
<td>Housing, Office of, and Multifamily Housing Assistance</td>
<td>24, IV</td>
</tr>
<tr>
<td>Restructuring, Office of</td>
<td>24, XII</td>
</tr>
<tr>
<td>Inspector General, Office of</td>
<td>24, IX</td>
</tr>
<tr>
<td>Public and Indian Housing, Office of Assistant Secretary for</td>
<td>24, Subtitle A, VII</td>
</tr>
<tr>
<td>Secretary, Office of</td>
<td>24, II, VIII, X, XX</td>
</tr>
<tr>
<td>Housing—Federal Housing Commissioner, Office of Assistant Secretary for</td>
<td>24, II, VIII, X, XX</td>
</tr>
<tr>
<td>Housing, Office of, and Multifamily Housing Assistance</td>
<td>24, IV</td>
</tr>
<tr>
<td>Restructuring, Office of</td>
<td>24, XIII</td>
</tr>
<tr>
<td>Human Development Services, Office of</td>
<td>19, IV</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Immigration Review, Executive Office for</td>
<td>8, V</td>
</tr>
<tr>
<td>Independent Counsel, Office of</td>
<td>28, VII</td>
</tr>
<tr>
<td>Indian Affairs, Bureau of</td>
<td>25, I, V</td>
</tr>
<tr>
<td>Indian Affairs, Office of the Assistant Secretary</td>
<td>25, VI</td>
</tr>
<tr>
<td>Indian Arts and Crafts Board</td>
<td>25, II</td>
</tr>
<tr>
<td>Indian Health Service</td>
<td>25, V</td>
</tr>
<tr>
<td>Industry and Security, Bureau of</td>
<td>15, VII</td>
</tr>
<tr>
<td>Information Resources Management, Office of</td>
<td>7, XXVII</td>
</tr>
<tr>
<td>Information Security Oversight Office, National Archives and Records Administration</td>
<td>32, XX</td>
</tr>
<tr>
<td>Inspector General</td>
<td></td>
</tr>
<tr>
<td>Agriculture Department</td>
<td>7, XXVI</td>
</tr>
<tr>
<td>Health and Human Services Department</td>
<td>42, V</td>
</tr>
<tr>
<td>Housing and Urban Development Department</td>
<td>24, XII, XV</td>
</tr>
<tr>
<td>Institute of Peace, United States</td>
<td>22, XVII</td>
</tr>
<tr>
<td>Inter-American Foundation</td>
<td>5, LXIII; 22, X</td>
</tr>
<tr>
<td>Interior Department</td>
<td>2, XIV</td>
</tr>
<tr>
<td>American Indians, Office of the Special Trustee</td>
<td>25, VII</td>
</tr>
<tr>
<td>Bureau of Ocean Energy Management, Regulation, and Enforcement</td>
<td>30, II</td>
</tr>
<tr>
<td>Enforcement</td>
<td></td>
</tr>
<tr>
<td>Endangered Species Committee</td>
<td>50, IV</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 14</td>
</tr>
<tr>
<td>Federal Property Management Regulations System</td>
<td>41, 114</td>
</tr>
<tr>
<td>Fish and Wildlife Service, United States</td>
<td>50, I, IV</td>
</tr>
<tr>
<td>Geological Survey</td>
<td>30, IV</td>
</tr>
<tr>
<td>Indian Affairs, Bureau of</td>
<td>25, I, V</td>
</tr>
<tr>
<td>Indian Affairs, Office of the Assistant Secretary</td>
<td>25, VI</td>
</tr>
<tr>
<td>Indian Arts and Crafts Board</td>
<td>25, II</td>
</tr>
<tr>
<td>Land Management, Bureau of</td>
<td>43, II</td>
</tr>
<tr>
<td>National Indian Gaming Commission</td>
<td>25, III</td>
</tr>
<tr>
<td>National Park Service</td>
<td>36, I</td>
</tr>
<tr>
<td>Natural Resource Revenue, Office of</td>
<td>30, XII</td>
</tr>
<tr>
<td>Ocean Energy Management, Bureau of</td>
<td>30, V</td>
</tr>
<tr>
<td>Reclamation, Bureau of</td>
<td>43, I</td>
</tr>
<tr>
<td>Secretary of the Interior, Office of</td>
<td>2, XIV; 43, Subtitle A</td>
</tr>
<tr>
<td>Surface Mining Reclamation and Enforcement, Office of</td>
<td>30, VII</td>
</tr>
<tr>
<td>Internal Revenue Service</td>
<td>26, I</td>
</tr>
<tr>
<td>International Boundary and Water Commission, United States</td>
<td>22, XI</td>
</tr>
<tr>
<td>and Mexico, United States Section</td>
<td></td>
</tr>
<tr>
<td>International Development, United States Agency for</td>
<td>22, II</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 7</td>
</tr>
<tr>
<td>International Development Cooperation Agency, United States</td>
<td>22, XII</td>
</tr>
<tr>
<td>International Joint Commission, United States and Canada</td>
<td>22, IV</td>
</tr>
<tr>
<td>International Organizations Employees Loyalty Board</td>
<td>5, V</td>
</tr>
<tr>
<td>International Trade Administration</td>
<td>15, III; 19, III</td>
</tr>
<tr>
<td>International Trade Commission, United States</td>
<td>19, I</td>
</tr>
<tr>
<td>Interstate Commerce Commission</td>
<td>5, XL</td>
</tr>
<tr>
<td>Investment Security, Office of</td>
<td>31, VIII</td>
</tr>
<tr>
<td>Iraq Reconstruction, Special Inspector General for</td>
<td>5, LXXXVII</td>
</tr>
<tr>
<td>James Madison Memorial Fellowship Foundation</td>
<td>45, XXIV</td>
</tr>
<tr>
<td>Japan–United States Friendship Commission</td>
<td>22, XVI</td>
</tr>
<tr>
<td>Joint Board for the Enrollment of Actuaries</td>
<td>20, VIII</td>
</tr>
<tr>
<td>Justice Department</td>
<td>2, XXVIII; 5, XXVIII; 28, I, XI; 40, IV</td>
</tr>
<tr>
<td>Alcohol, Tobacco, Firearms, and Explosives, Bureau of</td>
<td>27, II</td>
</tr>
<tr>
<td>Drug Enforcement Administration</td>
<td>21, II</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 28</td>
</tr>
<tr>
<td>Federal Claims Collection Standards</td>
<td>31, IX</td>
</tr>
<tr>
<td>Federal Prison Industries, Inc.</td>
<td>28, III</td>
</tr>
<tr>
<td>Foreign Claims Settlement Commission of the United States</td>
<td>45, V</td>
</tr>
<tr>
<td>Immigration Review, Executive Office for</td>
<td>8, V</td>
</tr>
<tr>
<td>Offices of Independent Counsel</td>
<td>28, VI</td>
</tr>
<tr>
<td>Prisons, Bureau of</td>
<td>28, V</td>
</tr>
<tr>
<td>Property Management Regulations</td>
<td>41, 128</td>
</tr>
<tr>
<td>Labor Department</td>
<td>5, XLII</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Employee Benefits Security Administration</td>
<td>29, XXV</td>
</tr>
<tr>
<td>Employees’ Compensation Appeals Board</td>
<td>20, IV</td>
</tr>
<tr>
<td>Employment and Training Administration</td>
<td>20, V</td>
</tr>
<tr>
<td>Employment Standards Administration</td>
<td>20, VI</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 29</td>
</tr>
<tr>
<td>Federal Contract Compliance Programs, Office of</td>
<td>41, 60</td>
</tr>
<tr>
<td>Federal Procurement Regulations System</td>
<td>41, 50</td>
</tr>
<tr>
<td>Labor-Management Standards, Office of</td>
<td>29, II, IV</td>
</tr>
<tr>
<td>Mine Safety and Health Administration</td>
<td>30, I</td>
</tr>
<tr>
<td>Occupational Safety and Health Administration</td>
<td>29, XVII</td>
</tr>
<tr>
<td>Office of Workers’ Compensation Programs</td>
<td>20, VII</td>
</tr>
<tr>
<td>Public Contracts</td>
<td>41, 50</td>
</tr>
<tr>
<td>Secretary of Labor, Office of</td>
<td>29, Subtitle A</td>
</tr>
<tr>
<td>Veterans’ Employment and Training Service, Office of the Assistant Secretary for Wage and Hour Division</td>
<td>29, V</td>
</tr>
<tr>
<td>Workers’ Compensation Programs, Office of</td>
<td>20, I</td>
</tr>
<tr>
<td>Labor-Management Standards, Office of</td>
<td>29, II, IV</td>
</tr>
<tr>
<td>Land Management, Bureau of</td>
<td>43, II</td>
</tr>
<tr>
<td>Legal Services Corporation</td>
<td>45, XVI</td>
</tr>
<tr>
<td>Library of Congress</td>
<td>36, VII</td>
</tr>
<tr>
<td>Copyright Office</td>
<td>37, II</td>
</tr>
<tr>
<td>Copyright Royalty Board</td>
<td>37, III</td>
</tr>
<tr>
<td>Local Television Loan Guarantee Board</td>
<td>7, XX</td>
</tr>
<tr>
<td>Management and Budget, Office of</td>
<td>5, III, LXXVII; 14, VI; 48, 99</td>
</tr>
<tr>
<td>Marine Mammal Commission</td>
<td>50, V</td>
</tr>
<tr>
<td>Maritime Administration</td>
<td>46, II</td>
</tr>
<tr>
<td>Merit Systems Protection Board</td>
<td>5, II, LXIV</td>
</tr>
<tr>
<td>Micronesian Status Negotiations, Office for</td>
<td>32, XXVII</td>
</tr>
<tr>
<td>Millennium Challenge Corporation</td>
<td>22, XIII</td>
</tr>
<tr>
<td>Mine Safety and Health Administration</td>
<td>30, I</td>
</tr>
<tr>
<td>Minority Business Development Agency</td>
<td>15, XIV</td>
</tr>
<tr>
<td>Miscellaneous Agencies</td>
<td>1, IV</td>
</tr>
<tr>
<td>Monetary Offices</td>
<td>31, I</td>
</tr>
<tr>
<td>Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation</td>
<td>36, XVI</td>
</tr>
<tr>
<td>Museum and Library Services, Institute of</td>
<td>2, XXXI</td>
</tr>
<tr>
<td>National Aeronautics and Space Administration</td>
<td>2, XVIII; 5, LIX; 14, V</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 18</td>
</tr>
<tr>
<td>National Agricultural Library</td>
<td>7, XLJ</td>
</tr>
<tr>
<td>National Agricultural Statistics Service</td>
<td>7, XXXVI</td>
</tr>
<tr>
<td>National and Community Service, Corporation for</td>
<td>3, XXII; 45, XII, XXV</td>
</tr>
<tr>
<td>National Archives and Records Administration</td>
<td>2, XXVI; 5, LXVI; 36, XII</td>
</tr>
<tr>
<td>Information Security Oversight Office</td>
<td>32, XX</td>
</tr>
<tr>
<td>National Capital Planning Commission</td>
<td>1, IV</td>
</tr>
<tr>
<td>National Commission for Employment Policy</td>
<td>1, IV</td>
</tr>
<tr>
<td>National Commission on Libraries and Information Science</td>
<td>45, XVII</td>
</tr>
<tr>
<td>National Council on Disability</td>
<td>34, XII</td>
</tr>
<tr>
<td>National Counterintelligence Center</td>
<td>32, XVIII</td>
</tr>
<tr>
<td>National Credit Union Administration</td>
<td>12, VII</td>
</tr>
<tr>
<td>National Crime Prevention and Privacy Compact Council</td>
<td>28, IX</td>
</tr>
<tr>
<td>National Drug Control Policy, Office of</td>
<td>21, III</td>
</tr>
<tr>
<td>National Endowment for the Arts</td>
<td>2, XXXII</td>
</tr>
<tr>
<td>National Endowment for the Humanities</td>
<td>2, XXXIII</td>
</tr>
<tr>
<td>National Foundation on the Arts and the Humanities</td>
<td>45, XI</td>
</tr>
<tr>
<td>National Highway Traffic Safety Administration</td>
<td>23, II, III; 47, VI; 49, V</td>
</tr>
<tr>
<td>National Imagery and Mapping Agency</td>
<td>32, I</td>
</tr>
<tr>
<td>National Indian Gaming Commission</td>
<td>25, III</td>
</tr>
<tr>
<td>National Institute for Literacy</td>
<td>34, XI</td>
</tr>
<tr>
<td>National Institute of Food and Agriculture</td>
<td>7, XXXIV</td>
</tr>
<tr>
<td>National Institute of Standards and Technology</td>
<td>15, II</td>
</tr>
<tr>
<td>National Intelligence, Office of Director of</td>
<td>32, XVII</td>
</tr>
<tr>
<td>National Labor Relations Board</td>
<td>5, LXI; 29, I</td>
</tr>
<tr>
<td>National Marine Fisheries Service</td>
<td>50, II, IV</td>
</tr>
<tr>
<td>National Mediation Board</td>
<td>29, X</td>
</tr>
</tbody>
</table>

133
<table>
<thead>
<tr>
<th>Agency</th>
<th>CFR Title, Subtitle or Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Oceanic and Atmospheric Administration</td>
<td>15, IX; 50, II, III, IV, VI</td>
</tr>
<tr>
<td>National Park Service</td>
<td>36, I</td>
</tr>
<tr>
<td>National Railroad Adjustment Board</td>
<td>29, III</td>
</tr>
<tr>
<td>National Railroad Passenger Corporation (AMTRAK)</td>
<td>49, VII</td>
</tr>
<tr>
<td>National Science Foundation</td>
<td>2, XXV; 5, XLIII; 45, VI</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 25</td>
</tr>
<tr>
<td>National Security Council</td>
<td>32, XXI</td>
</tr>
<tr>
<td>National Security Council and Office of Science and Technology Policy</td>
<td>47, II</td>
</tr>
<tr>
<td>National Telecommunications and Information Administration</td>
<td>15, XXIII; 47, III, IV</td>
</tr>
<tr>
<td>National Transportation Safety Board</td>
<td>49, VIII</td>
</tr>
<tr>
<td>Natural Resources Conservation Service</td>
<td>7, VI</td>
</tr>
<tr>
<td>Natural Resource Revenue, Office of the Navajo and Hopi Indian Relocation, Office of</td>
<td>30, XII</td>
</tr>
<tr>
<td>Navy Department</td>
<td>25, IV</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 52</td>
</tr>
<tr>
<td>Neighborhood Reinvestment Corporation</td>
<td>24, XXV</td>
</tr>
<tr>
<td>Northeast Interstate Low-Level Radioactive Waste Commission</td>
<td>10, XVIII</td>
</tr>
<tr>
<td>Nuclear Regulatory Commission</td>
<td>2, XX; 5, XLVIII; 10, I</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 20</td>
</tr>
<tr>
<td>Occupational Safety and Health Administration</td>
<td>29, XVII</td>
</tr>
<tr>
<td>Occupational Safety and Health Review Commission</td>
<td>29, XX</td>
</tr>
<tr>
<td>Ocean Energy Management, Bureau of</td>
<td>30, V</td>
</tr>
<tr>
<td>Offices of Independent Counsel</td>
<td>28, VI</td>
</tr>
<tr>
<td>Office of Workers’ Compensation Programs</td>
<td>20, VII</td>
</tr>
<tr>
<td>Oklahoma City National Memorial Trust</td>
<td>36, XV</td>
</tr>
<tr>
<td>Operations Office</td>
<td>7, XXXVIII</td>
</tr>
<tr>
<td>Overseas Private Investment Corporation</td>
<td>5, XXXIII; 22, VII</td>
</tr>
<tr>
<td>Payment From a Non-Federal Source for Travel Expenses</td>
<td>41, 304</td>
</tr>
<tr>
<td>Payment of Expenses Connected With the Death of Certain Employees</td>
<td>41, 303</td>
</tr>
<tr>
<td>Pennsylvania Avenue Development Corporation</td>
<td>36, IX</td>
</tr>
<tr>
<td>Pension Benefit Guaranty Corporation</td>
<td>29, XLI</td>
</tr>
<tr>
<td>Personnel Management, Office of Human Resources Management and Labor Relations</td>
<td>5, I, XXXV; 45, VIII</td>
</tr>
<tr>
<td>Systems, Department of Homeland Security</td>
<td>5, XCVII</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 17</td>
</tr>
<tr>
<td>Federal Employees Group Life Insurance Federal Acquisition Regulation</td>
<td>48, 21</td>
</tr>
<tr>
<td>Federal Employees Health Benefits Acquisition Regulation</td>
<td>48, 16</td>
</tr>
<tr>
<td>Pipeline and Hazardous Materials Safety Administration</td>
<td>49, I</td>
</tr>
<tr>
<td>Postal Regulatory Commission</td>
<td>5, XLVI; 39, III</td>
</tr>
<tr>
<td>Postal Service, United States</td>
<td>5, LX; 39, I</td>
</tr>
<tr>
<td>Postsecondary Education, Office of the President’s Commission on White House Fellowships</td>
<td>34, VI</td>
</tr>
<tr>
<td>Presidential Documents</td>
<td>1, IV</td>
</tr>
<tr>
<td>Presidio Trust</td>
<td>3</td>
</tr>
<tr>
<td>Prisons, Bureau of</td>
<td>36, X</td>
</tr>
<tr>
<td>Procurement and Property Management, Office of</td>
<td>28, V</td>
</tr>
<tr>
<td>Productivity, Technology and Innovation, Assistant Secretary</td>
<td>7, XXXII</td>
</tr>
<tr>
<td>Secretary of Public Contracts, Department of Labor</td>
<td>37, IV</td>
</tr>
<tr>
<td>Public and Indian Housing, Office of Assistant Secretary for</td>
<td>41, 50</td>
</tr>
<tr>
<td>Public Health Service</td>
<td>42, I</td>
</tr>
<tr>
<td>Railroad Retirement Board</td>
<td>20, II</td>
</tr>
<tr>
<td>Reclamation, Bureau of</td>
<td>43, I</td>
</tr>
<tr>
<td>Recovery Accountability and Transparency Board</td>
<td>4, II</td>
</tr>
<tr>
<td>Refugee Resettlement, Office of</td>
<td>45, IV</td>
</tr>
<tr>
<td>Relocation Allowances</td>
<td>41, 302</td>
</tr>
<tr>
<td>Research and Innovative Technology Administration</td>
<td>49, XI</td>
</tr>
<tr>
<td>Rural Business-Cooperative Service</td>
<td>7, XVIII, XLII, L</td>
</tr>
<tr>
<td>Rural Development Administration</td>
<td>7, XLII</td>
</tr>
<tr>
<td>Rural Housing Service</td>
<td>7, XLII</td>
</tr>
<tr>
<td></td>
<td>7, XVIII, XXXV, L</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Rural Telephone Bank</td>
<td>7, XVI</td>
</tr>
<tr>
<td>Rural Utilities Service</td>
<td>7, XVII, XVIII, XLII, L</td>
</tr>
<tr>
<td>Saint Lawrence Seaway Development Corporation</td>
<td>33, IV</td>
</tr>
<tr>
<td>Science and Technology Policy, Office of, and National Security Council</td>
<td>47, II</td>
</tr>
<tr>
<td>Secret Service</td>
<td>31, IV</td>
</tr>
<tr>
<td>Securities and Exchange Commission</td>
<td>5, XXXIV; 17, II</td>
</tr>
<tr>
<td>Selective Service System</td>
<td>32, XVI</td>
</tr>
<tr>
<td>Small Business Administration</td>
<td>2, XXVII; 13, I</td>
</tr>
<tr>
<td>Smithsonian Institution</td>
<td>36, V</td>
</tr>
<tr>
<td>Social Security Administration</td>
<td>2, XXIII; 20, III; 48, 23</td>
</tr>
<tr>
<td>Soldiers' and Airmen's Home, United States</td>
<td>5, XI</td>
</tr>
<tr>
<td>Special Counsel, Office of</td>
<td>5, VIII</td>
</tr>
<tr>
<td>Special Education and Rehabilitative Services, Office of</td>
<td>34, III</td>
</tr>
<tr>
<td>State Department</td>
<td>2, VII; 22, I; 28, XI</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 6</td>
</tr>
<tr>
<td>Surface Mining Reclamation and Enforcement, Office of</td>
<td>30, VII</td>
</tr>
<tr>
<td>Surface Transportation Board</td>
<td>49, X</td>
</tr>
<tr>
<td>Susquehanna River Basin Commission</td>
<td>18, VIII</td>
</tr>
<tr>
<td>Technology Administration</td>
<td>15, XI</td>
</tr>
<tr>
<td>Technology Policy, Assistant Secretary for</td>
<td>37, IV</td>
</tr>
<tr>
<td>Technology, Under Secretary for</td>
<td>37, V</td>
</tr>
<tr>
<td>Tennessee Valley Authority</td>
<td>5, L, XIX; 18, XIII</td>
</tr>
<tr>
<td>Thrift Supervision Office, Department of the Treasury</td>
<td>12, V</td>
</tr>
<tr>
<td>Trade Representative, United States, Office of</td>
<td>15, XX</td>
</tr>
<tr>
<td>Transportation, Department of</td>
<td>2, XII; 5, L</td>
</tr>
<tr>
<td>Commercial Space Transportation</td>
<td>14, III</td>
</tr>
<tr>
<td>Contract Appeals, Board of</td>
<td>48, 63</td>
</tr>
<tr>
<td>Emergency Management and Assistance</td>
<td>44, IV</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 12</td>
</tr>
<tr>
<td>Federal Aviation Administration</td>
<td>14, I</td>
</tr>
<tr>
<td>Federal Highway Administration</td>
<td>23, I, II</td>
</tr>
<tr>
<td>Federal Motor Carrier Safety Administration</td>
<td>49, III</td>
</tr>
<tr>
<td>Federal Railroad Administration</td>
<td>49, II</td>
</tr>
<tr>
<td>Federal Transit Administration</td>
<td>49, VI</td>
</tr>
<tr>
<td>Maritime Administration</td>
<td>46, II</td>
</tr>
<tr>
<td>National Highway Traffic Safety Administration</td>
<td>23, II, III; 47, IV; 49, V</td>
</tr>
<tr>
<td>Pipeline and Hazardous Materials Safety Administration</td>
<td>49, I</td>
</tr>
<tr>
<td>Saint Lawrence Seaway Development Corporation</td>
<td>33, IV</td>
</tr>
<tr>
<td>Secretary of Transportation, Office of</td>
<td>14, II; 49, Subtitle A</td>
</tr>
<tr>
<td>Surface Transportation Board</td>
<td>49, X</td>
</tr>
<tr>
<td>Transportation Statistics Bureau</td>
<td>49, XI</td>
</tr>
<tr>
<td>Transportation, Office of</td>
<td>7, XXXIII</td>
</tr>
<tr>
<td>Transportation Security Administration</td>
<td>49, XII</td>
</tr>
<tr>
<td>Transportation Statistics Bureau</td>
<td>49, XI</td>
</tr>
<tr>
<td>Travel Allowances, Temporary Duty (TDY)</td>
<td>41, 393</td>
</tr>
<tr>
<td>Treasury Department</td>
<td>5, XXI; 12, XV; 17, IV;</td>
</tr>
<tr>
<td>Alcohol and Tobacco Tax and Trade Bureau</td>
<td>31, IX</td>
</tr>
<tr>
<td>Community Development Financial Institutions Fund</td>
<td>12, XVIII</td>
</tr>
<tr>
<td>Comptroller of the Currency</td>
<td>12, I</td>
</tr>
<tr>
<td>Customs and Border Protection</td>
<td>19, I</td>
</tr>
<tr>
<td>Engraving and Printing, Bureau of</td>
<td>31, VI</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 19</td>
</tr>
<tr>
<td>Federal Claims Collection Standards</td>
<td>31, IX</td>
</tr>
<tr>
<td>Federal Law Enforcement Training Center</td>
<td>31, VII</td>
</tr>
<tr>
<td>Financial Crimes Enforcement Network</td>
<td>31, X</td>
</tr>
<tr>
<td>Fiscal Service</td>
<td>31, II</td>
</tr>
<tr>
<td>Foreign Assets Control, Office of</td>
<td>31, V</td>
</tr>
<tr>
<td>Internal Revenue Service</td>
<td>26, I</td>
</tr>
<tr>
<td>Investment Security, Office of</td>
<td>31, VIII</td>
</tr>
<tr>
<td>Monetary Offices</td>
<td>31, I</td>
</tr>
<tr>
<td>Secret Service</td>
<td>31, IV</td>
</tr>
<tr>
<td>Secretary of the Treasury, Office of</td>
<td>31, Subtitle A</td>
</tr>
<tr>
<td>Thrift Supervision, Office of</td>
<td>12, V</td>
</tr>
<tr>
<td>Truman, Harry S. Scholarship Foundation</td>
<td>45, XVIII</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------</td>
<td>--------------------------------</td>
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<tr>
<td>United States and Canada, International Joint Commission</td>
<td>22, IV</td>
</tr>
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<td>United States and Mexico, International Boundary and Water Commission, United States Section</td>
<td>22, XI</td>
</tr>
<tr>
<td>Utah Reclamation Mitigation and Conservation Commission</td>
<td>43, III</td>
</tr>
<tr>
<td>Veterans Affairs Department</td>
<td>2, VIII; 38, I</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 8</td>
</tr>
<tr>
<td>Veterans' Employment and Training Service, Office of the Assistant Secretary for</td>
<td>41, 61; 20, IX</td>
</tr>
<tr>
<td>Vice President of the United States, Office of</td>
<td>32, XXVIII</td>
</tr>
<tr>
<td>Vocational and Adult Education, Office of</td>
<td>34, IV</td>
</tr>
<tr>
<td>Wage and Hour Division</td>
<td>29, V</td>
</tr>
<tr>
<td>Water Resources Council</td>
<td>18, VI</td>
</tr>
<tr>
<td>Workers' Compensation Programs, Office of</td>
<td>20, I</td>
</tr>
<tr>
<td>World Agricultural Outlook Board</td>
<td>7, XXXVIII</td>
</tr>
</tbody>
</table>
### List of CFR Sections Affected

All changes in this volume of the Code of Federal Regulations that were made by documents published in the FEDERAL REGISTER since January 1, 2001, are enumerated in the following list. Entries indicate the nature of the changes effected. Page numbers refer to FEDERAL REGISTER pages. The user should consult the entries for chapters and parts as well as sections for revisions.


<table>
<thead>
<tr>
<th>Year</th>
<th>CFR</th>
<th>Page</th>
<th>Chapter</th>
<th>Section</th>
<th>Nature of Change</th>
</tr>
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<tbody>
<tr>
<td>2001</td>
<td>50</td>
<td>66 FR</td>
<td>I</td>
<td>13</td>
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<td>I</td>
<td>11</td>
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<td>13</td>
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<td>50</td>
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<td>13</td>
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<td>50</td>
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<tr>
<td>2007</td>
<td>50</td>
<td>72 FR</td>
<td>I</td>
<td>10.12</td>
<td>Amended</td>
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<td>13.46</td>
<td>Amended</td>
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<td>14.3</td>
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<td>(a)(2)(iii) and (iv)(BB) amended; (a)(2)(v) added</td>
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<td>14.91—14.94</td>
<td>(Subpart I) Revised</td>
</tr>
<tr>
<td>2008</td>
<td>50</td>
<td>73 FR</td>
<td>I</td>
<td>13</td>
<td>Authority citation revised</td>
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<td></td>
<td></td>
<td></td>
<td>13.11</td>
<td>(d)(4) table amended</td>
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<td></td>
<td></td>
<td></td>
<td>(b)(5) amended</td>
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<td></td>
<td></td>
<td>13.12</td>
<td>(b) table amended</td>
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<td></td>
<td>14.91—14.94</td>
<td>(Subpart I) Revised</td>
</tr>
<tr>
<td>Year</td>
<td>CFR Edition</td>
<td>Chapter</td>
<td>Amendment Details</td>
<td>Page</td>
<td></td>
</tr>
<tr>
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<td>-------------</td>
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<td>2009</td>
<td>50 CFR 74 FR</td>
<td>Chapter I</td>
<td>13.11 (d)(4) table amended; eff. 11-10-09</td>
<td>46875</td>
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<tr>
<td>2009</td>
<td>50 CFR 74 FR</td>
<td>Chapter I</td>
<td>13.12 (b) table amended; eff. 11-10-09</td>
<td>46876</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>50 CFR 75 FR</td>
<td>Chapter I</td>
<td>10.13 Revised</td>
<td>3289</td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>50 CFR 76 FR</td>
<td>Chapter I</td>
<td>16 Authority citation revised</td>
<td>15858</td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>50 CFR 76 FR</td>
<td>Chapter I</td>
<td>16.13 (a)(2)(i), (ii), (iii) and (iv)(BB) amended; (a)(2)(v) and (vi) removed; new (a)(2)(v) added</td>
<td>15858</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>50 CFR 77 FR</td>
<td>(Regulations published from January 1, 2012, through October 1, 2012)</td>
<td>16.15 (a) revised</td>
<td>3366</td>
<td></td>
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</tbody>
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