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## Table of Contents

<table>
<thead>
<tr>
<th>Explanation</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>v</td>
<td></td>
</tr>
</tbody>
</table>

**Title 50:**

<table>
<thead>
<tr>
<th>Chapter I—United States Fish and Wildlife Service, Department of the Interior</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3</td>
</tr>
</tbody>
</table>

**Finding Aids:**

<table>
<thead>
<tr>
<th>Table of CFR Titles and Chapters</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>113</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Alphabetical List of Agencies Appearing in the CFR</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>133</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>List of CFR Sections Affected</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>143</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.
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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, 2016), 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.

OMB CONTROL NUMBERS

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 of the Code that are no longer in force and effect as of the revision date stated on the cover of each volume are not carried. Code users may find the text of provisions in effect on any given date in the past by using the appropriate List of CFR Sections Affected (LSA). For the convenience of the reader, a “List of CFR Sections Affected” is published at the end of each CFR volume. For changes to the Code prior to the LSA listings at the end of the volume, consult previous annual editions of the LSA. For changes to the Code prior to 2001, consult the List of CFR Sections Affected compilations, published for 1949-1963, 1964-1972, 1973-1985, and 1986-2000.

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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.

What if the material incorporated by reference cannot be found? If you have any problem locating or obtaining a copy of material listed as an approved incorporation by reference, please contact the agency that issued the regulation containing that incorporation. If, after contacting the agency, you find the material is not available, please notify the Director of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001, or call 202-741-6010.

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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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There are no restrictions on the republication of material appearing in the Code of Federal Regulations.

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For a legal interpretation or explanation of any regulation in this volume, contact the issuing agency. The issuing agency’s name appears at the top of odd-numbered pages.

For inquiries concerning CFR reference assistance, call 202-741-6000 or write to the Director, Office of the Federal Register, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001 or e-mail fedreg.info@nara.gov.

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OLIVER A. POTTS,
Director,
Office of the Federal Register.
October 1, 2016.
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, Department of Commerce; 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, 2016.

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


For this volume, Cheryl E. Sirofchuck was Chief Editor. The Code of Federal Regulations publication program is under the direction of John Hyrum Martinez, assisted by Stephen J. Frattini.
Title 50—Wildlife and Fisheries

(This book contains parts 1 to 16)

CHAPTER I—United States Fish and Wildlife Service, Department of the Interior ........................................................... 1
CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER A—GENERAL PROVISIONS

<table>
<thead>
<tr>
<th>Part</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Definitions .......................................................... 5</td>
</tr>
<tr>
<td>2</td>
<td>Agency organization and locations .......................... 5</td>
</tr>
<tr>
<td>3</td>
<td>Nondiscrimination—contracts, permits, and use of facilities .......................................................... 7</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>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>General provisions ........................................ 8</td>
</tr>
<tr>
<td>11</td>
<td>Civil procedures ........................................... 30</td>
</tr>
<tr>
<td>12</td>
<td>Seizure and forfeiture procedures ...................... 34</td>
</tr>
<tr>
<td>13</td>
<td>General permit procedures ................................ 44</td>
</tr>
<tr>
<td>14</td>
<td>Importation, exportation, and transportation of wildlife .......................................................... 57</td>
</tr>
<tr>
<td>15</td>
<td>Wild Bird Conservation Act ............................. 85</td>
</tr>
<tr>
<td>16</td>
<td>Injurious wildlife .......................................... 98</td>
</tr>
</tbody>
</table>
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.

PART 2—AGENCY ORGANIZATION AND LOCATIONS

§ 2.1 Headquarters.
The U.S. Fish and Wildlife Service is composed of a main office in the Washington, DC, area, referred to as “Headquarters”; eight regional offices, which are described in § 2.2; and a variety of field installations, a nationwide network of law enforcement agents, and a number of field study teams for biological and ecological activities. Headquarters includes the Office of the Director, as well as program areas headed by Assistant Directors.

(a) The address for the Office of the Director is: Office of the Director, U.S. Fish and Wildlife Service, Main Interior, 1849 C Street NW., Room 3331, Washington, DC 20240–0001.

(b) The address of Headquarters program areas is: U.S. Fish and Wildlife Service Headquarters, MS: [Insert appropriate Mail Stop from table], 5275 Leesburg Pike, Falls Church, VA 22041–3803.
§ 2.2 Regional offices.

The U.S. Fish and Wildlife Service has eight regional offices that are responsible for implementing national policies. Each Regional Director has jurisdiction over Service activities performed by field installations in the State(s) encompassed by the region. Field installations include ecological services stations, endangered species stations, fishery assistance offices, national fish hatcheries, national wildlife refuges, research laboratories, and wildlife assistance offices. 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. The geographic jurisdictions and addresses of the U.S. Fish and Wildlife regional offices are as follows:

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

(b) Southwest 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 87102.

(c) Midwest Regional Office (Region 3—comprising the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin), 5600 American Boulevard West, Suite 990, Bloomington, Minnesota 55437.

(d) Southeast 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 Boulevard, Suite 400, Atlanta, Georgia 30345.

(e) Northeast 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) Mountain-Prairie 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), Lakewood, Colorado 80228.

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

(h) Pacific Southwest Regional Office (Region 8—comprising the States of California and Nevada), 2800 Cottage
PART 3—NONDISCRIMINATION—CONTRACTS, PERMITS, AND USE OF FACILITIES

§ 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, 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.
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–668d.


§ 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 legal authorities for this list are the Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703–712), the Fish and Wildlife Act of 1956 (16 U.S.C. 703–712), the Fish and Wildlife Act of 1916, 39 Stat. 1702 (T.S. No. 628), as amended; the Protection of Migratory Birds and Game Mammals, February 16, 1936, 50 Stat. 1311 (T.S. No. 912), as amended; and the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742l), and the Fish and Wildlife Act of 1972, 86 Stat. 1311 (T.S. No. 912), as amended. The MBTA also implements Conventions between the United States and neighboring countries for the protection of migratory birds, as follows:

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

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

(3) Japan: Convention between the Government of the United States of America and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction, and Their Environment, March 4, 1972, 25 U.S.T. 3329 (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 that 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 2010). For species not treated by the AOU Check-list, we generally follow the Clements Checklist of Birds of the World (Clements 2007).

(1) Alphabetical listing. Species are listed alphabetically by common (English) group names, with the scientific name of each species following the common name.

ACCENTOR, Siberian, Prunella montanella
AKKEKEE, Loxops caeruleirostris
AKEPA, Loxops coccineus
AKIALOA, Greater, Hemignathus elisianus
AKIAPOLAAU, Hemignathus munroi
AKIKIKI, Oreomystis bidri
AKOHEKOHE, Palmeria dolei
ALUAHIO, Maui, Paroreomyza montana
Oahu, Paroreomyza maculata
ALBATROSS, Black-browed, Thalassarche melanophris
Black-footed, Phoebastria nigripes
Laysan, Phoebastria immutabilis
Light-mantled, Phoebetria palpebrata
Short-tailed, Phoebastria albatrus
Shy, Thalassarche cauta
Wandering, Diomedea exulans
Yellow-nosed, Thalassarche chlororhynchos
AMAKIHI, Hawaii, Hemignathus virens
Kauai, Hemignathus kauaiensis
Oahu, Hemignathus flavus
ANHINGA, Anhinga anhinga
ANI, Groove-billed, Cratogapha sulcirostris
Smooth-billed, Cratogapha ani
ANIANIAU, Magumma parua
APAPANE, Himantonia sanguinea
AUKLET, Cassin’s, Ptychoramphus aleuticus
Crested, Aethia cristatella
Least, Aethia pusilla
Parakeet, Aethia psittacula
Rhinoceros, Cerorhinca monocerata
Whiskered, Aethia pygmaea
AVOCET, American, Recurvirostra americana
BEAN-GOOSE, Taiga, Anser fabalis
Tundra, Anser serrirostris
BEARDLESS-TYRANNULET, Northern, Campostoma imberbe
BECARD, Rose-throated, Pachyramphus aglaiae
§ 10.13

CHUCK-WILL’S-WIDOW, Caprimulgus carolinensis

CONDOR, California, Gymnogyps californianus

COOT, American, Fulica americana

CARIB, Green-throated, Fulica caribaea

Hawaiian, Fulica alia

CORMORANT, Brandt’s, Phalacrocorax penicillatus

Double-crested, Phalacrocorax auritus

Great, Phalacrocorax carbo

Little Pied, Phalacrocorax melanoleucos

Neotropic, Phalacrocorax brasilianus

Pelagic, Phalacrocorax pelagicus

Red-faced, Phalacrocorax urile

COWBIRD, Bronzed, Molothrus aeneus

Brown-headed, Molothrus ater

Shiny, Molothrus bonariensis

CRANE, Common, Grus grus

CRANE, Whooping, Grus americana

CREEPER, Brown, Certhia americana

CROSSBILL, Red, Loxia curvirostra

CROW, American, Corvus brachyrhynchos

Hawaiian, Corvus hawaiiensis

Mariana, Corvus kubaryi

Northwestern, Corvus caurinus

Tamanilapa, Corvus imparatus

White-necked, Corvus leucogaphalus

CUCKOO, Black-billed, Coccyzus erythropthalmus

Common, Coccyzus canorus

Mangrove, Coccyzus minor

Oriental, Coccyzus opalatus

Yellow-billed, Coccyzus americanus

CURLEW, Bristle-thighed, Numenius tahitienisis

Eskimo, Numenius borealis

Eurasian, Numenius arquata

Far Eastern, Numenius madagascariensis

Little, Numenius minutus

Long-billed, Numenius americanus

DICKISSEL, Spiza americana

DIPPER, American, Cinclus mexicanus

DOROTHEL, Eurasion, 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

Eastern Spot-billed, Anas zonorhyncha

Falcated, Anas falcata

Harlequin, Histrionicus histrionicus

Hawaiian, Anas wyleyi
Laysan, Anas laysanensis  
Long-tailed, Clangula hyemalis  
Masked, Nomonyx dominicus  
Mottled, Anas fuligula  
Muscoryl, Caerulea moschata  
Pacific Black, Anas superciliosa  
Ring-necked, Aythya collaris  
Ruddy, Oxyura jamaicensis  
Tufted, Aythya 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, Areta alba  
Intermediate, Mesophoyx intermedia  
Little, Egretta garzetta  
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  
White-crowned, Elaenia albiceps  
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, Carpodacus cassinii  
House, Carpodacus mexicanus  
Laysan, Telespiza cantans  
Nihoa, Telespiza ultima  
Purple, Carpodacus purpureus  
FLAMINGO, American, Phoenicopterus ruber  
FLICKER, Gilded, Colaptes chrysoides  
Northern, Colaptes auratus  
FLYCATCHER, Acadian, Empidonax virescens  
Alder, Empidonax alnorum  
Ash-throated, Myiarchus cinerascens  
Asian Brown, Muscicapa dauurica  
Brown-crested, Myiarchus tyrannulus  
Buff-breasted, Empidonax fulvifrons  
Cordilleran, Empidonax occidentalis  
Crowned, Slaty, Empidonax aurantioatrocristatus  
Dark-sided, Muscicapa sibirica  
Dusky, Empidonax oberholseri  
Dusky-capped, Myiarchus tuberculifer  
Fork-tailed, Tyrannus savana  
Gray, Empidonax alboterminatus  
Gray-streaked, Muscicapa grisescens  
Great Crested, Myiarchus crinitus  
Hammond’s, Empidonax hammondii  
La Sagra’s, Myiarchus sagrae  
Least, Empidonax minimus  
Mugimaki, Ficedula mugimaki  
Narcissus, Ficedula narcissina  
Nutting’s, Myiarchus nuttingi  
Olive-sided, Contopus cooperi  
Pacific-slope, Empidonax difficilis  
Piratic, Legatus leucocephalus  
Puerto Rican, Myiarchus antillarum  
Scissor-tailed, Tyrannus forficatus  
Social, Myiopagis similis  
Spotted, Muscicapa striata  
Sulphur-bellied, Myiodynastes luteiventris  
Taiga, Ficedula albicilla  
Tufted, Mitrephanes phaeocercus  
Variegated, Empidonax varius  
Vermilion, Pyrocephalus rubinus  
Willow, Empidonax trivialis  
Yellow-bellied, Empidonax flaviventris  
FOREST-FALCON, Collared, Micrastur semitorquatus  
FRIGATEBIRD, Great, Fregata minor  
Lesser, Fregata arquata  
Magnificent, Fregata magnificens  
FROG-HAWK, Gray, Accipiter solensis  
FROTT-DOVE, Crimson-crowned, Ptilinopus porphyraceus  
Many-colored, Ptilinopus peroussi  
Mariana, Ptilinopus roseicapilla  
FULTMAR, Northern, Fulmarus glacialis  
GADWALL, Anas strepera  
GALLINULE, Azure, Porphyrio flavirostris  
Purple, Porphyrio martinica  
GANNET, Northern, Morus bassanus  
GARGANEY, Anas querquedula  
GNATCATCHER, Black-capped, Polioptila nigriceps  
Black-tailed, Poliopilota melanura  
Blue-gray, Poliopilota caerulea  
California, Poliopilota californica  
GODWIT, Bar-tailed, Limosa lapponica  
Black-tailed, Limosa limosa  
Hudsonian, Limosa haemastica  
Marbled, Limosa fedoa  
GOLDEN-FLOVER, American, Pluvialis dominica  
European, Pluvialis apricaria  
Pacific, Pluvialis fulva  
GOLDEN-EYE, Barrow’s, Bucephala islandica  
Common, Bucephala clangula  
GOLDFINCH, American, Spinus tristis  
Lawrence’s, Spinus lawrencei  
Lesser, Spinus psaltria  
GOOSE, Barnacle, Branta leucopsis  
Canada, Branta canadensis (including Cackling Goose, Branta hutchinsii)  
Emperor, Chen canagica  
Greater White-fronted, Anser albifrons  
Hawaiian, Branta sandvicensis  
Lesser White-fronted, Anser erythropus  
Ross’s, Chen rossii  
Snow, Chen caerulescens  
GOSHAWK, Northern, Accipiter gentilis  
GRACKLE, Boat-tailed, Quiscalus major  
Common, Quiscalus quiscula  
Greater Antillean, Quiscalus niger  
GRASSHOPPER-WARRBLER, Middendorf’s, Locustella ochetensis  
GRASSQUIT, Black-faced, Tiaris bicolor  
Yellow-faced, Tiaris olivaceus  
GREBE, Clark’s, Aechmophorus clarkii  
Eared, Podiceps nigricollis
U.S. Fish and Wildlife Serv., Interior

§ 10.13

KINGFISHER, Belted, Megaceryle alcyon
Collared, Todiramphus chloris
Green, Chloroceryle americana
Micronesian, Todiramphus cinnamominus
Ringed, Megaceryle torquata
KINGLET, Golden-crowned, Regulus satrapa
Ruby-crowned, Regulus calendula
KISKADEE, Great, Pitangus sulphuratus
KITE, Black, Milvus migrans
Hook-billed, Chondrohierax uncinatus
Mississippi, Ictinia mississippiensis
Snaill, Rostrhamus sociabilis
Swallow-tailed, Elandeis forficatus
White-tailed, Elandeis leucurus
KTITIWAKE, Black-legged, Rissa tridactyla
Red-legged, Rissa brevirostris
KNOT, Great, Calidris tenuirostris
Red, Calidris canutus
LAPWING, Northern, Vanellus vanellus
LARK, Horned, Eremophila alpestris
Sky, Alauda arvensis
LEAF-WARBLER, Palis's, Phylloscopus proregulus
LIMPKIN, Atramis guarauna
LIZARD-CUCKOO, Puerto Rican, Coccyzus vieilloti
LONGSPUR, Chestnut-collared, Calidris antiquus
Lapland, Calidris lapponicus
McCown's, Rhynchophanes mccownii
Smith's, Calidris pictus
LOON, Arctic, Gavia arctica
Common, Gavia immer
Pacific, Gavia pacifica
Red-throated, Gavia stellata
Yellow-billed, Gavia adamsii
MAGPIE, Black-billed, Pica hudsonia
Yellow-billed, Pica nuttalli
MALLARD, Anas platyrhynchos
MANGO, Antillean, Anthracophorus dominicus
Green, Anthracophorus viridis
Green-breasted, Anthracophorus prevostii
MARIN, Brown-collared, Progne tapera
Caribbean, Progne dominicensis
Cuban, Progne cryptoleuca
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
MOCKINGBIRD, Bahama, Mimus gundlachii
Blue, Melanotis caerulescens
Northern, Mimus polyglottos
MOORHEN, 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
Xantu's, Synthliboramphus hypoleucus
NEEDLETAIL, White-throated, Hirundapus caudacatus
NIGHT-HERON, Black-crowned, Nycticorax nycticorax
Japanese, Gorsachius goisagi
Malayan, Gorsachius melanoleucus
Yellow-crowned, Nyctanassa violacea
NIGHTHAWK, Antillean, Chordeiles gundlachii
Common, Chordeiles minor
Lesser, Chordeiles acutipennis
NIGHTINGALE-THRUSH, Black-headed, Catharus mexicanus
Orange-billed, Catharus aurantiifrons
NIGHTJAR, Buff-collared, Caprimulgus ridgwayi
Gray, Caprimulgus indicus
Puerto Rican, Caprimulgus noctitherus
NODDY, Black, Anous minutus
Blue-gray, Procelsterna cerulea
Brown, Anous stolidus
NUKUPUU, Hemignathus lucidus
NUTCRACKER, Clark's, Nucifraga columbiana
NUTHATCH, Brown-headed, Sitta pusilla
Pygmy, Sitta pygmea
Red-breasted, Sitta canadensis
White-breasted, Sitta carolinensis
OLOMAO, Myadestes lanaeisii
OMAO, Myadestes obscurus
OIOLE, Altamira, Icterus gularis
Audubon's, Icterus graduacauda
Baltimore, Icterus galbula
Black-vented, Icterus sagleri
Bulloch's, Icterus bullochi
Hooded, Icterus cucullatus
Orchard, Icterus spurius
Puerto Rican, Icterus portoricensis
Scott's, Icterus parisorum
Streak-backed, Icterus pustulatus
OSPREY, Pandion haliaetus
OU, Pattiiorstra psittacea
OVENBIRD, Seiurus aurocapilla
OWL, Barn, Tyto alba
Barred, Strix varia
Red-phoebes, Strix varia
Burrowing, Athene cunicularia
Elf, Micrathene whitneyi
Flammulated, Otus flammulatus
Great Gray, Strix nebulosa
Great Horned, Bubo virginianus
Great-eared, Asio otus
Mottled, Cuccuba 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, Lozioidea bailleui
PALM-SWIFT, Antileane, Tachornis phoenicobia
Upland, Bartramia longicauda
Western, Calidris mauri
White-rumped, Calidris fuscicollis
Wood, Tringa glareola
SAND-POINTER, Greater, Charadrius leschenaultii
Lesser, Charadrius mongolus
SAPSUCKER, Red-breasted, Sphyrapicus ruber
Red-naped, Sphyrapicus nuchalis
Williams’i, Sphyrapicus thyroideus
Yellow-bellied, Sphyrapicus caryius
SCAUP, Greater, Melanitta perspicillata
Lesser, Aythya affinis
SCOPS-OWL, Oriental, Otus sunia
SCOPED, Black, Lanius excubitor
SIFT, Melanitta perspicillata
White-winged, Melanitta fusca
SCREECH-OWL, Eastern, Megascops asio
Puerto Rican, Megascops nudipes
Western, Megascops kenneicottii
WHISPERED, Megascops trichopsis
SCRUB-JAY, Florida, Aphelocoma coerulescens
Island, Aphelocoma insularis
Western, Aphelocoma californica
SEA-EAGLE, Steller’s, Haliaeetus pelagicus
SPOONBILL, Roseate, Platalea ajaja
WESTERN, White-collared, Sporophila tenuirostris
SHRIKE, Brown, Lanius cristatus
Loggerhead, Lanius ludovicianus
Northern, Lanius excubitor
SILKY-FLYCATCHER, Gray, Myiarchus cinereus
SISKIN, Eurasian, Spinus spinus
Pine, Spinus pinus
SKIMMER, Black, Rynchops niger
SKUA, Great, Stercorarius skua
South Polar, Stercorarius maccormicki
SMEW, Mergellus albellus
SNPE, Common, Gallinago gallinago
Jack, Lymnocryptes minimus
Pin-tailed, Gallinago stenura
SWINHOE’S, Gallinago megala
Wilson’s, Gallinago delicata
SOLITAIRE,Townsend’s, Myiarchus townsendi
SORA, Porzana carolina
SPARROW, American Tree, Spizella arborea

Bachman’s, Pooecetes ateralis
BAIRD’S, Ammodramus bairdii
Black-chinned, Spizella atrorugina
Black-throated, Amphispiza bilineata
BOTTLE’S, Pooecetes bottleri
BREWER’S, Spizella brevirostris
CASSIN’S, Pooecetes cassini
Chipping, Spizella passerina
Clay-colored, Spizella pallida
Field, Spizella pusilla
Five-striped, Amphispiza iniquisestriata
FOX, Pooecetes illula
Golden-crowned, Zonotrichia atricapilla
GRASSHOPPER, Ammodramus savannarum
HARRIS’S, Zonotrichia querula
Henslow’s, Ammodramus henslowii
Lark, Chondestes grammacus
LE CONTE’S, Ammodramus lecontei
LINCOLN’S, Melospiza lincolni
Nelson’s, Ammodramus nelsoni
Olive, Arrenornops rufivertigatus
Rufous-crowned, Amphilochia ruficeps
Rufous-winged, Pooecetes carpalis
Sage, Amphispiza belli
SALTMARSH, Ammodramus caudatus
SAVANNAH, Passerellus sandwichensis
SEASIDE, Ammodramus maritimus
Song, Melospiza melodia
SWAMP, Melospiza georgiana
Vesper, Pooecetes gramineus
White-crowned, Zonotrichia leucophrys
White-throated, Zonotrichia albicollis
WORTHEN’S, Spizella wortheni
SPARROWHAWK, Japanese, Accipiter gularis
SPINDALIS, Puerto Rican, Spindalis portoricensis
Western, Spindalis zena
SPOONBILL, Roseate, Platalea ajaja
SWINHOE’S, Chestnut-cheeked, Spindalis zena
STARK THROAT, Plain-capped, Heliomaster constanti
STILT, Black-necked, Himantopus mexicanus
Black-winged, Himantopus himantopus
STINT, Little, Calidris minuta
LONG-TOED, Calidris subminuta
RED NECKED, Calidris ruficollis
TEN MINCH’S, Calidris temminckii
STONECHAT, Saxicola torquata
STORK, Wood, Mycteria americana
STORM PETREL, Ashy, Oceanodroma homochroa
BAND-RUMPED, Oceanodroma castro
BLACK, Oceanodroma melanops
BLACK-BELLIED, Fregetta tropica
FORK-TAILED, Oceanodroma furcata
LEACH’S, Oceanodroma leucorhoa
LEAST, Oceanodroma microsoma
MATSUDAIRA’S, Oceanodroma matsudaira
POLYNESIAN, Nesobrogetta fuliginosa
RINGED, Oceanodroma horrida
SWINHOE’S, Oceanodroma melanocephala
TRISTRAM’S, Oceanodroma tristriana
WEDGE-RUMPED, Oceanodroma tethys
WHITE-FACED, Pelagodroma marina
WHITE-BELLIED, Fregetta grallaria
§ 10.13

Wilson’s, Oceanites oceanicus
SURFBIRD, Aphriza virgata
SWALLOW, Bahama, Tachycineta cyanoecciridis
Barn, Hirundo rustica
Cave, Petrochelidon fulva
Cliff, Petrochelidon pyrrhonota
Mangrove, Tachycineta albilinea
Northern Rough-winged, Steigdopertyx serripennis
Tree, Tachycineta bicolor
Violet-green, Tachycineta thalassina
SWAMPHEN, Purple, Pandalus porphyrio
SWAN, Trumpeter, Cygnus buccinator
Tundra, Cygnus columbianus
Whooper, Cygnus cygnus
SWIFT, Alpine, Apus melba
Black, Cypseloides niger
Chimney, Chaetura pelagica
Common, Apus apus
Fork-tailed, Apus pacificus
Short-tailed, Chaetura bruchyura
Vaux’s, Chaetura vauxii
White-collared, Streptoprocne zonaris
White-throated, Aeronautus saratalli
SWIFTLET, Mariana, Aquilaria arborescens
White-rumped, Aquilaria aquila
TANAGER, Flame-colored, Piranga bidentata
Hepatic, Piranga flava
Puerto Rican, Nesopinus speculiferus
Scarlet, Piranga olivacea
Summer, Piranga rubra
Western, Piranga ludoviciana
TATTLETT, Gray-tailed, Tringa brevipes
Wandering, Tringa incana
TEAL, Baikal, Anas formosa
Blue-winged, Anas discors
Cinnamon, Anas cyanoptera
Green-winged, Anas crecca
TERN, Aleutian, Onychoprion aleuticus
Arctic, Sterna paradisaea
Black, Chlidonias niger
Black-naped, Sterna sumatrana
Bridled, Onychoprion annaestus
Caspian, Hydroprogne caspia
Common, Sterna hirundo
Elegant, Thalasseus elegans
Forster’s, Sterna forsteri
Gray-backed, Onychoprion lunatus
Great Crested, Thalasseus bergii
Gull-billed, Gelocheleidon 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 leucopterus
THRASHER, Bendire’s, Toxostoma bendirei
Brown, Toxostoma rubricollis
California, Toxostoma redivivum
Crissal, Toxostoma crissal
Curlew-billed, Toxostoma curvirostre

Le Conte’s, Toxostoma lecontei
Long-billed, Toxostoma longirostre
Pearly-eyed, Margaropis fuscatus
Sage, Oreocephalus montanus
THrush, Aztec, Ridgwayia pincula
Bicknelli’s, Catharus bicknelli
Clay-colored, Turdus grayi
Dusky, Turdus naumanni
Eyesbrowed, Turdus obscurus
Gray-cheeked, Catharus minimus
Hermit, Catharus guttatus
Red-legged, Turdus plumbeus
Swainson’s, Catharus ustulatus
Varied, Isoreus naevius
White-throated, Turdus assimilis
Wood, Hylocichla mustelina
TITMOUSE, Black-crested, Baeolophus atricristatus
Bridled, Baeolophus wollweberi
Juniper, Baeolophus ridgwayi
Oak, Baeolophus inornatus
Tufted, Baeolophus bicolor
TITTYRA, Masked, Titrya semispectata
TOWHEE, Abert’s, Melozone aberti
California, Melozone crassalis
Canyon, Melozone fuscus
Eastern, Pipilo erythrophthalmus
Green-tailed, Pipilo chlorurus
Sooted, Pipilo maculatus
TROGON, Elegant, Trogon elegans
TROPICBIRD, Red-billed, Phaethon aethereus
Red-tailed, Phaethon rubricauda
White-tailed, Phaethon lepturus
TURNSTONE, Black, Arenaria melanocephala
Ruddy, Arenaria interpres
TURTLE-DOVE, Oriental, Streptopelia orientalis
VERRY, Catharus fuscescens
VERDEN, Aythya baileyi
VIOLETFEAR, Green, Colibri thalassinus
VIREO, Bell’s, Vireo bellii
Black-capped, Vireo atricapillus
Black-whiskered, Vireo altilogus
Blue-headed, Vireo solitarius
Cassin’s, Vireo cassinii
Gray, Vireo vicinior
Hutton’s, Vireo huttoni
Philadelphia, Vireo philadelphicus
Plumbeous, Vireo plumbeus
Puerto Rican, Vireo latimeri
Red-eyed, Vireo olivaceus
 Thick-billed, Vireo crassirostris
Warbling, Vireo gilvus
White-eyed, Vireo griseus
Yellow-green, Vireo flavoviridis
Yellow-throated, Vireo flavifrons
Yucatan, Vireo magister
VULTURE, Black, Coragyps atratus
Turkey, Cathartes aura
WAGTAIL, Citrine, Motacilla citreola
Eastern Yellow, Motacilla tschutschensis
Gray, Motacilla cinerea
White, Motacilla alba
WARBLER, Adelaide’s, Dendroica adelaidae
Arctic, Phylloscopus borealis
Bachman’s, Vireo bucarensis
Bay-breasted, Dendroica castanea
Black-and-white, *Mniotilta varia*
Black-throated Blue, *Dendroica caerulescens*
Black-throated Gray, *Dendroica nigrescens*
Black-throated Green, *Dendroica fusca*
Blackburnian, *Dendroica arubensis*
Blackpoll, *Dendroica striata*
Blue-winged, *Vermivora cyanoptera*
Canada, *Wilsonia canadensis*
Cape May, *Dendroica tigrina*
Cerulean, *Dendroica cerulea*
Chestnut-sided, *Dendroica pensylvanica*
Colima, *Oreothlypis crissalis*
Connecticut, *Oporornis agilis*
Crescent-cheeked, *Oreothlypis superciliosa*
Dusky, *Phylloscopus fuscatus*
Elfin-woods, *Dendroica angelae*
Fan-tailed, *Euthlypis lachrymosa*
Golden-cheeked, *Dendroica chrysoparia*
Golden-crowned, *Basilengulus ciclivorus*
Golden-winged, *Vermivora chrysopygia*
Grace’s, *Dendroica graciae*
Hermit, *Dendroica occidentalis*
Hooded, *Wilsonia citrina*
Kentucky, *Oporornis formosus*
Kirtland’s, *Dendroica kirtlandii*
Lanceolated, *Locustella lanceolata*
Lucy’s, *Oreothlypis luciae*
MacGillivray’s, *Oporornis tolmiei*
Magnolia, *Dendroica magnolia*
Mourning, *Oporornis philadelphia*
Nashville, *Oreothlypis ruficapilla*
Olive, *Peucedramus taeniatus*
Orange-crowned, *Oreothlypis celata*
Palm, *Dendroica palmarum*
Pine, *Dendroica pinus*
Prairie, *Dendroica discolor*
Prothonotary, *Protonotaria citrea*
Red-faced, *Cardellina rubrifrons*
Rufous-capped, *Basilengulus rufirostris*
Sedge, *Acrocephalus schoenobaenus*
Swainson’s, *Limothlypis swainsonii*
Tennessee, *Oreothlypis peregrina*
Townsend’s, *Dendroica townsendi*
Virginia’s, *Oreothlypis virginiae*
Willow, *Phylloscopus trochilus*
Wilson’s, *Wilsonia pusilla*
Wood, *Phylloscopus sibilatrix*
Worm-eating, *Helmitheros vermivorum*
Yellow, *Dendroica petechia*
Yellow-browed, *Phylloscopus inornatus*
Yellow-rumped, *Dendroica coronata*
Yellow-throated, *Dendroica dominica*
WATERTHRUSH, *Louisiana, Parkesia motacilla*
Northern, *Parkesia noveboracensis*
WAXWING, *Bohemian, Bombycilla garrulus*
Cedar, *Bombycilla cedrorum*
WHEATFAR, *Northern, Oenanthe oenanthe*
WHIMBREL, *Numenius phaeopus*
WHIPPOORWILL, Eastern, *Caprimulgus vociferus*
Mexican, *Caprimulgus arizonae*
WHISTLING-DUCK, Black-bellied, *Dendrocygna autumnalis*
Fulvous, *Dendrocygna bicolor*
West Indian, *Dendrocygna arborea*
WHITE THROAT, Lesser, *Sylvia curruca*
WHITE THROAT, American, *Sylvia communis*
Eurasian, *Sylvia communis*
WIGEON, *American, Anas americana*
Eurasian, *Anas penelope*
WILLET, *Tringa semipalmata*
WOOD-PEWEE, Eastern, *Contopus virens*
Western, *Contopus sordidus*
WOODCOCK, *American, Scolopax minor*
Eurasian, *Scolopax rusticola*
WOODECKER, 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 lewis*
Nuttall’s, *Picoides nuttalli*
Pileated, *Dryocopus pileatus*
Puerto Rican, *Melanerpes portoricensis*
Red-bellied, *Melanerpes carolinus*
Red-cockaded, *Picoides borealis*
Red-headed, *Melanerpes erithacus*
White-headed, *Picoides albolarvatus*
WOODSTAR, *Bahama, Calliphlox everlynnae*
WREN, *Bewick’s Thryomanes bewickii*
Cactus, *Campylorhynchus brunneicapillus*
Canyon, *Catherpes mexicanus*
Carolina, *Thryothorus ludovicianus*
House, *Troglodytes aedon*
Marsh, *Cistothorus palustris*
Pacific, *Troglodytes pacificus*
Rock, *Sulcipterus obsoletus*
Sedge, *Cistothorus platensis*
Sinaloa, *Thryothorus sinaloa*
Winter, *Troglodytes hiemalis*
WRENTIT, *Chamaea fasciata*
WRYNECK, *Eurasian, Jynx torquilla*
YELLOW LEGS, *Greater, Tringa melanoleuca*
Lesser, *Tringa flavipes*
YELLOW THROAT, *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
Family ANATIDAE
Subfamily DENDROCYGNINAE
*Dendrocygna autumnalis*, Black-bellied Whistling-Duck
*Dendrocygna arborea*, West Indian Whistling-Duck
*Dendrocygna bicolor*, Fulvous Whistling-Duck

Subfamily ANSERINAE
*Anser fabalis*, Taiga Bean-Goose
Family GAVIIDAE
Gavia stellata, Red-throated Loon
Gavia arctica, Arctic Loon
Gavia pacifica, Pacific Loon
Gavia immer, Common Loon
Gavia adamsii, Yellow-billed Loon
Order PODICIPEDIFORMES
Family PODICIPEDIDAE
Gavia stellata, Red-throated Loon
Gavia arctica, Arctic Loon
Gavia pacifica, Pacific Loon
Gavia immer, Common Loon
Gavia adamsii, Yellow-billed Loon
Order PODICIPEDIFORMES
Family PODICIPEDIDAE
Tachybaptus dominicus, Least Grebe
Podiceps podiceps, Pied-billed Grebe
Podiceps auritus, Horned Grebe
Podiceps grisegena, Red-necked Grebe
Podiceps nigricollis, Eared Grebe
Aechmophorus occidentalis, Western Grebe
Aechmophorus clarkii, Clark’s Grebe
Order PHOENICOPTERIFORMES
Family PHOENICOPTERIDAE
Phoenicopterus ruber, American Flamingo
Order PROCELLARIIFORMES
Family PROCELLARIDAE
Phalacrocorax auritus, Common Loon
Phalacrocorax penelope, Eurasian Coot
Phalacrocorax carbo, Red-legged Grebe
Phalacrocorax aristotelis, Black-headed Gull
Phalacrocorax pygmeus, Great Black-backed Gull
Phalacrocorax aristotelis, Black-headed Gull
Phalacrocorax carbo, Red-legged Grebe
Phalacrocorax penelope, Eurasian Coot
Phalacrocorax auritus, Common Loon
Phalacrocorax pygmeus, Great Black-backed Gull
U.S. Fish and Wildlife Serv., Interior

§ 10.13

Family PHALACROCORACIDAE
Phalacrocorax pelagicus, Pelagic Cormorant
Phalacrocorax melanoleucus, Little Pied Cormorant

Family ANHINGIDAE
Anhinga anhinga, Anhinga

Order PELECANIFORMES
Family PELECANIDAE
Pelecanus erythrorhynchos, American White Pelican
Pelecanus occidentalis, Brown Pelican

Family ARDEIDAE
Butorides virescens, Western Reef-Heron
Egretta gularis, Western Reef-Heron
Egretta thula, Snowy Egret
Egretta tricolor, Tricolored Heron
Egretta rufescens, Reddish Egret
Egretta alba, Great Egret

Family CATHARTIDAE
Cathartes aura, Turkey Vulture
Coragyps atratus, Black Vulture
Cathartes aura, Turkey Vulture

Family ACCIPITRIFORMES
Order ACCIPITRIDAE
Accipiter striatus, Double-crested Cormorant
Accipiter gularis, Sharp-shinned Hawk

Order PANDIONIDAE
Pandion haliaetus, Osprey

Family PHALACROCORACIDAE
Phalacrocorax penicillatus, Brandt's Cormorant
Phalacrocorax brasilianus, Neotropic Cormorant
Phalacrocorax aequinus, Double-crested Cormorant
Phalacrocorax rufild, Great Cormorant
Phalacrocorax urile, Red-faced Cormorant

Family CICONIIDAE
Bubulcus ibis, Cattle Egret

Family CICONIIFORMES
Egretta sacra, Pacific Reef-Egret
Egretta leucoleucor, White-tailed Tropicbird

Order SULIFORMES
Family CICONIIDAE
Mycteria americana, Jabiru

Family PHALACROCORACIDAE
Phalacrocorax urile, Great Shearwater
Phalacrocorax carbo, Black-headed Shearwater
Phalacrocorax auritus, Little Shearwater
Phalacrocorax brasilianus, Neotropic Cormorant
Phalacrocorax aequinus, Double-crested Cormorant
Phalacrocorax rufild, Great Cormorant
Phalacrocorax urile, Red-faced Cormorant

Family HYDROBATIDAE
Oceanodroma microsoma, Least Storm-Petrel
Oceanodroma castro, Band-rumped Storm-Petrel
Oceanodroma tetractys, Wedge-rumped Storm-Petrel
Oceanodroma matsudaira, Matsudaira’s Storm-Petrel
Oceanodroma melanias, Black Storm-Petrel
Oceanodroma tristrami, Tristram’s Storm-Petrel

Family SULIDAE
Sula dactylatra, Masked Booby
Sula leucogaster, Brown Booby
Sula asio, Red-footed Booby

Family CICONIIDAE
Mycteria americana, Jabiru

Family CICONIIFORMES
Nycticorax nycticorax, Black-crowned Night-Heron
Nysora violacea, Yellow-crowned Night-Heron
Gorsachius goisagi, Japanese Night-Heron
Gorsachius melanolophus, Malayan Night-Heron

Family THRESKIORNITHIDAE
Subfamily THRESKIORNITHINAE
Eudocimus ruber, Scarlet Ibis
Plegadis falcinellus, Glossy Ibis

Subfamily PLATALEINAE
Platalea ajaja, Roseate Spoonbill

Family CATHARTIDAE
Coragyps atratus, Black Vulture
Cathartes aura, Turkey Vulture

Family ACCIPITRIFORMES
Order ACCIPITRIDAE
Accipiter striatus, Sharp-shinned Hawk
§ 10.13

50 CFR Ch. I (10–1–16 Edition)

Accipiter cooperii, Cooper’s Hawk
Accipiter gentilis, Northern Goshawk
Geranospiza caerulescens, Crane Hawk
Buteogallus anthracinus, Common Black-Hawk
Parabuteo unicinctus, Harris’s Hawk
Buteo magnirostris, 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, Gyrfalcon
Falco mexicanus, Prairie Falcon
Falco peregrinus, Peregrine Falcon
Falco femoralis, Eurasian Hobby
Falco subbuteo, Eurasian Hobby
Falco rufigularis, Aplomado Falcon
Falco rusticolus, Gyrfalcon
Falco peregrinus, Peregrine Falcon
Falco mexicanus, Prairie Falcon
Order GRUIFORMES
Family FALCONIDAE
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
Charadrius philomelos, 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 pallasii, American Oystercatcher
Family RECURIROSTRIDAE
Himantopus himantopus, Black-winged Stilt
Himantopus mexicanus, Black-necked Stilt
Recurvirostra americana, American Avocet
Family JACANIDAE
Jacana spinosa, Northern Jacana
Family SCOLOPACIDAE
Subfamily SCOLOPACINAE
Xenus cinereus, Terek Sandpiper
Actitis hypoleucos, 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 nebulosa, Common Greenshank
Tringa guttifer, Nordmann’s Greenshank
Tringa semipalma, 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 limosa, Black-tailed Godwit
Limosa haemastica, Hudsonian Godwit
Limosa lapponica, Bar-tailed Godwit
Limosa fedoa, Marbled Godwit
 Arenaria interpres, Ruddy Turnstone
Arenaria melanocephala, Black Turnstone
Subfamily LARINAE

- *Larus argentatus*, Common Gull
- *Larus livens*, Mew Gull
- *Larus delawarensis*, Western Gull
- *Larus canus*, Herring Gull
- *Larus heermanni*, Heermann’s Gull
- *Larus canus*, Mew Gull

Subfamily PHALAROPODINAE

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

Family STERCORARIIDAE

- *Stercorarius pomarinus*, Pomarine Jaeger
- *Stercorarius parocetus*, White-tailed Jaeger

Family ALCIDAE

- *Alca torda*, Razorbill
- *Uria aalge*, Common Murre
- *Uria lomvia*, Thick-billed Murre
- *Alca torda*, Razorbill
- *Cepphus grylle*, Pigeon Guillemot
- *Cepphus columba*, Black Guillemot

Subfamily RYNCHOPINAE

- *Rynchops niger*, Black Noddy
- *Sterna forsteri*, Forster’s Tern
- *Sterna paradisaea*, Arctic Tern

Subfamily PHALAROPODINAE

- *Phalaropus tricolor*, Wilson’s Phalarope
- *Phalaropus lobatus*, Rock Sandpiper
- *Phalaropus tricolor*, Wilson’s Phalarope

Family LARIDAE

- *Larusa canus*, Western Gull
- *Larusa delawarensis*, West Gull
- *Larusa californica*, California Gull
- *Larusa argentatus*, Herring Gull

Subfamily LARINAE

- *Larus michahellis*, Yellow-legged Gull
- *Larus thayeri*, Thayer’s Gull
- *Larus glaucescens*, Iceland Gull
- *Larus schistisagus*, Slaty-backed Gull
- *Larus glaucescens*, Glaucous-winged Gull
- *Larus hyperboreus*, Glaucous Gull
- *Larus marinus*, Great Black-backed Gull

Subfamily STERNINAE

- *Anous stolidus*, Brown Noddy
- *Anous minutus*, Black Noddy
- *Procellaria cerulea*, Blue-gray Noddy
- *Gygis alba*, White Tern
- *Onychoprion fuscatus*, Sooty Tern
- *Onychoprion lunatus*, Gray-backed Tern
- *Onychoprion anaethetus*, Bridled Tern
- *Onychoprion adeliae*, Aleutian Tern
- *Sterna albifrons*, Little Tern
- *Sterna antillarum*, Least Tern
- *Phaetusa simplex*, Large-billed Tern
- *Gelochelidon nilotica*, Gull-billed Tern
- *Hydroprogne caspia*, Caspian Tern
- *Chlidonias niger*, Black Tern
- *Chlidonias leucopterus*, White-winged Tern
- *Chlidonias hybridus*, Whiskered Tern
- *Sterna dougallii*, Roseate Tern
- *Sterna skua*, Black-backed Tern
- *Sterna hirundo*, Common Tern
- *Sterna paradisaea*, Arctic Tern
- *Sterna forsteri*, Forster’s Tern
- *Thalasseus bergii*, Great Crested Tern
- *Thalasseus sandvicensis*, Sandwich Tern
- *Sterna elegans*, Least Tern

Subfamily RYNCHOPINAE

- *Rynchops niger*, Black Skimmer
- *Stercorarius skua*, Great Skua
- *Stercorarius maccormicki*, South Polar Skua
- *Stercorarius pomarinus*, Pomarine Jaeger
- *Stercorarius parasiticus*, Parasitic Jaeger

Subfamily LARINAE

- *Creagrus furcatus*, Swallow-tailed Gull
- *Rissa tridactyla*, Black-legged Kittiwake
- *Rissa brevirostris*, Red-legged Kittiwake
- *Pagophila eburnea*, Ivory Gull
- *Xema sabini*, Sabine’s Gull
- *Chloicocephalus philadelphia*, Bonaparte’s Gull
- *Chloicocephalus ridibundus*, Gray-hooded Gull

Subfamily LARIDAE

- *Larusa canus*, Western Gull
- *Larusa delawarensis*, West Gull
- *Larusa californica*, California Gull
- *Larusa argentatus*, Herring Gull
§ 10.13

Certhioidae

Family COLUMBIDAE

Order COLUMBIFORMES

Subfamily CROTOPHAGINAE

Subfamily NEOMORPHINAE

Subfamily CUCULINAE

Subfamily TROCHILINAE

Subfamily APODINAE

Subfamily CHAETURINAE

Subfamily CYPSELOIDINAE

Subfamily CAPRIMULGINAE

Subfamily CHORDEILINAE

Subfamily CAPRIMULGIDAE

Order CAPRIMULGIFORMES

Order APODIFORMES

Order APODIDAE

Order TYTONIDAE

Order STRIGIDAE

Order TYTONIFORMES

Order STRIGIFORMES

Order CUCULIFORMES

Order COLUMBIFORMES

Order COLUMBIDAE

24

Glaucidium brasilianum, Ferruginous
Pygmy-Owl

Micrathene whitneyi, Elf Owl

Athene cunicularia, Burrowing Owl

Ciccaba virgata, Mottled Owl

Strix occidentalis, Spotted Owl

Strix varia, Barred Owl

Strix nebulosa, Great Gray Owl

Asio otus, Long-eared Owl

Asio sti gius, Stigian Owl

Asio flammeus, Short-eared Owl

Aegolius funereus, Boreal Owl

Aegolius acadicus, Northern Saw-whet Owl

Ninox scutulata, Brown Hawk-Owl

Order CAPRIMULGIFORMES

Family CAPRIMULGIDAE

Subfamily CHORDEILINAE

Chordeiles acutipennis, Lesser Nighthawk

Chordeiles minor, Common Nighthawk

Chordeiles gundlachii, Antillean Nighthawk

Subfamily CAPRIMULGINAE

Nyctidromus albicollis, Common Pauraque

Phalaenoptilus nuttalli, Common Poorwill

Caprimulgus carollinus, Chuck-will’s-widow

Caprimulgus ridgwayi, Buff-collared Nightjar

Caprimulgus vociferus, Eastern Whip-poor-will

Caprimulgus arizonae, Mexican Whip-poor-will

Caprimulgus no titerus, Puerto Rican Nightjar

Caprimulgus indius, Gray Nightjar

Order APODIFORMES

Family APODIDAE

Subfamily CYPSELOIDINAE

Cypseloides nigerrimus, Black Swift

Streptoprocne zonaria, White-collared Swift

Subfamily CHORDEILINAE

Chaetura pelagica, Common Nighthawk

Chaetura vauxi, Vaux’s Swift

Chaetura brachyura, Short-tailed Swift

Hirundapus caudacutus, White-throated Needletail

Aerodramus spodiopygius, White-rumped Swiftlet

Aerodramus bartyi, Mariana Swiftlet

Subfamily APODINAE

Apus aprus, Common Swift

Apus pacificus, Fork-tailed Swift

Apus melba, Alpine Swift

Aeronautes saxatalis, White-throated Swift

Tachuris phoenicuca, Antillean Palm-Swift

Family TYTONIDAE

Subfamily TROCHILIDAE

Colibri thalassinus, Green Violetear

Anthracothorax prevostii, Green-breasted Mango

Anthracothorax dominicus, Antillean Mango

Anthracothorax viridus, Green Mango

Eulampis jugularis, Purple-throated Carib

Eulampis holosericeus, Green-throated Carib

Orthorhyncus cristatus, Antillean Crested Hummingbird

Orthorhyncus cristatus, Antillean Crested Hummingbird
Chlorostilbon maugaeus, Puerto Rican Emerald
Cyananthus latirostris, Broad-billed Hummingbird
Hylocharis leucotis, White-eared Hummingbird
Hylocharis xantusi, Xantus’s Hummingbird
Amazilia beryllina, Berylline Hummingbird
Amazilia yucatanensis, Buff-bellied Hummingbird
Amazilia rutula, Cinnamon Hummingbird
Amazilia violiceps, Violet-crowned Hummingbird
Lamprospiz clemenciae, Blue-throated Hummingbird
Eugenes fulgens, Magnificent Hummingbird
Helomaster constanti, Plain-capped Starthroat
Calligraphus evelynae, Bahama Woodstar
Calothorax lucifer, Lucifer Hummingbird
Archilochus colubris, Ruby-throated Hummingbird
Archilochus alexandri, Black-chinned Hummingbird
Calypte anna, Anna’s Hummingbird
Calypte costae, Costa’s Hummingbird
Stelula calliope, Calliope Hummingbird
Artis helioza, Bumblebee Hummingbird
Selasphorus platycercus, Broad-tailed Hummingbird
Selasphorus rufus, Rufous Hummingbird
Selasphorus sasin, Allen’s Hummingbird

Order PASSERIFORMES
Family TYRANIDAE
Subfamily TYRANNINAE
Trogon elegans, Elegant Trogon
Euphagus nitens, Eared Quetzel
Order UPUPIFORMES
Family UPUPIDAE
Upupa epops, Eurasian Hoopoe
Order CORACIDAE
Family ALCEDINIDAE
Subfamily HALCYONINAE
Todirhamphus cinnamominus, Micronesian Kingfisher
Todirhamphus chloris, Collared Kingfisher
Subfamily CERYLINAE
Megaceryle torquata, Ringed Kingfisher
Megaceryle alcogenus, Belted Kingfisher
Chloroceryle americana, Green Kingfisher
Order PICIFORMES
Family PICIDAE
Subfamily JYNGINAE
Jynx torquilla, Eurasian Wryneck
Subfamily PICINAE
Melanerpes lewis, Lewis’s Woodpecker
Melanerpes portoricensis, Puerto Rican Woodpecker
Melanerpes erythrocephalus, Red-headed Woodpecker
Melanerpes formicivorus, Acorn Woodpecker
Melanerpes uropygialis, Gila 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-breasted Sapsucker
Dendrocopos major, Great Spotted Woodpecker
Picoidea scalaris, Ladder-backed Woodpecker
Picoidea nuttalli, Nuttall’s Woodpecker
Picoidea pubescens, Downy Woodpecker
Picoidea silius, Hairy Woodpecker
Picoidea arizonae, Arizona Woodpecker
Picoidea borealis, Red-cockaded Woodpecker
Picoidea abalvarus, White-headed Woodpecker
Picoidea dorsalis, American Three-toed Woodpecker
Picoidea arcticus, Black-backed Woodpecker
Colaptes auratus, Northern Flicker
Colaptes chrysoides, Gilded Flicker
Dryocopus pileatus, Pileated Woodpecker
Campephilus principalis, Ivory-billed Woodpecker

Order PASSERIFORMES
Family TYRANIDAE
Subfamily ELAENIINAE
Camptostoma imberbe, Northern Beardless-Tyrannulet
Myiopagis viridicata, Greenish Elaenia
Elaenia martinica, Caribbean Elaenia
Elaenia albiceps, White-crested Elaenia
Subfamily FLUVICOLINAE
Mitrophanes phaeocercus, Tufted Flycatcher
Contopus cooperi, Olive-sided Flycatcher
Contopus pertinax, Greater Pewee
Contopus sordidulus, Western Wood-Pewee
Contopus virens, Eastern Wood-Pewee
Contopus caribaenus, 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 egle, Gray Flycatcher
Empidonax oberholseri, Dusky Flycatcher
Empidonax difficilis, Pacific-slope Flycatcher
Empidonax occidentalis, Cordilleran Flycatcher
Empidonax fulvifrons, 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
§ 10.13

Myiarchus nutteri, Nutting’s Flycatcher
Myiarchus crinitus, Great Crested Flycatcher
Myiarchus tyrannulus, Brown-crested Flycatcher
Myiarchus sagrei, La Sagra’s Flycatcher
Myiarchus antillarum, Puerto Rican Flycatcher
Pilannus sulphuratus, Great Kiskadee
Myiozetetes similis, Social Flycatcher
Empidonax varius, Variegated Flycatcher
Empidonax aurantioventris, Crowned Flycatcher
Tyrannus melancholicus, Tropical Kingbird
Tyrannus couchii, Couch’s Kingbird
Tyrannus vociferans, Cassin’s Kingbird
Tyrannus crassirostris, Thick-billed Kingbird
Tyrannus verticalis, Western Kingbird
Tyrannus tyrannus, Eastern Kingbird
Tyrannus dominicensis, Gray Kingbird
Tyrannus caudifasciatus, Loggerhead Kingbird
Tyrannus forficatus, Scissor-tailed Flycatcher
Tyrannus satsana, Fork-tailed Flycatcher
Pachyramphus aglaiae, Rose-throated Becard
Tityra semifasciata, Masked Tityra
Family LANIIDAE
Lanius crispus, Brown Shrike
Lanius ludovicianus, Loggerhead Shrike
Lanius excubitor, Northern Shrike
Family VIREONIDAE
Vireo griseus, White-eyed Vireo
Vireo crassirostris, Thick-billed Vireo
Vireo latimeri, Puerto Rican Vireo
Vireo bellii, Bell’s Vireo
Vireo atricapillus, Black-capped Vireo
Vireo vicinior, Gray Vireo
Vireo flavifrons, Yellow-throated Vireo
Vireo plumbeus, Plumbeous Vireo
Vireo cassinii, Cassin’s Vireo
Vireo solitarius, Blue-headed Vireo
Vireo huttoni, Hutton’s Vireo
Vireo gilvus, Warbling Vireo
Vireo philadelphicus, Philadelphia Vireo
Vireo olivaceus, Red-eyed Vireo
Vireo flavoviridis, Yellow-green Vireo
Vireo altirostris, Black-whiskered Vireo
Vireo magister, Yucatan Vireo
Family CORVIDAE
Perisoreus canadensis, Gray Jay
Ptilorhinus morio, Brown Jay
Cyanocorax yncas, Green Jay
Gymnorhinus cyanocephalus, Pinyon Jay
Cyanocitta stelleri, Steller’s Jay
Cyanocitta cristata, Blue Jay
Aphelocoma coerulescens, Florida Scrub-Jay
Aphelocoma insularis, Island Scrub-Jay
Aphelocoma californica, Western Scrub-Jay
Aphelocoma ultramarina, Mexican Jay
Nucifraga columbiana, Clark’s Nutcracker
Pica hudsonia, Yellow-billed Magpie

50 CFR Ch. I (10–1–16 Edition)
Thryothorus ludovicianus, Carolina Wren
Thryomanes bewickii, Bewick’s Wren
Troglodytes aedon, House Wren
Troglodytes pacificus, Pacific Wren
Troglodytes hiemalis, Winter Wren
Cistothorus platensis, Sedge Wren
Cistothorus palustris, Marsh Wren

Family POLIOPTILIDAE
Polyoptila caerulea, Blue-gray Gnatcatcher
Polyoptila californica, California Gnatcatcher

Family REGULIDAE
Regulus satrapa, Golden-crowned Kinglet
Regulus calendula, Ruby-crowned Kinglet

Family PHYLLOSCOPIDAE
Phylloscopus trochilus, Willow Warbler
Phylloscopus sibilatrix, Wood Warbler
Phylloscopus fuscatus, Dusky Warbler
Phylloscopus prorogulus, Pallas’s Leaf-Warbler
Phylloscopus inornatus, Yellow-browed Warbler

Family SYLVIDAE
Sylvia curruca, Lesser Whitethroat
Chamaea fasciata, Wrentit

Family ACRÓCEPHALIDAE
Acrocephalus luscinia, Nightingale Reed-Warbler
Acrocephalus familiaris, Millerbird
Acrocephalus schoenobaenus, Sedge Warbler

Family MEGLURIDAE
Locustella ochetens, Middendorff’s Grasshopper-Warbler
Locustella lanceolata, Lanceolated Warbler

Family MUSCICAPIDAE
Piedula narcissina, Narcissus Flycatcher
Piedula mugimaki, Mugimaki Flycatcher
Piedula albicilla, Taiga Flycatcher
Musciapa sibirica, Dark-sided Flycatcher
Musciapa griesiistica, Gray-streaked Flycatcher
Musciapa dauurica, Asian Brown Flycatcher
Musciapa striata, Spotted Flycatcher

Family TURDIDAE
Monticola solitarius, Blue Rock-Thrush
Luscinia sibirica, Rufous-tailed Robin
Luscinia calliope, Siberian Rubythroat
Luscinia svecica, Bluethroat
Luscinia cyane, Siberian Blue Robin
Turdus cyanurus, Red-flanked Bluetail
Oenanthe oenanthe, Northern Wheatear
Saxicola torquatus, Stonechat
Stalia sialis, Eastern Bluebird
Stalia mexicana, Western Bluebird
Stalia currucooides, Mountain Bluebird
Myadestes townsendi, Townsend’s Solitaire
Myadestes myadestinus, Kamao
Myadestes lamaniensis, Olomao
Myadestes obscurus, Omao
Myadestes palmeri, Puuohi
Catharus aurantirostris, 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
Hylocichla mustelina, Wood Thrush
Turdus obscurus, Eyebrowed Thrush
Turdus spirinuni, Dusky Thrush
Turdus pilaris, Fieldfare
Turdus graji, Clay-colored Thrush
Turdus assimilis, White-throated Thrush
Turdus rufopalliatius, Rufous-backed Robin
Turdus migratorius, American Robin
Turdus plumbeus, Red-legged Thrush
Ireana naevius, Varied Thrush
Ridgwayia pinicola, Aztec Thrush

Family MIMIDAE
Dunetella carolinensis, Gray Catbird
Melandoaptila gobiorectis, Black Catbird
Mimus polyglottos, Northern Mockingbird
Mimus gundlachi, Bahama Mockingbird
Oreoscoptes montanus, Sage Thrasher
Toxostoma rubinum, Brown Thrasher
Toxostoma longirostre, Long-billed Thrasher
Toxostoma bidentis, Hendire’s Thrasher
Toxostoma curvirostre, Curve-billed Thrasher
Toxostoma redivivum, California Thrasher
Toxostoma crisale, Crissal Thrasher
Toxostoma lecontei, Le Conte’s Thrasher
Meadinga caerulescens, Blue Mockingbird
Margarops fuscatus, Pearly-eyed Thrasher

Family STURNIDAE
Sturnus philippensis, Chestnut-cheeked Starling
Sturnus cinereus, White-cheeked Starling

Family PRUNELLIDAE
Prunella montanella, Siberian Accentor

Family MOTACILLIDAE
Motacilla tschutschensis, Eastern Yellow Wagtail
Motacilla citroca, 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 PTIOLOGONATIDAE
Ptioagonys cinereus, Gray Silky-flycatcher
Phainopepla nitens, Phainopepla

Family FEDEGRAMIDAE
Peucedramus tamaud, Olive Warbler

Family CALCARIIDAE
Calcarius iaponicus, Lapland Longspur
Calcarius ornatus, Chestnut-collared Longspur

§ 10.13
Family PARULIDAE

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<th>Species</th>
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U.S. Fish and Wildlife Serv., Interior § 10.13

Passerella iliaca, Fox Sparrow
Melospiza melodia, Song Sparrow
Melospiza lincolnii, Lincoln’s Sparrow
Melospiza georgiana, Swamp Sparrow
Zonotrichia albicollis, White-throated Sparrow
Zonotrichia querula, Harris’s Sparrow
Zonotrichia leucophrys, White-crowned Sparrow
Zonotrichia atricapilla, Golden-crowned Sparrow
Junco hyemalis, Dark-eyed Junco
Junco phaeonotus, Yellow-eyed Junco
Emberiza leucocephalos, Pine Bunting
Emberiza chrysophrys, Yellow-browed Bunting
Emberiza pusilla, Little Bunting
Emberiza rustica, Rustic Bunting
Emberiza elegans, Yellow-throated Bunting
Emberiza aureola, Yellow-breasted Bunting
Emberiza variabilis, Gray Bunting
Emberiza pallasi, Pallas’s Bunting
Emberiza schoeniclus, Reed Bunting
Family CARDINALIDAE
Piranga flava, Hepatic Tanager
Piranga rubra, Summer Tanager
Piranga olivacea, Scarlet Tanager
Piranga ludovicianus, Western Tanager
Piranga bidentata, Flame-colored Tanager
Rhodotheraepsis celaeno, Crimson-collared Grosbeak
Cyanocompsa parellina, Blue Grosbeak
Passerina caerulea, Blue Grosbeak
Passerina amoena, Lazuli Bunting
Passerina cyannea, Indigo Bunting
Passerina versicolor, Varied Bunting
Passerina ciris, Painted Bunting
Spiza americana, Dickcissel
Family Icteridae
Dolichonyx oryzivorus, Bobolink
Agelaius phoeniceus, Red-winged Blackbird
Agelaius tricolor, Tricolored Blackbird
Agelaius humeralis, Tawny-shouldered Blackbird
Agelaius xanthomus, Yellow-shouldered Blackbird
Sturnella magna, Eastern Meadowlark
Sturnella neglecta, Western Meadowlark
Xanthocephalus xanthocephalus, Yellow-headed Blackbird
Euphagus carolinus, Rusty Blackbird
Euphagus cyanops, Brewer’s Blackbird
Quiscalus quiscula, Common Grackle
Quiscalus major, Boat-tailed Grackle
Quiscalus mexicanus, Great-tailed Grackle
Quiscalus nigro, Greater Antillean Grackle
Melodinus bonariensis, Shiny Cowbird
Melodinus aeneus, Bronzed Cowbird
Melodinus ater, Brown-headed Cowbird
Icterus portoricensis, Puerto Rican Oriole
Icterus segeri, Black-vented Oriole
Icterus spurius, Orchard Oriole
Icterus cucullatus, Hooded Oriole
Icterus pusillus, Striped-backed Oriole
Icterus bullockii, Bullock’s Oriole
Icterus galericulatus, Audubon’s Oriole
Icterus galbula, Baltimore Oriole
Icterus parisorum, Scott’s Oriole
Family FRINGILLIDAE
Subfamily FRINGILLINAE
Fringilla coelebs, Common Chaffinch
Fringilla montifringilla, Brambling
Subfamily EUPHONINAE
Euphonia musica, Antillean Euphonia
Subfamily CARDELANAE
Leucostrite tephrocorax, Gray-crowned Rosy-Finch
Leucostrite atrata, Black Rosy-Finch
Leucostrite australis, Brown-capped Rosy-Finch
Pinicola enucleator, Pine Grosbeak
Carpodacus erythrinus, Common Rosefinch
Carpodacus purpureus, Purple Finch
Carpodacus cassini, Cassin’s Finch
Carpodacus mexicanus, House Finch
Loxia curvirostra, Red Crossbill
Loxia leucoptera, White-winged Crossbill
Acanthis flammea, Common Redpoll
Acanthis hornemanni, Hoary Redpoll
Spinus pinus, Eurasian Siskin
Spinus siskin, Pine Siskin
Spinus psaltria, Lesser Goldfinch
Spinus lawrencei, Lawrence’s Goldfinch
Spinus tristis, American Goldfinch
Chloris sinica, Oriental Greenfinch
Pyrrhula pyrrhula, Eurasian Bullfinch
Cocothraustes vespertinus, Evening Grosbeak
Cocothraustes coccothraustes, Hawfinch
Subfamily DREPANIDINAE
Telespiza cantans, Laysan Finch
Telespiza ultima, Nihoa Finch
Psittirostra psittacea, Oo
Loxioidea ballei, Palila
Pseudonoster zanthophrynus, Maui Parrotbill
Hemignathus virens, Hawaii Amakihi
Hemignathus flavus, Oahu Amakihi
Hemignathus kauaiensis, Kauai Amakihi
Hemignathus ellisianus, Greater Akialoa
Hemignathus lucidus, Nukupuu
Hemignathus munroyi, Kauai Amakihi
Magumuma parva, Anianiau
Oreomyistis maro, Hawaii Creeper
Paroreomyza maculata, Oahu Amakihi
Paroreomyza flammea, Kakawahi
Paroreomyza montana, Maui Amakihi
Leucosticte hecki, Akekee
Leucosticte kahalae, Akekee
Vestiaria coccinea, Li’iwi
Palmeria dolei, Akehekohe
Himatione sanguinea, Apapane
Melampops phaeosoma, Poo-uli
[78 FR 65850, Nov. 1, 2013]
Subpart C—Addresses

§ 10.21 Director.

(a) Mail forwarded to the Director for law enforcement purposes should be addressed to Chief, Office of Law Enforcement, at the address provided at 50 CFR 2.1(b).

(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 and threatened species should be addressed to: Director, U.S. Fish and Wildlife Service, (Attention: Division of Management Authority), at the address provided for the Division of Management Authority at 50 CFR 2.1(b).

Address mail for the following permits to the Regional Director. In the address include one of the following: for import/export licenses and exception 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.

(a) Service law enforcement offices are located in Service regional offices. Regional office addresses are provided at 50 CFR 2.2. Mail should be addressed to “Special Agent in Charge, Office of Law Enforcement, U.S. Fish and Wildlife Service” at the appropriate regional office address. Telephone numbers for Service law enforcement offices follow:

<table>
<thead>
<tr>
<th>Region</th>
<th>Law enforcement office telephone number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>503–231–6125</td>
</tr>
<tr>
<td>2</td>
<td>505–248–7889</td>
</tr>
<tr>
<td>3</td>
<td>612–713–5320</td>
</tr>
<tr>
<td>4</td>
<td>404–679–7057</td>
</tr>
<tr>
<td>5</td>
<td>413–253–4274</td>
</tr>
</tbody>
</table>

(b) Any resident or official of a foreign country may contact the Service’s Headquarters Office of Law Enforcement at the address provided at 50 CFR 2.1(b) or by telephone at 703–358–1949.


PART 11—CIVIL PROCEDURES

Subpart A—Introduction

Sec.
11.1 Purpose of regulations.
11.2 Scope of regulations.
11.3 Filing of documents.

Subpart B—Assessment Procedure

11.11 Notice of violation.
11.12 Petition for relief.
11.13 Decision by the Director.
11.14 Notice of assessment.
11.15 Request for a hearing.
11.16 Final administrative decision.
11.17 Payment of final assessment.

Subpart C—Hearing and Appeal Procedures

11.21 Commencement of hearing procedures.
11.22 Appearance and practice.
11.23 Hearings.
11.24 Final administrative action.
11.25 Appeal.
11.26 Reporting service.

Subpart D—Civil Monetary Penalty Inflation Adjustments

11.31 Definitions.
11.32 Purpose and scope.
11.33 Adjustments to penalties.
11.34 Subsequent adjustments.


SOURCE: 39 FR 1159, Jan. 4, 1974, unless otherwise noted.

Subpart A—Introduction

§ 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:

(a) Lacey Act, 18 U.S.C. 42–43;
(b) Lacey Act Amendments of 1981, 16 U.S.C. 3371 et seq.;
(c) Bald and Golden Eagle Protection Act, 16 U.S.C. 668–668d;
(e) Marine Mammal Protection Act of 1972, 16 U.S.C. 1361 et seq.;
(f) African Elephant Conservation Act, 16 U.S.C. 4201 et seq.;
(g) Rhinoceros and Tiger Conservation Act, 16 U.S.C. 5301 et seq.;
(h) Archaeological Resources Protection Act, 16 U.S.C. 470a et seq.;
(i) Paleontological Resources Protection Act, 16 U.S.C. 470aaa et seq.;
(k) Recreational Hunting Safety Act of 1994, 16 U.S.C. 5201 et seq.; and

§ 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 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 may also contain an initial proposal for compromise or settlement of the case. 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;
(2) Accept the proposed penalty, or the compromise, if any, offered in the notice;
(3) File a petition for relief; or
(4) Take no action, and await the Director’s decision, pursuant to §11.13.

(c) Acceptance of the proposed penalty or the compromise shall be deemed to be a waiver of the notice of assessment required by §11.14, and of the opportunity for a hearing. Any counter offer of settlement shall be deemed a rejection of the proposed offer of compromise.

§ 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
§ 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 Departmental Cases Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101.

§ 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
§ 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, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101, 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.

[39 FR 1159, Jan. 4, 1974, as amended at 81 FR 41865, June 28, 2016]

§ 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 Hearings and Appeals, U.S. Department of the Interior, 351 South West Temple, Suite 6.300, Salt Lake City, Utah 84101. Fees for this service shall be as established by the Director of that Office.

[81 FR 41865, June 28, 2016]

Subpart D—Civil Monetary Penalty Inflation Adjustments

SOURCE: 81 FR 41865, June 28, 2016, unless otherwise noted.

§ 11.31 Definitions.

(a) Civil monetary penalty means any penalty, fine, or other sanction that:

(1)(i) Is for a specific monetary amount as provided by Federal law; or

(ii) Has a maximum amount provided for by Federal law;

(2) Is assessed or enforced by an agency pursuant to Federal law; and

(3) Is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.

§ 11.32 Purpose and scope.

The purpose of this part is to make the inflation adjustment, described in and required by the Inflation Adjustment Act, of each civil monetary penalty provided by law within the jurisdiction of the U.S. Fish and Wildlife Service.

§ 11.33 Adjustments to penalties.

The civil monetary penalties provided by law within the jurisdiction of the U.S. Fish and Wildlife Service are adjusted as follows:

<table>
<thead>
<tr>
<th>Law</th>
<th>Citation</th>
<th>Type of violation</th>
<th>Maximum civil monetary penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) African Elephant Conservation Act.</td>
<td>16 U.S.C. 4224(b)</td>
<td>Any violation</td>
<td>$9,893</td>
</tr>
<tr>
<td>(b) Bald and Golden Eagle Protection Act.</td>
<td>16 U.S.C. 668(b)</td>
<td>Any violation</td>
<td>$12,500</td>
</tr>
<tr>
<td>(c) Endangered Species Act of 1973.</td>
<td>16 U.S.C. 1540(a)(1)</td>
<td>(1) Knowing violation of section 1538.</td>
<td>$49,467</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2) Other knowing violation</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3) Any other violation</td>
<td>$23,744</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2) Violations referred to in 16 U.S.C. 3373(a)(2).</td>
<td>$625</td>
</tr>
<tr>
<td>(e) Marine Mammal Protection Act of 1972.</td>
<td>16 U.S.C. 1375</td>
<td>Any violation</td>
<td>$25,000</td>
</tr>
<tr>
<td>(f) Recreational Hunting Safety Act of 1994.</td>
<td>16 U.S.C. 5202(b)</td>
<td>(1) Violation involving use of force or violence or threatened use of force or violence.</td>
<td>$15,909</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2) Any other violation</td>
<td>$7,954</td>
</tr>
<tr>
<td>(g) Rhinoceros and Tiger Conservation Act of 1998.</td>
<td>16 U.S.C. 5305(a)(2)</td>
<td>Any violation</td>
<td>$17,403</td>
</tr>
<tr>
<td>(h) Wild Bird Conservation Act</td>
<td>16 U.S.C. 4912(a)(1)</td>
<td>(1) Violation of section 4910(a)(1), section 4910(a)(2), or any permit issued under section 4911.</td>
<td>$41,932</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(2) Violation of section 4910(a)(3)</td>
<td>$20,127</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3) Any other violation</td>
<td>$839</td>
</tr>
</tbody>
</table>

§ 11.34 Subsequent adjustments.

The Secretary of the Interior or his or her designee will, every year after August 1, 2016, make the inflation adjustment described in and required by the Inflation Adjustment Act of each civil monetary penalty provided by law and within the jurisdiction of the U.S. Fish and Wildlife Service. Each annual adjustment will be reflected in the table in §11.33.

PART 12—SEIZURE AND FORFEITURE PROCEDURES

Subpart A—General Provisions

Sec.
12.1 Purpose of regulations.
12.2 Scope of regulations.
12.3 Definitions.
12.4 Filing of documents.
12.5 Seizure by other agencies.
12.6 Bonded release.

Subpart B—Preliminary Requirements

12.11 Notification of seizure.
12.12 Appraisement.

Subpart C—Forfeiture Proceedings

12.21 Criminal prosecutions.
12.22 Civil actions to obtain forfeiture.
12.23 Administrative forfeiture proceedings.
12.24 Petition for remission of forfeiture.
12.25 Transfers in settlement of civil penalty claims.

Subpart D—Disposal of Forfeited or Abandoned Property

12.30 Purpose.
12.31 Accountability.
12.32 Effect of prior illegality.
12.33 Disposal.
12.34 Return to the wild.
12.35 Use by the Service or transfer to another government agency for official use.
12.36 Donation or loan.
12.37 Sale.
12.38 Destruction.
12.39 Information on property available for disposal.
Subpart E—Restoration of Proceeds and Recovery of Storage Costs

12.41 Petition for restoration of proceeds.
12.42 Recovery of certain storage costs.

Subpart F—Return of Property

12.51 Return procedure.


Source: 45 FR 17864, Mar. 19, 1980, unless otherwise noted.

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, use by the Service or transfer to another government agency for official use, donation or loan, sale, or destruction.
(3) Domestic value means the price at which the seized property or similar property is freely offered for sale at the time and place of appraisement, in the same quantity or quantities as seized, and in the ordinary course of trade. If there is no market for the seized property at the place of appraisement, such value in the principal market nearest to the place of appraisement shall be reported.
(4) Solicitor means the Solicitor of the Department of the Interior or an authorized representative.

(b) The definitions of paragraph (a) of this section are in addition to, and not in lieu of, those contained in §§1.1 through 1.8 and 10.12 of this title.


§ 12.4 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
§ 12.5 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.

§ 12.6 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.; 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.

§ 12.11 Notification of seizure.

Except where the owner or consignee is personally notified or seizure is made pursuant to a search warrant, the Service shall, as soon as practicable following the seizure or other receipt of seized wildlife or other property, mail a notification of seizure by registered or certified mail, return receipt requested, to the owner or consignee, if known or easily ascertainable. Such notification shall describe the seized wildlife or other property, and shall state the time, place, and reason for the seizure.

§ 12.12 Appraisement.

The Service shall determine the value of any cargo, of a vessel or other conveyance employed in unlawful taking, seized under the Marine Mammal Protection Act, 16 U.S.C. 1361 et seq., and the value of any property seized 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.

§ 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.

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.

§ 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 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.

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 ascertifiable. 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 1982, 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 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.
§ 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.

(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 and any 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
2. All other property may be disposed of no sooner than 60 days after forfeiture or abandonment.

(d) If the property is the subject of a petition for remission of forfeiture under §12.24 of this part, the Director may not dispose of the property until the Solicitor or Attorney General makes a final decision not to grant relief.

§ 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 re-transfer 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 repossession of the wildlife or plants;

(7) Any attempt by a borrower to re-transfer the loan without the prior authorization of the Director entitles the Director to immediate repossession 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 non-
§ 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. 1361–1367), 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.
U.S. Fish and Wildlife Serv., Interior

§ 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

(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.

§ 12.51
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.

50 CFR Ch. I (10–1–16 Edition)

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.


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.

[72 FR 48445, Aug. 23, 2007]

§ 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.

[54 FR 38147, Sept. 14, 1989]

§ 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),
§ 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 20503.

[63 FR 52634, Oct. 1, 1998]

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, for addresses and boundaries of the Regions). Submit completed permit applications to the same address.

(3) You may obtain applications for Wild Bird Conservation Act permits (50 CFR part 15); injurious wildlife permits (50 CFR part 16); captive-bred wildlife registrations (50 CFR part 17); permits authorizing import, export, or foreign commerce of endangered and threatened species, and interstate commerce of nonnative endangered or threatened species (50 CFR part 17); marine mammal permits (50 CFR part 18); and permits and certificates for import, export, and re-export of species listed under the Convention on International
§ 13.11  

Trade in Endangered Species of Wild Fauna and Flora (CITES) (50 CFR part 23) from the Service’s permits Web page at http://www.fws.gov/permits/ or from the Division of Management Authority at the address provided at 50 CFR 2.1(b). Submit completed permit applications to the same street 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, 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). Permit applications for interstate commerce for native endangered and threatened species should be obtained by writing to the Regional Director (Attention: Endangered Species Permits) of the Region that has the lead for the particular species, rather than the Region 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) 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 regional offices, see 50 CFR 2.2, or go to: http://www.fws.gov/migratorybirds/mbpermits/Addresses.html.

(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).

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<thead>
<tr>
<th>Type of permit</th>
<th>CFR Citation</th>
<th>Permit application fee</th>
<th>Administration fee</th>
<th>Amendment fee</th>
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<td><strong>Migratory Bird Treaty Act</strong></td>
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<td>Migratory Bird Import/Export</td>
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<td>Migratory Bird Banding or Marking</td>
<td>50 CFR part 21</td>
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<td>Migratory Bird Scientific Collecting</td>
<td>50 CFR part 21</td>
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<td>Migratory Bird Taxidermy</td>
<td>50 CFR part 21</td>
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<td>Waterfowl Sale and Disposal</td>
<td>50 CFR part 21</td>
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<td>Snow Goose, Canada Goose</td>
<td>50 CFR part 21</td>
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<tr>
<td>Migratory Bird Special Purpose/Conservation</td>
<td>50 CFR part 21</td>
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<td>Migratory Bird Special Purpose/Salvage</td>
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<td>Falconry</td>
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<td>Raptor Propagation</td>
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<td>Migratory Bird Rehabilitation</td>
<td>50 CFR part 21</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><strong>Bald and Golden Eagle Protection Act</strong></td>
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<td>Eagle Scientific Collecting</td>
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<td>Eagle Exhibition</td>
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<td>Eagle—Native American Religion</td>
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<td>Eagle—Native American Religious Purposes</td>
<td>50 CFR part 22</td>
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<td>Eagle Take—Depredation and Protection of Health and Safety</td>
<td>50 CFR part 22</td>
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<td>Golden Eagle Nest Take</td>
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<td>Eagle Transport—Scientific or Exhibition</td>
<td>50 CFR part 22</td>
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<tr>
<td>Eagle Transport—Native American Religious Purposes</td>
<td>50 CFR part 22</td>
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<td>Eagle Take—Associated With But Not the Purpose of an Activity</td>
<td>50 CFR part 22</td>
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<td>Eagle Take—Associated With But Not the Purpose of an Activity—Programmatic, up to 5-year tenure</td>
<td>50 CFR part 22</td>
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<td>Eagle Take—Associated With But Not the Purpose of an Activity—Transfer of a programmatic permit</td>
<td>50 CFR part 22</td>
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<td>Eagle Nest Take</td>
<td>50 CFR part 22</td>
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<tr>
<td>Eagle Nest Take—Programmatic</td>
<td>50 CFR part 22</td>
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47
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<tr>
<th>Type of permit</th>
<th>CFR Citation</th>
<th>Permit application fee</th>
<th>Administration fee&lt;sup&gt;1&lt;/sup&gt;</th>
<th>Amendment fee</th>
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<tr>
<td>Eagle Take—Exempted under ESA</td>
<td>50 CFR part 22</td>
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<td><strong>Endangered Species Act/CITES/Lacey Act</strong></td>
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<td>ESA Recovery</td>
<td>50 CFR part 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 part 17</td>
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<td>ESA Enhancement of Survival (Candidate Conservation Agreement with Assurances)</td>
<td>50 CFR part 17</td>
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<td>ESA and CITES Import/Export and Foreign Commerce</td>
<td>50 CFR part 17</td>
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<td>ESA and WBCA Museum Exchange</td>
<td>50 CFR part 17</td>
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<tr>
<td>ESA Captive-bred Wildlife Registration</td>
<td>50 CFR part 17</td>
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<tr>
<td>—Renewal of Captive-bred Wildlife Registration</td>
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<tr>
<td>CITES Import (including trophies under ESA and MMPA)</td>
<td>50 CFR parts 17, 18, 23</td>
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<td>CITES Export</td>
<td>50 CFR part 23</td>
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<td>CITES Pre-Convention</td>
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<td>CITES Certificate of Origin</td>
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<td>CITES Re-export</td>
<td>50 CFR part 23</td>
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<td>CITES Personal Effects and Pet Export/Re-export</td>
<td>50 CFR part 23</td>
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<td>CITES Appendix II Export (native furbearers and alligators—excluding live animals)</td>
<td>50 CFR part 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 part 23</td>
<td>200</td>
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<td>—Renewal of CITES Master File</td>
<td>50 CFR part 23</td>
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<tr>
<td>—Single-use permits issued on Master File</td>
<td>50 CFR part 23</td>
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<td>CITES Annual Program File</td>
<td>50 CFR part 23</td>
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<tr>
<td>—Single-use permits issued under Annual Program CITES replacement documents (lost, stolen, or damaged documents).</td>
<td>50 CFR part 23</td>
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<td>CITES Passport for Traveling Exhibitions and Pets CITES/ESA Passport for Traveling Exhibitions</td>
<td>50 CFR part 23</td>
<td>75&lt;sup&gt;3&lt;/sup&gt;</td>
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<td>CITES Introduction from the Sea</td>
<td>50 CFR part 23</td>
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<tr>
<td>CITES Participation in the Plant Rescue Center Program</td>
<td>50 CFR part 23</td>
<td>No fee.</td>
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<tr>
<td>CITES Registration of Commercial Breeding Operations for Appendix—I Wildlife.</td>
<td>50 CFR part 23</td>
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<td>CITES Request for Approval of an Export Program for a State or Tribe (American Ginseng, Certain Furbearers, and American Alligator).</td>
<td>50 CFR part 23</td>
<td>No fee.</td>
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<td>Import/Export License</td>
<td>50 CFR part 14</td>
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<td>Designated Port Exception</td>
<td>50 CFR part 14</td>
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<td>Injurious Wildlife Permit</td>
<td>50 CFR part 16</td>
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<tr>
<td>—Transport Authorization for Injurious Wildlife</td>
<td>50 CFR part 16</td>
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<td><strong>Wild Bird Conservation Act (WBCA)</strong></td>
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<td>Personal Pet Import</td>
<td>50 CFR part 15</td>
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<td>WBCA Scientific Research, Zoological Breeding or Display, Cooperative Breeding</td>
<td>50 CFR part 15</td>
<td>100</td>
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<tr>
<td>WBCA Approval of Cooperative Breeding Program</td>
<td>50 CFR part 15</td>
<td>200</td>
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<td>—Renewal of a WBCA Cooperative Breeding Program</td>
<td>50 CFR part 15</td>
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<td>WBCA Approval of a Foreign Breeding Facility</td>
<td>50 CFR part 15</td>
<td>250&lt;sup&gt;4&lt;/sup&gt;</td>
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<td><strong>Marine Mammal Protection Act</strong></td>
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<td>Marine Mammal Public Display</td>
<td>50 CFR part 18</td>
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<td>Marine Mammal Scientific Research/Enhancement/Registered Agent or Tannery.</td>
<td>50 CFR part 18</td>
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<td>—Renewal of Marine Mammal Scientific Research/Enhancement/Registered Agent or Tannery.</td>
<td>50 CFR part 18</td>
<td>75</td>
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</tr>
</tbody>
</table>

<sup>1</sup> Assessed when a permit is issued.

<sup>2</sup> Each.

<sup>3</sup> Per animal.

<sup>4</sup> Per species.
§ 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 permit applications. For CITES permit applications, see part 23 of this subchapter. Additional information required on applications for other types of permits may be found by referring to the sections of this subchapter cited in the following table:

<table>
<thead>
<tr>
<th>Type of permit</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Importation at nondesignated ports: Scientific</td>
<td>14.31</td>
</tr>
<tr>
<td>Deterioration prevention</td>
<td>14.32</td>
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<tr>
<td>Economic hardship</td>
<td>14.33</td>
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<tr>
<td>Marking of package or container: Symbol marking</td>
<td>14.63</td>
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<tr>
<td>Import/export license</td>
<td>14.93</td>
</tr>
<tr>
<td>Feather import quota: Importation or entry</td>
<td>15.21</td>
</tr>
<tr>
<td>Injurious wildlife: Importation or shipment</td>
<td>15.22</td>
</tr>
<tr>
<td>Endangered wildlife and plant permits: Similarity of appearance</td>
<td>17.52</td>
</tr>
<tr>
<td>Scientific, enhancement of propagation or survival, incidental taking for wildlife</td>
<td>17.22</td>
</tr>
<tr>
<td>Scientific, propagation, or survival for plants</td>
<td>17.62</td>
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<tr>
<td>Economic hardship for wildlife</td>
<td>17.23</td>
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<td>Economic hardship for plants</td>
<td>17.63</td>
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<td>Threatened wildlife and plant permits: Similarity of appearance</td>
<td>17.52</td>
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<td>General for wildlife</td>
<td>17.32</td>
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<td>General for plants</td>
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<td>Public display</td>
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<td>Waterfowl sale and disposal</td>
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<td>Raptor propagation permit</td>
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<td>Depredation control</td>
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<td>Eagle permits: Scientific or exhibition</td>
<td>22.21</td>
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<tr>
<td>Indian religious use</td>
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<td>Depredation and protection of health and safety</td>
<td>22.23</td>
</tr>
<tr>
<td>Falconry purposes</td>
<td>22.24</td>
</tr>
<tr>
<td>Take of golden eagle nests</td>
<td>22.25</td>
</tr>
<tr>
<td>Eagle take—Associated with but not the purpose of an activity</td>
<td>22.26</td>
</tr>
<tr>
<td>Eagle nest take</td>
<td>22.27</td>
</tr>
<tr>
<td>Eagle take—Exempted under ESA</td>
<td>22.28</td>
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</tbody>
</table>
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 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 B; 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
§ 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 representative of a deceased permittee; or

(2) A receiver or trustee in bankruptcy or a court designated assignee for the benefit of creditors.

(b) In order to qualify for the authorization provided in this section, the person or persons desiring to continue the activity shall furnish the permit to the issuing officer for endorsement within 90 days from the date the successor begins to carry on the activity.

(c) In the case of permits issued under §17.22(b) through (d) or §17.32(b) through (d) or permits issued under §22.26 of this subchapter B, the successor’s authorization under the permit is also subject to our determination that:

(1) The successor 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 any applicable conservation measures, 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 successor has provided such other information as we determine is relevant to the processing of the request.

§ 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) through (d) or §17.32(b) through (d) or permits issued under §22.26 of this subchapter B may be transferred in whole or in part through a joint submission
§ 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 when a permit is surrendered for cancellation for any reason prior to the expiration date stated on the face of the permit.

§ 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 if the permittee fails to pay any fees, penalties or costs owed to the Government. Such suspension shall remain in effect until the issuing officer determines that the permittee has corrected the deficiencies.

(b) Procedure for suspension. (1) 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
(2) Upon receipt of a notice of proposed suspension 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 suspension, and may include supporting documentation.

(3) A decision on the suspension shall be made within 45 days after the end of the objection period. The issuing officer shall notify the permittee in writing of the Service’s decision and the reasons therefore. The issuing officer shall also provide the applicant with the information concerning the right to request reconsideration of the decision under §13.29 of this part and the procedures for requesting reconsideration.

§ 13.28 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; or

(2) The permittee fails within 60 days to correct deficiencies that were the cause of a permit suspension; or

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

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

(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. (1) 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, the proposed disposition of the wildlife, if any, 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.

(2) 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.

(3) A decision on the revocation shall be made within 45 days after the end of the objection period. The issuing officer shall notify the permittee in writing of the Service’s decision and the reasons therefore, together with the information concerning the right to request and the procedures for requesting reconsideration.

(4) Unless a permittee files a timely request for reconsideration, any wildlife held under authority of a permit that is revoked must be disposed of in accordance with instructions of the issuing officer. If a permittee files a timely request for reconsideration of a proposed revocation, such permittee may retain possession of any wildlife held under authority of the permit until final disposition of the appeal process.

§ 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 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.

Subpart D—Conditions

§ 13.41 Humane conditions.

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

§ 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
§ 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, exportation, 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 any reasonable hour to inspect any wildlife or plant held or to inspect, audit, or copy any permits, books, or records required to be kept by regulations of this subchapter B.

§ 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.

§ 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.

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

activity conducted under the authority of such permit.

[64 FR 32711, June 17, 1999]

PART 14—IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

Subpart A—Introduction

Sec.
14.1 Purpose of regulations.
14.2 Scope of regulations.
14.3 Information collection requirements.
14.4 What terms do I have to understand?

Subpart B—Importation and Exportation at Designated Ports

14.11 General restrictions.
14.12 Designated ports.
14.13 Emergency diversion.
14.14 In-transit shipments.
14.15 Personal baggage and household effects.
14.16 Border ports.
14.17 Personally owned pet birds.
14.18 Marine mammals.
14.19 Special ports.
14.20 Exceptions by permit.
14.21 Shellfish and fishery products.
14.22 Certain antique articles.
14.23 Live farm-raised fish and farm-raised fish eggs.
14.24 Scientific specimens.

Subpart C—Designated Port Exception Permits

14.31 Permits to import or export wildlife at nondesignated port for scientific purposes.
14.32 Permits to import or export wildlife at nondesignated port to minimize deterioration or loss.
14.33 Permits to import or export wildlife at nondesignated port to alleviate undue economic hardship.

Subpart D [Reserved]

Subpart E—Inspection and Clearance of Wildlife

14.51 Inspection of wildlife.
14.52 Clearance of imported wildlife.
14.53 Detention and refusal of clearance.
14.54 Unavailability of Service officers.
14.55 Exceptions to clearance requirements.

Subpart F—Wildlife Declarations

14.61 Import declaration requirements.
14.62 Exceptions to import declaration requirements.
14.63 Export declaration requirements.
14.64 Exceptions to export declaration requirements.

Subpart G [Reserved]

Subpart H—Marking of Containers or Packages

14.81 Marking requirement.
14.82 Alternatives and exceptions to the marking requirement.

Subpart I—Import/Export Licenses and Inspection Fees

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.

SPECIFICATIONS FOR MARINE MAMMALS (CETACEANS, SIRENIANS, 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 (CYNOPTIDAE)

14.151 Primary enclosures.

SPECIFICATIONS FOR OTHER TERRESTRIAL MAMMALS

14.161 Primary enclosures.
§ 14.1

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 definitions do I need to know?
14.253 What are the restrictions contained in these regulations?
14.254 What are the requirements contained in these regulations?
14.255 Are there any exemptions to the restrictions contained in these regulations?


SOURCE: 45 FR 56673, Aug. 25, 1980, unless otherwise noted.

Subpart A—Introduction

§ 14.4 What terms do I have to understand?

In addition to definitions contained in part 10 of this subchapter, in this part:

Accompanying personal baggage means all hand-carried items and all checked baggage of a person entering into or departing from the United States.

Accredited scientist means any individual associated with, employed by, or under contract to and accredited by an accredited scientific institution for the purpose of conducting biological or medical research, and whose research activities are approved and sponsored by the scientific institution granting accreditation.

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 DROMEDARUS; Camel (Boghd)—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 bubalis; White

lab mice—*Mus musculus*; White lab rate—*Rattus norvegicus*.

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

Birds: Chicken—*Gallus domesticus*; Ducks & geese—domesticated varieties; Guinea fowl—*Numida meleagris*; Turkey—*Meleagris gallopavo*; Domesticated or Barnyard Mallards include: Pekin; Aylesbury; Bouen; Cayuga; Gray Call; White Call; East Indian; Crested; Swedish; Buff Orpington; Indian Runner; Campbell; Duclair; Merchtem; Termonde; Magpie; Chinese; Khaki Campbell.

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.

§ 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.

[61 FR 31868, June 21, 1996, as amended at 64 FR 23625, Apr. 29, 1999]

Subpart B—Importation and Exportation at Designated Ports

§ 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—Eastport;
(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 United States may be imported or exported at any of the following Customs ports of entry:

(1) Arizona—Lukeville, Nogales;
(2) California—Calexico, San Diego-San Ysidro; and
(3) Texas—Brownsville, El Paso, Laredo.

(c) 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.

§ 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, 21, or 23 of this subchapter B, wildlife which is imported for final destination in Alaska, Puerto Rico, or the Virgin Islands, may be imported through those
U.S. Fish and Wildlife Serv., Interior § 14.24

Customs ports of entry named hereafter for the respective State or Territory of final destination:
(1) Alaska—Alcan, Anchorage, Fairbanks, Juneau;
(2) Puerto Rico—San Juan; and
(3) Virgin Islands—San Juan, Puerto Rico.

(b) Except for wildlife requiring a permit pursuant to part 16, 17, 18, 21, or 23 of this subchapter B, wildlife which originates in Alaska, Puerto Rico, or the Virgin Islands, may be exported through the following Customs ports for the respective State or Territory:
(1) Alaska—Alcan, Anchorage, Fairbanks, Juneau;
(2) Puerto Rico—San Juan; and
(3) Virgin Islands—San Juan, Puerto Rico.

(c) Except for wildlife requiring a permit pursuant to part 16, 17, 18, 21, or 23 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.

(2) Except for wildlife requiring a permit pursuant to part 17 or 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.

(b) Pearls. Except for wildlife requiring a permit pursuant to part 17 or 23 of this subchapter, pearls imported or exported for commercial purposes may enter or exit the United States at any Customs port of entry. For the purposes of this part, all references to the term shellfish and fishery products will include pearls.

[61 FR 31868, June 21, 1996]

§ 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.

[61 FR 31868, June 21, 1996]

§ 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.

[59 FR 41714, Aug. 15, 1994]

§ 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.

[61 FR 31869, June 21, 1996]
§ 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 in § 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 number and kinds of wildlife described by scientific and common names to be imported or exported where such number and kinds can be determined;
3. The country or place in which the wildlife was removed from the wild (if known), or where born in captivity;
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 B, 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 for more than 2 years from the date of issuance.

§ 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 determined, and a description of the form in which it is to be imported, such as "live," "frozen," "raw hides," or a full description of any manufactured product;
(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.

§ 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 of this part. An importer/exporter must return forthwith any wildlife released without a Service officer’s clearance or clearance by Customs for the Service under authority of §14.54 to a port where clearance may be obtained pursuant to this subpart.

(c) To obtain clearance, the importer, exporter, or the importer’s or exporter’s agent will make available to a Service officer or a Customs officer acting under §14.54:

1. All shipping documents (including bills of lading, waybills and packing lists or invoices);

2. All permits, licenses or other documents required by the laws or regulations of the United States;

3. All permits or other documents required by the laws or regulations of any foreign country;

4. The wildlife being imported or exported; and

5. Any documents and permits required by the country of export or re-export for the wildlife.

§ 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 Customs officer acting under §14.54 may refuse clearance of imported wildlife when there are responsible grounds to believe that:

(1) A Federal law or regulation has been violated;

(2) The correct identity and country of origin of the wildlife has not been established (in such cases, the burden is upon the owner, importer, exporter, consignor, or consignee to establish such identity by scientific name to the species level or, if any subspecies is protected by the laws of this country or the country of origin to the subspecies level);

(3) Any permit, license, or other documentation required for clearance of such wildlife is not available, is not currently valid, has been suspended or revoked, or is not authentic;

(4) The importer, exporter, or the importer’s or exporter’s agent has filed an incorrect or incomplete declaration for importation or exportation as provided in §14.61 or §14.63; or

(5) The importer, exporter, or the importer’s or exporter’s agent has not paid any fee or portion of balance due for inspection fees required by §14.93 or §14.94, or penalties assessed against the importer or exporter under 50 CFR part 11. This paragraph does not apply to penalty assessments on appeal in accordance with the provisions of part 11.

61 FR 31869, June 21, 1996]
§ 14.55 Exceptions to clearance requirements.

Except for wildlife requiring a permit pursuant to part 17 or 23 of this subchapter B, clearance is not required for the importation of the following wildlife:

(a) 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;

(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.

(d) 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. Except: That this exception will not apply to any specimens or parts thereof taken as a result of sport hunting.


Subpart F—Wildlife Declarations

§ 14.61 Import declaration requirements.

Except as otherwise provided by the regulations of this subpart, importers or their agents must file with the Service a completed Declaration for Importation or Exportation of Fish or Wildlife (Form 3–177), signed by the importer or the importer’s agent, upon the importation of any wildlife at the place where Service clearance under §14.52 is requested. However, wildlife may be transshipped under bond to a different port for release from custody by Customs Service officers under 19 U.S.C. 1499. For certain antique articles as specified in §14.22, importers or their agents must file a Form 3–177 with the District Director of Customs at the port of entry prior to release from Customs custody. Importers or their agents must furnish all applicable information requested on the Form 3–177 and the importer, or the importer’s agent, must certify that the information furnished is true and complete to the best of his/her knowledge and belief.

[61 FR 49980, Sept. 24, 1996]

§ 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;

(b) Except for wildlife requiring a permit pursuant to part 16, 17, 18, 21, or 23 of this subchapter B, a Declaration for Importation or Exportation of Fish or Wildlife (Form 3–177) does not have to be filed for importation of the following:

1. Fish taken for recreational purposes in Canada or Mexico;

2. Wildlife products or manufactured articles that are not intended for commercial use and are used as clothing or contained in accompanying personal baggage, except that an importer or his/her agent must file a Form 3–177 for raw or dressed furs; for raw, salted, or crusted hides or skins; and for game or game trophies; and

3. Wildlife products or manufactured articles that are not intended for commercial use and are a part of a shipment of the household effects of persons moving their residence to the United States, except that an importer or his/her agent must file a declaration for raw or dressed furs and for raw, salted, or crusted hides or skins.

(c) General declarations for certain specimens. Notwithstanding the provisions of 14.61 and except for wildlife included in paragraph (d) of this section, an importer or his/her agent may describe in general terms a Declaration for the Importation or Exportation of Fish or Wildlife (Form 3–177)
scientific specimens imported for scientific institutions for taxonomic, systematic research, or faunal survey purposes. An importer or his/her agent must file an amended Form 3–177 within 180 days after filing of the general declaration with the Service. The declaration must identify specimens to the most accurate taxonomic classification reasonably practicable using the best available taxonomic information. The Director may grant extensions of the 180-day period.

(d) Except for wildlife requiring a permit pursuant to part 16, 17, 18, 21, 22 or 23 of this subchapter, an importer or his/her agent does not have to file a Declaration for the Importation or Exportation of Fish or Wildlife (Form 3–177) at the time of importation for shipments of dead, preserved, dried, or embedded scientific specimens or parts thereof, imported by accredited scientists or accredited scientific institutions for taxonomic or systematic research purposes. An importer or his/her agent must file a Form 3–177 within 180 days of importation with the appropriate Assistant Regional Director—Law Enforcement in the Region where the importation occurs. The declaration must identify the specimens to the most accurate taxonomic classification reasonably practicable using the best available taxonomic information, and must declare the country of origin. Except: That this exception will not apply to any specimens or parts thereof taken as a result of sport hunting.

§ 14.64 Exceptions to export declaration requirements.

(a) Except for wildlife requiring a permit pursuant to part 17 or 23 of this subchapter B, 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.

(b) Except for wildlife requiring a permit pursuant to part 16, 17, 18, 21, or 23 of this subchapter B, a Declaration for the Importation or Exportation of Fish or Wildlife (Form 3–177) does not have to be filed for the exportation of the following:

(1) Wildlife that is not intended for commercial use where the value of such wildlife is under $250;

(2) Wildlife products or manufactured articles, including game trophies, that are not intended for commercial use and are used as clothing or contained in accompanying personal baggage or are part of a shipment of the household effects of persons moving their residence from the United States; and

(3) Shipments of dead, preserved, dried, or embedded scientific specimens or parts thereof, exported by accredited scientists or accredited scientific institutions for taxonomic or systematic research purposes. An exporter or his/her agent must file a Form 3–177 within 180 days of exportation with the appropriate Assistant Regional Director—Law Enforcement in the Region where the exportation occurs. The declaration must identify the specimens to the most accurate taxonomic classification reasonably practicable using the best available taxonomic information, and

§ 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 B, 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.

(b) Except for wildlife requiring a permit pursuant to part 16, 17, 18, 21, or 23 of this subchapter B, a Declaration for the Importation or Exportation of Fish or Wildlife (Form 3–177) does not have to be filed for the exportation of the following:

(1) Wildlife that is not intended for commercial use where the value of such wildlife is under $250;

(2) Wildlife products or manufactured articles, including game trophies, that are not intended for commercial use and are used as clothing or contained in accompanying personal baggage or are part of a shipment of the household effects of persons moving their residence from the United States; and

(3) Shipments of dead, preserved, dried, or embedded scientific specimens or parts thereof, exported by accredited scientists or accredited scientific institutions for taxonomic or systematic research purposes. An exporter or his/her agent must file a Form 3–177 within 180 days of exportation with the appropriate Assistant Regional Director—Law Enforcement in the Region where the exportation occurs. The declaration must identify the specimens to the most accurate taxonomic classification reasonably practicable using the best available taxonomic information, and
§ 14.81 Marking requirement.

Except as otherwise provided in this subpart, no person may import, export, or transport in interstate commerce any container or package containing any fish or wildlife (including shellfish and fishery products) unless he/she marks each container or package conspicuously on the outside with both the name and address of the shipper and consignee. An accurate and legible list of its contents by species scientific name and the number of each species and whether or not the listed species are venomous must accompany the entire shipment.

[61 FR 31870, June 21, 1996]

§ 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 has valid wildlife import/export license issued under authority of 50 CFR part 14. For each shipment marked in accordance with this paragraph, the records maintained under §14.93(c) must include a copy of the invoice, packing list, bill of lading, or other similar document that accurately states the information required by paragraph (a)(1)(ii) of this section.

(3) In the case of subcontainers or packages within a larger packing container, only the outermost container must be marked in accordance with this section. Except, that for live fish or wildlife that are packed in subcontainers within a larger packing container, if the subcontainers are numbered or labeled, the packing list, invoice, bill or lading, or other similar document, must reflect that number or label. However, each subcontainer containing a venomous species must be clearly marked as venomous.

(4) A conveyance (truck, plane, boat, etc.) is not considered a container for purposes of requiring specific marking of the conveyance itself, provided that:

(i) The fish or wildlife within the conveyance is carried loosely or is readily identifiable, and is accompanied by the document required by paragraph (a)(1)(ii) of this section, or
(ii) The fish or wildlife is otherwise packaged and marked in accordance with this subpart.

(b) The requirements of §14.81 do not apply to containers or packages containing—

(1) Fox, nutria, rabbit, mink, chin-chilla, marten, fisher, muskrat, and karakul that have been bred and born in captivity, or their products, if a signed statement certifying that the animals were bred and born in captivity accompanies the shipping documents;

(2) Fish or shellfish contained in retail consumer packages labeled pursuant to the Food, Drug and Cosmetic Act, 21 U.S.C. 301 et seq.; or

(3) Fish or shellfish that are landed by, and offloaded from, a fishing vessel (whether or not the catch has been carried by the fishing vessel interstate), as long as the fish or shellfish remain at the place where first offloaded.

(Approved by the Office of Management and Budget under control number 1018–0022)

[52 FR 45341, Nov. 27, 1987, as amended at 61 FR 31871, June 21, 1996]

Subpart I—Import/Export Licenses and Inspection Fees

Source: 73 FR 74628, Dec. 9, 2008, 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>
<tr>
<td>(9) As a customs broker or freight forwarder engaged in business as a dispatcher, handler, consolidator, or transporter of wildlife or if I file documents with the Service on behalf of others.</td>
<td>No.</td>
</tr>
<tr>
<td>(10) As a common carrier engaged in business as a transporter of wildlife.</td>
<td>Yes.</td>
</tr>
<tr>
<td>(11) As a taxidermist, outfitter, or guide importing or exporting my own hunting trophies for commercial purposes.</td>
<td>Yes.</td>
</tr>
<tr>
<td>(12) As a taxidermist, outfitter, or guide transporting or shipping hunting trophies for clients or customers.</td>
<td>No.</td>
</tr>
<tr>
<td>(13) As a U.S. taxidermist receiving a U.S. client's personal hunting trophies after import clearance for processing.</td>
<td>No.</td>
</tr>
<tr>
<td>(14) As a U.S. taxidermist importing wildlife from or exporting wildlife to foreign owners who are requesting my services.</td>
<td>Yes.</td>
</tr>
<tr>
<td>(15) As a foreign owner of wildlife exporting my personal hunting trophies from the United States to my home.</td>
<td>No.</td>
</tr>
<tr>
<td>(16) As a circus for exhibition or resale purposes.</td>
<td>Yes.</td>
</tr>
<tr>
<td>(17) As a Federal, State, municipal, or tribal agency.</td>
<td>No.</td>
</tr>
<tr>
<td>(18) As a public museum, or public scientific or educational institution for noncommercial research or educational purposes.</td>
<td>No.</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 will receive all official notices the Service sends;

(4) You must keep, in a U.S. location, the following records that completely and correctly describe each import or export of wildlife that you made under the import/export license and, if applicable, any subsequent disposition that you made of the wildlife, for a period of 5 years:

(i) A general description of the wildlife, such as "live," "raw hides," "fur garments," "leather goods," "footwear," or "jewelry";

(ii) The quantity of the wildlife, in numbers, weight, or other appropriate measure;

(iii) The common and scientific names of the wildlife;

(iv) The country of origin of the wildlife, if known, as defined in §10.12 of this subchapter;

(v) The date and place the wildlife was imported or exported;

(vi) The date of the subsequent disposition, if applicable, of the wildlife and the manner of the subsequent disposition, whether by sale, barter, consignment, loan, delivery, destruction, or other means;

(vii) The name, address, telephone, and e-mail address, if known, of the person or business who received the wildlife;

(viii) Copies of all permits required by the laws and regulations of the United States; and

(ix) Copies of all permits required by the laws of any country of export, re-export, or origin of the wildlife.

(5) You must, upon notice, provide authorized Service officers with access
§ 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 subchapter.

(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 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 of this part.

(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. The Service will prorate charges for travel, transportation, and per diem costs if multiple importers or exporters require inspection at the same time at the same location. All applicable base and premium fees apply to each shipment.

(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:
§ 14.94

(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 by an import/export license holder 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>
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<tr>
<td></td>
<td>2008</td>
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<tr>
<td>(1) Designated port base inspection fee (see §14.94(c))</td>
<td>$85</td>
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<tr>
<td>(2) Staffed nondesignated port base inspection fee (see §14.94(d))</td>
<td>$133</td>
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<tr>
<td>(3) Nonstaffed nondesignated port base inspection fee (see §14.94(e))</td>
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Inspection fee schedule

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee cost per shipment per year</th>
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| (4) Premium inspection fee at any port (see § 14.94(f)):
| (i) Protected species. Any species that requires a permit under parts 15, 16, 17, 18, 21, 22, or 23 of this chapter; | $19   | $37   | $56   | $74   | $93.             |
| (ii) Live species. Any live wildlife, including live viable eggs and live pupae. | $19   | $37   | $56   | $74   | $93.             |
| (5) Overtime inspection fee (see § 14.94(g)):
| (i) Inspections beginning less than 1 hour before normal work hours. | $48   | $49   | $51   | $52   | $53.             |
| (ii) Inspections after normal work hours, including Saturday and Sunday. (2 hour minimum charge plus fee for additional time). | $96 min. + | $98 min. + | $101 min. + | $103 min. + | $105 min. + |
| (iii) Inspections on Federal holidays. (2 hour minimum charge plus fee for additional time). | $128 min. + | $131 min. + | $133 min. + | $136 min. + | $139 min. + |

(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.

(j) 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.

(4) Fee exemption program for low-risk importations and exportations—(1) Program criteria. Businesses that require an import/export license under §14.93 may be exempt from the designated port base inspection fee as set forth in this paragraph (k)(4)(i). To participate in this program, you, the U.S. importer or exporter, must continue to pay the overtime fees, the nondesignated port base fees, or the import/export license.
and nondesignated port application fees, and your business must meet all of the following conditions:

(A) Each shipment does not contain live wildlife.

(B) Each shipment does not contain wildlife that requires a permit or certificate under parts 15, 17, 18, 20, 21, 22, or 23 of this chapter or is listed under part 16 of this chapter.

(C) Each shipment contains 25 or fewer wildlife parts and products containing wildlife.

(D) Each wildlife shipment is valued at $5,000 or less.

(E) Your business has not been assessed a civil penalty, issued a violation notice, or convicted of any misdemeanor or felony violations involving the import or export of wildlife.

(F) Your business has had two or fewer wildlife shipments that were refused clearance in the 5 years prior to the receipt of your request by the Service.

(G) Your business has not previously participated in the program and been removed for failure to meet the criteria.

(ii) Program participation. To participate in the fee exemption program for low-risk importations and exportations, you must use the Service’s electronic declaration filing system (eDecs) and take the following actions:

(A) You must certify that you will exclusively import and export wildlife shipments that meet all the criteria in paragraph (k)(4)(i) of this section and renew this certification annually. Upon completion of the certification and review of the criteria by the Service, eDecs will notify you if you have been approved to participate in the program.

(B) You must continue to meet the criteria in paragraph (k)(4)(i) of this section while participating in the program. If you fail to meet the criteria after approval, you will be removed from the program and pay all applicable fees.

(C) If approved to participate in the program you must file FWS Form 3–177 and all required accompanying documents electronically using eDecs for each shipment and meet all other requirements of this part.

§ 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
§ 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
§ 14.106 

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.

(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.

(3) 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 Headquarters (see 50 CFR 2.1(b) for address) 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 wellbeing 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 used to transport birds shall not contain litter, unless it is specified in writing by the examining veterinarian as medically necessary.

(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.

§ 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, or 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 still 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 provided 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 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
§ 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 walls 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 sireni ans 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;

4. The devices shall be capable of preventing the mammal from thrashing about and causing injury to itself, handlers, or other persons, but shall be designed so as not to cause injury to the mammal.

(c) A primary enclosure used to transport marine mammals shall be large enough to assure the following:

1. A sea otter or polar bear has sufficient space to turn about freely with all four feet on the floor and to sit in an upright position, stand, or lie in a natural position;

2. A pinniped has sufficient space to lie in a natural position;

3. If a sling, harness, or other supporting device is used, there are at least 3 inches (7.5 centimeters) of clearance between any body part and the primary enclosure;

4. A marine mammal may be restricted in its movements according to professionally accepted standards of care when freedom of movement would constitute a danger to the animal or to handlers or other persons.

(e) All marine mammals contained in a given primary enclosure shall be of the same species and be maintained in compatible groups. A marine mammal that has not reached puberty shall not be transported in the same primary enclosure with an adult marine mammal other than its mother. Socially dependent animals (e.g., siblings, mother, and offspring) transported in the same conveyance shall be allowed visual and, when appropriate for the species, olfactory contact. A female marine mammal shall not be transported in the same primary enclosure with any mature male marine mammal.

§ 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
§ 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 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 an elephant or ungulate 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 and can be filled from outside the enclosure.

SPECIFICATIONS FOR ELEPHANTS AND UNGULATES

§ 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 the ventilated wall. When ventilation openings are located on all four walls, 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 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.

SPECIFICATIONS FOR OTHER TERRESTRIAL MAMMALS

§ 14.161 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 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 minimum area required for ventilation shall be located on the lower one-half of the enclosure, and at least one-third of the total minimum 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 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 animal. Rodents weighing more than 5,000 grams shall be transported in individual enclosures.

<table>
<thead>
<tr>
<th>Density Guidelines for Rodents</th>
<th>Max. No.</th>
<th>Space/Animal</th>
<th>Ht. of Box</th>
</tr>
</thead>
<tbody>
<tr>
<td>wt. in grams of rodent:</td>
<td></td>
<td>cm² in² cm</td>
<td></td>
</tr>
<tr>
<td>220 or less</td>
<td>20</td>
<td>194 30</td>
<td>6</td>
</tr>
<tr>
<td>220–450</td>
<td>12</td>
<td>388 60</td>
<td>8</td>
</tr>
<tr>
<td>450–1000</td>
<td>6</td>
<td>770 120</td>
<td>10</td>
</tr>
<tr>
<td>1,000–5,000</td>
<td>2</td>
<td>2,310 360</td>
<td>12</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.

SPECIFICATIONS FOR BIRDS

§ 14.171 Consignment to carrier.

(a) A personally owned pet bird originally transported from the United States and being returned to this country with its original United States certificate of veterinary inspection within 60 days of departure may be accepted by a carrier without a new veterinary examination.

(b) No carrier shall accept for transport to the United States any bird that was captured in the wild unless a qualified veterinarian, authorized by the national government of the country from which the bird is being exported, certifies that the bird has been held in captivity for at least 14 days.

§ 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.
§ 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

Subpart K—Captive Wildlife Safety Act

Source: 72 FR 45946, Aug. 16, 2007, unless otherwise noted.
§ 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, Anas didae, 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.

§ 15.11 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 indicated 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 attention of the Director, U.S. Fish and Wildlife Service, at the address listed for the Division of Management Authority at 50 CFR 2.1(b). 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
§ 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;

(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 purpose of the scientific research 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 research for which the permit is required has scientific merit;

(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 research 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.
§ 15.24 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:

(i) 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;

(ii) 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;

(iii) 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;

(iv) Whether the breeding or display program for which the permit is required has conservation merit; and

(v) 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.

(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 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.

(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 designated on the face of the permit, but in no case will these permits be valid for longer than one year.

§ 15.24 Permits for cooperative breeding.
(i) If the applicant is not the breeder, documentation showing the bird was acquired from the breeder and a history of multiple transactions, if applicable;

(ii) 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;

(iii) A complete description of the relationship of the exotic bird to the approved cooperative breeding program, including;

(i) A statement of the role of the exotic bird in a breeding protocol;

(ii) A plan for maintaining a self-sustaining captive population of the exotic bird species;

(iii) Details on recordkeeping; and

(iv) Plans for disposition of the exotic birds and any progeny produced during the course of this program.

6. A statement outlining the applicant’s attempts to obtain the exotic bird in a manner that would not cause its removal from the wild, and attempts to obtain the specimens of the exotic bird species from stock available in the United States;

7. 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 birds to be imported and number of birds to be housed in each; and

(iii) Husbandry practices;

8. A history of the applicant’s past participation in cooperative breeding programs with the same or similar species, including;

(i) Breeding and inventory records for at least the last two years;

(ii) Hatching, survival, and mortality records;

(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 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;

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.

(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:
§ 15.26

(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) A statement of the reasons the applicant is justified in obtaining a permit;

(3) Documentation showing that the applicant has continually resided outside of the United States for a minimum of one year;

(4) A statement of the number of exotic birds imported during the previous 12 months as personal pets by the applicant;

(5) Information on the origin of the exotic bird, including:
   (i) Country of origin; and
   (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 recordkeeping 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 the propagation and survival of the species; and

(5) A history of the cooperative breeding program, including an annual report for the last 3 years (if applicable), mortality records, breeding records, and a studbook if one has been developed for the species.

(b) Issuance criteria. Upon receiving an application completed in accordance with paragraph (a) of this section, the Director will decide whether or not a cooperative breeding program should be approved. 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 for which the approval is requested is adequate to justify removing the exotic bird from the wild or otherwise changing its status;

(2) Whether the granting of this approval would be detrimental to the survival of the exotic bird species in the wild, including whether the exotic birds were bred in captivity or will be taken from the wild, taking into consideration the conservation status of the species in the wild;

(3) Whether the granting of this approval would conflict with any known program intended to enhance the survival of the population from which the exotic bird species was or would be removed;

(4) Whether the cooperative breeding program for which the permit is requested 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

(5) Whether the expertise or other resources available to the program appear adequate to successfully accomplish the objectives stated in the application.

(c) Publication in the Federal Register. The Director shall publish notice in the Federal Register of each application submitted under §15.26(a). Each notice shall invite the submission from interested parties of written data, views, or arguments with respect to the application. The Director shall publish periodically a notice as appropriate in the Federal Register of the list of approved cooperative breeding programs.

(d) Approval conditions. In addition to the general conditions set forth in part 13 of this subchapter, every approval issued under this paragraph shall be subject to the special condition that the cooperative breeding program shall maintain records of all birds imported under permits issued under this subpart and their progeny, including their sale or transfer, death, or escape, and breeding success. These records shall be made available to the Service on request and when renewing an approval.

(e) Duration of approval. Cooperative breeding programs shall be approved for two years, at which time applicants may apply to the Service for renewal of a program’s approval. Applications for renewal of approval shall comply with the general conditions set forth in part 13 of this subchapter.

Subpart D—Approved List of Species Listed in the Appendices to the Convention

Source: 59 FR 62262, Dec. 2, 1994, unless otherwise noted.
§ 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.

§ 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 do 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 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;

(b) 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;

(c) 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;

(d) 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;

(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 2991, Jan. 24, 1996]

§ 15.33 Species included in the approved list.

(a) Captive-bred species. The list in this paragraph includes species of captive-bred exotic birds for which importation into the United States is not prohibited by section 15.11. The species are grouped taxonomically by order.

| Order Passeriformes: | 
|----------------------|------------------------|
| Poephila cincta | Double-barred finch. |
| Poephila bichenovii | Yellow-faced lovebird. |
| Poephila acuticauda | Long-tailed grassfinch. |
| Neochmia ruficauda | Star finch. |
| Pictorella funerea | Pictorella finch. |
| Lonchura pectoralis | Society (=Bengalese) finch. |
| Lonchura domestica | Chestnut-breasted finch. |
| Lonchura castaneothorax | Chestnut-breasted finch. |
| Lonchura domestica | Gouldian finch. |
| Lonchura ornata | Diamond Sparrow. |
| Melopsittacus undulatus | Budgerigar. |
| Nymphicus hollandicus | Scarlet-chested parrot. |
| Purple cockatoo | Blue-cockatoo. |
| Purple parrot | Regent parrot. |
| Purple parrotlet | Superb parrot. |
| Purple parrotlet | Golden-shouldered parakeet. |
| Purple parrotlet | Alexandrine parakeet (blue form). |
| Psephotus haematonotus | Red-rumped parrot. |
| Psephotus varius | Malagasy parakeet. |
| Lathamus cyanopterus | Indian ringneck parakeet. |
| Lathamus pulcher | Red-capped parrot. |
| Lathamus discolor | Scaled parakeet. |
| Lathamus pulcher | Long-billed parakeet. |
| Lathamus pulcher | Long-tailed grassfinch. |
| Lathamus pulcher | Double-barred finch. |
| Lathamus pulcher | Parson finch. |
§ 15.41 Criteria for including facilities as qualifying for imports. [Reserved]

§ 15.42 List of foreign qualifying breeding facilities. [Reserved]

Subpart F—List of Prohibited Species Not Listed in the Appendices to the Convention

§ 15.51 Criteria for including species and countries in the prohibited list. [Reserved]

§ 15.52 Species included in the prohibited list. [Reserved]

§ 15.53 Countries of export included in the prohibited list. [Reserved]

PART 16—INJURIOUS WILDLIFE

Subpart A—Introduction

Sec. 16.1 Purpose of regulations.
16.2 Scope of regulations.
16.3 General restrictions.

Subpart B—Importation or Shipment of Injurious Wildlife

16.11 Importation of live wild mammals.
16.12 Importation of live wild birds or their eggs.

16.13 Importation of live or dead fish, mollusks, and crustaceans, or their eggs.
16.14 Importation of live or dead amphibians or their eggs.
16.15 Importation of live reptiles or their eggs.

Subpart C—Permits

16.22 Injurious wildlife permits.

Subpart D—Additional Exemptions

16.32 Importation by Federal agencies.
16.33 Importation of natural-history specimens.

AUTHORITY: 18 U.S.C. 42.

SOURCE: 39 FR 1169, Jan. 4, 1974, unless otherwise noted.
continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any territory or possession of the United States by any means whatsoever, is prohibited except for certain purposes and under certain conditions as hereinafter provided in this part: Provided, That the provisions of this section shall not apply to psittacine birds (see also §§16.32 and 16.33 for other exemptions).

Subpart B—Importation or Shipment of Injurious Wildlife

§ 16.11 Importation of live wild mammals.

(a) The importation, transportation, or acquisition is prohibited 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; (4) any species of Indian wild dog, red dog, or dhole of the genus Cuon; (5) any species of multimammate rat or mouse of the genus Mastomys; (6) any raccoon dog, Nyctereutes procyonoides; and (7) any brushtail possum, Trichosurus vulpecula: Provided, that the Director shall issue permits authorizing the importation, transportation, and possession of such mammals under the terms and conditions set forth in §16.22.

(b) Upon the filing of a written declaration with the District Director of Customs at the port of entry as required under §14.61, all other 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, and the eggs of such birds may be imported, transported, 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 the State wildlife conservation agency having jurisdiction over the area of release or by persons having prior written permission for release from such agency.

(c) Upon the filing of a written declaration with the District Director of Customs at the port of entry as required under §14.61, all other 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: Provided,
§ 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 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 Claridae.

(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 Bostrychoidei, Ophiocephalus, Ophiocephalus, and Parocephalidae) of the Family Channidae, including but not limited to:

(A) Channa amphibius (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 cypripedium (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 nor.

(T) Channa orientalis (Ceylon or Ceylonese Green snakehead).

(U) Channa panare.

(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 uneviscerated 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 *Oncorhynchus masou* virus and the viruses causing viral hemorrhagic septicemia, 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 parts 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 location 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 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 Nation 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) or 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 1:100 ((volume to volume) (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.

(iv) 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 the Division of Fish and Aquatic Conservation Programs at the address provided at 50 CFR 2.1(b) or by telephone at 703-358-1878.
§ 16.13, Nt.

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.


EFFECTIVE DATE NOTE: At 81 FR 67899, Sept. 30, 2016, § 16.13 was amended by revising paragraph (a)(2)(v) and adding paragraphs (a)(2)(vi) through (x), effective Oct. 31, 2016. For the convenience of the user, the added and revised text is set forth as follows:

§ 16.13 Importation of live or dead fish, mollusks, and crustaceans, or their eggs.

(a) * * *

(2) * * *

(v) Any live fish, gametes, viable eggs, or hybrids of the following species in family Cyprinidae:

(A) Carassius carassius (crucian carp).

(B) Carassius gibelio (Prussian carp).

(C) Hypophthalmichthys harmandi (largescale silver carp).

(D) Hypophthalmichthys molitrix (silver carp).

(E) Hypophthalmichthys nobilis (bighead carp).

(F) Mylopharyngodon piceus (black carp).

(G) Phractocephalus hemioliopterus (Eurasian minnow).

(H) Pseudorasbora parva (stone moroko).

(I) Rutilus rutilus (roach).

(vi) Any live fish, gametes, viable eggs, or hybrids of Lates niloticus (Nile perch), family Centropomidae.

(vii) Any live fish, gametes, viable eggs, or hybrids of Percottus gladiator (Amur sleeper), family Odontobutidae.

(viii) Any live fish, gametes, viable eggs, or hybrids of Perccottus gleni (Amur sleeper), family Percidae.

(A) Perca fluviatilis (European perch).

(B) Sander lucioperca (zander).

(ix) Any live fish, gametes, viable eggs, or hybrids of Silurus glanis (wels catfish), family Siluridae.

(x) Any live crustacean, gametes, viable eggs, or hybrids of Cherax destructor (common yabby), family Parastacidae.

§ 16.14 Importation of live or dead amphibians or their eggs.

(a) The importation, transportation, or acquisition of any live or dead specimen, including parts, but not eggs or gametes, of the genera Chioglossa, Cynops, Euproctus, Hydromantes, Hypobius, Ichthyosaura, Lissotriton, Neurergus, Notopthalmus, Onychodactylus, Paramesotriton, Plethodon, Pleurodeles, Salamandra, Salamandrella, Salamandrina, Siren, Taricha, Triturus, and Tylototriton, including but not limited to, the species listed in this paragraph, is prohibited except as provided under the terms and conditions set forth at §16.22 of this part:

(1) Chioglossa lusitanica (golden striped salamander).

(2) Cynops chenggongensis (Chenggong fire-bellied newt).

(3) Cynops cyanurus (blue-tailed fire-bellied newt).

(4) Cynops ensicauda (sword-tailed newt).

(5) Cynops fudingensis (Fuding fire-bellied newt).

(6) Cynops glaucus (bluish grey newt, Huilan Rongyuan).

(7) Cynops orientalis (Oriental fire belly newt, Oriental fire-bellied newt).

(8) Cynops orphicus (no common name).

(9) Cynops pyrrhogaster (Japanese newt, Japanese fire-bellied newt).

(10) Cynops wolterstorffi (Kunming Lake newt).

(11) Euproctus montanus (Corsican brook salamander).

(12) Euproctus platycepalus (Sardinian brook salamander).

(13) Hydromantes ambrosii (Ambrosi salamander).

(14) Hydromantes brunus (limestone salamander).

(15) Hydromantes flavus (Mount Albo cave salamander).

(16) Hydromantes genei (Sardinian cave salamander).

(17) Hydromantes imperialis (imperial cave salamander).

(18) Hydromantes italicus (Italian cave salamander).

(19) Hydromantes platycepalus (Mount Lyell salamander).

(20) Hydromantes sarrabusensis (no common name).
(21) *Hydromantes shastae* (Shasta salamander).
(22) *Hydromantes strinatii* or *Speleomantes strinatii* (French cave salamander, Strinati’s cave salamander).
(23) *Hydromantes supramontis* (Supramonte cave salamander).
(24) *Hynobius abei* (Abe’s salamander).
(26) *Hynobius amjiensis* (Anji salamander).
(27) *Hynobius arisanensis* (Arisan hynobid).
(28) *Hynobius boulengeri* (Odaigahara salamander).
(29) *Hynobius chinensis* (Chinese salamander).
(30) *Hynobius dunni* (Oita salamander).
(31) *Hynobius formosanus* (Taiwan salamander).
(32) *Hynobius fucus* or *Hynobius fuca* (Taiwan lesser salamander).
(33) *Hynobius glacialis* (Nanhu salamander).
(34) *Hynobius guabangshanensis* (no common name).
(35) *Hynobius hidamontanus* (Hakuba salamander).
(36) *Hynobius hirosei* (no common name).
(37) *Hynobius katoi* (Akaishi sansho-uo).
(38) *Hynobius kimurae* (northeastern China hynobiid salamander).
(39) *Hynobius lichenatus* (northeast salamander).
(40) *Hynobius maershanensis* (no common name).
(41) *Hynobius naevius* (blotched salamander).
(42) *Hynobius nebulosus* (misty salamander).
(43) *Hynobius nigrescens* (black salamander).
(44) *Hynobius okiensis* (Oki salamander).
(45) *Hynobius osumiensis* (Osumi-sanshouo).
(46) *Hynobius quelpaertensis* (common name).
(47) *Hynobius retardatus* (Hokkaido salamander).
(48) *Hynobius shinichisatoi* (Sobosanshouo).
(49) *Hynobius sonani* (Sonan’s hynobid).
(50) *Hynobius stejnegeri* (Bekko Sansho-uo).
(51) *Hynobius takedai* (Hokuriku Sansho-uo).
(52) *Hynobius tokyensis* (Tokyo salamander).
(53) *Hynobius tsuensis* (Taushima Sansho-uo).
(54) *Hynobius turkestanicus* (Turkestanian salamander).
(55) *Hynobius yangi* (no common name).
(56) *Hynobius yatsui* (no common name).
(57) *Ichthyosaura alpestris* (alpine newt).
(58) *Lissotriton boscai* (Bosca’s newt).
(59) *Lissotriton helveticus* (palmate newt).
(60) *Lissotriton italicus* (Italian newt).
(61) *Lissotriton kesswilii* (Triton pontue de Kosswig).
(62) *Lissotriton lantzi* (no common name).
(63) *Lissotriton montandoni* (Carpathian newt).
(64) *Lissotriton vulgaris* (smooth newt).
(65) *Neurergus crocatus* (no common name).
(66) *Neurergus derjugini* or *Neurergus microspilotus* (Kurdistan newt).
(67) *Neurergus kaiseri* (Lorestan newt, Luristan newt, emperor spotted newt, Zagros newt, Iranian harlequin newt, kaiser newt).
(68) *Neurergus strachii* (no common name).
(69) *Notophthalmus meridionalis* (black-spotted newt).
(70) *Notophthalmus perstriatus* (striped newt).
(71) *Notophthalmus viridescens* (eastern newt).
(72) *Onychodactylus fischeri* (long-tailed clawed salamander).
(73) *Onychodactylus fuscus* (Tadami clawed salamander).
(74) *Onychodactylus intermedius* (Bandai clawed salamander).
(75) *Onychodactylus japonicus* (Japanese clawed salamander).
(76) *Onychodactylus kinneburi* (Shikoku clawed salamander).
(77) *Onychodactylus koreanus* (Korai-Sanshouo).
(80) *Onychodactylus nipponoborealis* (Riben Bei Zhaoni).
(81) *Onychodactylus tsukubaensis* (Tsukuba clawed salamander).
(82) *Onychodactylus zhangyapingi* (Jilin Zhaoni).
(83) *Onychodactylus zhaermii* (Liaoning).
(84) *Paramesotriton caudopunctatus* (spot-tailed warty newt).
(85) *Paramesotriton chinensis* (Chinese warty newt).
(86) *Paramesotriton deloustali* (no common name).
(87) *Paramesotriton fuzhongensis* (no common name).
(88) *Paramesotriton guanxiensis* (Guangxi warty newt).
(89) *Paramesotriton hongkongensis* (no common name).
(90) *Paramesotriton labiatus* (spotless stout newt).
(91) *Paramesotriton longliensis* (no common name).
(92) *Paramesotriton maolanensis* (no common name).
(93) *Paramesotriton qixilingensis* (no common name).
(94) *Paramesotriton wulingensis* (no common name).
(95) *Paramesotriton yunwuensis* (no common name).
(96) *Paramesotriton zhijinensis* (no common name).
(97) *Plethodon ainsworthi* (Catahoula salamander, bay springs salamander).
(98) *Plethodon albagula* (western slimy salamander).
(99) *Plethodon amplus* (Blue Ridge gray-cheeked salamander).
(100) *Plethodon angusticlavius* (Ozark salamander, Ozark zigzag salamander).
(101) *Plethodon asupak* (Scott Bar salamander).
(102) *Plethodon aureolus* (Tellico salamander).
(103) *Plethodon caddoensis* (Caddo Mountain salamander).
(104) *Plethodon chattahoochee* (Chattahoochee slimy salamander).
(105) *Plethodon cheoah* (Cheoah bald salamander).
(106) *Plethodon chlorobryonis* (Atlantic Coast slimy salamander).
(107) *Plethodon cinereus* (eastern red-backed salamander, redback salamander, salamandre rayée, red-backed salamander).
(108) *Plethodon cylindraceus* (white-spotted slimy salamander).
(109) *Plethodon dorsalis* (zigzag salamander, northern zigzag salamander).
(110) *Plethodon dunni* (Dunn’s salamander).
(111) *Plethodon electromorphus* (northern ravine salamander).
(112) *Plethodon elongatus* (Del Norte salamander).
(113) *Plethodon fourchensis* (Pouche Mountain salamander).
(114) *Plethodon glutinosus* (slimy salamander, northern slimy salamander).
(115) *Plethodon grobmani* (southeastern slimy salamander).
(116) *Plethodon hoffmani* (valley and ridge salamander).
(117) *Plethodon hubrichti* (Peaks of Otter salamander).
(118) *Plethodon idahoensis* (Coeur d’Alene salamander).
(119) *Plethodon jordani* (Appalachian salamander, red-cheeked salamander, Jordan’s salamander).
(120) *Plethodon kentucki* (Kentucky salamander, Cumberland Plateau salamander).
(121) *Plethodon kiamichi* (Kiamichi slimy salamander).
(122) *Plethodon kisatchie* (Louisiana slimy salamander).
(123) *Plethodon larselli* (Larch Mountain salamander).
(124) *Plethodon meridianus* (South Mountain gray-cheeked salamander, southern gray-cheeked salamander).
(125) *Plethodon metcalfi* (southern gray-cheeked salamander).
(126) *Plethodon mississippi* (Mississippi slimy salamander).
(127) *Plethodon montanus* (northern gray-cheeked salamander).
(128) *Plethodon neomexicanus* (Jemez Mountains salamander).
(129) *Plethodon nettingi* (Cheat Mountain salamander).
(130) *Plethodon ocmulgee* (Ocmulgee slimy salamander).
(131) *Plethodon ouachitae* (Rich Mountain salamander).
(132) *Plethodon petraeus* (Pigeon Mountain salamander).
(133) *Plethodon punctatus* (white-spotted salamander, cow knob salamander).
(134) *Plethodon richmondi* (southern ravine salamander, ravine salamander).
(135) *Plethodon savannah* (Savannah slimy salamander).
(136) Plethodon sequoyah (Sequoyah slimy salamander).
(137) Plethodon serratus (southern red-backed salamander).
(138) Plethodon shenandoah (Shenandoah salamander).
(139) Plethodon sherando (Big Levels salamander).
(140) Plethodon shermani (red-legged salamander).
(141) Plethodon stormi (Southern Appalachian salamander).
(142) Plethodon vandykei (Van Dyke’s salamander).
(143) Plethodon variolatus (South Carolina slimy salamander).
(144) Plethodon vehiculum (western red-backed salamander).
(145) Plethodon ventralis (southern zigzag salamander).
(146) Plethodon virginia (Shenandoah Mountain salamander).
(147) Plethodon websteri (Webster’s salamander).
(148) Plethodon wehrlei (Wehrle’s salamander).
(149) Plethodon yonahlossee (Yonahlossee salamander).
(150) Pleurodeles nebulosus (no common name).
(151) Pleurodeles poireti (Algerian newt).
(152) Pleurodeles walti (Spanish newt).
(153) Salamandra algira (Algerian salamander).
(154) Salamandra atra (alpine salamander).
(155) Salamandra corsica (Corsican fire salamander).
(156) Salamandra infraimmaculata (no common name).
(157) Salamandra lanzai (Lanza’s alpine salamander, Salamandra di Lanza).
(158) Salamandra salamandra (fire salamander).
(159) Salamandra salamandra (fire salamander).
(160) Salamandra salamandra (fire salamander).
(161) Salamandrella keyserlingii (Siberian newt).
(162) Salamandrella tridactyla (no common name).
(163) Salamandrina perspicillata (northern spectacled salamander).
(164) Salamandrina terdigitata (southern spectacled salamander).
(165) Siren intermedia (lesser siren).
(166) Siren lacertina (greater siren).
(167) Taricha granulosa (rough-skinned newt).
(168) Taricha rivularis (red-bellied newt).
(169) Taricha sierra (Sierra newt).
(170) Taricha torosa (California newt).
(171) Triturus carnifex (Italian crested newt).
(172) Triturus cristatus (great crested newt).
(173) Triturus dobrogicus (Danube crested newt).
(174) Triturus hongkongensis (no common name).
(175) Triturus ivanbureschi (Balkan-Anatolian crested newt, Buresch’s crested newt).
(176) Triturus karelinii (Southern crested newt).
(177) Triturus macedonicus (no common name).
(178) Triturus marmoratus (marbled newt).
(179) Triturus pygmaeus (pygmy marbled newt).
(180) Triturus vittatus (no common name).
(181) Tylototriton anguliceps (angular-headed newt).
(182) Tylototriton asperrimus (black knobby newt).
(183) Tylototriton broadoridgus (no common name).
(184) Tylototriton dabienicus (no common name).
(185) Tylototriton daweishanensis (no common name).
(186) Tylototriton liuyangensis (no common name).
(187) Tylototriton lizhenchangi (Mangshan crocodile newt).
(188) Tylototriton notialis (no common name).
(189) Tylototriton panhai (no common name).
(190) Tylototriton pseudoverrucosus (southern Sichuan crocodile newt).
(191) Tylototriton shanjing (Yunnan newt).
(192) Tylototriton shanorum (no common name).
(193) Tylototriton taliangensis (Thailand newt).
§ 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 at § 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 reticulatus, Broghammerus reticulatus, or Malayopython reticulatus (reticulated python).
4. Python sebae (Northern African python or African rock python).
5. Python natalensis (Southern African python or African rock python).
6. Eunectes notaeus (yellow anaconda).
7. Eunectes deschauenseei (DeSchauensee’s anaconda).
8. Eunectes murinus (green anaconda).
9. Eunectes beniensis (Beni anaconda).
(b) Upon the filing of a written declaration with the District Director of Customs at the port of entry as 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.

§ 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 attention of the Director, U.S. Fish and Wildlife Service, at the address listed for the Division of Management Authority at 50 CFR 2.1(b). Submit applications in writing on a Federal Fish and Wildlife License/Permit application (Form 3200) 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 expedient means within 24 hours following the escape of any wildlife imported or transported under authority of a permit issued under this section, or the escape of any progeny of such wildlife, unless otherwise specifically exempted by terms of the permit.

(c) Issuance criteria. The Director shall consider the following in determining whether to issue a permit to import or ship injurious wildlife for zoological, educational, medical, or scientific purposes:

(1) Whether the wildlife is being imported or otherwise acquired for a bona fide scientific, medical, educational, or zoological exhibition purpose;

(2) Whether the facilities for holding the wildlife in captivity have been inspected and approved, and consist of a basic cage or structure of a design and material adequate to prevent escape which is maintained inside a building or other facility of such structure that the wildlife could not escape from the building or other facility after escaping from the cage or structure maintained therein;

(3) Whether the applicant is a responsible person who is aware of the potential dangers to public interests posed by such wildlife, and who by reason of his knowledge, experience, and facilities reasonably can be expected to provide adequate protection for such public interests; and

(4) If such wildlife is to be imported or otherwise acquired for zoological or aquarium exhibition purposes, whether such exhibition or display will be open to the public during regular appropriate hours.

(d) The Office of Management and Budget approved the information collection requirements contained in this part 16 under 44 U.S.C. 3507 and assigned OMB Control Number 1018-0093. 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 of permits. You must respond to obtain or retain a permit. We estimate the public reporting burden for these reporting requirements to average 2 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’s Information Collection Clearance Officer at the address provided at 50 CFR 2.1(b).


Subpart D—Additional Exemptions

§ 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
§ 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, 2016)

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 Guidance (Parts 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)
X Department of the Treasury (Parts 1000—1099)
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)
Title 2—Grants and Agreements—Continued

XXVIII Department of Justice (Parts 2800—2899)
XXIX Department of Labor (Parts 2900—2999)
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)
XXXVI Office of National Drug Control Policy, Executive Office of the President (Parts 3600—3699)
XXXVII Peace Corps (Parts 3700—3799)
LVIII Election Assistance Commission (Parts 5800—5899)
LIX Gulf Coast Ecosystem Restoration Council (Parts 5900—5999)

Title 3—The President

I Executive Office of the President (Parts 100—199)

Title 4—Accounts

I Government Accountability Office (Parts 1—199)

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)
IV Office of Personnel Management and Office of the Director of National Intelligence (Parts 1400—1499)
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)
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)
Title 5—Administrative Personnel—Continued

XXIX  Federal Communications Commission (Parts 3900—3999)
XXX  Farm Credit System Insurance Corporation (Parts 4000—4099)
XXXI  Farm Credit Administration (Parts 4100—4199)
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  Department of Homeland Security (Parts 4600—4699)
XXXVII  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)
XLV  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)
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)
LXX  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)
LXXIII  Department of Agriculture (Parts 8300—8399)
LXXIV  Federal Mine Safety and Health Review Commission (Parts 8400—8499)
Title 5—Administrative Personnel—Continued

LXXVI Federal Retirement Thrift Investment Board (Parts 8600—8699)
LXXVII Office of Management and Budget (Parts 8700—8799)
LXXX Federal Housing Finance Agency (Parts 9000—9099)
LXXXIII Special Inspector General for Afghanistan Reconstruction (Parts 9300—9399)
LXXXIV Bureau of Consumer Financial Protection (Parts 9400—9499)
LXXXVI National Credit Union Administration (Parts 9600—9699)
XCIII Council of the Inspectors General on Integrity and Efficiency (Parts 9800—9899)
XCIV Military Compensation and Retirement Modernization Commission (Parts 9900—9999)
CX National Council on Disability (Parts 10000—10049)

Title 6—Domestic Security

I Department of Homeland Security, Office of the Secretary (Parts 1—199)
X Privacy and Civil Liberties Oversight Board (Parts 1000—1099)

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)
Title 7—Agriculture—Continued

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)

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—3399)

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)

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)
Title 8—Aliens and Nationality—Continued

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)
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—9099)
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)
# Title 12—Banks and Banking—Continued

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Department/Office/Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>XV</td>
<td>Department of the Treasury (Parts 1500—1599)</td>
</tr>
<tr>
<td>XVI</td>
<td>Office of Financial Research (Parts 1600—1699)</td>
</tr>
<tr>
<td>XVII</td>
<td>Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development (Parts 1700—1799)</td>
</tr>
<tr>
<td>XVIII</td>
<td>Community Development Financial Institutions Fund, Department of the Treasury (Parts 1800—1899)</td>
</tr>
</tbody>
</table>

# Title 13—Business Credit and Assistance

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Department/Office/Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Small Business Administration (Parts 1—199)</td>
</tr>
<tr>
<td>III</td>
<td>Economic Development Administration, Department of Commerce (Parts 300—399)</td>
</tr>
<tr>
<td>IV</td>
<td>Emergency Steel Guarantee Loan Board (Parts 400—499)</td>
</tr>
<tr>
<td>V</td>
<td>Emergency Oil and Gas Guaranteed Loan Board (Parts 500—599)</td>
</tr>
</tbody>
</table>

# Title 14—Aeronautics and Space

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Department/Office/Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Federal Aviation Administration, Department of Transportation (Parts 1—199)</td>
</tr>
<tr>
<td>II</td>
<td>Office of the Secretary, Department of Transportation (Aviation Proceedings) (Parts 200—399)</td>
</tr>
<tr>
<td>III</td>
<td>Commercial Space Transportation, Federal Aviation Administration, Department of Transportation (Parts 400—1199)</td>
</tr>
<tr>
<td>V</td>
<td>National Aeronautics and Space Administration (Parts 1200—1299)</td>
</tr>
<tr>
<td>VI</td>
<td>Air Transportation System Stabilization (Parts 1300—1399)</td>
</tr>
</tbody>
</table>

# Title 15—Commerce and Foreign Trade

<table>
<thead>
<tr>
<th>Subtitle</th>
<th>Department/Office/Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Office of the Secretary of Commerce (Parts 0—29)</td>
</tr>
<tr>
<td>B</td>
<td>Regulations Relating to Commerce and Foreign Trade</td>
</tr>
<tr>
<td>I</td>
<td>Bureau of the Census, Department of Commerce (Parts 30—199)</td>
</tr>
<tr>
<td>II</td>
<td>National Institute of Standards and Technology, Department of Commerce (Parts 200—299)</td>
</tr>
<tr>
<td>III</td>
<td>International Trade Administration, Department of Commerce (Parts 300—399)</td>
</tr>
<tr>
<td>IV</td>
<td>Foreign-Trade Zones Board, Department of Commerce (Parts 400—499)</td>
</tr>
<tr>
<td>VII</td>
<td>Bureau of Industry and Security, Department of Commerce (Parts 700—799)</td>
</tr>
<tr>
<td>VIII</td>
<td>Bureau of Economic Analysis, Department of Commerce (Parts 800—899)</td>
</tr>
<tr>
<td>IX</td>
<td>National Oceanic and Atmospheric Administration, Department of Commerce (Parts 900—999)</td>
</tr>
<tr>
<td>XI</td>
<td>Technology Administration, Department of Commerce (Parts 1100—1199)</td>
</tr>
<tr>
<td>XIII</td>
<td>East-West Foreign Trade Board (Parts 1300—1399)</td>
</tr>
</tbody>
</table>
Title 15—Commerce and Foreign Trade—Continued

Chap. 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)

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)
Title 20—Employees' Benefits—Continued

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)
### Title 23—Highways—Continued

**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)

**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) [Reserved]

**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) [Reserved]

**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)
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)
Title 29—Labor—Continued

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)
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)
Title 31—Money and Finance: Treasury—Continued

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)
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)
Title 34—Education—Continued

IV Office of Career, Technical and Adult Education, Department of Education (Parts 400—499)
V Office of Bilingual Education and Minority Languages Affairs, Department of Education (Parts 500—599) [Reserved]
VI Office of Postsecondary Education, Department of Education (Parts 600—699)
VII Office of Educational Research and Improvement, Department of Education (Parts 700—799) [Reserved]
SUBTITLE C—Regulations Relating to Education
XI [Reserved]
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 U.S. 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—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

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>United States Postal Service (Parts 1—999)</td>
</tr>
<tr>
<td>III</td>
<td>Postal Regulatory Commission (Parts 3000—3099)</td>
</tr>
</tbody>
</table>

### Title 40—Protection of Environment

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Environmental Protection Agency (Parts 1—1099)</td>
</tr>
<tr>
<td>IV</td>
<td>Environmental Protection Agency and Department of Justice (Parts 1400—1499)</td>
</tr>
<tr>
<td>V</td>
<td>Council on Environmental Quality (Parts 1500—1599)</td>
</tr>
<tr>
<td>VI</td>
<td>Chemical Safety and Hazard Investigation Board (Parts 1600—1699)</td>
</tr>
<tr>
<td>VII</td>
<td>Environmental Protection Agency and Department of Defense; Uniform National Discharge Standards for Vessels of the Armed Forces (Parts 1700—1799)</td>
</tr>
<tr>
<td>VIII</td>
<td>Gulf Coast Ecosystem Restoration Council (Parts 1800—1899)</td>
</tr>
</tbody>
</table>

### 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)
Title 41—Public Contracts and Property Management—Continued

Chap. 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)
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)
Title 45—Public Welfare—Continued

VI National Science Foundation (Parts 600—699)
VII Commission on Civil Rights (Parts 700—799)
VIII Office of Personnel Management (Parts 800—899)
IX Denali Commission (Parts 900—999)
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)
XIII Administration for Children and Families, 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)
Title 48—Federal Acquisition Regulations System—Continued

Chap.

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)
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 (Parts 5300—5399) [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)
Title 48—Federal Acquisition Regulations System—Continued

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)

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—999)

X Surface Transportation Board (Parts 1000—1399)

XI Research and Innovative Technology Administration, Department of Transportation (Parts 1400—1499) [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 and 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)
### Alphabetical List of Agencies Appearing in the CFR

(Revised as of October 1, 2016)

<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>5, 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; 8, LXXXIII</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, XXXIX</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</td>
</tr>
<tr>
<td>Rural Development Administration</td>
<td>7, XLII</td>
</tr>
<tr>
<td>Rural Housing Service</td>
<td>7, XVIII, XXXV</td>
</tr>
<tr>
<td>Rural Telephone Bank</td>
<td>7, XVI</td>
</tr>
<tr>
<td>Rural Utilities Service</td>
<td>7, XVII, XVIII, XLII</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, 83</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, l</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>49, VII</td>
</tr>
<tr>
<td>American Indians, Office of the Special Trustee</td>
<td>36, IV</td>
</tr>
<tr>
<td></td>
<td>25, VII</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Animal and Plant Health Inspection Service</td>
<td>7, III: 9, I</td>
</tr>
<tr>
<td>Appalachian Regional Commission</td>
<td>5, IX</td>
</tr>
<tr>
<td>Architectural and Transportation Barriers Compliance Board</td>
<td>36, XI</td>
</tr>
<tr>
<td>Arctic Research Commission</td>
<td>45, XXIII</td>
</tr>
<tr>
<td>Armed Forces Retirement Home</td>
<td>5, XI</td>
</tr>
<tr>
<td>Army Department</td>
<td>32, V</td>
</tr>
<tr>
<td>Engineers, Corps of</td>
<td>33, II; 36, III</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 51</td>
</tr>
<tr>
<td>Bilingual Education and Minority Languages Affairs, Office of</td>
<td>34, V</td>
</tr>
<tr>
<td>Blind or Severely Disabled, Committee for Purchase from</td>
<td>41, 51</td>
</tr>
<tr>
<td>People Who Are</td>
<td></td>
</tr>
<tr>
<td>Broadcasting Board of Governors</td>
<td>22, V</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 19</td>
</tr>
<tr>
<td>Career, Technical and Adult Education, Office of</td>
<td>34, IV</td>
</tr>
<tr>
<td>Census Bureau</td>
<td>15, I</td>
</tr>
<tr>
<td>Centers for Medicare &amp; Medicaid Services</td>
<td>42, IV</td>
</tr>
<tr>
<td>Central Intelligence Agency</td>
<td>32, XIX</td>
</tr>
<tr>
<td>Chemical Safety and Hazardous Investigation Board</td>
<td>40, VI</td>
</tr>
<tr>
<td>Chief Financial Officer, Office of</td>
<td>7, XXX</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, XIII</td>
</tr>
<tr>
<td>Civil Rights, Commission on</td>
<td>5, LXVIII; 45, VII</td>
</tr>
<tr>
<td>Civil Rights, Office for</td>
<td>34, I</td>
</tr>
<tr>
<td>Council of the Inspectors General on Integrity and Efficiency</td>
<td>5, XCVIII</td>
</tr>
<tr>
<td>Court Services and Offender Supervision Agency for the District of Columbia</td>
<td>5, LXX</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>Commerce Department</td>
<td>2, XIII; 44, IV; 50, VI</td>
</tr>
<tr>
<td>Census Bureau</td>
<td>15, I</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>Emergency Management and Assistance</td>
<td>44, IV</td>
</tr>
<tr>
<td>Federal Acquisition Regulation</td>
<td>48, 13</td>
</tr>
<tr>
<td>Foreign-Trade Zones Board</td>
<td>15, IV</td>
</tr>
<tr>
<td>Industry and Security, Bureau of</td>
<td>15, VII</td>
</tr>
<tr>
<td>International Trade Administration</td>
<td>15, III; 19, III</td>
</tr>
<tr>
<td>National Institute of Standards and Technology</td>
<td>15, II</td>
</tr>
<tr>
<td>National Marine Fisheries Service</td>
<td>50, II, IV</td>
</tr>
<tr>
<td>National Oceanic and Atmospheric Administration</td>
<td>15, IX; 50, II, III, IV, VI</td>
</tr>
<tr>
<td>National Telecommunications and Information</td>
<td>15, XXIII; 47, III, IV</td>
</tr>
<tr>
<td>Administration</td>
<td></td>
</tr>
<tr>
<td>National Weather Service</td>
<td>15, IX</td>
</tr>
<tr>
<td>Patent and Trademark Office, United States</td>
<td>37, I</td>
</tr>
<tr>
<td>Productivity, Technology and Innovation, Assistant</td>
<td>37, IV</td>
</tr>
<tr>
<td>Secretary for Secretary of Commerce, Office of Technology Administration</td>
<td>15, Subtitle A</td>
</tr>
<tr>
<td>Technology Policy, Assistant Secretary for</td>
<td>37, IV</td>
</tr>
<tr>
<td>Commercial Space Transportation</td>
<td>14, III</td>
</tr>
<tr>
<td>Commodity Credit Corporation</td>
<td>7, XIV</td>
</tr>
<tr>
<td>Commodity Futures Trading Commission</td>
<td>5, XLI; 17, I</td>
</tr>
<tr>
<td>Community Planning and Development, Office of Assistant</td>
<td>24, V, VI</td>
</tr>
<tr>
<td>Secretary for Community Services, Office of</td>
<td>45, X</td>
</tr>
<tr>
<td>Comptroller of the Currency</td>
<td>12, I</td>
</tr>
<tr>
<td>Construction Industry Collective Bargaining Commission</td>
<td>29, IX</td>
</tr>
<tr>
<td>Consumer Financial Protection Bureau</td>
<td>5, LXXXIV; 12, X</td>
</tr>
<tr>
<td>Consumer Product Safety Commission</td>
<td>5, LXXI; 16, II</td>
</tr>
<tr>
<td>Copyright Royalty Board</td>
<td>37, III</td>
</tr>
<tr>
<td>Corporation for National and Community Service</td>
<td>2, XXII; 45, XII, XXV</td>
</tr>
<tr>
<td>Cost Accounting Standards Board</td>
<td>48, 99</td>
</tr>
<tr>
<td>Council on Environmental Quality</td>
<td>40, V</td>
</tr>
<tr>
<td>Court Services and Offender Supervision Agency for the District of Columbia</td>
<td>5, LXX; 28, VIII</td>
</tr>
<tr>
<td>Customs and Border Protection</td>
<td>19, I</td>
</tr>
<tr>
<td>Defense Contract Audit Agency</td>
<td>32, I</td>
</tr>
</tbody>
</table>

134
Defense Department
Advanced Research Projects Agency
Air Force Department
Army Department
Defense Acquisition Regulations System
Defense Intelligence Agency
Defense Logistics Agency
Engineers, Corps of
National Imagery and Mapping Agency
Navy Department
Secretary of Defense, Office of
Defense Contract Audit Agency
Defense Intelligence Agency
Defense Logistics Agency
Defense Nuclear Facilities Safety Board
Delaware River Basin Commission
District of Columbia, Court Services and Offender Supervision Agency for the
Drug Enforcement Administration
East-West Foreign Trade Board
Economic Analysis, Bureau of
Economic Development Administration
Economic Research Service
Education, Department of
Bilingual Education and Minority Languages Affairs, Office of
Career, Technical and Adult Education, Office of
Civil Rights, Office of
Educational Research and Improvement, Office of
Elementary and Secondary Education, Office of
Federal Acquisition Regulation
Postsecondary Education, Office of
Secretary of Education, Office of
Special Education and Rehabilitative Services, Office of
Career, Technical, and Adult Education, Office of
Educational Research and Improvement, Office of
Election Assistance Commission
Emergency Oil and Gas Guaranteed Loan Board
Emergency Steel Guarantee Loan Board
Employee Benefits Security Administration
Employee Benefits Security Appeals Board
Employee Loyalty Board
Employment and Training Administration
Employment Standards Administration
Endangered Species Committee
Energy, Department of
Federal Acquisition Regulation
Federal Energy Regulatory Commission
Property Management Regulations
Energy, Office of
Engineers, Corps of
Engraving and Printing, Bureau of
Environmental Protection Agency
Federal Acquisition Regulation
Property Management Regulations
Environmental Quality, Office of
Equal Employment Opportunity Commission
Equal Opportunity, Office of Assistant Secretary for
Executive Office of the President
Environmental Quality, Council on
Management and Budget, Office of
<table>
<thead>
<tr>
<th>Agency</th>
<th>CFR Title, Subtitle or Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Drug Control Policy, Office of</td>
<td>2, XXXVI; 21, III</td>
</tr>
<tr>
<td>National Security Council</td>
<td>32, XXI; 47, 2</td>
</tr>
<tr>
<td>Presidential Documents</td>
<td>3</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, XXXIV; 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 Claims Collection Standards</td>
<td>31, IX</td>
</tr>
<tr>
<td>Federal Communications Commission</td>
<td>5, XXIX; 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, I, 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 Reserve System</td>
<td>12, II</td>
</tr>
<tr>
<td>Board of Governors</td>
<td>5, LVII</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>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>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------</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, 3</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, 301</td>
</tr>
<tr>
<td>Geological Survey</td>
<td>30, IV</td>
</tr>
<tr>
<td>Government Accountability Office</td>
<td>4, I</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>Gulf Coast Ecosystem Restoration Council</td>
<td>2, LIX; 49, VIII</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; 5, 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, XIII</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>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; 5, XXXVI; 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, III</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 Immigration and Customs Enforcement Bureau</td>
<td>19, IV</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>Independent Counsel, Offices of</td>
<td>28, VI</td>
</tr>
</tbody>
</table>

137
<table>
<thead>
<tr>
<th>Agency</th>
<th>CFR Title, Subtitle or Chapter</th>
</tr>
</thead>
<tbody>
<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>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, 14</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></td>
</tr>
<tr>
<td>Indian Affairs, Office of the Assistant Secretary</td>
<td></td>
</tr>
<tr>
<td>Indian Arts and Crafts Board</td>
<td></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>Safety and Enforcement Bureau, Bureau of</td>
<td>30, II</td>
</tr>
<tr>
<td>Secretary of the Interior, Office of</td>
<td></td>
</tr>
<tr>
<td>Surface Mining Reclamation and Enforcement, Office of</td>
<td>2, XIV; 43, Subtitle A</td>
</tr>
<tr>
<td>Internal Revenue Service</td>
<td>26, I</td>
</tr>
<tr>
<td>International Boundary and Water Commission, United States and Mexico, United States Section</td>
<td>22, XI</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, II</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>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;</td>
</tr>
<tr>
<td>Alcohol, Tobacco, Firearms, and Explosives, Bureau of</td>
<td>26, I, XI, 40, IV</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>Independent Counsel, Offices of</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, 129</td>
</tr>
<tr>
<td>Labor Department</td>
<td>2, XXXIII; 5, XLII</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>
</tbody>
</table>
Agency | CFR Title, Subtitle or Chapter
--- | ---
Federal Acquisition Regulation | 48, 29
Federal Contract Compliance Programs, Office of | 41, 60
Federal Procurement Regulations System | 41, 50
Labor-Management Standards, Office of | 29, II, IV
Mine Safety and Health Administration | 30, I
Occupational Safety and Health Administration | 29, XVII
Public Contracts | 41, 60
Secretary of Labor, Office of | 29, Subtitle A
Veterans' Employment and Training Service, Office of the Assistant Secretary for | 41, 61; 20, IX
Wage and Hour Division | 29, V
Workers' Compensation Programs, Office of | 20, I, VII
Labor-Management Standards, Office of | 29, II, IV
Land Management, Bureau of | 43, II
Legal Services Corporation | 45, XVI
Library of Congress | 36, VII
Copyright Royalty Board | 37, III
U.S. Copyright Office | 37, II
Local Television Loan Guarantee Board | 7, XX
Management and Budget, Office of | 5, III, LXXVII; 14, VI; 48, 99
Marine Mammal Commission | 50, V
Maritime Administration | 46, II
Merit Systems Protection Board | 5, II, LXIV
Micronesian Status Negotiations, Office for | 32, XXVII
Military Compensation and Retirement Modernization Commission | 5, XCIX
Millennium Challenge Corporation | 22, XIII
Mine Safety and Health Administration | 30, I
Minority Business Development Agency | 15, XIV
Miscellaneous Agencies | 1, IV
Monetary Offices | 31, I
Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation | 36, XVI
Museum and Library Services, Institute of | 2, XXXI
National Aeronautics and Space Administration | 2, XVIII; 5, LIX; 14, V
Federal Acquisition Regulation | 48, 18
National Agricultural Library | 7, XI
National Agricultural Statistics Service | 7, XXXVI
National and Community Service, Corporation for | 2, XXII; 45, XII, XXV
National Archives and Records Administration | 2, XXVI; 5, LXI; 36, XII
Information Security Oversight Office | 32, XX
National Capital Planning Commission | 1, IV
National Commission for Employment Policy | 1, IV
National Commission on Libraries and Information Science | 45, XVII
National Council on Disability | 5, C; 31, XII
National Counterintelligence Center | 32, XVIII
National Credit Union Administration | 5, LXXVII; 12, VII
National Crime Prevention and Privacy Compact Council | 28, IX
National Drug Control Policy, Office of | 2, XXXVI; 21, III
National Endowment for the Arts | 2, XXXII
National Endowment for the Humanities | 2, XXXIII
National Foundation on the Arts and the Humanities | 45, XI
National Geospatial-Intelligence Agency | 32, I
National Highway Traffic Safety Administration | 23, II, III; 47, VI; 49, V
National Imagery and Mapping Agency | 32, I
National Indian Gaming Commission | 25, III
National Institute of Food and Agriculture | 7, XXXIV
National Institute of Standards and Technology | 15, II
National Intelligence, Office of Director of | 5, IV; 32, XVII
National Labor Relations Board | 5, LI; 29, I
National Marine Fisheries Service | 50, II, IV
National Mediation Board | 29, X
National Oceanic and Atmospheric Administration | 15, IX; 50, II, III, IV, VI
National Park Service | 36, I
National Railroad Adjustment Board | 29, III
<table>
<thead>
<tr>
<th>Agency</th>
<th>CFR Title, Subtitle or Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Railroad Passenger Corporation (AMTRAK)</td>
<td>49, VII</td>
</tr>
<tr>
<td>National Science Foundation</td>
<td>2, XXV; 5, XLI; 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</td>
<td>30, XII</td>
</tr>
<tr>
<td>Navy Department</td>
<td>32, VI</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>Oklahoma City National Memorial Trust</td>
<td>36, XV</td>
</tr>
<tr>
<td>Operations Office</td>
<td>7, XXVII</td>
</tr>
<tr>
<td>Overseas Private Investment Corporation</td>
<td>5, XXXIII; 22, VII</td>
</tr>
<tr>
<td>Patent and Trademark Office, United States</td>
<td>37, I</td>
</tr>
<tr>
<td>Payment From a Non-Federal Source for Travel Expenses</td>
<td>41, 394</td>
</tr>
<tr>
<td>Payment of Expenses Connected With the Death of Certain Employees</td>
<td>41, 393</td>
</tr>
<tr>
<td>Peace Corps</td>
<td>2, XXXVII; 22, III</td>
</tr>
<tr>
<td>Pennsylvania Avenue Development Corporation</td>
<td>36, IX</td>
</tr>
<tr>
<td>Pension Benefit Guaranty Corporation</td>
<td>29, XL</td>
</tr>
<tr>
<td>Personnel Management, Office of</td>
<td>5, 1, XXXV; 5, IV; 45, VIII</td>
</tr>
<tr>
<td>Human Resources Management and Labor Relations</td>
<td>5, XCVII</td>
</tr>
<tr>
<td>Systems, Department of Homeland Security</td>
<td></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, IX; 39, I</td>
</tr>
<tr>
<td>Postsecondary Education, Office of</td>
<td>34, VI</td>
</tr>
<tr>
<td>President’s Commission on White House Fellowships</td>
<td>1, IV</td>
</tr>
<tr>
<td>Presidential Documents</td>
<td>3</td>
</tr>
<tr>
<td>Presidio Trust</td>
<td>36, X</td>
</tr>
<tr>
<td>Prisons, Bureau of</td>
<td>28, V</td>
</tr>
<tr>
<td>Privacy and Civil Liberties Oversight Board</td>
<td>6, X</td>
</tr>
<tr>
<td>Procurement and Property Management, Office of</td>
<td>7, XXXII</td>
</tr>
<tr>
<td>Productivity, Technology and Innovation, Assistant Secretary</td>
<td>37, IV</td>
</tr>
<tr>
<td>Public Contracts, Department of Labor</td>
<td>41, 50</td>
</tr>
<tr>
<td>Public and Indian Housing, Office of Assistant Secretary for</td>
<td>24, IX</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>Refugee Resettlement, Office of</td>
<td>45, IV</td>
</tr>
<tr>
<td>Relocation Allowances</td>
<td>41, 392</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</td>
</tr>
<tr>
<td>Rural Development Administration</td>
<td>7, XLII</td>
</tr>
<tr>
<td>Rural Housing Service</td>
<td>7, XVIII, XXXV</td>
</tr>
<tr>
<td>Rural Telephone Bank</td>
<td>7, XVI</td>
</tr>
<tr>
<td>Rural Utilities Service</td>
<td>7, XVII, XVIII, XLII</td>
</tr>
<tr>
<td>Safety and Environmental Enforcement, Bureau of</td>
<td>30, II</td>
</tr>
<tr>
<td>Saint Lawrence Seaway Development Corporation</td>
<td>33, IV</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Science and Technology Policy, Office of</td>
<td>32, XXIV</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 State Department</td>
<td>54, III</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>Tennessee Valley Authority</td>
<td>5, LXIX; 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>12, 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, I</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>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, 301</td>
</tr>
<tr>
<td>Treasury Department</td>
<td>2, X, X, XXI; 12, XV, 17, IV; 31, IX</td>
</tr>
<tr>
<td>Alcohol and Tobacco Tax and Trade Bureau</td>
<td>27, I</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, 10</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>United States and Canada, International Joint Commission</td>
<td>22, IV</td>
</tr>
<tr>
<td>United States and Mexico, International Boundary and Water Commission, United States Section</td>
<td>22, XI</td>
</tr>
<tr>
<td>U.S. Copyright Office</td>
<td>37, II</td>
</tr>
<tr>
<td>Utah Reclamation Mitigation and Conservation Commission</td>
<td>43, III</td>
</tr>
<tr>
<td>Agency</td>
<td>CFR Title, Subtitle or Chapter</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------</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 Wage and Hour Division</td>
<td>32, XXVIII</td>
</tr>
<tr>
<td>Water Resources Council</td>
<td>29, V</td>
</tr>
<tr>
<td>Workers' Compensation Programs, Office of</td>
<td>18, VI</td>
</tr>
<tr>
<td>World Agricultural Outlook Board</td>
<td>20, I, VII</td>
</tr>
<tr>
<td></td>
<td>7, XXXVIII</td>
</tr>
</tbody>
</table>
List of CFR Sections Affected

All changes in this volume of the Code of Federal Regulations (CFR) that were made by documents published in the Federal Register since January 1, 2011 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, parts and subparts as well as sections for revisions.


2011

50 CFR

Chapter I

16 Authority citation revised........15858
16.13 (a)(2)(i), (ii), (iii) and (iv)(BB) amended; (a)(2)(v) and (vi) removed; new (a)(2)(v) added..........................15858

2012

50 CFR

Chapter I

14.94 (k)(4) added; interim ..........65326
16.15 (a) revised .......................3986

2013

50 CFR

Chapter I

2.2 Revised ..........................35151
10 Authority citation revised.......35151
10.13 Revised ..........................69850
10.22 Revised ..........................35151
13.11 (b)(5) revised.................35152
(d)(4) table revised..................73723
13.24 (c) revised .......................73725
13.25 (b) revised; (f) added ........73725
15 Authority citation revised.......35152

2014

50 CFR

Chapter I

1 Policy statement ...............37578
2 Heading revised..................43963
2.1 Revised ........................43963
2.2 Heading and introductory text revised ..........43963
10.22 (b) revised ..................43964
13.11 (b)(3) and (d)(4) table amended......30417
(b)(3) amended ................43964
13.12 (b) introductory text revised; table amended........30417
14.3 Amended ......................43964
14.106 (a) amended ................43964
15.4 (b) amended ..................43964
15.21 (c) amended ..................43964
16.13 (f) revised ..................43964
16.22 (a) and (d) amended ..........43964

2015

50 CFR

Chapter I

10.21 (a) revised; (b) amended ....26467
16.15 (a) revised ..................12745
50 CFR (10–1–16 Edition)

(Regulations published from January 1, 2016, through October 1, 2016)

50 CFR

Chapter I

11 Authority citation revised........41865
11.2 Revised; interim ....................41865
11.15 Revised; interim ....................41865
11.25 (a) revised; interim ...............41865

50 CFR—Continued

Chapter I—Continued

11.26 Revised; interim ....................41865
11.31—11.34 (Subpart D) Added;
interim.....................................41865
13.11 (d)(4) table revised ...............8002
16.13 (a)(2)(vi) revised; (a)(2)(v) through (x) added; eff. 10–31–16
........................................67899
16.14 Revised; interim ....................1554