REFERENCES IN TEXT

Act of December 28, 1973, referred to in subsec. (a)(1)(D), and the Endangered Species Act of 1973, referred to in subsec. (e), are Pub. L. 93–205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§ 1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

The Lacey Act Amendments of 1981, referred to in subsec. (e), is Pub. L. 97–79, Nov. 16, 1981, 95 Stat. 1073, as amended, which enacted chapter 53 (§ 3371 et seq.) of this title, amended section 1540 of this title and section 42 of Title 18, Crimes and Criminal Procedure, repealed sections 667e and 851 to 856 of this title and sections 43, 44, 3054, and 3112 of Title 18, and enacted provisions set out as notes under sections 1540 and 3371 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3371 of this title and Tables.

TERMINATION OF TRUST TERRITORY

For termination of Trust Territory of Palau and Northern Marianas, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4913 of this title.

§ 4913. Exotic bird conservation assistance

(a) Assistance

The Secretary, subject to the availability of appropriations, shall use amounts in the Exotic Bird Conservation Fund established by subsection (b) of this section to provide financial and technical assistance for projects to conserve exotic birds in their native countries. In selecting projects for assistance, the Secretary shall give particular attention to species that are subject to an import moratorium or quota under this chapter, in order to assist those countries in the development and implementation of conservation management programs, or law enforcement, or both.

(b) Fund

(1) Establishment

There is established in the Treasury a separate account, which shall be known as the ''Exotic Bird Conservation Fund''.

(2) Contents

The Fund shall consist of—

(A) all amounts received by the United States in the form of penalties, fines, or forfeiture of property collected under this chapter in excess of the cost of paying rewards under section 4912(c) of this title;

(B) donations received by the Secretary for exotic bird conservation; and

(C) such amounts as are appropriated to the Secretary for conserving exotic birds.

(c) Review and report on other conservation opportunities

The Secretary, in consultation with appropriate representatives of industry, the conservation community, the Secretariat of the Convention, and other national and international bodies, shall—

(1) review opportunities for a voluntary program of labeling exotic birds, certification of exotic bird breeding facilities and retail outlets, and provision of privately organized or funded technical assistance to other nations; and

(2) report to the Congress the results of this review within 2 years after October 23, 1992.

(Pub. L. 102–440, title I, § 114, Oct. 23, 1992, 106 Stat. 2232.)

§ 4914. Marking and recordkeeping

(a) In general

The Secretary is authorized to promulgate regulations to require marking or recordkeeping that the Secretary determines will contribute significantly to the ability of the Secretary to ensure compliance with the prohibitions of section 4910 of this title, for—

(1) any exotic bird that is imported after October 23, 1992; or

(2) any other exotic bird that is—

(A) hatched after October 23, 1992;

(B) offered for sale; and

(C) of a species—

(i) the export of which from any country of origin is prohibited; and

(ii) that is subject to a high level of illegal trade.

(b) Avoiding deterrence of breeding

The Secretary shall seek to ensure that regulations promulgated under this section will not have the effect of deterring captive breeding of exotic birds.

(Pub. L. 102–440, title I, § 115, Oct. 23, 1992, 106 Stat. 2232.)

§ 4915. Authorization of appropriations

There are authorized to be appropriated to the Secretary $5,000,000 for each of the fiscal years 1993, 1994, and 1995 to carry out this chapter, to remain available until expended.

(Pub. L. 102–440, title I, § 116, Oct. 23, 1992, 106 Stat. 2233.)

§ 4916. Relationship to State law

Nothing in this chapter may be construed as precluding the regulation under State law of the sale, transfer, or possession of exotic birds if such regulation—

(1) does not authorize any sale, transfer, or possession of exotic birds that is prohibited under this chapter; and

(2) is consistent with the international obligations of the United States.

(Pub. L. 102–440, title I, § 117, Oct. 23, 1992, 106 Stat. 2233.)

CHAPTER 70—NORTH PACIFIC ANADROMOUS STOCKS CONVENTION

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§ 5001. Purpose

It is the purpose of this chapter to implement the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, signed in Moscow, February 11, 1992.

(Pub. L. 102–567, title VIII, § 802, Oct. 29, 1992, 106 Stat. 4309; Pub. L. 102–587, title VIII, § 8002, Nov. 4, 1992, 106 Stat. 5098.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this title'', meaning title VIII of Pub. L. 102–567 and Pub. L. 102–587, which is classified generally to this chapter. For complete classification of title VIII to the Code, see Short Title note below and Tables.

CODIFICATION

Pub. L. 102–567 and Pub. L. 102–587 enacted identical sections.

SHORT TITLE

Section 8001 of title VIII of Pub. L. 102–587 provided that: ''This title [enacting this chapter and repealing sections 1021 to 1023, 1025 to 1027, 1029, 1030, and 1032 to 1035 of this title and provisions set out as notes under section 1021 of this title] may be cited as the 'North Pacific Anadromous Stocks Convention Act of 1992'.''

Section 801 of title VIII of Pub. L. 102–567 provided that: ''This title [enacting this chapter and repealing sections 1021 to 1023, 1025 to 1027, 1029, 1030, and 1032 to 1035 of this title and provisions set out as notes under section 1021 of this title] may be cited as the 'North Pacific Anadromous Stocks Act of 1992'.''

§ 5002. Definitions

As used in this chapter, the term—

(1) ''Anadromous stocks'' means stocks of species listed in the Annex to the Convention that migrate into the Convention area.

(2) ''Anadromous fish'' means fish of the species listed in the Annex to the Convention that migrate into the Convention area.

(3) ''Authorized officer'' means a law enforcement official authorized to enforce this chapter under section 5008(a) of this title.

(4) ''Commission'' means the North Pacific Anadromous Fish Commission provided for by article VIII of the Convention.

(5) ''Convention'' means the Convention for the Conservation of Anadromous Stocks of the North Pacific Ocean, signed in Moscow, February 11, 1992.

(6) ''Convention area'' means the waters of the North Pacific Ocean and its adjacent seas, north of 33 degrees North Latitude,[1] beyond two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured.

(7) ''Directed fishing'' means fishing targeted at a particular species or stock of fish.

(8) ''Ecologically related species'' means living marine species which are associated with anadromous stocks found in the Convention area, including, but not restricted to, both predators and prey of anadromous fish.

(9) ''Enforcement officer'' means a law enforcement official authorized by any Party to enforce this chapter.

(10) ''Exclusive economic zone'' means the zone established by Proclamation Numbered 5030, dated March 10, 1983. For purposes of applying this chapter, the inner boundary of that zone is a line coterminous with the seaward boundary of each of the coastal States.

(11) ''Fish'' means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds.

(12) ''Fishing'' means—

(A) the catching, taking, or harvesting of fish, or any other activity that can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(B) any operation at sea in preparation for or in direct support of any activity described in subparagraph (A).

(13) ''Fishing vessel'' means—

(A) any vessel engaged in catching fish within the Convention area or in processing or transporting fish loaded in the Convention area;

(B) any vessel outfitted to engage in any activity described in subparagraph (A);

(C) any vessel supporting a vessel described in subparagraph (A) or (B).

(14) ''Incidental taking'' means catching, taking, or harvesting a species or stock of fish while conducting directed fishing for another species or stock of fish.

(15) ''Party'' means Canada, Japan, the Russian Federation, the United States, and any other nation that may accede to the Convention.

(16) ''Secretary'' means the Secretary of State.

(17) ''United States Section'' means the United States Commissioners of the Commission.

(Pub. L. 102–567, title VIII, § 803, Oct. 29, 1992, 106 Stat. 4309; Pub. L. 102–587, title VIII, § 8003, Nov. 4, 1992, 106 Stat. 5098; Pub. L. 104–43, title IV, § 404(b), Nov. 3, 1995, 109 Stat. 391.)

REFERENCES IN TEXT

Proclamation Numbered 5030, dated March 10, 1983, referred to in par. (10), is set out as a note under section 1453 of this title.

[1] So in original. Probably should not be capitalized.