

tion, or zoological organization that meets standards developed by the Secretary.

(Pub. L. 102-440, title I, §112, Oct. 23, 1992, 106 Stat. 2230.)

## § 4912. Penalties and regulations

### (a) Penalties

#### (1) Civil penalties

(A) Any person who knowingly violates, and any person engaged in business as an importer of exotic birds who violates, section 4910(a)(1) or (2)<sup>1</sup> of this title or any permit issued under section 4911 of this title may be assessed a civil penalty by the Secretary of not more than \$25,000 for each violation.

(B) Any person who knowingly violates, and any person engaged in business as an importer of exotic birds who violates, section 4910(a)(3)<sup>2</sup> of this title may be assessed a civil penalty by the Secretary of not more than \$12,000 for each such violation.

(C) Any person who otherwise violates section 4910(a) of this title or any permit issued under section 4911 of this title may be assessed a civil penalty by the Secretary of not more than \$500 for each such violation.

(D) A civil penalty under this section shall be assessed, and may be collected, in the manner in which a civil penalty under the Act of December 28, 1973 (Public Law 93-205) [16 U.S.C. 1531 et seq.], may be assessed and collected under section 111(a)<sup>3</sup> of that Act [16 U.S.C. 1540(a)].

#### (2) Criminal penalties

(A) Any person who knowingly violates, and any person engaged in business as an importer of exotic birds who violates, section 4910(a)(1) or (2)<sup>1</sup> of this title or any permit issued under section 4911 of this title shall be fined under title 18 or imprisoned for not more than 2 years, or both.

(B) Any person who knowingly violates section 4910(a)(3)<sup>2</sup> of this title shall be fined under title 18, imprisoned not more than 6 months, or both.

### (b) District court jurisdiction

The several district courts of the United States, including the courts enumerated in section 460 of title 28, shall have jurisdiction over any action arising under this chapter. For the purposes of this chapter, American Samoa shall be included in the Judicial District of the District Court of the United States for the District of Hawaii, and the Trust Territory of Palau and the Northern Marianas shall be included in the Judicial District of the District Court of the United States for the District of Guam.

### (c) Other enforcement

The importation of an exotic bird is deemed to be transportation of wildlife for purposes of section 3(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3372(a)).

<sup>1</sup> So in original. Probably should be section "4910(a)(1)(A) or (B)".

<sup>2</sup> So in original. Probably should be section "4910(a)(1)(C)".

<sup>3</sup> So in original. Probably should be section "11(a)".

### (d) Regulations

The Secretary shall prescribe regulations that are necessary and appropriate to carry out the purposes of this chapter.

### (e) Savings provisions

The authority of the Secretary under this chapter is in addition to and shall not affect the authority of the Secretary under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or diminish the authority of the Secretary under the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.). Nothing in this chapter shall be construed as repealing, superseding, or modifying any provision of Federal law.

(Pub. L. 102-440, title I, §113, Oct. 23, 1992, 106 Stat. 2231.)

#### 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, which is classified principally to chapter 53 (§3371 et seq.) 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.

## § 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**

Sec.  
5001. Purpose.

Sec.  
5002. Definitions.  
5003. United States Commissioners.  
5004. Advisory Panel.  
5005. Commission recommendations.  
5006. Administration and enforcement of Convention.  
5007. Cooperation with other agencies.  
5008. Enforcement provisions.  
5009. Unlawful activities.  
5010. Penalties.  
5011. Funding requirements.  
5012. Disposition of property.

**§ 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; Pub. L. 106-562, title III, §304(a), Dec. 23, 2000, 114 Stat. 2806.)

REFERENCES IN TEXT

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

CODIFICATION

Title VIII of Pub. L. 102-567 and Pub. L. 102-587 enacted identical sections. Title VIII of Pub. L. 102-587 was repealed by Pub. L. 106-562.

SHORT TITLE

Pub. L. 102-587, title VIII, §8001, Nov. 4, 1992, 106 Stat. 5098, which provided that title VIII of Pub. L. 102-587, which enacted this chapter and repealed 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, could be cited as the “North Pacific Anadromous Stocks Convention Act of 1992”, was repealed by Pub. L. 106-562, title III, §304(a), Dec. 23, 2000, 114 Stat. 2806.

Pub. L. 102-567, title VIII, §801, Oct. 29, 1992, 106 Stat. 4309, 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,<sup>1</sup> beyond

<sup>1</sup> So in original. Probably should not be capitalized.