

the Secretary of the Treasury shall deposit an amount equal to such excess balance in the cooperative endangered species conservation fund established under section 1535(i) of this title.”

1984—Subsec. (d). Pub. L. 98-327, in first sentence, substituted a comma for “a reward” after “shall pay”, inserted “(1) a reward” before “to any person”, and added cl. (2).

1982—Subsecs. (a)(1), (b)(1). Pub. L. 97-304, §9(c), substituted “(a)(2)(A), (B), (C), or (D)” for “(a)(2)(A), (B), or (C)”.

Subsec. (e)(6). Pub. L. 97-304, §7(1), added par. (6).

Subsec. (g)(1)(B). Pub. L. 97-304, §7(2)(A)(i), substituted “any State; or” for “any State.”.

Subsec. (g)(1)(C). Pub. L. 97-304, §7(2)(A)(ii), added subpar. (C).

Subsec. (g)(1). Pub. L. 97-304, §7(2)(A)(iii), inserted “or to order the Secretary to perform such act or duty,” after “any such provision or regulation,” in provisions following subpar. (C).

Subsec. (g)(2)(C). Pub. L. 97-304, §7(2)(B), added subpar. (C).

1981—Subsec. (d). Pub. L. 97-79 substituted “The Secretary or the Secretary of the Treasury shall pay a reward from sums received as penalties, fines, or forfeitures of property for any violation of this chapter or any regulation issued hereunder to any person who furnishes information which leads to an arrest, a criminal conviction, civil penalty assessment, or forfeiture of property for any violation of this chapter or any regulation issued hereunder” for “Upon the recommendation of the Secretary, the Secretary of the Treasury is authorized to pay an amount equal to one-half of the civil penalty or fine paid, but not to exceed \$2,500, to any person who furnishes information which leads to a finding of civil violation or a conviction of a criminal violation of any provision of this chapter or any regulation or permit issued thereunder” and inserted provision that the amount of the reward, if any, be designated by the Secretary or the Secretary of the Treasury, as appropriate.

1978—Subsec. (a)(1). Pub. L. 95-632, §6(1), (2), substituted “and any person engaged in business as an importer or exporter of fish, wildlife, or plants who violates” for “or who knowingly commits an act in the course of a commercial activity which violates” in two places and “\$500” for “\$1,000”.

Subsec. (a)(3). Pub. L. 95-632, §7, added par. (3).

Subsec. (b)(1). Pub. L. 95-632, §6(3), substituted “knowingly” for “willfully commits an act which” in two places.

Subsec. (b)(2). Pub. L. 95-632, §6(4), inserted “a person to import or export fish, wildlife, or plants, or to operate a quarantine station for imported wildlife, or authorizing” after “authorizing”.

Subsec. (b)(3). Pub. L. 95-632, §8, added par. (3).

1976—Subsec. (e)(3). Pub. L. 94-359 inserted “make arrests without a warrant for any violation of this chapter if he has reasonable grounds to believe that the person to be arrested is committing the violation in his presence or view, and may” after “Such person may” and “, but upon forfeiture of any such property to the United States, or the abandonment or waiver of any claim to any such property, it shall be disposed of (other than by sale to the general public) by the Secretary in such a manner, consistent with the purposes of this chapter, as the Secretary shall by regulation prescribe,” after “other surety satisfactory to the Secretary”.

CHANGE OF NAME

“United States magistrate judges” substituted for “United States magistrates” in subsec. (e)(2) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97-79, §9(f), Nov. 16, 1981, 95 Stat. 1080, provided that: “The amendment specified in subsection

9(e) of this Act [amending this section] shall take effect beginning in fiscal year 1983.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this section to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1541. Endangered plants

The Secretary of the Smithsonian Institution, in conjunction with other affected agencies, is authorized and directed to review (1) species of plants which are now or may become endangered or threatened and (2) methods of adequately conserving such species, and to report to Congress, within one year after December 28, 1973, the results of such review including recommendations for new legislation or the amendment of existing legislation.

(Pub. L. 93-205, §12, Dec. 28, 1973, 87 Stat. 901.)

§ 1542. Authorization of appropriations

(a) In general

Except as provided in subsections (b), (c), and (d) of this section, there are authorized to be appropriated—

(1) not to exceed \$35,000,000 for fiscal year 1988, \$36,500,000 for fiscal year 1989, \$38,000,000 for fiscal year 1990, \$39,500,000 for fiscal year 1991, and \$41,500,000 for fiscal year 1992 to enable the Department of the Interior to carry out such functions and responsibilities as it may have been given under this chapter;

(2) not to exceed \$5,750,000 for fiscal year 1988, \$6,250,000 for each of fiscal years 1989 and 1990, and \$6,750,000 for each of fiscal years 1991 and 1992 to enable the Department of Commerce to carry out such functions and responsibilities as it may have been given under this chapter; and

(3) not to exceed \$2,200,000 for fiscal year 1988, \$2,400,000 for each of fiscal years 1989 and 1990, and \$2,600,000 for each of fiscal years 1991 and 1992, to enable the Department of Agriculture to carry out its functions and responsibilities with respect to the enforcement of this chapter and the Convention which pertain to the importation or exportation of plants.

(b) Exemptions

There are authorized to be appropriated to the Secretary to assist him and the Endangered Species Committee in carrying out their functions under sections¹ 1536(e), (g), and (h) of this title

¹ So in original. Probably should be “section”.

not to exceed \$600,000 for each of fiscal years 1988, 1989, 1990, 1991, and 1992.

(c) Convention implementation

There are authorized to be appropriated to the Department of the Interior for purposes of carrying out section 1537a(e) of this title not to exceed \$400,000 for each of fiscal years 1988, 1989, and 1990, and \$500,000 for each of fiscal years 1991 and 1992, and such sums shall remain available until expended.

(Pub. L. 93-205, § 15, Dec. 28, 1973, 87 Stat. 903; Pub. L. 94-325, June 30, 1976, 90 Stat. 724; Pub. L. 95-632, § 9, Nov. 10, 1978, 92 Stat. 3762; Pub. L. 96-159, § 8, Dec. 28, 1979, 93 Stat. 1230; Pub. L. 97-304, § 81(a), Oct. 13, 1982, 96 Stat. 1425; Pub. L. 100-478, title I, § 1009, Oct. 7, 1988, 102 Stat. 2312.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", meaning Pub. L. 93-205, Dec. 28, 1973, 81 Stat. 884, known as the Endangered Species Act of 1973, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

AMENDMENTS

1988—Pub. L. 100-478 amended section generally, substituting provisions authorizing appropriations for fiscal years 1988 through 1992 for provisions authorizing appropriations for fiscal years 1983 through 1985.

1982—Subsec. (a). Pub. L. 97-304 designated existing provisions as subsec. (a), and substituted provisions authorizing, except as provided in subssecs. (b), (c), and (d), appropriations of \$27,000,000 for each of fiscal years 1983, 1984, and 1985 for the Department of the Interior, \$3,500,000 for each of fiscal years 1983, 1984, and 1985 for the Department of Commerce, and \$1,850,000 for each of fiscal years 1983, 1984, and 1985 for the Department of Agriculture, for provisions that, except as authorized in sections 1535 and 1536 of this title, had authorized appropriations of (1) not to exceed \$23,000,000 for each of fiscal years 1979 and 1980, not to exceed \$25,000,000 for fiscal year 1981, and not to exceed \$27,000,000 for fiscal year 1982 to the Department of the Interior, (2) not to exceed \$2,500,000 for each of fiscal years 1979 and 1980, not to exceed \$3,000,000 for fiscal year 1981, and not to exceed \$3,500,000 for fiscal year 1982 to the Department of Commerce, and (3) not to exceed \$1,500,000 for fiscal year 1980, not to exceed \$1,750,000 for fiscal year 1981, and not to exceed \$1,850,000 for fiscal year 1982 to the Department of Agriculture.

Subsecs. (b) to (d). Pub. L. 97-304 added subssecs. (b) to (d).

1979—Par. (1). Pub. L. 96-159 struck out appropriations authorization of \$25,000,000 for fiscal years ending Sept. 30, 1977, and 1978, substituted appropriations authorization of \$23,000,000; \$23,000,000; \$25,000,000; and \$27,000,000 for fiscal years 1979 through 1982 for prior authorization of \$23,000,000 for fiscal year ending Sept. 30, 1979, and \$12,500,000 for period beginning Oct. 1, 1979, and ending Mar. 31, 1980, and restored intent of appropriations to enable the Interior Department to carry out its functions and responsibilities.

Par. (2). Pub. L. 96-159 deleted appropriations authorization of \$5,000,000 for fiscal years ending Sept. 30, 1977, and 1978, and substituted appropriations authorization of \$2,500,000; \$2,500,000; \$3,000,000; and \$3,500,000 for fiscal years 1979 through 1982 for prior authorization of \$2,500,000 for fiscal year ending Sept. 30, 1979, and \$12,500,000 for period beginning Oct. 1, 1979, and ending Mar. 31, 1980.

1978—Pub. L. 95-632, in provision preceding par. (1), substituted "sections 1535 and 1536 of this title" for "section 1535 of this title".

Par. (1). Pub. L. 95-632 substituted provision authorizing appropriations of not to exceed \$25,000,000 for the

fiscal year ending Sept. 30, 1977 and the fiscal year ending Sept. 30, 1978, of not to exceed \$23,000,000 for the fiscal year ending Sept. 30, 1979, and of not to exceed \$12,500,000 for the period beginning Oct. 1, 1979 and ending Mar. 31, 1980 for provision authorizing appropriations of not to exceed \$10,000,000 for the fiscal year ending June 30, 1976, of not to exceed \$1,800,000 for the fiscal transitional period ending Sept. 30, 1976, and of not to exceed a total of \$25,000,000 for the fiscal year ending Sept. 30, 1977 and the fiscal year ending Sept. 30, 1978, to enable the Department of the Interior to carry out its functions under this chapter.

Par. (2). Pub. L. 95-632 substituted provision authorizing appropriations of not to exceed \$5,000,000 for the fiscal year ending Sept. 30, 1977 and the fiscal year ending Sept. 30, 1978, of not to exceed \$2,500,000 for the fiscal year ending Sept. 30, 1979, and of not to exceed \$12,500,000 for the period beginning Oct. 1, 1979 and ending Mar. 31, 1980 for provision authorizing appropriations of not to exceed \$2,000,000 for the fiscal year ending June 30, 1976, of not to exceed \$500,000 for the fiscal transitional period ending Sept. 30, 1976 and of not to exceed a total of \$5,000,000 for the fiscal year Sept. 30, 1977 and the fiscal year ending Sept. 30, 1978.

1976—Par. (1). Pub. L. 94-325, § 1(1), redesignated par. (A) as (1), inserted provisions authorizing appropriations for the fiscal year transitional period ending Sept. 30, 1976, fiscal year ending Sept. 30, 1977, and fiscal year ending Sept. 30, 1978, and struck out provisions authorizing appropriations of not to exceed \$4,000,000 for fiscal year 1974, and not to exceed \$8,000,000 for fiscal year 1975.

Par. (2). Pub. L. 94-325, § 1(2), redesignated par. (B) as (2), inserted provisions authorizing appropriation for the fiscal year transitional period ending Sept. 30, 1976, fiscal year ending Sept. 30, 1977, and fiscal year ending Sept. 30, 1978, and struck out provisions authorizing appropriations of not to exceed \$2,000,000 for fiscal year 1974, and not to exceed \$1,500,000 for fiscal year 1975.

§ 1543. Construction with Marine Mammal Protection Act of 1972

Except as otherwise provided in this chapter, no provision of this chapter shall take precedence over any more restrictive conflicting provision of the Marine Mammal Protection Act of 1972 [16 U.S.C. 1361 et seq.].

(Pub. L. 93-205, § 17, Dec. 28, 1973, 87 Stat. 903.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 93-205, Dec. 28, 1973, 81 Stat. 884, known as the Endangered Species Act of 1973, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

The Marine Mammal Protection Act of 1972, referred to in text, is Pub. L. 92-522, Oct. 21, 1972, 86 Stat. 1027, as amended, which is classified generally to chapter 31 (§ 1361 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1361 of this title and Tables.

§ 1544. Annual cost analysis by Fish and Wildlife Service

Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), on or before January 15, 1990, and each January 15 thereafter, the Secretary of the Interior, acting through the Fish and Wildlife Service, shall submit to the Congress an annual report covering the preceding fiscal year which shall contain—

(1) an accounting on a species by species basis of all reasonably identifiable Federal expenditures made primarily for the conserva-