

122 Stat. 1294; Pub. L. 110-246, §4(a), title VIII, §8204(e), June 18, 2008, 122 Stat. 1664, 2056.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b) and (c), was in the original “this Act”, meaning Pub. L. 97-79, Nov. 16, 1981, 95 Stat. 1073, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3371 of this title and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-246, §8204(e)(1), substituted “sections 3372(f), 3373, and 3374” for “section 3373 and section 3374”.

Subsec. (c). Pub. L. 110-246, §8204(e)(2), added subsec. (c).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this chapter 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.

§ 3377. Exceptions

(a) Activities regulated by plan under Magnuson-Stevens Fishery Conservation and Management Act

The provisions of paragraph (1) of section 3372(a) of this title shall not apply to any activity regulated by a fishery management plan in effect under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(b) Activities regulated by Tuna Convention Acts; harvesting of highly migratory species taken on high seas

The provisions of paragraphs (1), (2)(A), and (3)(A) of section 3372(a) of this title shall not apply to—

(1) any activity regulated by the Tuna Conventions Act of 1950 (16 U.S.C. 951-961) or the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971-971(h)¹); or

(2) any activity involving the harvesting of highly migratory species (as defined in paragraph (14) of section 3² of the Magnuson-Stevens Fishery Conservation and Management Act [16 U.S.C. 1802(14)]) taken on the high seas (as defined in paragraph (13) of such section 3) if such species are taken in violation of the laws of a foreign nation and the United States

does not recognize the jurisdiction of the foreign nation over such species.

(c) Interstate shipment or transshipment through Indian country of fish, wildlife, or plants for legal purposes

The provisions of paragraph (2) of section 3372(a) of this title shall not apply to the interstate shipment or transshipment through Indian country as defined in section 1151 of title 18 or a State of any fish or wildlife or plant legally taken if the shipment is en route to a State in which the fish or wildlife or plant may be legally possessed.

(Pub. L. 97-79, §8, Nov. 16, 1981, 95 Stat. 1078.)

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (a), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, which is classified principally to chapter 38 (§1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

The Tuna Conventions Act of 1950, referred to in subsec. (b)(1), is act Sept. 7, 1950, ch. 907, 64 Stat. 777, as amended, which is classified generally to chapter 16 (§951 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 951 of this title and Tables.

The Atlantic Tunas Convention Act of 1975, referred to in subsec. (b)(1), is Pub. L. 94-70, Aug. 5, 1975, 89 Stat. 385, as amended, which is classified generally to chapter 16A (§971 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 971 of this title and Tables.

Section 3 of the Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (b)(2), was subsequently amended, and pars. (13) and (14) of section 3 no longer define the terms “high seas” and “highly migratory species”. However, such terms are defined elsewhere in that section.

CODIFICATION

“Magnuson-Stevens Fishery Conservation and Management Act” substituted for “Fishery Conservation and Management Act of 1976” in subsecs. (a) and (b)(2), on authority of Pub. L. 96-561, title II, §238(b), Dec. 22, 1980, 94 Stat. 3300, which provided that all references to the Fishery Conservation and Management Act of 1976 be redesignated as references to the Magnuson Fishery Conservation and Management Act and Pub. L. 104-208, div. A, title I, §101(a) [title II, §211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41, which provided that all references to the Magnuson Fishery Conservation and Management Act be redesignated as references to the Magnuson-Stevens Fishery Conservation and Management Act.

§ 3378. Miscellaneous provisions

(a) Effect on powers of States

Nothing in this chapter shall be construed to prevent the several States or Indian tribes from making or enforcing laws or regulations not inconsistent with the provisions of this chapter.

(b) Repeals

The following provisions of law are repealed:

(1) The Act of May 20, 1926 (commonly known as the Black Bass Act; 16 U.S.C. 851-856).

(2) Section 667e of this title and sections 43 and 44 of title 18 (commonly known as provisions of the Lacey Act).

(3) Sections 3054 and 3112 of title 18.

(c) Disclaimers

Nothing in this chapter shall be construed as—

¹ So in original. Probably was meant to be “971-971h”.

² See References in Text note below.