

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.

(5) The term “qualifying facility” means an exotic bird breeding facility that is included in a list published by the Secretary under section 4906 of this title.

(6) The term “Secretary” means the Secretary of the Interior or a designee of the Secretary of the Interior.

(7) The term “species”—

(A) means any species, any subspecies, or any distinct population segment of a species or subspecies; and

(B) includes hybrids of any species or subspecies.

(8) The term “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.

(Pub. L. 102-440, title I, §104, Oct. 23, 1992, 106 Stat. 2225.)

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 4904. Moratoria on imports of exotic birds covered by Convention

(a) Immediate moratorium

(1) Establishment of moratorium

The importation of any exotic bird of a species identified as a category B species in the report entitled “Report of the Animals Committee”, adopted by the 8th meeting of the Conference of the Parties to the Convention, is prohibited.

(2) Termination of moratorium

A species of exotic birds shall be subject to the prohibition on importation established by paragraph (1) until the Secretary, after notice and an opportunity for public comment—

(A) determines that appropriate remedial measures have been taken in the countries of origin for that species, so as to eliminate the threat of trade to the conservation of the species; and

(B) makes the findings described in section 4905(c) of this title for the species and includes the species in the list published under section 4905(a) of this title.

(b) Emergency authority to suspend imports of listed species

(1) Authority to suspend imports

The Secretary is authorized to suspend the importation of exotic birds of any species that is listed in any Appendix to the Convention, and if applicable remove the species from the list under section 4905(a) of this title, if the Secretary determines that—

(A)(i) trade in that species is detrimental to the species,

(ii) there is not sufficient information available on which to base a judgment that the species is not detrimentally affected by trade in that species, or

(iii) remedial measures have been recommended by the Standing Committee of the Convention that have not been implemented; and

(B) the suspension might be necessary for the conservation of the species.

(2) Termination of suspension

A species of exotic birds shall be subject to a suspension of importation under paragraph (1) until the Secretary, after notice and an opportunity for public comment, makes the findings described in section 4905(c) of this title and includes the species in the list published under section 4905(a) of this title.

(c) Moratorium after one year for other species listed in appendices

Effective on the date that is one year after October 23, 1992, the importation of any exotic bird of a species that is listed in any Appendix to the Convention is prohibited unless the Secretary makes the findings described in section 4905(c) of this title and includes the species in the list published under section 4905(a) of this title.

(d) Limitation on number imported during first year

Notwithstanding any other provision of this chapter, the Secretary shall prohibit the importation, during the 1-year period beginning on October 23, 1992, of exotic birds of each species that is listed under any Appendix to the Convention in excess of the number of that species that were imported during the most recent year for which the Secretary has complete import data.

(Pub. L. 102-440, title I, §105, Oct. 23, 1992, 106 Stat. 2226.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (d), was in the original “this Act” and was translated as reading “this title”, meaning title I of Pub. L. 102-440, known as the Wild Bird Conservation Act of 1992, to reflect the probable intent of Congress.

§ 4905. List of approved species

(a) Listing

(1) In general

One year after October 23, 1992, and periodically thereafter, the Secretary shall, after notice and an opportunity for public comment, publish in the Federal Register a list of species of exotic birds that are listed in an Appendix to the Convention and that are not subject to a prohibition or suspension of importation otherwise applicable under section 4904(a), (b), or (c) of this title.

(2) Manner of listing

The Secretary shall list a species under paragraph (1) with respect to—

(A) the countries of origin from which the species may be imported; and

(B) if appropriate, the qualifying facilities in those countries from which the species may be imported.