

proceeding alleging a violation of this chapter with respect to that fish, wildlife, or plant. The amount of the reward, if any, is to be designated by the Secretary or the Secretary of the Treasury, as appropriate. Any officer or employee of the United States or any State or local government who furnishes information or renders service in the performance of his official duties is ineligible for payment under this subsection.

(Pub. L. 97-79, § 6, Nov. 16, 1981, 95 Stat. 1077; Pub. L. 98-327, § 4, June 25, 1984, 98 Stat. 271; Pub. L. 100-653, title I, § 104, Nov. 14, 1988, 102 Stat. 3826; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

#### REFERENCES IN TEXT

This chapter, referred to in text, 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.

Rule 41 of the Federal Rules of Criminal Procedure, referred to in subsec. (b), is set out in the Appendix to Title 18, Crimes and Criminal Procedure.

#### AMENDMENTS

1988—Subsec. (b). Pub. L. 100-653 substituted “may, when enforcing this chapter, make an arrest without a warrant, in accordance with any guidelines which may be issued by the Attorney General, for any offense under the laws of the United States committed in the person’s presence, or for the commission of any felony under the laws of the United States, if the person has reasonable grounds to believe that the person to be arrested has committed or is committing a felony; may search and seize, with or without a warrant, in accordance with any guidelines which may be issued by the Attorney General;” for “may make an arrest without a warrant for any felony violation of this chapter if he has reasonable grounds to believe that the person to be arrested has committed or is committing such violation:”.

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).

#### CHANGE OF NAME

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

#### 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.

### § 3376. Administration

#### (a) Regulations

(1) The Secretary, after consultation with the Secretary of the Treasury, is authorized to issue such regulations, except as provided in paragraph (2), as may be necessary to carry out the provisions of sections 3372(f), 3373, and 3374 of this title.

(2) The Secretaries of the Interior and Commerce shall jointly promulgate specific regula-

tions to implement the provisions of section 3372(b) of this title for the marking and labeling of containers or packages containing fish or wildlife. These regulations shall be in accordance with existing commercial practices.

#### (b) Contract authority

Beginning in fiscal year 1983, to the extent and in the amounts provided in advance in appropriations Acts, the Secretary may enter into such contracts, leases, cooperative agreements, or other transactions with any Federal or State agency, Indian tribe, public or private institution, or other person, as may be necessary to carry out the purposes of this chapter.

#### (c) Clarification of exclusions from definition of plant

The Secretary of Agriculture and the Secretary of the Interior, after consultation with the appropriate agencies, shall jointly promulgate regulations to define the terms used in section 3371(f)(2)(A) of this title for the purposes of enforcement under this chapter.

(Pub. L. 97-79, § 7, Nov. 16, 1981, 95 Stat. 1078; Pub. L. 110-234, title VIII, § 8204(e), May 22, 2008, 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)<sup>1</sup>); or

(2) any activity involving the harvesting of highly migratory species (as defined in paragraph (14) of section 3<sup>2</sup> 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

<sup>1</sup> So in original. Probably was meant to be “971–971h”.

<sup>2</sup> See References in Text note below.

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) repealing, superseding, or modifying any provision of Federal law other than those specified in subsection (b);

(2) repealing, superseding, or modifying any right, privilege, or immunity granted, reserved, or established pursuant to treaty, statute, or executive order pertaining to any Indian tribe, band, or community; or

(3) enlarging or diminishing the authority of any State or Indian tribe to regulate the activities of persons within Indian reservations.

**(d) Travel and transportation expenses**

The Secretary of the Interior is authorized to pay from agency appropriations the travel expense of newly appointed special agents of the United States Fish and Wildlife Service and the transportation expense of household goods and personal effects from place of residence at time of selection to first duty station to the extent authorized by section 5724 of title 5 for all such special agents appointed after January 1, 1977.

**(e) Interior appropriations budget proposal**

The Secretary shall identify the funds utilized to enforce this chapter and any regulations thereto as a specific appropriations item in the Department of the Interior appropriations budget proposal to the Congress.

(Pub. L. 97–79, §9(a)–(c), (g), (h), Nov. 16, 1981, 95 Stat. 1079, 1080.)

REFERENCES IN TEXT

The Black Bass Act, referred to in subsec. (b)(1), is act May 20, 1926, ch. 346, 44 Stat. 576, as amended, which was classified generally to chapter 13 (§851 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Subsecs. (d) and (e) of this section were in the original subsecs. (g) and (h), respectively, of section 9 of Pub. L. 97–79 and were redesignated for purposes of codification.