

**§ 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.)

**Editorial Notes**

## 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) 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.)

**Editorial Notes**

## 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

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

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

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.

### CHAPTER 54—RESOURCE CONSERVATION

#### SUBCHAPTER I—SOIL AND WATER CONSERVATION

Sec.

3401. Repealed.

#### SUBCHAPTER II—SPECIAL AREAS CONSERVATION PROGRAM

3411 to 3420. Repealed.

#### SUBCHAPTER III—MATCHING GRANTS FOR CONSERVATION ACTIVITIES

3431 to 3436. Repealed.

#### SUBCHAPTER IV—RESERVOIR SEDIMENTATION REDUCTION PROGRAM

3441 to 3445. Repealed.

#### SUBCHAPTER V—RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM

3451. Definitions.

3452. Resource conservation and development program.

3453. Selection of designated areas.

3454. Powers of the Secretary.

3455. Eligibility; terms and conditions.

3456. Resource Conservation and Development Policy Advisory Board.

3457. Repealed.

3458. Limitation on assistance.

3459. Supplemental authority of the Secretary.

3460. Authorization of appropriations.

#### SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

3471. Payments for land removed from production for conservation purposes; authorization of appropriations.

3472. Conservation tillage; Congressional findings, etc.

3473. Regulations.

3474. Conservation incentives landowner education program.

#### SUBCHAPTER I—SOIL AND WATER CONSERVATION

### § 3401. Repealed. Pub. L. 104-127, title III, § 336(f)(1), Apr. 4, 1996, 110 Stat. 1007

Section, Pub. L. 97-98, title XV, §1501, Dec. 22, 1981, 95 Stat. 1328, reaffirmed congressional policy regarding soil and water conservation.

#### SUBCHAPTER II—SPECIAL AREAS CONSERVATION PROGRAM

### §§ 3411 to 3414. Repealed. Pub. L. 104-127, title III, § 336(f)(1), Apr. 4, 1996, 110 Stat. 1007

Section 3411, Pub. L. 97-98, title XV, §1502, Dec. 22, 1981, 95 Stat. 1328, set forth findings relating to special areas conservation.

Section 3412, Pub. L. 97-98, title XV, §1503, Dec. 22, 1981, 95 Stat. 1329, related to program formulation and implementation.

Section 3413, Pub. L. 97-98, title XV, §1504, Dec. 22, 1981, 95 Stat. 1331, related to designation of geographic area as special area.

Section 3414, Pub. L. 97-98, title XV, §1505, Dec. 22, 1981, 95 Stat. 1331, set forth limitations on contracts under program.

### § 3415. Repealed. Pub. L. 104-66, title I, § 1011(p), Dec. 21, 1995, 109 Stat. 710

Section, Pub. L. 97-98, title XV, §1506, Dec. 22, 1981, 95 Stat. 1332, directed Secretary to submit copies of special area reports to Congress.

### §§ 3416 to 3418. Repealed. Pub. L. 104-127, title III, § 336(f)(1), Apr. 4, 1996, 110 Stat. 1007

Section 3416, Pub. L. 97-98, title XV, §1506, formerly §1507, Dec. 22, 1981, 95 Stat. 1332; renumbered §1506, Pub. L. 104-66, title I, §1011(p), Dec. 21, 1995, 109 Stat. 710, related to utilization of services and facilities in carrying out provisions of this subchapter.

Section 3417, Pub. L. 97-98, title XV, §1507, formerly §1508, Dec. 22, 1981, 95 Stat. 1332; renumbered §1507, Pub. L. 104-66, title I, §1011(p), Dec. 21, 1995, 109 Stat. 710, authorized expenditure of funds for improvement of technology.

Section 3418, Pub. L. 97-98, title XV, §1508, formerly §1509, Dec. 22, 1981, 95 Stat. 1332; renumbered §1508, Pub. L. 104-66, title I, §1011(p), Dec. 21, 1995, 109 Stat. 710, authorized appropriations to carry out subchapter programs.

### § 3419. Repealed. Pub. L. 104-66, title I, § 1011(q), Dec. 21, 1995, 109 Stat. 710

Section, Pub. L. 97-98, title XV, §1510, Dec. 22, 1981, 95 Stat. 1332, directed Secretary to submit reports to Congress concerning operation of special areas conservation program.

### § 3420. Repealed. Pub. L. 104-127, title III, § 336(f)(1), Apr. 4, 1996, 110 Stat. 1007

Section, Pub. L. 97-98, title XV, §1509, formerly §1511, Dec. 22, 1981, 95 Stat. 1332; renumbered §1509, Pub. L. 104-66, title I, §1011(p), Dec. 21, 1995, 109 Stat. 710, provided for protection of program participants.

#### SUBCHAPTER III—MATCHING GRANTS FOR CONSERVATION ACTIVITIES

### §§ 3431 to 3436. Repealed. Pub. L. 104-127, title III, § 336(f)(1), Apr. 4, 1996, 110 Stat. 1007

Section 3431, Pub. L. 97-98, title XV, §1514, Dec. 22, 1981, 95 Stat. 1333, authorized formulation and implementation of grants program.

Section 3432, Pub. L. 97-98, title XV, §1515, Dec. 22, 1981, 95 Stat. 1334, related to program and plan review and implementation.

Section 3433, Pub. L. 97-98, title XV, §1516, Dec. 22, 1981, 95 Stat. 1334, related to long-range programs and annual work plans.

Section 3434, Pub. L. 97-98, title XV, §1517, Dec. 22, 1981, 95 Stat. 1334, authorized technical assistance to landowners and operators.

Section 3435, Pub. L. 97-98, title XV, §1518, Dec. 22, 1981, 95 Stat. 1335, related to recordkeeping, audit and examination, and access to books and records.

Section 3436, Pub. L. 97-98, title XV, §1519, Dec. 22, 1981, 95 Stat. 1335, authorized appropriations to carry out provisions of subchapter III.

#### SUBCHAPTER IV—RESERVOIR SEDIMENTATION REDUCTION PROGRAM

### §§ 3441 to 3445. Repealed. Pub. L. 104-127, title III, § 336(f)(1), Apr. 4, 1996, 110 Stat. 1007

Section 3441, Pub. L. 97-98, title XV, §1521, Dec. 22, 1981, 95 Stat. 1336, authorized formulation and implementation of reservoir sedimentation reduction program.