

## Statutory Notes and Related Subsidiaries

## 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 regulations 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.

(3) The Secretary shall, in consultation with other relevant Federal and State agencies, promulgate any regulations necessary to implement section 3372(e) of this title.

## (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(g)(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; Pub. L. 117-243, §§2(b)(2), 6, Dec. 20, 2022, 136 Stat. 2336, 2338.)

## Editorial Notes

## 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

2022—Subsec. (a)(3). Pub. L. 117-243, §6, added par. (3). Subsec. (c). Pub. L. 117-243, §2(b)(2), substituted “section 3371(g)(2)(A)” for “section 3371(f)(2)(A)”.

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).

## Statutory Notes and Related Subsidiaries

## 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 inter-

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

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