

WILDCAT CONSERVATION LEGAL AID SOCIETY

SUMMARY OF FEDERAL TREATIES AND STATUTES

TITLE & CITATION	SUMMARY
<p><b>CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)</b> <b>1976 U.N.T.S. 224, 27 U.S.T. 1087</b></p>	<p>CITES establishes an international system of import and export regulations for the purposes of preventing overexploitation of animals and plants in need of protection. Since trade in wild animals and plants crosses the borders of many countries, international regulation and cooperation become necessary to ensure the future survival of many species. CITES was drafted in 1963, through a resolution adopted by the members of the World Conservation Union. The text of CITES was agreed to by eighty countries in Washington, D.C., on March 3, 1973, and it entered into force on July 1, 1975. The United States ratified CITES on September 13, 1973, effective on July 1, 1975. Today there are 166 Member States (Parties) to CITES. A “Conference of the Parties” is held every two years to carry out duties under the treaty.</p> <p>CITES regulates the international trade movement of animals that are alive and deceased, in addition to animal parts such as fur, skins, bones, and organs. (CITES does not regulate the conservation of animal habitats.) Depending on the level of extinction risk, animals are classified under one of three appendices and trade regulations including bans (non-commercial trade) are implemented based on each of the appendices. Animals included on Appendix I are threatened with extinction and trade is subject to strict regulation including import and export permits and other restrictions. Animals included on Appendix II are not necessarily threatened with extinction but may become threatened if trade is not regulated. Animals included on Appendix III are identified by the Parties to CITES and are subject to regulations within their respective jurisdictions and need cooperation in order to prevent or restrict exploitation and control trade.</p> <p>CITES’ U.S. counterpart is the Endangered Species Act (ESA). The Department of Interior, Fish and Wildlife Service regulates and enforces both CITES and the ESA.</p>

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<p><b>ENDANGERED SPECIES ACT OF 1973</b>  <b>16 U.S.C. §§ 1531-1544</b></p>	<p>The Endangered Species Act (ESA) provides protection of fish, wildlife and plants listed as endangered or threatened in the United States or other countries. Regulations include criteria for listing species, recovery plans, designation of critical habitats; procedures for federal agencies when actions may jeopardize listed species; exemptions and exceptions. The ESA is the domestic counterpart to CITES and provides civil and criminal penalties for violations under the ESA and CITES. The Department of Interior, Fish and Wildlife Service (FWS) regulates and enforces CITES and the ESA. The ESA prohibits the taking, importing or exporting, selling or offering to sell any listed endangered or threatened species. FWS defines an endangered species as any animal or plant that is in danger of extinction; and a threatened species as any animal or plant that is likely to become endangered in the future. Permits are issued by FWS for endangered species used for scientific research; enhancement or propagation or survival of the species including conservation and education; and a taking that is incidental to an otherwise lawful activity. Permits are also issued for threatened species used for zoology; education and special purposes consistent with the ESA. A person registered with FWS may obtain a captive-bred wildlife permit to buy and sell within the U.S. live, non-native endangered or threatened animals which were captive born in the U.S.</p>
<p><b>ANIMAL WELFARE ACT</b>  <b>7 U.S.C. §§ 2131-2159</b></p>	<p>The Animal Welfare Act (AWA) is regulated and enforced by the Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS). The main purpose of the AWA is to ensure minimum standards of care and treatment for certain animals, bred for commercial sale, used in research (excluding birds, rats and mice), transported commercially or exhibited to the public. All individuals or businesses dealing with animals covered under the law must be licensed or registered with APHIS including dealers, exhibitors, and research facilities. Research facilities are required to implement an Animal Care Committee to review the use of animals and inspect housing; adhere to restrictions regarding pain during research; adhere to regulations regarding care and housing; and may only purchase animals from licensed dealers. It is illegal under the AWA for any person to knowingly sponsor or exhibit an animal in any animal fighting venture in which any animal was moved in interstate or foreign commerce. Yearly inspections are required; licenses may be suspended or revoked for violations and civil and criminal penalties may be imposed.</p>

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<p><b>THE LACEY ACT</b>  <b>16 U.S.C. §§ 3371-3378</b></p>	<p>The Lacey Act makes it illegal to: import, export, transport, buy or sell fish, wildlife and plants taken or possessed in violation of federal, state, or tribal law; interstate or foreign commerce; fish or wildlife taken or possessed in violation of foreign law; submit a false label, record, or account or falsify identification of any fish, wildlife or plant that has been or will be imported, exported, transported, sold, purchased or received from a foreign country or transported in interstate or foreign commerce. Civil and criminal penalties are imposed for violations. The Captive Wildlife Safety Act amends the Lacey Act by making it illegal to import, export, buy, sell, transport, receive, or acquire, in interstate or foreign commerce, live lions, tigers, leopards, cheetahs, jaguars, or cougars, or any hybrid combination of any of these species unless certain exceptions are met.</p>
<p><b>RHINOCEROS AND TIGER CONSERVATION ACT</b>  <b>16 U.S.C. §§ 5301-5306</b></p>	<p>The Rhinoceros and Tiger Conservation Act was implemented to assist in the conservation of rhinoceros and tigers by supporting the conservation programs of nations whose activities affect rhino and tiger populations as well as those under CITES; and provide financial resources for the conservation programs. All subspecies of tigers are currently threatened with extinction with only 5,000 wild tigers remaining world-wide and are listed on CITES Appendix I, and as endangered under the ESA.</p>
<p><b>FUR PRODUCTS LABELING ACT</b>  <b>15 U.S.C. § 69</b></p>	<p>The Fur Products Labeling Act was implemented to establish the federal requirements for the labeling of fur products. Labeling must include information regarding the country of origin and a breakdown of the content of the fur. The Federal Trade Commission is responsible for the administrative enforcement of the Act. The Department of Justice has enforcement authority that includes, seizures, injunctions, and civil and criminal actions.</p>