

quarantine facility maintained by APHIS in accordance with paragraphs (c)(3)(ii) through (c)(3)(iv) of this section.

(g) Any smuggled bird shall:

(1) Be refused entry into the United States and be removed from the United States,⁶ or

(2) Be quarantined in a USDA-operated quarantine facility pending negative results to two consecutive tests for exotic Newcastle disease (END)⁷ administered not less than 30 days apart, with the first test administered within seven days after the bird enters the facility.

(3) Tissue samples from any smuggled bird which has died prior to release from quarantine shall be submitted for END isolation. Smuggled birds shall also be subject to such other tests and procedures to determine whether the birds are free from communicable diseases of poultry other than END when the port veterinarian determine that the bird in question has shown physical symptoms of being affected with or exposed to communicable diseases of poultry. A lot of smuggled birds placed into the quarantine facility shall be handled on an "all-in, all-out" basis: *Provided*, That birds of endangered and threatened species, as determined by the Department of the Interior (16 U.S.C. 1533, as amended) shall be separated for quarantine and testing as separate lots. If END or any other communicable disease of poultry is diagnosed in any smuggled bird at any point or if it is determined that any smuggled bird has been exposed to END or any other such communicable disease, such birds shall not be released from quarantine and shall be disposed of in accordance with procedures established by the Administrator to prevent the entry of communicable diseases of livestock or poultry into the United States. However, if endangered or threatened species are determined to be exposed such birds shall be held in permanent quarantine in accordance with such conditions as the Deputy Administrator may prescribe to protect

poultry of the United States. At the time any smuggled bird enters the quarantine facility, it shall be identified in a manner approved by the Administrator.

(4) If the laboratory tests for END are negative and as determined by the port veterinarian the birds are free of clinical evidence of diseases of poultry at the end of the quarantine period, the port veterinarian shall issue an agricultural release for entry of the birds through the United States Customs Service at the termination of the quarantine period. Providing that the sale of the smuggled birds is not contrary to any Federal law or regulation, expenses incurred by the Department for the handling of the smuggled birds under this paragraph shall be reimbursed from funds derived from the sale or disposition of the smuggled birds after their release from quarantine. Any smuggled bird which by law may not be sold, or so disposed, shall be quarantined in accordance with such procedures as the Deputy Administrator may establish to prevent the introduction of communicable diseases of livestock or poultry into the United States, in accordance with the law.

(Approved by the Office of Management and Budget under control numbers 0579-0220 and 0579-0245)

[55 FR 31495, Aug. 2, 1990, as amended at 56 FR 31865, 31866, July 12, 1991; 57 FR 28080, June 24, 1992; 59 FR 10732, Mar. 8, 1994; 59 FR 36026, July 15, 1994; 59 FR 47068, Sept. 14, 1994; 59 FR 63881, Dec. 12, 1994; 59 FR 67133, Dec. 29, 1994; 59 FR 67614, Dec. 30, 1994; 61 FR 56890, Nov. 5, 1996; 61 FR 68125, Dec. 27, 1996. Redesignated and amended at 62 FR 56012-56014, Oct. 28, 1997; 67 FR 52394, Aug. 12, 2002; 68 FR 6343, Feb. 7, 2003; 69 FR 25824, May 10, 2004]

§ 93.102 Ports designated for the importation of birds.

(a) *Special ports for pet birds.* The following ports are designated as ports of entry for pet birds imported under the provisions of § 93.101(c) and performing or theatrical birds imported under the provisions of § 93.101(f): Los Angeles and San Ysidro, CA; Miami, FL; New York, NY; Baudette, MN; and Hidalgo, TX.

(b) *Designation of other ports.* The Secretary of the Treasury has approved the designation as quarantine stations of the ports specified in this section. In

⁶Birds that would require handfeeding will be refused entry.

⁷Such tests are conducted according to the Protocol for END which is available upon request from the Administrator.

special cases other ports may be designated as quarantine stations under this section by the Administrator, with the concurrence of the Secretary of the Treasury.

(c) Notwithstanding any other provisions of this section, all commercial birds, zoological birds, or research birds shall be imported only at a port of entry specified in §93.105.

(d) *Limited ports.* The following ports are designated as ports of entry for pet birds imported under the provisions of §93.101(c)(1) or (2) and performing or theatrical birds imported under the provisions of §93.101(f): Anchorage and Fairbanks, AK; San Diego, CA; Jacksonville, Port Canaveral, St. Petersburg-Clearwater, and Tampa, FL; Atlanta, GA; Honolulu, HI; Chicago, IL; New Orleans, LA; Baltimore, MD; Portland, ME; Minneapolis, MN; Great Falls, MT; Covington, KY (Greater Cincinnati International Airport); Portland, OR; San Juan, PR; Galveston and Houston, TX; and Seattle, Spokane, and Tacoma, WA.

[55 FR 31495, Aug. 2, 1990, as amended at 59 FR 36026, July 15, 1994; 60 FR 16045, Mar. 29, 1995; 60 FR 25120, May 11, 1995; 61 FR 68125, Dec. 27, 1996. Redesignated and amended at 62 FR 56012, 56014, Oct. 28, 1997; 65 FR 38178, June 20, 2000; 67 FR 6370, Feb. 12, 2002]

§93.103 Import permits for birds; and reservation fees for space at quarantine facilities maintained by APHIS.

(a) *Application for permit; reservation required.* Before any permit application is submitted, all construction at the quarantine facility must be completed.

(1) For pet birds, commercial birds, research birds, zoological birds, and performing or theatrical birds, intended for importation into the United States, except as otherwise provided in §§93.101(b) and (c), 93.103(c), and 93.107(b), the importer shall first apply for and obtain an import permit. The importer (permit applicant) shall submit a completed VS form 17-128 for ratites or hatching eggs of ratites; or, for other birds, a completed VS form 17-20; or shall submit a document that states that it is an application for a permit to import ratites, hatching eggs of ratites, or birds other than ratites or hatching eggs of ratites. The applica-

tion⁸ must include the following information:

(i) The name, address, and telephone number of the importer;

(ii) The status of the importer, such as individual, partnership, or corporation (if incorporated, include State where incorporated and date of incorporation);

(iii) Name and address of the quarantine facility;

(iv) Date of intended quarantine;

(v) The purpose of the importation;

(vi) The region of origin;

(vii) The name and address of the exporter;

(viii) The port of embarkation in the foreign region;

(ix) The mode of transportation, route of travel, and port of entry in the United States;

(x) The name and location of the quarantine facility in the United States to which delivery will be made from the port of entry, in accordance with §93.106(c)(5);

(xi) A drawing of the floor plan for the facility showing the location of the bird holding area; equipment storage areas; office areas; clothes storage and change areas; feed storage areas; necropsy areas (showing entry and refrigeration); washing areas for equipment; shower areas; ventilation arrangements; and entries and exits; and, for a facility for hatching eggs of ratites in which the hatching eggs of one lot may be quarantined at the same time as the hatched chicks from a previously quarantined lot, the incubation/hatcher and bird (chick) holding areas; and

(xii) Date and certification, by signature of the importer (permit applicant), after the following language:

I certify that the information provided herein is true and correct to the best of my knowledge and belief, and agree to comply with the applicable regulations

⁸VS import permit application forms are available from local offices of Veterinary Services, which are listed in telephone directories, or from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737-1231. For other permit requirements for birds, the regulations issued by the U.S. Department of the Interior (title 50, Code of Federal Regulations, parts 14 and 17) should be consulted.