

(1) a written complaint from an officer, employee, or agent of the Forest Service, Bureau of Land Management, National Park Service, United States Fish and Wildlife Service, or other Federal agency that a person violated section 5201 of this title; or

(2) a sworn affidavit from an individual and a determination by the Secretary that the statement contains sufficient factual allegations to create a reasonable belief that a violation of section 5201 of this title has occurred;

the Secretary may request the Attorney General of the United States to institute a civil action for the imposition and collection of the civil penalty under this section.

(e) Use of penalty money collected

After deduction of costs attributable to collection, money collected from penalties shall be—

(1) deposited into the trust fund established pursuant to the Act entitled “An Act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes”, approved September 2, 1937 (16 U.S.C. 669) (commonly known as the “Pitman-Robertson Wildlife Restoration Act”), to support the activities authorized by such Act and undertaken by State wildlife management agencies; or

(2) used in such other manner as the Secretary determines will enhance the funding and implementation of—

(A) the North American Waterfowl Management Plan signed by the Secretary of the Interior and the Minister of Environment for Canada in May 1986; or

(B) a similar program that the Secretary determines will enhance wildlife management—

(i) on Federal lands; or

(ii) on private or State-owned lands when the efforts will also provide a benefit to wildlife management objectives on Federal lands.

(Pub. L. 103-322, title XXXII, §320803, Sept. 13, 1994, 108 Stat. 2121.)

REFERENCES IN TEXT

The Pitman-Robertson Wildlife Restoration Act, referred to in subsec. (e)(1), is act Sept. 2, 1937, ch. 899, 50 Stat. 917, as amended, also known as the Federal Aid in Wildlife Restoration Act, which is classified generally to chapter 5B (§669 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 669 of this title and Tables.

§ 5203. Other relief

Injunctive relief against a violation of section 5201 of this title may be sought by—

(1) the head of a State agency with jurisdiction over fish or wildlife management;

(2) the Attorney General of the United States; or

(3) any person who is or would be adversely affected by the violation.

(Pub. L. 103-322, title XXXII, §320804, Sept. 13, 1994, 108 Stat. 2122.)

§ 5204. Relationship to State and local law and civil actions

This chapter does not preempt a State law or local ordinance that provides for civil or crimi-

nal penalties for conduct that violates this chapter.

(Pub. L. 103-322, title XXXII, §320805, Sept. 13, 1994, 108 Stat. 2122.)

§ 5205. Regulations

The Secretary may issue such regulations as are necessary to carry out this chapter.

(Pub. L. 103-322, title XXXII, §320806, Sept. 13, 1994, 108 Stat. 2122.)

§ 5206. Rule of construction

Nothing in this chapter shall be construed to impair a right guaranteed to a person under the first article of amendment to the Constitution or limit any legal remedy for forceful interference with a person’s lawful participation in speech or peaceful assembly.

(Pub. L. 103-322, title XXXII, §320807, Sept. 13, 1994, 108 Stat. 2122.)

§ 5207. Definitions

As used in this chapter:

(1) Federal lands

The term “Federal lands” means—

(A) national forests;

(B) public lands;

(C) national parks; and

(D) wildlife refuges.

(2) Lawful hunt

The term “lawful hunt” means the taking or harvesting (or attempted taking or harvesting) of wildlife or fish, on Federal lands, which—

(A) is lawful under the laws applicable in the place it occurs; and

(B) does not infringe upon a right of an owner of private property.

(3) National forest

The term “national forest” means lands included in the National Forest System (as defined in section 1609(a) of this title).

(4) National park

The term “national park” means lands and waters included in the National Park System (as defined in section 1c(a) of this title).

(5) Public lands

The term “public lands” has the same meaning as is provided in section 1702(e) of title 43.

(6) Secretary

The term “Secretary” means—

(A) the Secretary of Agriculture with respect to national forests; and

(B) the Secretary of the Interior with respect to—

(i) public lands;

(ii) national parks; and

(iii) wildlife refuges.

(7) Wildlife refuge

The term “wildlife refuge” means lands and waters included in the National Wildlife Refuge System (as established by section 668dd of this title).

(8) Conduct

The term “conduct” does not include speech protected by the first article of amendment to the Constitution.