

(d) expand efforts to involve Native American tribes, organizations, and individuals in the distribution process, both at the Repository and on tribal lands, consistent with applicable laws;

(e) review means to ensure that adequate refrigerated storage space is available to process the eagles; and

(f) continue efforts to improve the Repository's ability to facilitate the objectives of this memorandum.

The Department of the Interior shall be responsible for coordinating any interagency efforts to address continuing executive branch actions necessary to achieve the objectives of this memorandum.

We must continue to be committed to greater inter-governmental communication and cooperation. In addition to working more closely with tribal governments, we must enlist the assistance of, and cooperate with, State and local governments to achieve the objectives of this memorandum. I therefore request that the Department of the Interior work with State fish and game agencies and other relevant State and local authorities to facilitate the objectives of this memorandum.

With commitment and cooperation by all of the agencies in the executive branch and with tribal governments, I am confident that we will be able to accomplish meaningful progress in the distribution of eagles for Native American religious purposes.

The Director of the Office of Management and Budget is authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

### § 668b. Enforcement provisions

#### (a) Arrest; search; issuance and execution of warrants and process

Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this subchapter may, without warrant, arrest any person committing in his presence or view a violation of this subchapter or of any permit or regulations issued hereunder and take such person immediately for examination or trial before an officer or court of competent jurisdiction; may execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this subchapter; and may, with or without a warrant, as authorized by law, search any place. The Secretary of the Interior is authorized to enter into cooperative agreements with State fish and wildlife agencies or other appropriate State authorities to facilitate enforcement of this subchapter, and by said agreements to delegate such enforcement authority to State law enforcement personnel as he deems appropriate for effective enforcement of this subchapter. Any judge of any court established under the laws of the United States, and any United States magistrate judge may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

#### (b) Forfeiture

All bald or golden eagles, or parts, nests, or eggs thereof, taken, possessed, sold, purchased, bartered, offered for sale, purchase, or barter, transported, exported, or imported contrary to the provisions of this subchapter, or of any permit or regulation issued hereunder, and all guns, traps, nets, and other equipment, vessels, vehicles, aircraft, and other means of transportation used to aid in the taking, possessing, selling, purchasing, bartering, offering for sale, purchase, or barter, transporting, exporting, or im-

porting of any bird, or part, nest, or egg thereof, in violation of this subchapter or of any permit or regulation issued hereunder shall be subject to forfeiture to the United States.

#### (c) Customs laws applied

All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this subchapter, insofar as such provisions of law are applicable and not inconsistent with the provisions of this subchapter: *Provided*, That all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Treasury Department shall, for the purposes of this subchapter, be exercised or performed by the Secretary of the Interior or by such persons as he may designate.

(June 8, 1940, ch. 278, §3, 54 Stat. 251; Pub. L. 90-578, title IV, §402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 92-535, §3, Oct. 23, 1972, 86 Stat. 1065; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

#### AMENDMENTS

1972—Pub. L. 92-535 substituted provisions relating to enforcement of this subchapter including arrest, without warrant, issuance and execution of warrants and process, search, forfeiture, and applicability of certain customs laws, for provisions incorporating provisions of section 706 in haec verba.

#### CHANGE OF NAME

“United States magistrate judge” substituted for “United States magistrate” in subsec. (a) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “United States magistrate” substituted for “United States commissioner” in subsec. (a) pursuant to Pub. L. 90-578. See chapter 43 (§631 et seq.) of Title 28.

#### TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with this subchapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(e), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

#### § 668c. Definitions

As used in this subchapter “whoever” includes also associations, partnerships, and corporations; “take” includes also pursue, shoot, shoot

at, poison, wound, kill, capture, trap, collect, molest or disturb; “transport” includes also ship, convey, carry, or transport by any means whatever, and deliver or receive or cause to be delivered or received for such shipment, conveyance, carriage, or transportation.

(June 8, 1940, ch. 278, §4, 54 Stat. 251; Pub. L. 92-535, §4, Oct. 23, 1972, 86 Stat. 1065.)

#### AMENDMENTS

1972—Pub. L. 92-535 substituted “poison, wound, kill, capture, trap, collect, molest” for “wound, kill, capture, trap, collect, or otherwise willfully molest”.

#### § 668d. Availability of appropriations for Migratory Bird Treaty Act

Moneys now or hereafter available to the Secretary of the Interior for the administration and enforcement of the Migratory Bird Treaty Act of July 3, 1918 [16 U.S.C. 703 et seq.], shall be equally available for the administration and enforcement of this subchapter.

(June 8, 1940, ch. 278, §5, 54 Stat. 251.)

#### REFERENCES IN TEXT

The Migratory Bird Treaty Act, referred to in text, is act July 3, 1918, ch. 128, 40 Stat. 755, as amended, which is classified generally to subchapter II (§703 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 710 of this title and Tables.

#### SUBCHAPTER III—ENDANGERED SPECIES OF FISH AND WILDLIFE

#### §§ 668aa to 668cc-6. Repealed. Pub. L. 93-205, § 14, Dec. 28, 1973, 87 Stat. 903

The provisions of sections 668aa to 668cc-6, which, pursuant to section 12(d) of Pub. L. 91-135, Dec. 5, 1969, 83 Stat. 283, were known as the “Endangered Species Conservation Act of 1969”, are covered by section 1531 et seq. of this title.

Section 668aa, Pub. L. 89-669, §1, Oct. 15, 1966, 80 Stat. 926; Pub. L. 91-135, §12(a), (e), Dec. 5, 1969, 83 Stat. 283, set out the Congressional findings, declaration of policy, and statement of purposes in seeking the protection of endangered species of fish and wildlife.

Section 668bb, Pub. L. 89-669, §2, Oct. 15, 1966, 80 Stat. 926; Pub. L. 91-135, §12(b), (c), Dec. 5, 1969, 83 Stat. 282, set out the powers and duties of the Secretary of the Interior in carrying out the mandate of the Endangered Species Conservation Act of 1969.

Section 668cc, Pub. L. 89-669, §3, Oct. 15, 1966, 80 Stat. 927, covered the Secretary’s duty to cooperate with the States, area administration, management agreements, and disposition of revenues.

Section 668cc-1, Pub. L. 91-135, §1, Dec. 5, 1969, 83 Stat. 275, defined “Secretary”, “fish or wildlife”, “United States”, and “person”.

Section 668cc-2, Pub. L. 91-135, §2, Dec. 5, 1969, 83 Stat. 275, covered importation of endangered species and set out civil and criminal penalties by reference to provisions of section 668cc-4 of this title.

Section 668cc-3, Pub. L. 91-135, §3, Dec. 5, 1969, 83 Stat. 275, provided for determination by the Secretary of the species threatened with extinction, methods to be used and factors determinative of Secretary’s determination, and rule making procedures to be used.

Section 668cc-4, Pub. L. 91-135, §4, Dec. 5, 1969, 83 Stat. 276, set out penalties for violation of sections 668cc-2 and 668cc-3 of this title and provisions for their enforcement.

Section 668cc-5, Pub. L. 91-135, §5, Dec. 5, 1969, 83 Stat. 278, covered international agreements for fish and wildlife preservation.

Section 668cc-6, Pub. L. 91-135, §6, Dec. 5, 1969, 83 Stat. 278, called for coordination of administration of provisions relating to endangered species of fish and wildlife with animal quarantine and tariff laws, and provided for non-impairment of functions of Secretaries of Agriculture and Treasury under agriculture and tariff laws, including imports.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 28, 1973, see section 16 of Pub. L. 93-205, set out as an Effective Date note under section 1531 of this title.

#### § 668dd. National Wildlife Refuge System

##### (a) Designation; administration; continuance of resources-management-programs for refuge lands in Alaska; disposal of acquired lands; proceeds

(1) For the purpose of consolidating the authorities relating to the various categories of areas that are administered by the Secretary for the conservation of fish and wildlife, including species that are threatened with extinction, all lands, waters, and interests therein administered by the Secretary as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas are hereby designated as the “National Wildlife Refuge System” (referred to herein as the “System”), which shall be subject to the provisions of this section, and shall be administered by the Secretary through the United States Fish and Wildlife Service. With respect to refuge lands in the State of Alaska, those programs relating to the management of resources for which any other agency of the Federal Government exercises administrative responsibility through cooperative agreement shall remain in effect, subject to the direct supervision of the United States Fish and Wildlife Service, as long as such agency agrees to exercise such responsibility.

(2) The mission of the System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

(3) With respect to the System, it is the policy of the United States that—

(A) each refuge shall be managed to fulfill the mission of the System, as well as the specific purposes for which that refuge was established;

(B) compatible wildlife-dependent recreation is a legitimate and appropriate general public use of the System, directly related to the mission of the System and the purposes of many refuges, and which generally fosters refuge management and through which the American public can develop an appreciation for fish and wildlife;

(C) compatible wildlife-dependent recreational uses are the priority general public uses of the System and shall receive priority consideration in refuge planning and management; and

(D) when the Secretary determines that a proposed wildlife-dependent recreational use is