

(ii) storage of the items, including inventory of, and security for, the items;

(iii) appraisal of the items;

(iv) sale or other disposal of the items in accordance with applicable law, including auctioneer commissions and related expenses;

(v) payment of any valid liens or other encumbrances on the items and payment for other measures required to clear title to the items; and

(vi) in the case of the Secretary of the Interior only, processing and shipping of eagles and other migratory birds, and parts of migratory birds, for Native American religious purposes.

(d) Disclaimer

Nothing in this section shall be construed to invalidate any law enforcement agreement or delegation made by the Secretary of the Interior or the Secretary of Commerce with respect to fish and wildlife matters prior to November 8, 1978.

(e) to (j) Omitted

(k) Law enforcement operations

With respect to any undercover or other enforcement operation which is necessary for the detection and prosecution of violations of any laws administered by the United States Fish and Wildlife Service or the National Marine Fisheries Service relating to fish, wildlife, or plants, the Secretary of the Interior or the Secretary of Commerce may, notwithstanding any other provision of law—

(1) direct the advance of funds which may be deposited in commercial banks or other financial institutions;

(2) use appropriations for payment for information, rewards, or evidence concerning violations, without reference to any rewards to which such persons may otherwise be entitled by law, and any moneys subsequently recovered shall be reimbursed to the current appropriation; and

(3) use appropriations to establish or acquire proprietary corporations or business entities as part of an undercover operation, operate such corporations or business entities on a commercial basis, lease space and make other necessary expenditures, and use the proceeds from such undercover operations to offset necessary and reasonable expenses incurred in such operations: *Provided*, That at the conclusion of each such operation the proceeds shall be deposited in the Treasury of the United States as miscellaneous receipts.

(Pub. L. 95-616, § 3 (less (e)-(j)), Nov. 8, 1978, 92 Stat. 3110; Pub. L. 97-396, § 7, Dec. 31, 1982, 96 Stat. 2006; Pub. L. 105-328, § 3, Oct. 30, 1998, 112 Stat. 3058.)

REFERENCES IN TEXT

This section, referred to in subsec. (d), means section 3 of Pub. L. 95-616, which in addition to enacting this section, enacted section 712 of this title and amended sections 460k-3, 668dd, 690e, 706, and 718f of this title and sections 1114 and 3112 of Title 18, Crimes and Criminal Procedure.

CODIFICATION

Section is comprised of subsecs. (a) to (d) and (k) of section 3 of Pub. L. 95-616, as amended. For classifica-

tion of subsecs. (e) through (j) of section 3, see References in Text note above and Tables.

AMENDMENTS

1998—Subsec. (c). Pub. L. 105-328 designated existing provisions as par. (1) and inserted heading, substituted “Subject to paragraph (2), notwithstanding” for “Notwithstanding”, and added pars. (2) and (3).

1982—Subsec. (k). Pub. L. 97-396 added subsec. (k).

CONGRESSIONAL FINDINGS AND PURPOSES

Pub. L. 105-328, § 2, Oct. 30, 1998, 112 Stat. 3057, provided that:

“(a) FINDINGS.—Congress finds that—

“(1) the United States Fish and Wildlife Service (referred to in this Act [amending this section and enacting provisions set out as a note under section 742a of this title] as the ‘Service’)—

“(A) is responsible for storage and disposal of items derived from fish, wildlife, and plants, including eagles and eagle parts, and other items that have become the property of the United States through abandonment or forfeiture under applicable laws relating to fish, wildlife, or plants;

“(B) distributes many of those items for educational and scientific uses and for religious purposes of Native Americans; and

“(C) unless otherwise prohibited by law, may dispose of some of those items by sale, except items derived from endangered or threatened species, marine mammals, and migratory birds;

“(2) under law in effect on the date of enactment of this Act [Oct. 30, 1998], the revenue from sale of abandoned items is not available to the Service, although approximately 90 percent of the items in possession of the Service have been abandoned; and

“(3) making revenue from the sale of abandoned items available to the Service will enable the Service—

“(A) to cover costs incurred in shipping, storing, and disposing of items derived from fish, wildlife, and plants; and

“(B) to make more extensive distributions of those items for educational, scientific, and Native American religious purposes.

“(b) PURPOSES.—The purposes of this Act are to make proceeds from sales of abandoned items derived from fish, wildlife, and plants available to the Service and to authorize the use of those proceeds to cover costs incurred in shipping, storing, and disposing of those items.”

§ 742I-1. Authority to use available law enforcement funds

In fiscal year 2012 and hereafter of the amount available for law enforcement, up to \$400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary’s certificate.

(Pub. L. 112-74, div. E, title I, Dec. 23, 2011, 125 Stat. 988.)

§ 742m. Relinquishment of exclusive legislative jurisdiction

Notwithstanding any other provision of law, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may relinquish to a State, or to a Commonwealth, territory, or possession of the United States, the exclusive legislative jurisdic-