

“(b) During fiscal year 2012 and subsequent fiscal years, in carrying out work involving cooperation with any State or political subdivision thereof, the Bureau of Land Management may record obligations against accounts receivable from any such entities.”

Similar provisions were contained in the following appropriation acts:

Pub. L. 116-260, div. G, title I, §108, Dec. 27, 2020, 134 Stat. 1504.

Pub. L. 116-94, div. D, title I, §108, Dec. 20, 2019, 133 Stat. 2712.

Pub. L. 116-6, div. E, title I, §109, Feb. 15, 2019, 133 Stat. 231.

Pub. L. 115-141, div. G, title I, §109, Mar. 23, 2018, 132 Stat. 659.

Pub. L. 115-31, div. G, title I, §109, May 5, 2017, 131 Stat. 460.

Pub. L. 114-113, div. G, title I, §109, Dec. 18, 2015, 129 Stat. 2549.

Pub. L. 113-235, div. F, title I, §110, Dec. 16, 2014, 128 Stat. 2419.

Pub. L. 113-76, div. G, title I, §111, Jan. 17, 2014, 128 Stat. 312.

§ 1337. Joint advisory board; appointment; membership; functions; qualifications; reimbursement limitation

The Secretary of the Interior and the Secretary of Agriculture are authorized and directed to appoint a joint advisory board of not more than nine members to advise them on any matter relating to wild free-roaming horses and burros and their management and protection. They shall select as advisers persons who are not employees of the Federal or State Governments and whom they deem to have special knowledge about protection of horses and burros, management of wildlife, animal husbandry, or natural resources management. Members of the board shall not receive reimbursement except for travel and other expenditures necessary in connection with their services.

(Pub. L. 92-195, §7, Dec. 15, 1971, 85 Stat. 650.)

Statutory Notes and Related Subsidiaries

TERMINATION OF ADVISORY BOARDS

Advisory boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 1338. Criminal provisions

(a) Violations; penalties; trial

Any person who—

(1) willfully removes or attempts to remove a wild free-roaming horse or burro from the public lands, without authority from the Secretary, or

(2) converts a wild free-roaming horse or burro to private use, without authority from the Secretary, or

(3) maliciously causes the death or harassment of any wild free-roaming horse or burro, or

(4) except as provided in section 1333(e) of this title, processes or permits to be processed

into commercial products the remains of a wild free-roaming horse or burro, or

(5) sells, directly or indirectly, a wild free-roaming horse or burro maintained on private or leased land pursuant to section 1334 of this title, or the remains thereof, or

(6) willfully violates a regulation issued pursuant to this chapter,

shall be subject to a fine of not more than \$2,000, or imprisonment for not more than one year, or both. Any person so charged with such violation by the Secretary may be tried and sentenced by any United States commissioner or magistrate judge designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401 of title 18.

(b) Arrest; appearance for examination or trial; warrants: issuance and execution

Any employee designated by the Secretary of the Interior or the Secretary of Agriculture shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this chapter or any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this chapter or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States magistrate judge may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants, in all such cases.

(Pub. L. 92-195, §8, Dec. 15, 1971, 85 Stat. 650; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 108-447, div. E, title I, §142(b), Dec. 8, 2004, 118 Stat. 3071.)

Editorial Notes

AMENDMENTS

2004—Subsec. (a)(4). Pub. L. 108-447 inserted “except as provided in section 1333(e) of this title,” before “processes or permits”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“United States magistrate judge” and “magistrate judge” substituted for “United States magistrate” and “magistrate”, respectively, in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

§ 1338a. Transportation of captured animals; procedures and prohibitions applicable

In administering this chapter, the Secretary may use or contract for the use of helicopters or, for the purpose of transporting captured animals, motor vehicles. Such use shall be undertaken only after a public hearing and under the direct supervision of the Secretary or of a duly authorized official or employee of the Department. The provisions of section 47(a) of title 18 shall not be applicable to such use. Such use shall be in accordance with humane procedures

prescribed by the Secretary. Nothing in this chapter shall be deemed to limit the authority of the Secretary in the management of units of the National Park System, and the Secretary may, without regard either to the provisions of this chapter, or the provisions of section 47(a) of title 18, use motor vehicles, fixed-wing aircraft, or helicopters, or to contract for such use, in furtherance of the management of the National Park System, and section 47(a) of title 18 shall be applicable to such use.

(Pub. L. 92-195, §9, as added Pub. L. 94-579, title IV, §404, Oct. 21, 1976, 90 Stat. 2775; amended Pub. L. 104-333, div. I, title VIII, §803(a), Nov. 12, 1996, 110 Stat. 4186.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in last sentence, was in the original "this title", and was translated as reading "this Act", meaning the Wild Free-Roaming Horses and Burros Act which enacted this chapter, to reflect the probable intent of Congress, because that Act does not contain titles.

AMENDMENTS

1996—Pub. L. 104-333 inserted at end "Nothing in this chapter shall be deemed to limit the authority of the Secretary in the management of units of the National Park System, and the Secretary may, without regard either to the provisions of this chapter, or the provisions of section 47(a) of title 18, use motor vehicles, fixed-wing aircraft, or helicopters, or to contract for such use, in furtherance of the management of the National Park System, and section 47(a) of title 18 shall be applicable to such use."

§ 1339. Limitation of authority

Nothing in this chapter shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist.

(Pub. L. 92-195, §10, formerly §9, Dec. 15, 1971, 85 Stat. 651, renumbered Pub. L. 94-579, title IV, §404, Oct. 21, 1976, 90 Stat. 2775.)

§ 1340. Joint report to Congress; consultation and coordination of implementation, enforcement, and departmental activities; studies

After the expiration of thirty calendar months following December 15, 1971, and every twenty-four calendar months thereafter, the Secretaries of the Interior and Agriculture will submit to Congress a joint report on the administration of this chapter, including a summary of enforcement and/or other actions taken thereunder, costs, and such recommendations for legislative or other actions as he might deem appropriate.

The Secretary of the Interior and the Secretary of Agriculture shall consult with respect to the implementation and enforcement of this chapter and to the maximum feasible extent coordinate the activities of their respective departments and in the implementation and enforcement of this chapter. The Secretaries are authorized and directed to undertake those studies of the habits of wild free-roaming horses and burros that they may deem necessary in order to carry out the provisions of this chapter.

(Pub. L. 92-195, §11, formerly §10, Dec. 15, 1971, 85 Stat. 651, renumbered Pub. L. 94-579, title IV, §404, Oct. 21, 1976, 90 Stat. 2775.)

Statutory Notes and Related Subsidiaries

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of this section relating to the Secretaries of the Interior and Agriculture submitting a joint report to Congress every twenty-four months on the administration of this chapter, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 147 of House Document No. 103-7.

CHAPTER 31—MARINE MAMMAL PROTECTION

SUBCHAPTER I—GENERALLY

- Sec.
1361. Congressional findings and declaration of policy.
1362. Definitions.

SUBCHAPTER II—CONSERVATION AND PROTECTION OF MARINE MAMMALS

1371. Moratorium on taking and importing marine mammals and marine mammal products.
1372. Prohibitions.
1373. Regulations on taking of marine mammals.
1374. Permits.
1375. Penalties.
1375a. Use of fines for protection and recovery of manatees, polar bears, sea otters, and walrus.
1376. Seizure and forfeiture of cargo.
1377. Enforcement.
1378. International program.
1379. Transfer of management authority.
1380. Marine mammal research grants.
1381. Commercial fisheries gear development.
1382. Regulations and administration.
1383. Application to other treaties and conventions.
1383a. Interim exemption for commercial fisheries.
1383b. Status review; conservation plans.
1384. Authorization of appropriations.
1385. Dolphin protection.
1386. Stock assessments.
1387. Taking of marine mammals incidental to commercial fishing operations.
1388. Marine mammal cooperative agreements in Alaska.
1389. Pacific Coast Task Force; Gulf of Maine.

SUBCHAPTER III—MARINE MAMMAL COMMISSION

1401. Establishment.
1402. Duties of Commission.
1403. Committee of Scientific Advisors on Marine Mammals.
1404. Omitted.
1405. Coordination with other Federal agencies.
1406. Administration.
1407. Authorization of appropriations.

SUBCHAPTER IV—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

1411. Findings and policy.
1412. International Dolphin Conservation Program.
1413. Regulatory authority of Secretary.
1414. Repealed.
1414a. Research.
1415. Reports by Secretary.
1416. Permits.
1417. Prohibitions.
1418. Repealed.

SUBCHAPTER V—MARINE MAMMAL HEALTH AND STRANDING RESPONSE

1421. Establishment of Program.
1421a. Determination; data collection and dissemination.