

Act [16 U.S.C. 1851], and after opportunity for public comment and consultation with the Atlantic States Marine Fisheries Commission, implement regulations under section 5103(b) of this title that are necessary for the conservation of American lobster.

**(c) Regulations to remain in effect until plan implemented**

Regulations issued under subsection (a) or (b) of this section shall remain in effect until the Secretary implements regulations under section 5103(b) of this title to implement a coastal fishery management plan for American lobster.

(Pub. L. 103-206, title VIII, §810, as added Pub. L. 104-297, title IV, §404(c), Oct. 11, 1996, 110 Stat. 3620; amended Pub. L. 104-208, div. A, title I, §101(a) [title II, §211(b)], Sept. 30, 1996, 110 Stat. 3009, 3009-41.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, and was translated as reading “this title”, meaning title VIII of Pub. L. 103-206, Dec. 20, 1993, 107 Stat. 2447, which is classified principally to this chapter. For complete classification of title VIII to the Code, see Short Title note set out under section 5101 of this title and Tables.

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in subsec. (a), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, as amended, which is classified principally to chapter 38 (§1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

PRIOR PROVISIONS

A prior section 810 of Pub. L. 103-206, which repealed section 9 of Pub. L. 98-613 set out in a note under section 1851 of this title, was renumbered section 812 by Pub. L. 104-297.

AMENDMENTS

1996—Subsecs. (a), (b). Pub. L. 104-208 substituted “Magnuson-Stevens Fishery” for “Magnuson Fishery”.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 101(a) [title II, §211(b)] of div. A of Pub. L. 104-208 provided that the amendment made by that section is effective 15 days after Oct. 11, 1996.

**§ 5108. Authorization of appropriations**

To carry out the provisions of this chapter, there are authorized to be appropriated \$3,000,000 for fiscal year 1994, \$5,000,000 for fiscal year 1995, and \$7,000,000 for fiscal year 1996, and \$7,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000.

(Pub. L. 103-206, title VIII, §811, formerly §809, Dec. 20, 1993, 107 Stat. 2453; renumbered §811 and amended Pub. L. 104-297, title IV, §404(c), (d), Oct. 11, 1996, 110 Stat. 3619, 3620.)

CODIFICATION

Another section 811 of Pub. L. 103-206 amended section 4107 of this title.

AMENDMENTS

1996—Pub. L. 104-297, §404(d), which directed amendment of section 810 of Pub. L. 103-206 by substituting “1996, and \$7,000,000 for each of the fiscal years 1997, 1998, 1999, and 2000” for “1996”, was executed to this section to reflect the probable intent of Congress.

**CHAPTER 72—RECREATIONAL HUNTING SAFETY**

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**§ 5201. Obstruction of a lawful hunt**

It is a violation of this section intentionally to engage in any physical conduct that significantly hinders a lawful hunt.

(Pub. L. 103-322, title XXXII, §320802, Sept. 13, 1994, 108 Stat. 2121.)

SHORT TITLE

Section 320801 of title XXXII of Pub. L. 103-322 provided that: “This subtitle [subtitle H (§§320801-320808) of title XXXII of Pub. L. 103-322, enacting this chapter] may be cited as the ‘Recreational Hunting Safety and Preservation Act of 1994.’”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5202, 5203 of this title.

**§ 5202. Civil penalties**

**(a) In general**

A person who violates section 5201 of this title shall be assessed a civil penalty in an amount computed under subsection (b) of this section.

**(b) Computation of penalty**

The penalty shall be—

- (1) not more than \$10,000, if the violation involved the use of force or violence, or the threatened use of force or violence, against the person or property of another person; and
- (2) not more than \$5,000 for any other violation.

**(c) Relationship to other penalties**

The penalties established by this section shall be in addition to other criminal or civil penalties that may be levied against the person as a result of an activity in violation of section 5201 of this title.

**(d) Procedure**

Upon receipt of—

(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 criminal 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.

(Pub. L. 103-322, title XXXII, § 320808, Sept. 13, 1994, 108 Stat. 2122.)

**CHAPTER 73—RHINOCEROS AND TIGER CONSERVATION**

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