

Public Law 92-535

October 23, 1972
[H.R. 12186]

AN ACT

To strengthen the penalties imposed for violations of the Bald Eagle Protection Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act for the protection of the bald eagle", approved June 8, 1940 (16 U.S.C. 668), is amended—

Bald and
golden eagles.
Protection.
76 Stat. 1246.

Penalties,
increase.

(1) by inserting "(a)" immediately before "Whoever",

(2) by inserting "knowingly, or with wanton disregard for the consequences of his act", immediately before "take";

(3) by striking out "shall be fined not more than \$500 or imprisoned not more than six months, or both: *Provided,*" and inserting in lieu thereof the following: "or whoever violates any permit or regulation issued pursuant to this Act, shall be fined not more than \$5,000 or imprisoned not more than one year or both: *Provided,* That in the case of a second or subsequent conviction for a violation of this section committed after the date of the enactment of this proviso, such person shall be fined not more than \$10,000 or imprisoned not more than two years, or both: *Provided further,* That the commission of each taking or other act prohibited by this section with respect to a bald or golden eagle shall constitute a separate violation of this section: *Provided further,* That one-half of any such fine, but not to exceed \$2,500, shall be paid to the person or persons giving information which leads to conviction: *Provided further,*"; and

(4) by adding at the end thereof the following new subsections:

"(b) Whoever, within the United States or any place subject to the jurisdiction thereof, without being permitted to do so as provided in this Act, shall take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any time or in any manner, any bald eagle, commonly known as the American eagle, or any golden eagle, alive or dead, or any part, nest, or egg thereof of the foregoing eagles, or whoever violates any permit or regulation issued pursuant to this Act, may be assessed a civil penalty by the Secretary of not more than \$5,000 for each such violation. Each violation shall be a separate offense. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. In determining the amount of the penalty, the gravity of the violation, and the demonstrated good faith of the person charged shall be considered by the Secretary. For good cause shown, the Secretary may remit or mitigate any such penalty. Upon any failure to pay the penalty assessed under this section, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In hearing any such action, the court must sustain the Secretary's action if supported by substantial evidence.

Grazing agree-
ments, cancella-
tion authority.

"(c) The head of any Federal agency who has issued a lease, license, permit, or other agreement authorizing the grazing of domestic livestock on Federal lands to any person who is convicted of a violation of this Act or of any permit or regulation issued hereunder may

immediately cancel each such lease, license, permit, or other agreement. The United States shall not be liable for the payment of any compensation, reimbursement, or damages in connection with the cancellation of any lease, license, permit, or other agreement pursuant to this section."

SEC. 2. Section 2 of the Act of June 8, 1940 (16 U.S.C. 668a), is amended by striking out the period at the end thereof and inserting the following: " : *Provided further*, That the Secretary of the Interior, pursuant to such regulations as he may prescribe, may permit the taking, possession, and transportation of golden eagles for the purposes of falconry, except that only golden eagles which would be taken because of depredations on livestock or wildlife may be taken for purposes of falconry."

Falconry
permits.
76 Stat. 1246.

SEC. 3. Section 3 of the Act of June 8, 1940 (16 U.S.C. 668b) is amended to read as follows:

Enforcement.
54 Stat. 251.

"SEC. 3. (a) Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this Act may, without warrant, arrest any person committing in his presence or view a violation of this Act or of any permit or regulation 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 Act; 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 Act, and by said agreements to delegate such enforcement authority to State law enforcement personnel as he deems appropriate for effective enforcement of this Act. Any judge of any court established under the laws of the United States, and any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

Cooperative
agreements.

"(b) 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 Act, 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 importing of any bird, or part, nest, or egg thereof, in violation of this Act or of any permit or regulation issued hereunder shall be subject to forfeiture to the United States.

Forfeiture.

"(c) 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 Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act: *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 Act, be exercised or performed by the Secretary of the Interior or by such persons as he may designate."

54 Stat. 251.

SEC. 4. Section 4 of such Act of June 8, 1940 (16 U.S.C. 668c), is amended by inserting "poison" immediately after "shoot at," and by striking out "otherwise willfully".

Approved October 23, 1972.