

109TH CONGRESS  
1ST SESSION

# S. 1497

To require the Secretary of the Interior to provide incidental take permits to public electric utilities that adopt avian protection plans.

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IN THE SENATE OF THE UNITED STATES

JULY 26, 2005

Ms. MURKOWSKI (for herself and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To require the Secretary of the Interior to provide incidental take permits to public electric utilities that adopt avian protection plans.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. INCIDENTAL TAKE PERMITS FOR PUBLIC ELEC-**  
4 **TRIC UTILITIES WITH AVIAN PROTECTION**  
5 **PLANS.**

6 (a) IN GENERAL.—Notwithstanding the Act of June  
7 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the  
8 “Bald and Golden Eagle Protection Act”) and the Migra-  
9 tory Bird Treaty Act (16 U.S.C. 703 et seq.), the Sec-

1 retary of the Interior shall provide an incidental take per-  
2 mit to a public electric utility that has adopted an avian  
3 protection plan, if the Secretary determines that the public  
4 utility has included in the plan specific measures to miti-  
5 gate hazards to eagles and other migratory birds.

6 (b) PENALTIES.—Any public utility that receives an  
7 incidental take permit under this section (including an of-  
8 ficer, director, or employee of the public utility) shall not  
9 be subject to criminal or civil penalty under an Act re-  
10 ferred to in subsection (a) for the incidental death by elec-  
11 trocution of a bird described in subsection (a)(1) by a  
12 power line of the public utility during the period the per-  
13 mit is in effect.

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