

111TH CONGRESS  
1ST SESSION

# H. R. 2062

To amend the Migratory Bird Treaty Act to provide for penalties and enforcement for intentionally taking protected avian species, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 2009

Mr. DEFAZIO (for himself, Ms. MCCOLLUM, Mr. GRIJALVA, Mr. FARR, Mr. GEORGE MILLER of California, and Mr. WU) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Migratory Bird Treaty Act to provide for penalties and enforcement for intentionally taking protected avian species, and for other purposes.

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. SHORT TITLE.**

4       This Act may be cited as the “Migratory Bird Treaty  
5       Act Penalty and Enforcement Act of 2009”.

**6       SEC. 2. AMENDMENT OF MIGRATORY BIRD TREATY ACT.**

7       Section 6 of the Migratory Bird Treaty Act (16  
8       U.S.C. 707) is amended by redesignating subsections (c)

1 and (d) as subsections (d) and (e), respectively, and by  
2 inserting after subsection (b) the following:

3       “(c)(1) Except in the case of hunting and other activ-  
4 ity allowed under section 3, whoever, in violation of this  
5 Act, intentionally and maliciously takes by any manner  
6 any migratory bird shall be guilty of a felony and, upon  
7 conviction, shall be fined not more than \$50,000 or im-  
8 prisoned for not more than two years, or both, for each  
9 violation.

10       “(2) Any person who intentionally and maliciously  
11 commits any other act or omission in violation of this Act  
12 or any regulations issued under this Act shall be guilty  
13 of a felony and, upon conviction, shall be fined not more  
14 than \$50,000 or imprisoned for not more than two years,  
15 or both, for each violation.

16       “(3) The Secretary or the Secretary of the Treasury  
17 shall pay, from sums received as fines under this sub-  
18 section and subject to the availability of appropriations,  
19 a reward to any person who furnishes information that  
20 leads to an arrest or a criminal conviction for any violation  
21 of this Act. The amount of the reward, if any, shall be  
22 designated by the Secretary or the Secretary of the Treas-  
23 ury, as appropriate. Any officer or employee of the United  
24 States or any State or local government who furnishes in-  
25 formation or renders service in the performance of his or

1 her official duties is ineligible for payment under this  
2 paragraph.”.

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