

Union Calendar No. 207

111TH CONGRESS
1ST SESSION

H. R. 2062

[Report No. 111-355]

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

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

DECEMBER 7, 2009

Additional sponsors: Mr. WAXMAN, Mr. BLUMENAUER, Mr. KIND, Ms. LEE of California, Mr. WEXLER, Ms. HIRONO, Mr. HARE, Mr. SESTAK, Mr. MICHAUD, Mr. BERMAN, Ms. ESHOO, Ms. SHEA-PORTER, and Mr. PRICE of North Carolina

DECEMBER 7, 2009

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on April 23, 2009]

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 U.S.C.*
8 *707) is amended by redesignating subsection (d) as sub-*
9 *section (e), and by inserting after subsection (c) the fol-*
10 *lowing new subsection:*

11 *“(d)(1) Except in the case of hunting and other activ-*
12 *ity allowed under section 3, whoever in violation of this*
13 *Act kills or wounds a migratory bird in an aggravated*
14 *manner shall, in lieu of any penalty for such violation—*

15 *“(A) for the first violation, be fined under title*
16 *18, United States Code, imprisoned for not more than*
17 *one year, or both; and*

18 *“(B) for the second and any subsequent viola-*
19 *tion, be fined under title 18 of the United States*
20 *Code, imprisoned for not more than 2 years, or both.*

21 *“(2) The authority under section 3(k) of the Fish and*
22 *Wildlife Improvement Act of 1978 (16 U.S.C. 742l(k)) ap-*
23 *plies with respect to a violation described in paragraph (1).*

1 “(3) For the purposes of this subsection the term ‘ag-
2 gravated manner’ means deliberately and in a manner
3 that—

4 “(A) demonstrates indifference to the pain and
5 suffering of the bird; or

6 “(B) involves actions that would shock a reason-
7 able person.”.

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