

111TH CONGRESS  
1ST SESSION

# H. R. 3381

To amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2009

Mr. GEORGE MILLER of California (for himself, Mr. ACKERMAN, Mr. ANDREWS, Mr. BAIRD, Ms. BALDWIN, Mr. BERMAN, Mr. BLUMENAUER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. CASTLE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONNOLLY of Virginia, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DELAHUNT, Mr. DEFazio, Ms. DEGETTE, Ms. DELAURO, Mr. DICKS, Mr. DINGELL, Mr. DOYLE, Mr. ELLISON, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HEINRICH, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Mr. INSLIEE, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, Mr. KENNEDY, Ms. KILPATRICK of Michigan, Mr. KUCINICH, Mr. LANGEVIN, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mr. McDERMOTT, Mr. MCGOVERN, Mr. McNERNEY, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. MASSA, Ms. MATSUI, Mr. MILLER of North Carolina, Mr. MITCHELL, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mr. OBERSTAR, Mr. OBEY, Mr. OLVER, Mr. PALLONE, Mr. PASTOR of Arizona, Mr. PAYNE, Ms. PINGREE of Maine, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SESTAK, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Mr. SMITH of Washington, Mr. SMITH of New Jersey, Ms. SPEIER, Mr. STARK, Mr. TIERNEY, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, and Mr. LANCE) introduced the following bill; which was referred to the Committee on Natural Resources

# A BILL

To amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, 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 “Protect America’s  
5 Wildlife Act of 2009”.

6 **SEC. 2. ADDITIONAL PROHIBITIONS.**

7       Section 13(a) of the Fish and Wildlife Act of 1956  
8 (16 U.S.C. 742j–1(a)) is amended—

9           (1) in paragraph (1), by striking “or” after the  
10       semicolon;

11           (2) in paragraph (2), by striking “or” after the  
12       semicolon;

13           (3) in paragraph (3), by adding “or” after the  
14       semicolon;

15           (4) by inserting after paragraph (3) the fol-  
16       lowing:

17           “(4) knowingly violates any regulation promul-  
18       gated under this Act;” and

19           (5) in the matter following paragraph (4) (as  
20       inserted by this section), by striking “\$5,000” and  
21       inserting “\$50,000”.

1 **SEC. 3. EXCEPTIONS TO PROHIBITIONS.**

2 Section 13(b) of the Fish and Wildlife Act of 1956  
3 (16 U.S.C. 742j-1(b)) is amended—

4 (1) in paragraph (1), by striking “This section”  
5 and inserting “Subject to paragraph (3), this sec-  
6 tion”;

7 (2) in paragraph (2)—

8 (A) in the matter preceding subparagraph  
9 (A), by striking “issues a permit referred to in”  
10 and inserting “authorizes an employee, agent,  
11 or person operating under a license or permit to  
12 take an action under”;

13 (B) in subparagraph (A), by striking “to  
14 whom a permit was issued” and inserting “so  
15 authorized”;

16 (C) in subparagraph (B), by striking  
17 “thereunder”;

18 (D) in subparagraph (C), by striking “to  
19 whom a permit was issued”; and

20 (E) in subparagraph (D), by striking  
21 “issuing the permit” and inserting “authorizing  
22 the action, including, for actions intended to  
23 protect land, water, or wildlife, the scientific  
24 basis for the actions so authorized”; and

25 (3) by adding at the end the following:

1           “(3) ENHANCING THE PROPAGATION AND SUR-  
2           VIVAL OF WILDLIFE.—No person exempted under  
3           paragraph (1) may shoot, attempt to shoot, or har-  
4           ass any wolf, bear, or wolverine for the purpose of  
5           enhancing the propagation and survival of wildlife,  
6           including game populations, unless—

7                   “(A) the head of the fish and wildlife agen-  
8                   cy of the State and, for game populations on  
9                   land under the jurisdiction of the Department  
10                  of the Interior, the Secretary of the Interior, or  
11                  for game populations on land under the juris-  
12                  diction of the Department of Agriculture, the  
13                  Secretary of Agriculture, determines, based on  
14                  the best scientific data available, that—

15                           “(i) a biological emergency is immi-  
16                           nent; and

17                           “(ii) all other practicable means to  
18                           prevent the biological emergency, including  
19                           stopping regulated takes of the declining  
20                           population, have been implemented;

21                   “(B) the action is carried out—

22                           “(i) by an officer or employee of—

23                                   “(I) the fish and wildlife agency  
24                                   of the State; or

1                   “(II)(aa) for game populations  
2                   on land under the jurisdiction of the  
3                   Department of the Interior, the De-  
4                   partment of the Interior; or

5                   “(bb) for game populations on  
6                   land under the jurisdiction of the De-  
7                   partment of Agriculture, the Depart-  
8                   ment of Agriculture; and

9                   “(ii) only in the specific geographical  
10                  area in which the imminent biological  
11                  emergency is located; and

12                  “(C) the action results in the removal of  
13                  not more than the minimum number of preda-  
14                  tors necessary to prevent the biological emer-  
15                  gency.

16                  “(4) EXCEPTION RELATING TO ACTIONS AU-  
17                  THORIZED BY SECRETARY OF THE INTERIOR.—The  
18                  Secretary of the Interior may authorize any action  
19                  described in subsection (a)—

20                  “(A) to prevent the extinction of a species  
21                  that is listed as a threatened species or endan-  
22                  gered species under section 4(c)(1) of the En-  
23                  dangered Species Act of 1973 (16 U.S.C.  
24                  1533(c)(1)); and

1           “(B) if the Secretary of the Interior deter-  
2           mines that there is no other means available to  
3           address the threat of extinction of the species  
4           described in subparagraph (A).”.

5 **SEC. 4. DEFINITIONS.**

6           Section 13 of the Fish and Wildlife Act of 1956 (16  
7 U.S.C. 742j-1) is amended by striking subsection (c) and  
8 inserting the following:

9           “(c) DEFINITIONS.—In this section:

10           “(1) AIRCRAFT.—The term ‘aircraft’ means  
11           any contrivance used for flight in the air.

12           “(2) BIOLOGICAL EMERGENCY.—The term ‘bio-  
13           logical emergency’ means the likely extirpation or a  
14           significant and imminent threat to the sustainability  
15           of a wildlife population due to predation by wolves,  
16           bears, or wolverines (or any combination thereof).

17           “(3) HARASS.—The term ‘harass’ means—

18           “(A) chasing or exhausting an animal; and

19           “(B) such other activities as are deter-  
20           mined by the Secretary.”.

○