

111TH CONGRESS
1ST SESSION

S. 1535

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

IN THE SENATE OF THE UNITED STATES

JULY 29, 2009

Mrs. FEINSTEIN (for herself and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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—

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

3 (2) in paragraph (2), by striking “or” after the
4 semicolon;

5 (3) in paragraph (3), by adding “or” after the
6 semicolon; and

7 (4) by inserting after paragraph (3) the fol-
8 lowing:

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

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

14 **SEC. 3. EXCEPTIONS TO PROHIBITIONS.**

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

17 (1) in paragraph (1), by striking “This section”
18 and inserting “Subject to paragraph (3), this sec-
19 tion”;

20 (2) in paragraph (2)—

21 (A) in the matter preceding subparagraph
22 (A), by striking “issues a permit referred to in”
23 and inserting “authorizes an employee, agent,
24 or person operating under a license or permit to
25 take an action under”;

1 (B) in subparagraph (A), by striking “to
2 whom a permit was issued” and inserting “so
3 authorized”;

4 (C) in subparagraph (B), by striking
5 “thereunder”;

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

8 (E) in subparagraph (D), by striking
9 “issuing the permit” and inserting “authorizing
10 the action, including the scientific basis for ac-
11 tions identified in subsection (a) that are war-
12 ranted to administer or protect or aid in the ad-
13 ministration or protection of land, water, wild-
14 life, livestock, domesticated animals, human life,
15 or crops”; and

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

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

23 “(A) the head of the fish and wildlife agen-
24 cy of the State and, for game populations on
25 land under the jurisdiction of the Department

1 of the Interior, the Secretary of the Interior, or
2 for game populations on land under the juris-
3 diction of the Department of Agriculture, the
4 Secretary of Agriculture, determines, based on
5 the best scientific data available, that—

6 “(i) a biological emergency is immi-
7 nent; and

8 “(ii) all other practicable means to
9 prevent the biological emergency, including
10 stopping regulated takes of the declining
11 population, have been implemented;

12 “(B) the action is carried out—

13 “(i) by an officer or employee of—

14 “(I) the fish and wildlife agency
15 of the State; or

16 “(II)(aa) for game populations
17 on land under the jurisdiction of the
18 Department of the Interior, the De-
19 partment of the Interior; or

20 “(bb) for game populations on
21 land under the jurisdiction of the De-
22 partment of Agriculture, the Depart-
23 ment of Agriculture; and

1 “(ii) only in the specific geographical
2 area in which the imminent biological
3 emergency is located; and

4 “(C) the action results in the removal of
5 not more than the minimum number of preda-
6 tors necessary to prevent the biological emer-
7 gency.

8 “(4) EXCEPTION RELATING TO ACTIONS AU-
9 THORIZED BY SECRETARY OF THE INTERIOR.—The
10 Secretary of the Interior may authorize any action
11 described in subsection (a)—

12 “(A) to prevent the extinction of a species
13 that is listed as a threatened or endangered
14 species under section 4(c)(1) of the Endangered
15 Species Act of 1973 (16 U.S.C. 1533(c)(1));
16 and

17 “(B) if the Secretary of the Interior deter-
18 mines that there is no other means available to
19 address the threat of extinction of the species
20 described in subparagraph (A).”.

21 **SEC. 4. DEFINITIONS.**

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

25 “(c) DEFINITIONS.—In this section:

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

3 “(2) BIOLOGICAL EMERGENCY.—The term ‘bio-
4 logical emergency’ means the likely extirpation or a
5 significant and imminent threat to the sustainability
6 of a wildlife population due to predation by wolves,
7 bears, or wolverines, or any combination of those
8 animals.

9 “(3) HARASS.—The term ‘harass’ means—
10 “(A) chasing or exhausting an animal; and
11 “(B) such other activities as are deter-
12 mined by the Secretary.”.

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