

Calendar No. 699

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R. 2863****[Report No. 105–366]**

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 1998

Received; read twice and referred to the Committee on Environment and  
Public Works

OCTOBER 5 (legislative day, OCTOBER 2), 1998

Reported by Mr. CHAFEE, with an amendment

[Insert the part printed in *italic*]**AN ACT**

To amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, 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       Reform Act of 1998”.

1 **SEC. 2. ELIMINATING STRICT LIABILITY FOR BAITING.**

2 Section 3 of the Migratory Bird Treaty Act (16  
3 U.S.C. 704) is amended—

4 (1) by inserting “(a)” after “SEC. 3.”; and

5 (2) by adding at the end the following:

6 “(b) It shall be unlawful for any person to—

7 “(1) take any migratory game bird by the aid  
8 of baiting, or on or over any baited area, if the per-  
9 son knows or reasonably should know that the area  
10 is a baited area; or

11 “(2) place or direct the placement of bait on or  
12 adjacent to an area for the purpose of causing, in-  
13 ducing, or allowing any person to take or attempt to  
14 take any migratory game bird by the aid of baiting  
15 on or over the baited area.”.

16 **SEC. 3. CRIMINAL PENALTIES.**

17 Section 6(a) of the Migratory Bird Treaty Act (16  
18 U.S.C. 707(a)) is amended—

19 (1) by striking “thereof shall be fined not more  
20 than \$500” and inserting the following: “thereof—

21 “(1) shall be fined not more than \$10,000”;

22 (2) in paragraph (1) (as designated by para-  
23 graph (1)), by striking the period at the end and in-  
24 serting “; and”; and

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

1           “(2) in the case of a violation of paragraph (1)  
2           or (2) of section 3(b) that is committed in connection  
3           with guiding, outfitting, or providing any other serv-  
4           ice offered, provided, or obtained in exchange for  
5           money or other consideration, shall be fined under  
6           title 18, United States Code, imprisoned not more  
7           than 1 year, or both.”.

8   **SEC. 4. REPORT.**

9           Not later than 5 years after the date of enactment of  
10 this Act, the Secretary of the Interior shall submit to the  
11 Committee on Environment and Public Works of the Senate  
12 and the Committee on Resources of the House of Representa-  
13 tives a report analyzing the effect of the amendments made  
14 by section 2, and the general practice of baiting, on migra-  
15 tory bird conservation and law enforcement efforts under  
16 the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.).



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