

Calendar No. 714

111TH CONGRESS
2^D SESSION**H. R. 2062****[Report No. 111–375]**

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2009

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

DECEMBER 17, 2010

Reported by Mrs. BOXER, without amendment

AN ACT

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”.

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

2 Section 6 of the Migratory Bird Treaty Act (16
3 U.S.C. 707) is amended by redesignating subsection (d)
4 as subsection (e), and by inserting after subsection (c) the
5 following new subsection:

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

10 “(A) for the first violation, be fined under title
11 18, United States Code, imprisoned for not more
12 than one year, or both; and

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

16 “(2) The authority under section 3(k) of the Fish and
17 Wildlife Improvement Act of 1978 (16 U.S.C. 742l(k)) ap-
18 plies with respect to a violation described in paragraph
19 (1).

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

23 “(A) demonstrates indifference to the pain and
24 suffering of the bird; or

25 “(B) involves actions that would shock a rea-
26 sonable person.”.

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