

111TH CONGRESS
1ST SESSION

S. 2811

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 SENATE OF THE UNITED STATES

NOVEMBER 20, 2009

Mr. MERKLEY introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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
8 U.S.C. 707) is amended by redesignating subsections (c)

1 and (d) as subsections (d) and (e), respectively, and by
2 inserting after subsection (b) the following:

3 “(c)(1) Except in the case of hunting and other activ-
4 ity allowed under section 3, whoever, in violation of this
5 Act, intentionally and maliciously takes by any manner
6 any migratory bird shall be guilty of a felony and, upon
7 conviction, shall be fined not more than \$50,000 or im-
8 prisoned for not more than two years, or both, for each
9 violation.

10 “(2) Any person who intentionally and maliciously
11 commits any other act or omission in violation of this Act
12 or any regulations issued under this Act shall be guilty
13 of a felony and, upon conviction, shall be fined not more
14 than \$50,000 or imprisoned for not more than two years,
15 or both, for each violation.

16 “(3) The Secretary or the Secretary of the Treasury
17 shall pay, from sums received as fines under this sub-
18 section and subject to the availability of appropriations,
19 a reward to any person who furnishes information that
20 leads to an arrest or a criminal conviction for any violation
21 of this Act. The amount of the reward, if any, shall be
22 designated by the Secretary or the Secretary of the Treas-
23 ury, as appropriate. Any officer or employee of the United
24 States or any State or local government who furnishes in-
25 formation or renders service in the performance of his or

1 her official duties is ineligible for payment under this
2 paragraph.”.

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