

110TH CONGRESS  
1ST SESSION

# H. R. 3663

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2007

Mr. GEORGE MILLER of California (for himself, Mr. DINGELL, and Mr. DICKS) introduced the following bill; which was referred to the Committee on Natural Resources

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## 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 2007”.

6 **SEC. 2. AMENDMENT TO 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) by striking “or” after the semicolon at the  
2           end of each of paragraphs (1) and (2);

3           (2) by striking paragraph (3) and inserting the  
4           following:

5           “(3) shoots or attempts to shoot any bird, fish,  
6           or other animal before 3:00 a.m. following a day on  
7           which the person has traveled by aircraft other than  
8           on a regularly scheduled commercial aircraft;

9           “(4) knowingly participates in using an aircraft  
10          for any purpose referred to in paragraph (1), (2), or  
11          (3); or

12          “(5) knowingly violates any regulation issued  
13          under this Act;” and

14          (3) in the matter following paragraph (5) (as  
15          added by this section) by striking “\$5,000” and in-  
16          serting “\$50,000”.

17 **SEC. 3. EXCEPTIONS TO PROHIBITIONS.**

18          Section 13(b) of the Fish and Wildlife Act of 1956  
19          (16 U.S.C. 742j-1(b)) is amended by adding at the end  
20          the following:

21          “(3) Except as provided in paragraph (5), a State  
22          may not authorize or undertake any action otherwise pro-  
23          hibited under this Act, for the purpose of increasing any  
24          game population or for the purpose of sport hunting.

1       “(4) Notwithstanding subsection (a), a State may  
2 shoot any wolf, bear, or other predator from an aircraft  
3 to prevent a biological emergency, if—

4           “(A) the head of the State’s fish and wildlife  
5 agency determines, based on the best scientific data  
6 available, that a biological emergency is imminent  
7 and there is no other means available to eliminate  
8 the biological emergency;

9           “(B) the shooting is conducted by an officer or  
10 employee of the State fish and wildlife agency or of  
11 the United States Department of Agriculture;

12           “(C) the shooting occurs only in the specific  
13 geographical area where the biological emergency ex-  
14 ists; and

15           “(D) the shooting removes only the minimum  
16 number of predators necessary to eliminate the bio-  
17 logical emergency.

18       “(5) The Secretary of the Interior may authorize an  
19 action that is referred to in paragraph (1) to prevent the  
20 extinction of any species that is listed as an endangered  
21 species or threatened species under section 4(c) of the En-  
22 dangered Species Act of 1973 (16 U.S.C. 1533(c)), if the  
23 Secretary determines that there is no other means avail-  
24 able to address the threat of extinction.”.

1 **SEC. 4. DEFINITION OF BIOLOGICAL EMERGENCY.**

2 Section 13(c) of the Fish and Wildlife Act of 1956  
3 (16 U.S.C. 742j-1(c)) is amended to read as follows:

4 “(c) As used in this section:

5 “(1) The term ‘aircraft’ means any contrivance  
6 used for flight in the air.

7 “(2) The term ‘biological emergency’ means an  
8 irreversible decline in a wildlife population caused by  
9 a predator population.”.

10 **SEC. 5. CITIZEN SUITS.**

11 Section 13 of the Fish and Wildlife Act of 1956 (16  
12 U.S.C. 742j-1) is amended by adding at the end the fol-  
13 lowing:

14 “(g) Any person may commence a civil action on the  
15 person’s own behalf—

16 “(1) against any person, including the United  
17 States and any other governmental instrumentality  
18 or agency, to the extent permitted by the eleventh  
19 amendment to the Constitution, who is alleged to be  
20 in violation of this Act; or

21 “(2) against the Secretary if there is alleged a  
22 failure of the Secretary to perform any act or duty  
23 under this Act that is not discretionary with the  
24 Secretary.”.

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