

# Migratory Bird Treaty Act

## 16 U.S.C. §§703-711

### Prohibitions

Except as provided under the Act, it is **unlawful to take, possess, or offer to sell a migratory bird**, or any part, nest, or egg of a migratory bird, that is included in the terms of the conventions between the United States and Great Britain, the United States and Japan, the United States and Mexico, and the United States and the Union of Soviet Socialist Republics for the protection of migratory birds. This prohibition applies to products made in whole or in part from a migratory bird, or any part, nest, or egg of a migratory bird. [16 U.S.C. §703]

**Interstate and international transport** of a migratory bird, or any part, nest, or egg of a migratory bird, is prohibited if it was taken, killed, or transported in violation of the laws of the district where it was taken or killed, or from which it was transported. Any bird taken in violation of the laws of the Provinces or Dominion of Canada may not be transported through or imported into the United States. [16 U.S.C. §705]

Any state or territory may provide protection above the level set by these conventions, but may not extend the presidentially approved open season. [16 U.S.C. §708]

### Exceptions

The Secretary of Interior may allow **some taking** of migratory birds when compatible with the terms of

these conventions and with due regard for the distribution and abundance of the species. Regulations establishing an open season for any migratory bird become effective with the President's approval. [16 U.S.C. §704]

The Act allows breeding of migratory birds for sale as food under proper regulations. [16 U.S.C. §711]

### Enforcement

An employee of the Department of Interior may **arrest** without a warrant an individual who violates the Act in the employee's presence, may execute a warrant or other process under the Act, and may search any place with a search warrant. [16 U.S.C. §706]

**Criminal penalties** apply to violations of the Act. A person knowingly violating the Act with the intent to sell or offer to sell a migratory bird, or any part, nest, or egg of a migratory bird, may be convicted of a **felony**. [16 U.S.C. §707]

Any migratory bird, or part, nest, or egg of a migratory bird, taken, possessed, or offered for sale in violation of the Act shall be forfeited to the U.S. government on the offender's conviction. [16 U.S.C. §706]

Equipment and vehicles used to violate provisions of the Act are forfeited to the U.S. government on conviction of a felony violation. Forfeiture of equipment and vehicles is in addition to any fine and jail time. [16 U.S.C. §707]