

PRINTING

ed that persons in the exchange and
gerprinted as a condition of employ-
be submitted to the Commission for

omparable provision.
tains no provisions on this subject.

HARLEY O. STAGGERS,
JOHN E. MOSS,
JOHN M. MURPHY,
WILLIAM L. SPRINGER,
HASTINGS KEITH,

Managers on the Part of the House.

CONGRESS } HOUSE OF REPRESENTATIVES } REPORT
Session } } No. 91-1632

HUNTING FROM AIRCRAFT

MBER 25, 1970.—Referred to the House Calendar and ordered to be printed

GARMATZ, from the Committee on Merchant Marine and Fisheries,
submitted the following

REPORT

[To accompany H.R. 15188]

the Committee on Merchant Marine and Fisheries, to whom was
red the bill (H.R. 15188) to amend the Fish and Wildlife Act
1956 to provide a criminal penalty for shooting at certain birds,
and other animals from an aircraft, having considered the same,
ort favorably thereon with amendments and recommend that the
do pass.

The amendment is as follows:
Strike out all after the enacting clause and substitute new language
follows:

the Fish and Wildlife Act of 1956 is amended by adding at the end thereof
following new section:

“SEC. 12. (a) Any person who—
“(1) while airborne in an aircraft shoots or attempts to shoot for the pur-
pose of capturing or killing any bird, fish, or other animal; or
“(2) uses an aircraft to harass any bird, fish, or other animal; or
“(3) knowingly participates in using an aircraft for any purpose referred
to in paragraph (1) or (2);

shall be fined not more than \$5,000 or imprisoned not more than one year, or both.
(b) This section shall not apply to any person in the discharge of his duties
such person is employed by, or is an authorized agent or operating under permit
any State or the United States to administer and protect or aid in the adminis-
tration and protection of land, water, or wildlife.

(c) As used in this section, the term ‘aircraft’ means any contrivance used
in flight in the air.”

SEC. 2. (a) Section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429) is
amended by inserting “(a)” immediately after “Sec. 609.” and by adding at the
end thereof the following new subsection:

“VIOLATION OF CERTAIN LAWS

(b) The Administrator, in his discretion, may issue an order amending,
modifying, suspending, or revoking any airman certificate upon conviction of the
violation of such certificate of any violation of subsection (a) of section 12 of the Fish
and Wildlife Act of 1956, regarding the use or operation of an aircraft.”

(b)(1) Immediately after the section heading of such section 609, insert the following:

"PROCEDURE

"(2) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the side heading 'SEC. 609. Amendment, suspension, and revocation of certificates.' is amended by adding the following:

"(a) Procedure.

"(b) Violation of certain laws."

SEC. 3. The amendments made by the first section of this Act shall take effect as of the thirtieth day after the date of enactment of such section.

PURPOSE OF THE BILL

The bill would make it unlawful for anyone while airborne to shoot or attempt to shoot for the purpose of capturing or killing any bird, fish or other animal or to harass any bird, fish or other animal, or to knowingly participate in using an aircraft for any of the aforementioned purposes. Exceptions would be made for Federal and State employees, agents, or permittees carrying out their regular duties to protect land, water and wildlife.

Violators would be subject to a \$5,000 penalty or 1 year imprisonment, or both. In addition, violators holding an airman certificate would be subject to having their certificate amended, modified, suspended or revoked.

LEGISLATIVE BACKGROUND

H.R. 15188 was introduced on December 10, 1969, by Mr. Stennis and Mr. Obey. Identical bills were introduced by Mr. O'Hara, Mr. Reid of New York, Mr. Edwards of California, Mr. Fulton of Pennsylvania, Mr. Kyros, and Mr. Don Clausen.

The Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries held hearings on the legislation on March 16, 1970.

H.R. 15188, as introduced, would prohibit the shooting at any bird, fish, or other animal while airborne in an aircraft over Federal owned lands only. In their reports on the bill, the Justice Department and the Department of the Air Force—on behalf of the Department of Defense—deferred to the views of other agencies. The Federal Aviation Administration deferred to the views of the Department of Transportation, but no report was received by your Committee from that Department. Both the Departments of the Interior and Agriculture opposed the legislation mainly on the grounds that the objective could best be attained by extending the prohibition to cover wide on Federal, State, and private lands and by the enactment of uniform State laws. In addition, the Department of the Interior expressed concern that the legislation would hamper airborne research carried out by private universities, institutes, or foundations, possibly research carried out by employees of the States or the Federal government.

After giving thorough consideration to the evidence presented at the hearings and the departmental reports, your Committee reported the bill, with an amendment, which is designed to meet the objections of the various agencies. The bill, as reported, was broadened to cover State and private lands, as well as Federal lands, and to allow

airborne research to be carried out by or as an agent of your Committee. Your Committee has amended the bill to be amended by your Committee as amended.

BACKGRO

In November 1969, a documentary film depicting the film depicted an interesting aspect of the film generated legislation to prohibit legislation covering more.

Two species of wolves from the State of Alaska alone, over 100 scattered and wolf has been because of its close

Testimony presented by Alaska alone, over 100 scattered and wolf has been because of its close

Many States have laws prohibiting the use of aircraft for hunting animals from aircraft. Many States have laws prohibiting the use of aircraft for hunting animals from aircraft.

Your Committee has reported the bill, with an amendment, which is designed to meet the objections of the various agencies. The bill, as reported, was broadened to cover State and private lands, as well as Federal lands, and to allow

WHAT THE B

As indicated in the bill, with an amendment, which is designed to meet the objections of the various agencies. The bill, as reported, was broadened to cover State and private lands, as well as Federal lands, and to allow

The bill, as reported, was broadened to cover State and private lands, as well as Federal lands, and to allow

Subsection (a) of the bill, with an amendment, which is designed to meet the objections of the various agencies. The bill, as reported, was broadened to cover State and private lands, as well as Federal lands, and to allow

borne research to be carried out by anyone operating under a permit or as an agent or employee of any State of the United States.

Your Committee believes the objectives of the legislation can best be attained by enactment of Federal law.

Your Committee overwhelmingly supports passage of H.R. 15188, as amended.

BACKGROUND AND NEED FOR THE LEGISLATION

In November of 1969, the NBC television network showed a documentary film entitled "The Wolf Men." Several scenes from the film depicted the hunting of wolves from aircraft and presented an interesting account of the status of the North American wolf. The film generated more mail from concerned citizens in support of legislation to prohibit hunting from aircraft than any other conservation legislation considered by the Subcommittee during the past decade or more.

Two species of wolf, the eastern wolf and the Texas red wolf, are listed by the Department of the Interior as endangered species. Statistics from the Department indicate a total count of all species of wolves on the North American continent to be about 5,400, of which approximately 5,000 are found in Alaska, 300 in Minnesota, and 100 scattered throughout the other 48 States. Over the years the wolf has been thought to be more numerous than it actually is because of its close resemblance to the coyote, a predator.

Testimony presented at the hearings indicated that in the State of Alaska alone, over 1,000 wolves have been killed in each of the past 5 years. In the last year for which statistics are available, 1968, over a third of them were killed by airborne bounty hunters.

Many States have already enacted laws to regulate the use of aircraft for hunting. No State now permits the shooting of game animals from airplanes, and 34 States have extended the prohibition to include non-game animals as well.

Your Committee feels it is most unsportsmanslike to hunt from aircraft and that the reported bill, H.R. 15188, would supplement the laws in this regard and hopefully put an end to this abominable practice. Not only would the bill prohibit the hunting of endangered species, but all species of fish, birds, or other animals.

WHAT THE BILL DOES: SECTION-BY-SECTION ANALYSIS

As indicated in the legislative background of this report, your Committee ordered reported to the House H.R. 15188, with an amendment. This was accomplished by striking out all after the enacting clause of the bill and substituting new language.

The bill, as reported, would amend the Fish and Wildlife Act of 1956 to add at the end thereof a new Section 12. There follows a section-by-section summary of H.R. 15188, as amended, accompanied by a discussion where appropriate.

SECTION 1

Section (a) of this section would make it unlawful for anyone while airborne in an aircraft (1) to shoot or attempt to shoot for the

of such section 609, insert the

contained in the first section of the under the side heading 'SEC. 609. Certificates.' is amended by adding

Section of this Act shall take effect at of such section.

BILL

anyone while airborne to shoot or capturing or killing any bird, fish or other animal, or to attempt to do so from an aircraft for any of the aforementioned purposes made for Federal and State purposes, or to discharge their regular duties to

with a penalty or 1 year imprisonment or both, or to suspend or annul an airman certificate or to amend, modify, suspend, or annul such certificate.

BACKGROUND

On September 10, 1969, by Mr. Saylor introduced by Mr. O'Hara, Mr. California, Mr. Fulton of Pennsylvania.

Wildlife Conservation of the Department of the Interior and Fisheries held hearings

to prohibit the shooting at any bird or animal from an aircraft over Federal lands. The bill, the Justice Department and other agencies. The Federal Government views of the Department of the Interior and Agriculture on the grounds that its objection to the prohibition nationwide and by the enactment of the Department of the Interior would hamper airborne research by universities, institutes, or foundations, and by employees of the States or Federal

lands. In response to the evidence presented at the hearings, your Committee reported a bill designed to meet the objections reported, was broadened to cover Federal lands, and to allow air-

purpose of capturing or killing any bird, fish, or other animal or (2) to use such aircraft to harass any bird, fish, or other animal. In addition, it would be unlawful for anyone to knowingly participate in using an aircraft for such purposes.

Violators would be subject to a fine of \$5,000 or 1 year imprisonment, or both.

Subsection (b) of this section would make the prohibition inapplicable to any person carrying out his duties to administer and protect, or aid in the administration and protection of land, water, or wildlife if such person is an employee authorized agent, or operating under permit of any State or the United States.

Your Committee believes the language of subsection (b) would satisfy the concern expressed by the Department of the Interior. However, your Committee was concerned that there should be language in the report to make it clear that ranchers in using aircraft to carry out general management operations would not be in violation of the Act. In this regard, your Committee does not intend that the prohibition in subsection (a) be extended to include domestic or domesticated animals nor is it the intention of your Committee to prevent ranch operators or their agents from using aircraft in ranch management operations, except when such aerial operations may affect wild animals as specified elsewhere in the Act. The necessity for working or moving cattle or other forms of livestock, domesticated buffalo and other forms of privately owned and managed wildlife, is recognized by your Committee.

Subsection (c) of this section would define the term "aircraft" as used in this section to mean any contrivance used for flight in the air, including but not limited to airplanes and helicopters of any sort.

SECTION 2

Subsection (a) of this section is a technical amendment. It would amend section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429) to designate the existing section 609 as subsection (a) and to add at the end thereof a new subsection (b) described below.

The new subsection (b) of section 609 of the Act would authorize the Administrator of the Federal Aviation Administration to issue an order amending, modifying, suspending, or revoking any airman certificate upon the conviction of the holder of such certificate of any violation enumerated in subsection (a) of section 1 of the reported bill, regarding the use or operation of an aircraft.

H.R. 15188, as introduced, did not contain a provision with respect to amending, modifying, suspending or revoking an airman certificate. Section 609 of the Federal Aviation Act of 1968 authorizes the Federal Aviation Administrator, among other things, to reinspect aircraft and reexamine civil airmen to see that safety in air commerce or air transportation and the public interest are adequate. Your Committee felt that hunting from aircraft or discharging firearms from aircraft and harassing and chasing wildlife at low altitudes would certainly produce a safety hazard. Your Committee felt that it would be appropriate, acting under the powers of the Congress to regulate interstate commerce, which would include licensing of aircraft operators, to authorize the Administrator to regulate the performance and behavior by aircraft and their pilots and operators. Accordingly, your

Committee amended the Federal Aviation Act to give the Administrator the authority to revoke an airman certificate upon the conviction of the holder of such certificate under section 1 of the reported bill.

Subsections (b) (1) and (2) of section 609 would be appropriately amended to reflect the change in the table of contents of the Federal Aviation Act.

Section 3 would provide that the amendments to the Wildlife Act of 1956 made by this bill shall take effect 30 days after the enactment of this Act.

COST OF

In the event the legislation is enacted, there will be no additional cost to the Government.

DEPARTMENT OF

Departmental reports received.

U.

HON. EDWARD A. GARMATZ,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Your Committee has reviewed the amendments of this Department of the Interior and Wildlife Act of 1956 to the Federal Aviation Act of 1958 at certain birds, fish, and other animals. The amendments herein apply as well to other bills also pending before your Committee.

We recommend against enactment of this legislation. This legislation would add a new subsection (b) to section 609 amended (16 U.S.C. 742a) which imposes a penalty for shooting from an aircraft which is on or over any land. Subsection (b) would make it unlawful for any employee of the United States or any person relative to the administration of the Act. A violator would be fined not more than one year, or both.

Among our objections to this legislation and its form as an amendment to the Act is that it is a departure from the tradition of most airborne research conducted by the States or Federal government. The States or Federal government should not institute or foundation would exempt governmental employees from the penalties associated with the administration of the Act. Our Bureau of Sport and Wildlife Management has a long history of use of aircraft in its control

Committee amended the Federal Aviation Act of 1958 to give the Administrator the authority to amend, modify, suspend, or revoke any airman certificate upon the conviction of such holder of any violation under section 1 of the reported bill.

Subsections (b) (1) and (2) are technical amendments. They would appropriately amend the section heading of such section 609 and the table of contents of the Federal Aviation Act of 1958.

SECTION 3

Section 3 would provide that the amendments to the Fish and Wildlife Act of 1956 made by section 1 of the bill would take effect 30 days after the enactment of the legislation.

COST OF THE LEGISLATION

In the event the legislation is enacted, it is anticipated there would not be any additional cost to the Federal Government.

DEPARTMENTAL REPORTS

Departmental reports received on the bill are as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 13, 1970.

Hon. EDWARD A. GARMATZ,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Your Committee has requested the comments of this Department on H.R. 15188, a bill "To amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft." Our comments herein apply as well to H.R. 15400 and H.R. 15562, identical bills also pending before your Committee.

We recommend against enactment of H.R. 15188.

This legislation would add to the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a) a new section to establish a criminal penalty for shooting from an aircraft at any bird, fish or other animal which is on or over any land or water owned by the United States. Subsection (b) would make this prohibition inapplicable to an employee of the United States or any State in the discharge of his duties relative to the administration or protection of land, water or wildlife. A violator would be fined not more than \$5,000, or imprisoned not more than one year, or both.

Among our objections to H.R. 15188 are the scope of its language and its form as an amendment to the Fish and Wildlife Act of 1956. Though we do not anticipate that enactment would hamper the conduct of most airborne research activity undertaken by employees of the States or Federal government, such research by a private university, institute or foundation would be curtailed. Nor does the bill clearly exempt governmental employees engaged in duties other than those associated with the administration or protection of land, water or wildlife. Our Bureau of Sport Fisheries and Wildlife, for instance makes use of aircraft in its control of animals which constitute a threat to

livestock, agriculture or human health. Airborne hunting is an animal damage-control method normally used to eliminate specific problem animals, and is not always used above public lands for which the Bureau is responsible.

In areas where there is a mix of lands under private and federal or state ownership, enforcement would be difficult at best. Even if it were possible to determine whether or not a violation occurred over federal lands, we question the advisability of a prohibition that does not take into account the occasional bona fide need to protect private property by hunting a particular overabundant species. With respect to form, it occurs to us that a criminal statute would be more appropriately proposed as an amendment to Title 18 of the United States Code. A similar statute which provides penalties for the use of aircraft or motor vehicles to hunt certain wild horses is codified as 18 U.S.C. 47.

It should be noted that many States have enacted laws to regulate the use of aircraft for hunting. No State now permits the shooting of game from airplanes, and many States have extended that prohibition to include non-game animals as well. It is the opinion of this Department that the killing of wild animals for sport from aircraft should be prohibited nationwide on Federal, State and private lands. We believe that this objective can best be attained by the enactment of uniform State laws and regulations applicable without regard to land ownership. Such State legislation would not give rise to the jurisdictional problems inherent in H.R. 15188 and could be more comprehensive than any prohibition applicable only to animals found on or over Federal lands.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

LESLIE L. GLASGOW,
Assistant Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 13, 1970.

HON. EDWARD A. GARMATZ,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Your Committee has requested the comments of this Department on H.R. 15188, a bill "To amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft." Our comments herein apply as well to H.R. 15400 and H.R. 15562, identical bills also pending before your Committee.

We recommend against enactment of H.R. 15188.

This legislation would add to the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a) a new section to establish a criminal penalty for shooting from an aircraft at any bird, fish or other animal which is on or over any land or water owned by the United States. Subsection (b) would make this prohibition inapplicable to an employee of the United States or any State in the discharge of his duties relative to the administration or protection of land, water or wildlife.

A violator would be liable for more than one year, or

Among our objections are its form as an amendment and its form as an amendment to the States or Federal Government, institute or found clearly exempt government those associated with the or wildlife. Our Bureau makes use of aircraft as a threat to livestock, agriculture and animal damage-control problem animals, and is the Bureau is responsible.

The real need is not the management of the program through its Bureau of the Interior responsible for administration which administers 43,000 elk habitat is working with the Forest Service and the conduct vegetative study. The Bureau plans to manage habitat management plus habitat development with Effective management of and Game and others have approximately 300 animal number of animals and the advent of settlement that this interesting animal either by reason of diminishing

Our interest in preservation will take positive action ever it becomes threatened.

The Bureau of the Interior the presentation of this Administration's program.

Sincerely yours,

HON. EDWARD A. GARMATZ,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives.*

DEAR MR. CHAIRMAN: H.R. 15188, a bill "To amend

A violator would be fined not more than \$5,000, or imprisoned not more than one year, or both.

Among our objections to H.R. 15188 are the scope of its language and its form as an amendment to the Fish and Wildlife Act of 1956. Though we do not anticipate that enactment would hamper the conduct of most airborne research activity undertaken by employees of the States or Federal government, such research by a private university, institute or foundation would be curtailed. Nor does the bill clearly exempt governmental employees engaged in duties other than those associated with the administration or protection of land, water or wildlife. Our Bureau of Sport Fisheries and Wildlife, for instance makes use of aircraft in its control of animals which constitute a threat to livestock, agriculture or human health. Airborne hunting is an animal damage-control method normally used to eliminate specific problem animals, and is not always used above public lands for which the Bureau is responsible.

The real need is not for establishment of a refuge, but for full-scale management of the present habitat. To this end, the Department, through its Bureau of Land Management, is cooperating with others responsible for administration of the Owens Valley Range. The Bureau, which administers 43,000 acres (or 22 percent) of the Owens Valley elk habitat is working with the City of Los Angeles, the United States Forest Service and the California Department of Fish and Game to conduct vegetative studies that will identify the composition and utilization of vegetative types within the habitat range of five elk herds. The Bureau plans to make use of these studies in its development of a habitat management plan. We believe that cooperative planning and habitat development will result in improvement of the tule elk herd. Effective management to date by the California Department of Fish and Game and others has resulted in a sound herd, consisting of approximately 300 animals, that is suited to its habitat. Though the number of animals and extent of their range have been restricted by the advent of settlement in the West, we concur in the general opinion that this interesting animal is not now threatened with extinction, either by reason of diminished numbers or inadequate habitat.

Our interest in preservation of the tule elk is such that the Department will take positive action to assure the survival of this species if ever it becomes threatened with extinction.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

LESLIE L. GLASGOW,
Assistant Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 14, 1970.

HON. EDWARD A. GARMATZ,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives.*

DEAR MR. CHAIRMAN: As you asked, here are our comments on H.R. 15188, a bill "To amend the Fish and Wildlife Act of 1956, to

provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft."

H.R. 15188 would amend the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a), by adding a new section which establishes a criminal penalty for shooting from an aircraft at any bird, fish or other animal which is on or over any land or water owned by the United States. Section 13(b) exempts State and Federal employees while discharging official duties in the administration or protection of land, water, or wildlife.

All States now prohibit the shooting of game animals from aircraft, and many States include non-game animals also. State laws on these matters generally apply to the National Forest and other lands administered by this Department. We believe that the killing of wild animals for sport or bounty from aircraft should be prohibited nationwide on Federal, State, and private lands.

While we fully appreciate the need for control of shooting from aircraft, we believe it could be better achieved by the enactment of uniform State laws. These State laws could be applicable to all landownerships, thus eliminating many of the problems which would be inherent in H.R. 15188 since it applies only to Federal lands and waters and not to the many areas of intermingled non-Federal lands.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., March 16, 1970.

HON. EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 15188, a bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft.

The bill provides that whoever, while airborne in an aircraft, shoots at any bird, fish, or other animal of any kind which is on or over any land or water owned by or reserved to the United States, shall be fined not more than \$5,000 or imprisoned not more than one year, or both. This provision is inapplicable to an individual discharging duties as an employee of the United States or of a State, if he is employed to administer or protect land, water, or wildlife.

Whether this legislation should be enacted involves questions as to which the Department of Justice defers to the Department of the Interior.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

DEPART
FEDER

HON. EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 15188, a bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft.

The procedures of the Department of Justice in the handling of requests for reports are administered by the Secretary of the Department of Transportation. Accordingly, we are referring your request to the Secretary of Transportation for his consideration.

We appreciate your consideration and are sure that the Secretary of Transportation will handle your request in the most expeditious manner possible.

We appreciate your consideration and are sure that the Secretary of Transportation will handle your request in the most expeditious manner possible.

Sincerely,

(For Nathaniel

DE

HON. EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Defense on H.R. 15188, a bill to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft. The Department of Defense has assigned to the Secretary of Defense the responsibility for expressing the views of the Department of Defense on this legislation.

The purpose of the bill is to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft. The Department of Defense has assigned to the Secretary of Defense the responsibility for expressing the views of the Department of Defense on this legislation. The Department of Defense has assigned to the Secretary of Defense the responsibility for expressing the views of the Department of Defense on this legislation. The Department of Defense has assigned to the Secretary of Defense the responsibility for expressing the views of the Department of Defense on this legislation.

This report has been coordinated with the Department of Defense in accordance with procedure.

DEPARTMENT OF TRANSPORTATION,
FEDERAL AVIATION ADMINISTRATION,
Washington, D.C., June 30, 1970.

HON. EDWARD A. GARMATZ,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: The Administrator has asked me to reply to your letter of 19 June 1970 asking the Federal Aviation Administration to comment on H.R. 15188, a bill "to amend the Fish and Wildlife Act of 1956 to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft."

The procedures of the Department of Transportation call for the handling of requests for reports on legislation in the Office of the Secretary. Accordingly, we are referring your request to the Office of the Secretary of Transportation and we will work with the Office of the Secretary on your request. Because the views and recommendations of the Administrator will be included in the response of the Department of Transportation, we will not submit a separate report.

We appreciate your consideration.

Sincerely,

C. J. PETERS

(For Nathaniel H. Goodrich, General Counsel).

DEPARTMENT OF THE AIR FORCE,
Washington, March 13, 1970.

HON. EDWARD A. GARMATZ,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives.*

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H.R. 15188, 91st Congress, a bill "To amend the Fish and Wildlife Act of 1956, to provide a criminal penalty for shooting at certain birds, fish, and other animals from an aircraft". The Secretary of Defense has assigned to the Department of the Air Force the responsibility for expressing the views of the Department of Defense.

The purpose of the bill is stated in its title.

The Department of Defense is responsible for the application of management principles which will assure the conservation, preservation, and protection of all natural resources including fish and wildlife at installations under its control. Inasmuch as the Department of the Interior is the department primarily concerned with fish and wildlife resources, and administers the Fish and Wildlife Act of 1956, which Act is recommended for amendment by this bill, the Department of the Air Force, on behalf of the Department of Defense, defers to other interested agencies as to the desirability of enacting this legislation.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.