

106TH CONGRESS
2^D SESSION

H. R. 5057

To amend the Animal Welfare Act to regulate the personal possession of certain wild animals and to amend title 18 of the United States Code, to prohibit the transport or possession of certain wild animals for purposes of hunting them.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2000

Mr. LANTOS (for himself, Mr. SHAYS, Ms. RIVERS, Mrs. MORELLA, Mr. NEAL of Massachusetts, Mr. PORTER, Mr. MORAN of Virginia, Mr. KASICH, Mr. KUCINICH, Mr. GALLEGLY, Mr. FARR of California, Mr. FILNER, Mr. PALLONE, Mrs. LOWEY, and Mr. STARK) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Animal Welfare Act to regulate the personal possession of certain wild animals and to amend title 18 of the United States Code, to prohibit the transport or possession of certain wild animals for purposes of hunting them.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Shambala Wild Animal
3 Protection Act of 2000”.

4 **SEC. 2. AMENDMENT OF ANIMAL WELFARE ACT TO REGU-**
5 **LATE POSSESSION OF WILD ANIMALS.**

6 (a) LICENSING AND OTHER REQUIREMENTS FOR
7 PERSONAL POSSESSION.—The Animal Welfare Act (7
8 U.S.C. 2131 et seq.) is amended by adding at the end
9 the following:

10 **“TITLE II—SHAMBALA WILD**
11 **ANIMAL PROTECTION**

12 **“SEC. 201. DEFINITIONS.**

13 “As used in this title:

14 “(1) PROTECTED WILD ANIMAL.—

15 “(A) GENERAL RULE.—The term ‘pro-
16 tected wild animal’ means a wild, exotic, non-
17 native species of an animal order and family
18 specified in subparagraph (B) or a wild, native
19 species of an animal order and family specified
20 in such subparagraph, and any hybrid cross of
21 any such species, that is identified by the Sec-
22 retary of Agriculture under section 202 as
23 being protected by this title.

24 “(B) SPECIFIED ORDERS AND FAMILIES.—

25 The animal orders and families covered by this
26 title are the following:

1 “(i) Carnivora: Felidae (Cats) and all
2 subspecies.

3 “(ii) Carnivora: Ursidae (Bears) and
4 all subspecies.

5 “(iii) Carnivora: Canidae (Wolves and
6 Foxes) Canis (Wolf) and all subspecies.

7 “(iv) Primates: Lemuridae (Lemurs-
8 Madagascar) and all subspecies.

9 “(v) Primates: Indridae (Indrisoid Le-
10 murs-Madagascar) and all subspecies.

11 “(vi) Primates: Daubentoniidae (Aye-
12 Aye-Madagascar) and all subspecies.

13 “(vii) Primates: Lorisidae (Galagos
14 and Loris) and all subspecies.

15 “(viii) Primates: Cebidae (New World
16 Monkeys) and all subspecies.

17 “(ix) Primates: Callithrichidae (Mar-
18 mosets) and all subspecies.

19 “(x) Primates: Cercopithecidae (Old
20 World Monkeys) and all subspecies.

21 “(xi) Primates: Pongidae (Apes) and
22 all subspecies.

23 “(2) CONFINEMENT FACILITY.—The term “con-
24 finement facility” means a cage, pen, or enclosure
25 where a protected wild animal is kept.

1 “(3) LAW ENFORCEMENT AUTHORITY.—The
2 term “law enforcement authority” means a law en-
3 forcement officer of a State or political subdivision
4 of a State, including an animal control officer or a
5 conservation or law enforcement officer of a State’s
6 wildlife protection agency, or a law enforcement offi-
7 cer of the Federal Government.

8 “(4) PERMIT.—The term “permit” means a
9 permit issued by the Secretary under section 204
10 authorizing the personal possession of a protected
11 wild animal by a person and, in certain cir-
12 cumstances, the transfer or the captive breeding of
13 the animal.

14 “(5) PERMITTEE.—The term “permittee”
15 means a person who has been issued and holds a
16 permit for the personal possession of a protected
17 wild animal.

18 “(6) PERSONAL POSSESSION.—The terms “per-
19 sonal possession” and “personally possess” refer to
20 a person’s custody or confinement of a protected
21 wild animal pursuant to a claim of ownership of the
22 animal.

23 “(7) VETERINARIAN.—The term “veterinarian”
24 means a person licensed to practice veterinary medi-
25 cine.

1 “(8) WILDLIFE SANCTUARY.—The term “wild-
2 life sanctuary” means a nonprofit organization that
3 is exempt from Federal taxation under section
4 501(c)(3) of the Internal Revenue Code of 1986 and
5 that the Secretary determines operates a place of
6 refuge where abused, neglected, unwanted, im-
7 pounded, abandoned, orphaned, or displaced pro-
8 tected wild animals receive humane care during their
9 lifetime or pending their release back to their nat-
10 ural habitats.

11 **“SEC. 202. LIST OF PROTECTED WILD ANIMALS.**

12 “(a) PREPARATION OF LIST.—The Secretary shall
13 prepare a list of all animal species and subspecies to be
14 covered by the definition of protected wild animal. To be
15 identified as a protected wild animal, the Secretary must
16 determine that a species or subspecies—

17 “(1) is within an animal order and family speci-
18 fied in section 201(a)(1)(B) or is a hybrid cross of
19 such a species or subspecies;

20 “(2) is not normally kept in the personal pos-
21 session of any person; and

22 “(3) would primarily exist without confinement
23 or restraint in a wild and free environment.

1 “(b) PUBLICATION.—The Secretary shall publish the
2 list of identified protected wild animals, and any modifica-
3 tions to the list, in the Federal Register.

4 “(c) CHANGES TO LIST.—The Secretary may modify
5 the list of identified protected wild animals at any time
6 to add or remove a species or subspecies from the list with-
7 out further congressional action. However, the Secretary
8 may not remove a species or subspecies from the list if
9 it continues to meet the requirements of paragraphs (1),
10 (2), and (3) of subsection (a).

11 **“SEC. 203. PERMITS FOR PERSONAL POSSESSION OF PRO-**
12 **TECTED WILD ANIMALS.**

13 “(a) PERMIT REQUIRED FOR PERSONAL POSSES-
14 SION.—

15 “(1) IN GENERAL.—A person may not person-
16 ally possess a protected wild animal in any State
17 without a permit issued by the Secretary.

18 “(2) SPECIAL RULE FOR OFFSPRING.—If a pro-
19 tected wild animal is the offspring of a protected
20 wild animal for which a person has a permit, the
21 person may retain personal possession of the off-
22 spring without a permit pending the Secretary’s con-
23 sideration of the person’s application for a permit,
24 but only if the person applies for such a permit
25 within 30 days after the birth of the offspring.

1 “(b) PERMIT REQUIRED FOR TRANSFER.—A person
2 may not transfer the personal possession of a protected
3 wild animal to another person in the same State or any
4 other State unless the person obtaining personal posses-
5 sion of the protected wild animal has a permit issued by
6 the Secretary.

7 “(c) PERMIT REQUIRED FOR BREEDING.—A person
8 may not personally possess a protected wild animal, or ob-
9 tain personal possession of a protected wild animal, for
10 purposes of breeding the animal unless the permit other-
11 wise required under subsection (a) or (b) specifically au-
12 thorizes use of the animal for that purpose.

13 “(d) NONTRANSFERABLE.—A permit issued to one
14 person is not transferable to any other person.

15 “(e) EXCEPTIONS TO PERMIT REQUIREMENTS.—The
16 following persons or entities are not required to obtain a
17 permit from the Secretary for the personal possession of
18 a protected wild animal in any State:

19 “(1) Any agency or official of the Federal Gov-
20 ernment or of a State or local government acting in
21 their official capacity.

22 “(2) Any research facility.

23 “(3) Any zoo, animal park, or wildlife sanctuary
24 that is licensed by a State or local government agen-
25 cy and is subject to requirements and conditions

1 under such license at least equivalent to the require-
2 ments and conditions of this Act.

3 “(f) TRANSITIONAL PROVISION.—Each person in
4 personal possession of a protected wild animal on the ef-
5 fective date of this title may retain personal possession
6 of the animal without a permit pending the Secretary’s
7 consideration of the person’s application for a permit, but
8 only if the person applies for such a permit within one
9 year after that date.

10 **“SEC. 204. PERMIT PROCESS.**

11 “(a) AUTHORITY TO ISSUE.—The Secretary, acting
12 through the Animal and Plant Health Inspection Service,
13 may issue a permit for the personal possession of a pro-
14 tected wild animal. At the discretion of the Secretary, the
15 permit may also permit using the protected wild animal
16 covered by the permit for breeding purposes.

17 “(b) APPLICATION.—To request a permit under this
18 section, a person shall submit to the Secretary an applica-
19 tion in such form as the Secretary may require. The appli-
20 cation shall contain the information and guarantees re-
21 quired by this section and section 205 as well as such ad-
22 ditional information as the Secretary may require.

23 “(c) APPLICATION FEE.—The Secretary may charge,
24 assess, and cause to be collected reasonable fees to cover
25 the costs incurred by the Department of Agriculture to

1 process applications and issue permits under this section.
2 Amounts collected under this subsection shall be treated
3 in the manner provided in section 23 for other fees im-
4 posed under this Act.

5 “(d) CONTENT OF APPLICATION.—An application for
6 a permit shall contain all of the following information with
7 regard to the protected wild animal for which the permit
8 is sought:

9 “(1) Species.

10 “(2) Gender.

11 “(3) Reproductive status, including proof of
12 sterilization if the animal is declared to be sterilized.

13 “(4) Age.

14 “(5) Date acquired or to be acquired.

15 “(6) Method of acquisition, whether an off-
16 spring of another protected wild animal in the per-
17 sonal possession of the applicant, purchase, dona-
18 tion, or other method.

19 “(7) Person from whom acquired or to be ac-
20 quired, if the animal is not an offspring of another
21 protected wild animal in the personal possession of
22 the applicant.

23 “(8) The name and address of the licensed vet-
24 erinarian who will provide veterinary care.

1 “(9) Copies of all personal possession permits
2 required by State or local law for the animal.

3 “(10) Copies of license and surety bond for the
4 animal in an amount determined by the Secretary,
5 based on the species, to compensate for the cost of
6 transportation and care of the animal, in the event
7 the animal is required to come into the custody of
8 Federal, State, or local authorities on a temporary
9 or permanent basis.

10 “(11) Such evidence as the Secretary may re-
11 quire regarding the applicant’s knowledge of the
12 care necessary for the animal.

13 “(e) RELATION TO STATE LAW.—The permit for a
14 protected wild animal is valid in any State in which the
15 possession of that type the wild animal is not prohibited
16 by State law. In any State in which State law is applicable
17 to the personal possession of a protected wild animal, the
18 application for a permit under this section shall contain
19 such proof of compliance with such State law as the Sec-
20 retary may require.

21 **“SEC. 205. REQUIRED GUARANTEES FOR PERSONAL POS-**
22 **SESSION OF PROTECTED WILD ANIMALS.**

23 “(a) ANIMAL CARE AND TREATMENT.—As a condition
24 on both the issuance of a permit for the personal posses-
25 sion of a protected wild animal and on the retention of

1 a permit after issuance, the applicant for the permit shall
2 guarantee that, during the entire period of personal pos-
3 session of the animal, the following requirements will be
4 satisfied:

5 “(1) The animal will be under competent adult
6 supervision and control so as to prevent injury or
7 death to any animal or human.

8 “(2) The animal will not be mistreated or ne-
9 glected.

10 “(3) Care for the animal by a veterinarian will
11 be provided as needed, and such care will be docu-
12 mented.

13 “(4) The conditions in which the animal will be
14 kept comply with all applicable Federal, State, and
15 local laws, including regulations prescribed by the
16 Secretary to protect the animal’s physical and psy-
17 chological health and well being by regulating the
18 following factors during confinement:

19 “(A) Temperature.

20 “(B) Ventilation.

21 “(C) Humidity.

22 “(D) Drainage.

23 “(E) Sanitation.

24 “(F) Diet.

25 “(G) Exercise.

1 “(H) Enrichments and socialization.

2 “(5) Any confinement facility for the animal fa-
3 cility meets all applicable Federal and State caging
4 requirements.

5 “(b) LIABILITY COVERAGE.—As a condition on both
6 the issuance of a permit for the personal possession of a
7 protected wild animal and on the retention of a permit
8 after issuance, the applicant for the permit shall guarantee
9 that the applicant has liability insurance coverage for the
10 animal and will maintain such coverage during the entire
11 period of personal possession of the animal.

12 “(c) NOTIFICATION OF DEATH OF ANIMAL.—When
13 a protected wild animal for which a permit is issued dies,
14 the death and disposition of the animal shall be certified
15 in writing by a veterinarian, at the expense of the per-
16 mittee. The permittee shall submit a copy of the certifi-
17 cation to the Secretary within 10 business days after the
18 death.

19 “(d) EFFECT OF ESCAPE OR RELEASE.—

20 “(1) REQUIRED NOTICES.—If a protected wild
21 animal escapes or is released, whether intentionally
22 or unintentionally, the permittee shall immediately
23 notify a law enforcement authority of the escape or
24 release. The permittee shall also notify the Secretary

1 as soon as possible in the manner prescribed by the
2 Secretary.

3 “(2) RESPONSIBILITY FOR COSTS.—The per-
4 mittee shall be liable for all expenses associated with
5 efforts to recapture the animal and for any veteri-
6 nary care of the animal upon recapture.

7 **“SEC. 206. SPECIAL REQUIREMENTS REGARDING IMPORT**
8 **OR EXPORT OF PROTECTED WILD ANIMALS.**

9 “(a) COMPLIANCE WITH APPLICABLE LAW.—

10 “(1) IMPORT REQUIREMENTS.—A person shall
11 not import (or attempt to import) a protected wild
12 animal into the United States except in compliance
13 with all applicable State, Federal, and international
14 laws and treaties, including any law prohibiting or
15 regulating the possession of that type of protected
16 wild animal in the State to which the animal is im-
17 ported (or attempted to be imported).

18 “(2) EXPORT REQUIREMENTS.—A person shall
19 not export (or attempt to export) a protected wild
20 animal out of the United States except in compli-
21 ance with all of the applicable State, Federal, and
22 international laws and treaties, including any law
23 prohibiting or regulating the possession of that type
24 of protected wild animal in the foreign country to

1 which the animal is exported (or attempted to be ex-
2 ported).

3 “(b) PRIOR APPROVAL.—

4 “(1) IMPORT.—Before a protected wild animal
5 is imported into the United States, the person re-
6 ceiving the animal must have a permit for the per-
7 sonal possession of the animal issued by the Sec-
8 retary under section 204.

9 “(2) EXPORT.—The destination and proposed
10 new possessor of a protected wild animal to be ex-
11 ported from the United States must be approved
12 and permitted in the foreign country to which the
13 animal is to be exported pursuant to the laws of that
14 country.

15 “(c) NOTICE TO SECRETARY.—A person importing or
16 exporting a protected wild animal shall submit to the Sec-
17 retary a statement regarding the person’s acknowledgment
18 and understanding of the terms and conditions under
19 which the import or export of the animal is permitted. The
20 statement shall include the place and conditions of quar-
21 antine, relating to such export, if required.

22 **“SEC. 207. ENFORCEMENT AUTHORITY.**

23 “(a) USE OF EXISTING AUTHORITIES.—Sections 16
24 and 19 of this Act regarding the investigative and enforce-
25 ment authority of the Secretary regarding dealers, exhibi-

1 tors, and other persons subject to this Act shall apply with
2 regard to the enforcement of this title, including the
3 issuance of permits under section 204 and the enforce-
4 ment of the permit requirements under sections 203 and
5 205.

6 “(b) USE OF LAW ENFORCEMENT AUTHORITIES.—
7 The Secretary may authorize any law enforcement author-
8 ity to confiscate or capture, by means of tranquilizing or
9 other humane methods, a protected wild animal to ensure
10 the compliance with and enforcement of this title.

11 “(c) PLACEMENT OF ANIMALS.—When probable
12 cause exists that a protected wild animal is improperly
13 permitted or is abandoned, escaped, or otherwise held in
14 violation of this title, the Secretary or a law enforcement
15 authority in possession of the animal may place in the ani-
16 mal in the protective care of a wildlife sanctuary. If the
17 person who would otherwise have personal possession of
18 the animal is not known, the animal shall be remanded
19 to a wildlife sanctuary until ultimate disposition is deter-
20 mined.

21 “(d) DISPOSITION OPTIONS.—Disposition options for
22 a protected wild animal are as follows:

23 “(1) Return to the permittee of the animal.

1 “(2) Placement in a wildlife sanctuary either
2 permanently or until reclaimed under legal cir-
3 cumstances.

4 “(3) Euthanasia, subject to the restrictions in
5 section 208.

6 **“SEC. 208. RESTRICTIONS ON EUTHANASIA OF PROTECTED**
7 **WILD ANIMALS.**

8 “(a) USE OF EUTHANASIA.—A protected wild animal
9 may be euthanized only under the following circumstances,
10 as determined by the Secretary:

11 “(1) When the animal is moribund or otherwise
12 so debilitated as to have negligible prospects for a
13 quality existence.

14 “(2) When the animal is in pain or distress
15 with little chance of alleviating its condition.

16 “(3) When the animal poses a significant health
17 or safety risk to humans or other animals.

18 “(4) When other extenuating and compelling
19 circumstances exist and no wildlife sanctuary is
20 available or will accept the animal.

21 “(b) ENDANGERED OR THREATENED SPECIES.—The
22 euthanasia of any protected wild animal that is also feder-
23 ally listed as an endangered or threatened species shall
24 require prior coordination with the Fish and Wildlife Serv-
25 ice.

1 **“SEC. 209. NOTICE OF PERMIT REQUIREMENTS.**

2 “The Secretary department shall provide notice of the
3 requirements of this title to each licensed dealer and ex-
4 hibitor. To provide notice to the many other persons in
5 personal possession of a protected wild animal as of the
6 date of the enactment of this title, the Secretary shall use
7 such methods of communication as the Secretary considers
8 appropriate.”.

9 (b) CONFORMING AMENDMENT.—The Animal Wel-
10 fare Act (7 U.S.C. 2131 et seq.) is amended by inserting
11 after section 2 the following:

12 **“TITLE I—GENERAL**
13 **PROVISIONS”.**

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect one year after the date of
16 the enactment of this Act.

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