

111TH CONGRESS  
1ST SESSION

# H. R. 669

To prevent the introduction and establishment of nonnative wildlife species that negatively impact the economy, environment, or other animal species' or human health, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2009

Ms. BORDALLO (for herself, Mr. GEORGE MILLER of California, Mr. ABERCROMBIE, Mr. HASTINGS of Florida, Mr. KIND, Mr. MCGOVERN, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. KLEIN of Florida, and Mr. KILDEE) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To prevent the introduction and establishment of nonnative wildlife species that negatively impact the economy, environment, or other animal species' or human health, 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 “Nonnative Wildlife In-  
5 vasion Prevention Act”.

1 **SEC. 2. PURPOSE.**

2       The purpose of this Act is to establish a risk assess-  
3 ment process to prevent the introduction into, and estab-  
4 lishment in, the United States of nonnative wildlife species  
5 that will cause or are likely to cause economic or environ-  
6 mental harm or harm to other animal species' health or  
7 human health.

8 **SEC. 3. RISK ASSESSMENT PROCESS FOR IMPORTATION OF**  
9 **NONNATIVE WILDLIFE SPECIES.**

10       (a) **IN GENERAL.**—The Secretary of the Interior, act-  
11 ing through the United States Fish and Wildlife Service,  
12 shall promulgate regulations that establish a process for  
13 assessing the risk of all nonnative wildlife species proposed  
14 for importation into the United States, other than non-  
15 native wildlife species that are included in the list of ap-  
16 proved species issued under section 4.

17       (b) **FACTORS TO BE CONSIDERED.**—The regulations  
18 promulgated under subsection (a) shall include consider-  
19 ation of—

20               (1) the identity of the organism to the species  
21 level, including to the extent possible specific infor-  
22 mation on its subspecies and genetic identity;

23               (2) the native range of the species;

24               (3) whether the species has established or  
25 spread, or caused harm to the economy, the environ-  
26 ment, or other animal species or human health in

1 ecosystems in or ecosystems that are similar to those  
2 in the United States;

3 (4) the likelihood that environmental conditions  
4 suitable for the establishment or spread of the spe-  
5 cies exist in the United States;

6 (5) the likelihood of establishment of the species  
7 in the United States;

8 (6) the likelihood of spread of the species in the  
9 United States;

10 (7) the likelihood that the species would harm  
11 wildlife resources in the United States;

12 (8) the likelihood that the species would harm  
13 native species that are rare or native species that  
14 have been listed as threatened species or endangered  
15 species in the United States under the Endangered  
16 Species Act of 1973 (16 U.S.C. 1531 et seq.);

17 (9) the likelihood that the species would harm  
18 habitats or ecosystems in the United States;

19 (10) the likelihood that pathogenic species or  
20 parasitic species may accompany the species pro-  
21 posed for importation; and

22 (11) other factors important to assessing the  
23 risks associated with the species, consistent with the  
24 purpose under section 2.

1 (c) NOTICE.—In promulgating the regulations under  
2 subsection (a), the Secretary shall provide notice to States,  
3 Indian tribes, other stakeholders concerned with environ-  
4 mental, humane, public health, economic, trade, and other  
5 relevant issues, the Aquatic Nuisance Species Task Force,  
6 the National Invasive Species Council, the Department of  
7 Agriculture, and the Centers for Disease Control and Pre-  
8 vention.

9 (d) TRANSPARENCY.—The Secretary shall ensure  
10 that the risk assessment process established by the regula-  
11 tions under subsection (a) is based on sound science and  
12 is consistent with sections 4 and 5.

13 (e) DEADLINES.—The Secretary shall—

14 (1) publish in the Federal Register proposed  
15 regulations under subsection (a) and a proposed pre-  
16 liminary list of approved species under section 4(b),  
17 by not later than 2 years after the date of the enact-  
18 ment of this Act;

19 (2) publish in the Federal Register final regula-  
20 tions under subsection (a), a final preliminary list of  
21 approved species under section 4(b), and a notice of  
22 the prohibitions under this Act, by not later than 30  
23 days before the date on which the Secretary begins  
24 assessing risk under the regulations; and

1           (3) begin assessing risk with respect to non-  
2 native wildlife species under the final regulations  
3 promulgated under subsection (a), and publish no-  
4 tice thereof, by not later than 37 months after the  
5 date of the enactment of this Act.

6           (f) ANIMALS OWNED LAWFULLY PRIOR TO PROHIBI-  
7 TION OF IMPORTATION.—This Act and regulations issued  
8 under this Act shall not interfere with the ability of any  
9 person to possess an individual animal of any species if  
10 such individual animal was legally owned by the person  
11 before the risk assessment is begun pursuant to subsection  
12 (e)(3), even if such species is later prohibited from being  
13 imported under the regulations issued under this Act.

14 **SEC. 4. LIST OF APPROVED SPECIES.**

15           (a) REQUIREMENT TO ISSUE LIST OF APPROVED  
16 SPECIES.—

17           (1) IN GENERAL.—Not later than 36 months  
18 after the date of enactment of this Act, the Sec-  
19 retary shall publish in the Federal Register a list of  
20 nonnative wildlife species approved for importation  
21 into the United States.

22           (2) EXCLUSION OF CERTAIN SPECIES.—The  
23 Secretary shall not include in the list—

24                   (A) any species included in the list of pro-  
25 hibited species under section 5; or

1 (B) any species, the importation of which  
2 is prohibited by any other Federal law or regu-  
3 lation of the United States due to the likelihood  
4 of causing harm to the economy, the environ-  
5 ment, or other animal species or human health.

6 (3) REVISION.—The Secretary may revise the  
7 list issued under this section based on available sci-  
8 entific and commercial information.

9 (b) PRELIMINARY LIST.—

10 (1) IN GENERAL.—The Secretary shall include  
11 in the preliminary list under this section nonnative  
12 wildlife species that the Secretary finds, consistent  
13 with the factors described in section 3(b) and based  
14 on scientific and commercial information that is pro-  
15 vided in a proposal under paragraph (2) or other-  
16 wise available to the Secretary—

17 (A) are not harmful to the United States’  
18 economy, the environment, or other animal spe-  
19 cies’ or human health; or

20 (B) may be harmful to the United States’  
21 economy, the environment, or other animal spe-  
22 cies’ or human health, but already are so wide-  
23 spread in the United States that it is clear to  
24 the Secretary that any import prohibitions or

1 restrictions would have no practical utility for  
2 the United States.

3 (2) PROPOSALS FOR INCLUSION IN PRELIMI-  
4 NARY LIST.—The Secretary—

5 (A) shall, by not later than 60 days after  
6 the date of enactment of this Act, publish in  
7 the Federal Register, and make available on a  
8 publically available Federal Internet site, a re-  
9 quest for submission, by any interested persons  
10 (including persons that import or that intend to  
11 import nonnative wildlife species), of proposals  
12 of nonnative wildlife species to be included in  
13 the preliminary list under this subsection and  
14 supporting documentation for such proposals;

15 (B) shall accept such proposals for 10  
16 months after the date the Secretary publishes  
17 the request for submissions; and

18 (C) may propose a nonnative wildlife spe-  
19 cies for inclusion in the preliminary list.

20 (3) PUBLIC NOTICE AND COMMENT.—Before  
21 issuing the final preliminary list of approved species  
22 under this subsection, the Secretary shall—

23 (A) publish in the Federal Register and  
24 make available on a publicly available Federal  
25 Internet site, the proposed preliminary list; and

1           (B) provide for, a period of not less than  
2           60 days, an opportunity to submit public com-  
3           ments on the proposed preliminary list.

4           (4) PUBLICATION OF LIST.—The Secretary  
5           shall publish in the Federal Register and make  
6           available on a publicly available Federal Internet  
7           site, the final preliminary list under this subsection.

8           (c) PROPOSAL FOR INCLUSION ON THE APPROVED  
9 LIST.—

10           (1) SUBMISSION OF PROPOSALS.—

11           (A) IN GENERAL.—After publication of the  
12           final preliminary list under subsection (b)—

13                   (i) any interested person may submit  
14                   to the Secretary in accordance with sub-  
15                   paragraph (B) a proposal to include a non-  
16                   native wildlife species in the approved list  
17                   under this section (including a request to  
18                   import such a species that is not in the list  
19                   published under this section and section 5,  
20                   respectively); and

21                   (ii) upon receipt of a complete pro-  
22                   posal under clause (i), the Secretary shall  
23                   publish notice of the proposal in the Fed-  
24                   eral Register and provide an opportunity



1           for 30 days of public comment on the pro-  
2           posal.

3           (B) INFORMATION REQUIRED.—Any pro-  
4           posal under this paragraph must include suffi-  
5           cient scientific and commercial information to  
6           allow the Secretary to evaluate whether the pro-  
7           posed nonnative wildlife species is likely to  
8           cause economic or environmental harm or harm  
9           to other animal species’ or human health.

10          (2) DETERMINATION.—Based on scientific and  
11          commercial information provided in a proposal under  
12          paragraph (1) or otherwise available to the Sec-  
13          retary, the Secretary shall make one of the following  
14          determinations regarding such a proposal in a rea-  
15          sonable period of time and in accordance with the  
16          regulations issued under section 3:

17                (A) The nonnative wildlife species is ap-  
18                proved for importation, and is added to the list  
19                of approved species under this section.

20                (B) The nonnative wildlife species is not  
21                approved for importation, unless permitted  
22                under section 7.

23                (C) The Secretary has insufficient sci-  
24                entific and commercial information to make a  
25                determination under subparagraph (A) or (B).

1           (3) TREATMENT OF UNAPPROVED SPECIES.—If  
2 the Secretary makes a determination under para-  
3 graph (2)(B) that a nonnative wildlife species is not  
4 approved for importation, the Secretary shall include  
5 the nonnative wildlife species in the list of unap-  
6 proved species under section 5.

7           (4) NOTICE OF DETERMINATION.—The Sec-  
8 retary shall publish in the Federal Register notice of  
9 the determination made under paragraph (2) and  
10 make available on a publicly available Federal Inter-  
11 net site or through other appropriate means, the  
12 basis for the determination.

13 **SEC. 5. LIST OF UNAPPROVED SPECIES.**

14           (a) REQUIREMENT TO ISSUE LIST OF UNAPPROVED  
15 SPECIES.—

16           (1) IN GENERAL.—The Secretary shall publish  
17 in the Federal Register a list of nonnative wildlife  
18 species that are prohibited from importation into the  
19 United States except as provided in section 7.

20           (2) INCLUDED SPECIES.—The list under this  
21 subsection shall include—

22                   (A) those species listed as injurious wildlife  
23 under section 42 of title 18, United States  
24 Code, or under regulations under that section,  
25 as of the date of enactment of this Act; and

1 (B) any other species the Secretary deter-  
2 mines under section 4(c)(2)(B) is not approved  
3 for importation.

4 (b) PROPOSAL FOR INCLUSION ON THE LIST OF UN-  
5 APPROVED SPECIES.—

6 (1) PROPOSAL.—

7 (A) IN GENERAL.—Any person may submit  
8 to the Secretary a proposal to add to the list  
9 under this section any nonnative wildlife spe-  
10 cies.

11 (B) INFORMATION REQUIRED.—Any pro-  
12 posal under this subsection must include suffi-  
13 cient scientific and commercial information to  
14 allow the Secretary to evaluate whether the pro-  
15 posed nonnative wildlife species is likely to  
16 cause economic or environmental harm or harm  
17 to other animal species' or human health.

18 (2) NOTICE.—The Secretary shall publish no-  
19 tice of a complete proposal in the Federal Register  
20 and provide an opportunity for 30 days of public  
21 comment on the proposal.

22 (3) DETERMINATION.—Based on scientific and  
23 commercial information provided in a proposal under  
24 paragraph (1) or otherwise available to the Sec-  
25 retary, the Secretary shall make one of the following

1 determinations regarding such a proposal in a rea-  
2 sonable period of time and in accordance with regu-  
3 lations issued under section 3:

4 (A) The nonnative wildlife species is not  
5 approved for importation except as provided in  
6 section 7, and is added to the list of unap-  
7 proved species under this section.

8 (B) The nonnative wildlife species is ap-  
9 proved for importation.

10 (C) The Secretary has insufficient sci-  
11 entific and commercial information to make a  
12 determination under subparagraph (A) or (B).

13 (4) TREATMENT OF APPROVED SPECIES.—If  
14 the Secretary makes a determination under para-  
15 graph (3)(B) that a nonnative wildlife species is ap-  
16 proved for importation, the Secretary shall include  
17 the nonnative wildlife species in the list of approved  
18 species under section 4.

19 (5) NOTICE OF DETERMINATION.—The Sec-  
20 retary shall publish in the Federal Register notice of  
21 the determination made under paragraph (3) and  
22 make available on a publicly available Federal Inter-  
23 net site or through other appropriate means the  
24 basis for the determination.

1 (c) REVISION.—The Secretary may revise the list  
2 issued under this section based on any scientific and com-  
3 mercial information available to the Secretary.

4 (d) EMERGENCY AUTHORITY AND TEMPORARY PRO-  
5 HIBITION.—

6 (1) IN GENERAL.—If the Secretary determines  
7 that an emergency exists because a nonnative wild-  
8 life species poses an imminent threat of harm to the  
9 United States economy, the environment, or human  
10 or animal species' health, the Secretary may tempo-  
11 rarily include the nonnative wildlife species in the  
12 list of unapproved species under this section and, as  
13 appropriate, remove the species from the list of ap-  
14 proved species under section 4.

15 (2) NOTICE OF TEMPORARY LISTING.—The  
16 Secretary shall publish in the Federal Register no-  
17 tice of each temporary listing under this subsection  
18 and make available on a publicly available Federal  
19 Internet site or through other appropriate means the  
20 basis for the temporary listing.

21 (3) DETERMINATION.—Within 180 days after  
22 temporarily including a nonnative wildlife species in  
23 the unapproved species list under this section, the  
24 Secretary shall make a final determination under  
25 subsection (b)(3) regarding the species, publish in

1 the Federal Register notice of the final determina-  
2 tion, and make available on a publicly available Fed-  
3 eral Internet site or through other appropriate  
4 means the basis for the final determination.

5 (4) LIMITATION ON PROCEDURES.—The proce-  
6 dures under section 4(c)(1)(A)(ii), subsection (b)(2)  
7 of this section, and section 553 of title 5, United  
8 States Code, shall not apply to determinations under  
9 this subsection.

10 **SEC. 6. PROHIBITIONS AND PENALTIES.**

11 (a) PROHIBITIONS.—Except as provided in this sec-  
12 tion or in section 7, it is unlawful for any person subject  
13 to the jurisdiction of the United States to—

14 (1) import into or export from the United  
15 States any nonnative wildlife species that is not in-  
16 cluded in the list of approved species issued under  
17 section 4;

18 (2) transport between any State by any means  
19 whatsoever any nonnative wildlife species that is not  
20 included in the list of approved species issued under  
21 section 4;

22 (3) violate any term or condition of a permit  
23 issued under section 7;

24 (4) possess (except as provided in section 3(f)),  
25 sell or offer to sell, purchase or offer to purchase,

1 or barter for or offer to barter for, any nonnative  
2 wildlife species that is prohibited from being im-  
3 ported under paragraph (1);

4 (5) release into the wild any nonnative wildlife  
5 species that is prohibited from being imported under  
6 paragraph (1); or

7 (6) breed any nonnative wildlife species that is  
8 prohibited from being imported under paragraph  
9 (1), or provide any such species to another person  
10 for breeding purposes.

11 (b) PENALTIES AND ENFORCEMENT.—Any person  
12 who violates subsection (a) shall be subject to the civil pen-  
13 alties and criminal penalties described in section 4 of the  
14 Lacey Act Amendments of 1981 (16 U.S.C. 3373). Sec-  
15 tions 4(b), 4(e), 5, and 6 of that Act shall apply to such  
16 a violation in the same manner as they apply to a violation  
17 of that Act.

18 (c) LIMITATION ON APPLICATION.—

19 (1) IN GENERAL.—The prohibitions in sub-  
20 section (a) shall not apply to—

21 (A) any action by Federal, State, tribal, or  
22 local law enforcement personnel to enforce this  
23 section; and

1 (B) any action by Federal or State officials  
2 to prevent the introduction or establishment of  
3 nonnative wildlife species.

4 (2) IMPORTATION AND TRANSPORTATION BY  
5 FEDERAL AGENCIES.—Nothing in this Act shall re-  
6 strict the import or transportation between any  
7 States of nonnative wildlife species by a Federal  
8 agency for its own use, if the nonnative wildlife spe-  
9 cies remains in the possession of a Federal agency.

10 (d) EFFECTIVE DATE.—This section shall take effect  
11 upon the publication of notice under section 3(e)(3).

12 **SEC. 7. PERMITS.**

13 (a) IN GENERAL.—The Secretary may issue a permit  
14 authorizing importation otherwise prohibited under sec-  
15 tion 6(a)(1), for scientific research, medical, accredited zo-  
16 ological or aquarium display purposes, or for educational  
17 purposes that are specifically reviewed, approved, and  
18 verified by the Secretary, if the Secretary finds that there  
19 has been a proper showing by the permittee of responsi-  
20 bility for the specimen and continued protection of the  
21 public interest and health with respect to the specimen.

22 (b) TERMS AND CONDITIONS.—The Secretary may  
23 include in a permit under subsection (a) terms and condi-  
24 tions to minimize the risk of introduction or establishment  
25 of the nonnative wildlife species in the United States.



1 **SEC. 8. FEES.**

2 (a) FEE FOR PROPOSAL TO INCLUDE SPECIES IN  
3 LIST.—

4 (1) IN GENERAL.—The Secretary shall establish  
5 in the regulations under section 3, and collect, a fee  
6 from any person that after publication of the final  
7 preliminary list under section 4(b) submits to the  
8 Secretary—

9 (A) a proposal under section 4(c) to in-  
10 clude a nonnative wildlife species to the list of  
11 approved species under section 4; or

12 (B) a proposal under section 5(b) to in-  
13 clude a nonnative wildlife species to the list of  
14 unapproved species under section 5.

15 (2) PURPOSE.—The fee shall be to recover costs  
16 of assessing risk of nonnative wildlife species under  
17 the regulations issued under section 3.

18 (b) NONNATIVE WILDLIFE INVASION PREVENTION  
19 FUND.—

20 (1) ESTABLISHMENT.—There is established in  
21 the Treasury a separate account, which shall be  
22 known as the Nonnative Wildlife Invasion Preven-  
23 tion Fund.

24 (2) CONTENTS.—There shall be deposited into  
25 the account all amounts received by the United

1 States as fees under this section or as fines for vio-  
2 lations of this Act and its implementing regulations.

3 (3) USE.—Amounts in the account shall be  
4 available to the Secretary, subject to the availability  
5 of appropriations, for the purposes of implementing  
6 this Act.

7 **SEC. 9. TREATMENT OF NONNATIVE WILDLIFE SPECIES AS**  
8 **NONMAILABLE MATTER.**

9 Nonnative wildlife species included in the list of ap-  
10 proved species issued under section 4 shall be considered  
11 and treated as nonmailable matter under section 3015 of  
12 title 39, United States Code.

13 **SEC. 10. RELATIONSHIP TO STATE LAW.**

14 (a) IN GENERAL.—Nothing in this Act preempts or  
15 otherwise affects the application of any State law that es-  
16 tablishes stricter requirements for importation, transpor-  
17 tation, possession, sale, purchase, release, or breeding of,  
18 or bartering for, any nonnative wildlife species.

19 (b) LIMITATION ON APPLICATION OF PROHIBITIONS  
20 AND PENALTIES TO PREVENT RELEASE.—The Secretary  
21 may limit the application of any provision of section 6 to  
22 facilitate implementation of any State program that en-  
23 courages voluntary surrender to a State of nonnative wild-  
24 life species, if the Secretary determines that such limita-  
25 tion will prevent release of such species.

1 **SEC. 11. REQUIREMENT TO ISSUE REGULATIONS.**

2 The Secretary shall prescribe such regulations as are  
3 necessary and appropriate to carry out the purposes of  
4 this Act.

5 **SEC. 12. RELATIONSHIP TO OTHER FEDERAL LAWS.**

6 Except as provided in section 13, nothing in this Act  
7 shall be construed—

8 (1) as repealing, superseding, or modifying any  
9 provision of the Public Health Service Act (42  
10 U.S.C. 201 et seq.) or the Federal Food, Drug, and  
11 Cosmetic Act (21 U.S.C. 301 et seq.); or

12 (2) as authorizing any action with respect to  
13 the importation of any plant pest as defined in the  
14 Federal Plant Pest Act (7 U.S.C. 150aa et seq.), in-  
15 sofar as such importation is subject to regulation  
16 under that Act.

17 **SEC. 13. REDESIGNATION OF INVASIVE SPECIES COUNCIL**  
18 **AS NATIONAL INVASIVE SPECIES COUNCIL.**

19 (a) REDESIGNATION.—The Invasive Species Council  
20 established by Executive Order 13112 on February 8,  
21 1999 (64 Fed. Reg. 6183) is redesignated as the National  
22 Invasive Species Council.

23 (b) REFERENCES.—Any reference in a law, map, reg-  
24 ulation, document, paper, or other record of the United  
25 States to the council referred to in subsection (a) is

1 deemed to be a reference to the National Invasive Species  
2 Council.

3 **SEC. 14. DEFINITIONS.**

4 For the purposes of this Act:

5 (1) AQUATIC NUISANCE SPECIES TASK  
6 FORCE.—The term “Aquatic Nuisance Species Task  
7 Force” means the Aquatic Nuisance Species Task  
8 Force established under section 1201 of the Non-  
9 indigenous Aquatic Nuisance Prevention and Control  
10 Act of 1990 (16 U.S.C. 4702).

11 (2) IMPORT.—The term “import” means to  
12 land on, bring into, or introduce into, or attempt to  
13 land on, bring into, or introduce into, any place sub-  
14 ject to the jurisdiction of the Government of the  
15 United States, whether or not such landing, bringing  
16 into, or introduction constitutes an importation with-  
17 in the meaning of the customs laws of the Govern-  
18 ment of the United States.

19 (3) NATIONAL INVASIVE SPECIES COUNCIL.—  
20 The term “National Invasive Species Council”  
21 means the National Invasive Species Council estab-  
22 lished by Executive Order 13112 on February 8,  
23 1999 (64 Fed. Reg. 6183), as redesignated by sec-  
24 tion 13.

1           (4) NATIVE SPECIES.—The term “native spe-  
2           cies” means a species that historically occurred or  
3           currently occurs in the United States, other than as  
4           a result of an intentional or unintentional introduc-  
5           tion by humans.

6           (5) NONNATIVE WILDLIFE SPECIES.—The term  
7           “nonnative wildlife species”—

8           (A) except as provided in subparagraph  
9           (C), means any live species or subspecies of ani-  
10          mal that is not a native species or subspecies,  
11          whether or not born or raised in captivity;

12          (B) except as provided in subparagraph  
13          (C), includes—

14               (i) any such live, wild species or sub-  
15               species of mammal, bird, fish, reptile, am-  
16               phibian, insect, mollusk, crustacean, ar-  
17               thropod, coelenterate, or other inverte-  
18               brate, and

19               (ii) any viable egg, sperm, gamete, or  
20               other reproductive material or offspring  
21               thereof;

22          (C) does not include any species that is—

23               (i) specifically defined or regulated as  
24               a plant pest or approved for biological con-

1 trol purposes under the Plant Protection  
2 Act (7 U.S.C. 7701 et seq.); or

3 (ii) defined or regulated as a threat to  
4 livestock or poultry under the Animal  
5 Health Protection Act (7 U.S.C. 8301 et  
6 seq.); and

7 (D) does not include any cat (*Felis catus*),  
8 cattle or oxen (*Bos taurus*), chicken (*Gallus*  
9 *gallus domesticus*), dog (*Canis lupus familiaris*),  
10 donkey or ass (*Equus asinus*), domesticated  
11 members of the family Anatidae (geese), duck  
12 (domesticated *Anas* spp.), goat (*Capra aegagrus*  
13 *hircus*), goldfish (*Carassius auratus auratus*),  
14 horse (*Equus caballus*), llama (*Lama glama*),  
15 mule or hinny (*Equus caballus* x *E. asinus*), pig  
16 or hog (*Sus scrofa domestica*), domesticated va-  
17 rieties of rabbit (*Oryctolagus cuniculus*), or  
18 sheep (*Ovis aries*), or any other species or vari-  
19 ety of species that is determined by the Sec-  
20 retary to be common and clearly domesticated.

21 (6) PERSON.—The term “person” means—

22 (A) an individual, corporation, partnership,  
23 trust, association, or any other private entity;

24 (B) any officer, employee, agent, depart-  
25 ment, or instrumentality of the Federal Govern-

1           ment, or of any State, municipality, or political  
2           subdivision of a State, or of any foreign govern-  
3           ment; and

4           (C) any other entity subject to the jurisdic-  
5           tion of the Government of the United States.

6           (7) SECRETARY.—The term “Secretary” means  
7           the Secretary of the Interior.

8           (8) STATE.—The term “State” includes the  
9           District of Columbia, American Samoa, Guam, the  
10          Commonwealth of the Northern Mariana Islands,  
11          the Commonwealth of Puerto Rico, and the Virgin  
12          Islands, and any other territory or possession of the  
13          United States.

14          (9) UNITED STATES.—The term “United  
15          States” means the several States of the United  
16          States, the District of Columbia, American Samoa,  
17          Guam, the Commonwealth of the Northern Mariana  
18          Islands, the Commonwealth of Puerto Rico, the Vir-  
19          gin Islands, any possession of the United States, and  
20          any waters, including the territorial sea and the Ex-  
21          clusive Economic Zone, within the jurisdiction or  
22          sovereignty of the Government of the United States.

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