

## EXTENSIONS OF REMARKS

CHRISTOPHER DAVID MICHAEL

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 3, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christopher David Michael, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 271 and earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many Scout activities. Over the many years Christopher has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Christopher David Michael for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE CAPTIVE WILDLIFE SAFETY TECHNICAL AMENDMENTS ACT OF 2008

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 3, 2008*

Ms. BORDALLO. Madam Speaker, in 2003, the Congress was made aware of the growing public safety threats created by the private ownership of large predatory cat species, such as lions and tigers, through numerous press accounts of fatal or near-fatal accidental maulings of unsuspecting adults and children. At the urging of a broad range of stakeholders which requested the Congress intercede to restrict the trade and ownership of these inherently wild animals, Congressman HOWARD P. MCKEON and Congressman GEORGE MILLER of California introduced the Captive Wildlife Safety Act as H.R. 1006 in the 108th Congress on February 27, 2003, to address these threats and to help conserve big cats. The bill proposed to amend the Lacey Act Amendments of 1981 to add lions, tigers, cheetahs, leopards, snow leopards, clouded leopards, jaguars, or cougars, and all subspecies and hybrids of these species, to the list of "prohibited wildlife species." Since the Lacey Act makes it unlawful to import, export, transport, sell, buy, or possess fish, wildlife or plants taken, possessed, transported, or sold in violation of any Federal, State, foreign, or Native American tribal law, treaty or regulation, this legislation proposed to make it illegal in the future to purchase and hold these animals in captivity, unless certain exceptions are met.

The Subcommittee on Fisheries Conservation, Wildlife and Oceans of the Committee on Resources in the 108th Congress determined

during its oversight hearing on the bill on June 12, 2003 that ownership of any large, predatory animal presents substantial risks to the owner, the animal, and the public at large. Ownership risks for large, carnivorous cats are particularly acute. Diverse stakeholders including the American Veterinary Medical Association, American Zoo and Aquarium Association, Wildlife Conservation Society, and the Humane Society of the United States all publicly stated that big cats cannot be humanely maintained without specific expertise, specialized equipment and proper facilities to meet the requisite nutritional, physical and environmental demands of the animals. Additionally, large cats remain extremely expensive animals to feed and maintain, a fiscal constraint which often results in animals being abandoned or euthanized by owners once they grow into maturity. Sadly, few zoos are able to take abandoned large cats due to space constraints and genetic diversity concerns and few licensed animal sanctuaries exist in the United States to care for large carnivores.

Stakeholders also underscored the point that exotic large cats, because they are powerful predatory animals which can react unpredictably, also pose significant public safety threats. This claim was made evident by the tragic October 3, 2003 mauling of Roy Horn—one half of the famed Las Vegas circus duo of Siegfried and Roy—by one of their act's hybrid white tigers. The problem is further compounded by the limited expertise available in local communities to successfully re-capture or humanely sedate a large cat once it has escaped or been provoked, intentionally or not, to attack.

Following the leadership of then-ranking Democrat member, Congressman NICK RAHALL of West Virginia, and former Chairman, Richard W. Pombo of California, the Committee on Resources reported favorably this bipartisan, non-controversial legislation to prohibit for the first time interstate and foreign commerce in large predatory cats. This widely supported legislation subsequently cleared the House of Representatives by a vote of 419–0 on November 19, 2003, and was signed into law by President George W. Bush on December 19, 2003, Public Law 108–191. While not authorizing an outright ban on the private ownership of large cats, this important legislation was considered a reasonable first step in limiting the availability and desirability of these animals in the pet trade, as well as a valuable tool in efforts to shut down the illegal trade in tiger parts and products that maintain a lucrative traditional medicine black market in Asia.

Two important events have transpired in the intervening period since the enactment of the Captive Wildlife Safety Act. First, on August 16, 2007, the U.S. Fish and Wildlife Service published in the Federal Register regulations to implement the act, 72 FR 45938. Although overdue, this was an important milestone towards achieving the goals of the act. The second event, related to the first, was the identification by the Service during its rulemaking of a technical error in the act which complicates its enforcement.

Specifically, under the Lacey Act criminal wildlife trafficking prohibitions are built upon a "two-step" prohibition scheme. Under section 3372(a), each trafficking violation—with the exception of violations of the Captive Wildlife Safety Act—requires proof of two separate steps involving the wildlife at issue: first, the wildlife must be taken, possessed, transported or sold by someone in violation of existing laws or treaties and, second, the wildlife must be subsequently imported, exported, transported, sold, received, acquired or purchased. These two steps cannot be collapsed by prosecutors into one step or act committed by the defendant. As enacted, the Captive Wildlife Safety Act is a one-step offense within a section of the Lacey Act that presumes two-step violations. Consequently, placement of amendments made by the Captive Wildlife Safety Act in this section of the Lacey Act could make violations of the Captive Wildlife Safety Act potentially difficult to enforce in court because some big cats may be legally possessed to begin with.

In order to clarify the enforcement provisions of the Captive Wildlife Safety Act, I introduced today with my colleague from South Carolina and the ranking Republican member of the Subcommittee on Fisheries, Wildlife and Oceans, Congressman HENRY BROWN, the Captive Wildlife Safety Act Technical Amendments Act of 2007. This bill, which is based on legislation which cleared the Senate during the 109th Congress, S. 1415, and extensive consultations with officials at the U.S. Fish and Wildlife Service and the U.S. Department of Justice, would amend the appropriate sections of the Lacey Act to decouple enforcement of the Captive Wildlife Safety Act from the two-step analysis. This legislation also would make the necessary clarifying amendments to the civil and criminal penalties sections of the Lacey Act to reflect this correction. Officials of the U.S. Fish and Wildlife Service have assured me that these corrections will make the Captive Wildlife Safety Act more readily enforceable, comprehensible, and aligned with the Act's intent to stop trade in dangerous big cats. I have been also assured that should this bill become law the agency will not have to revise its regulations implementing the Captive Wildlife Safety Act.

It is also important to note that all exemptions under the existing Captive Wildlife Safety Act would remain unchanged and in effect. That means that any licensed, registered or federally-inspected zoo, circus, research facility, or aquarium; any individuals accredited by the American Sanctuary Association or Association of Sanctuaries; any State college, university or agency; any State-licensed wildlife rehabilitators or veterinarians; any incorporated humane society, animal shelter, or society for the prevention of cruelty to animals; and, any federally-licensed and inspected breeder or dealer and individuals transporting a wildlife animal to an exempted person or facility, would remain outside the scope of the Captive Wildlife Safety Act. Also, nothing in the bill I have introduced today would preempt

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