

Legislation and Regulation Committee

Committee Members: A. Abuzeineh, P. K. Anderson, T. Bowyer, R. W. Kays, A. Krevitz, T. J. McIntyre, S. B. McLaren, D. Odell, T. J. O'Shea, E. A. Rickart, S. R. Sheffield, M. J. Smolen, D. W. Sparks, (Chair), W. T. Stanley, V. J. Swier, C. W. Thompson, R. M. Timm.

Mission:

The Legislation and Regulations Committee was formed in 1976 to monitor and provide input into the state and federal regulation and legislation process on such issues as endangered species, trapping and harvesting regulations, and the use of animals for experimental purposes. The committee also interacts with the legislative monitoring groups of AIBS.

Information Items:

(1) Basic Activity:

The major activity of the committee in this and all previous years was to monitor pieces of legislation as they are introduced into the 2 houses of the US Congress. Those wishing to examine any of the bills listed below are encouraged to visit the Library of Congress' legislative website (<http://thomas.loc.gov/>). Using this website you may search for legislation by either key word, or by bill number. Be aware, however, that trying to follow proposed amendments to existing legislation is a little like trying to interpret a manuscript using only the reviewer's comments! Thanks are extended to Mac McIntyre who spends countless hours monitoring C-SPAN and Thomas.gov.

(2) Using This Document:

Below are the bills that the committee tracked since the 2007 annual meeting. In many cases, this "tracking" was simply a quick read of the legislation. For each bill we provide the bill#, current status, and comments. Our comments are meant to be used as a tool that helps you decide whether you want to look at the bill. From time to time, we also seek assistance of ASM members and scientists from other disciplines who are not on the committee. We thank those people for their time.

LEGISLATIVE BRANCH

Bills of Interest by Category:

Lacey Act:

In its current form the Lacey Act is primarily used to prevent the shipment of wildlife harvested illegally in one jurisdiction. As such, changes in the Lacey Act may substantially impact biologists using specimens loaned from other institutions and to conservationists.

HR 4933: Captive Wildlife Protection Act. This bill was passed by the House on 31 March and is now before the Committee on Environment and Public Works in the Senate. This bill extends protections of the Lacey Act to captive wildlife which may warrant interest from mammalogists affiliated with zoos or who ship live animals across jurisdictional boundaries.

S1498: Captive Primate Protection Act. Bill was reported to the full Senate on 29 October 2007. S1498 would add captive primates to the list of prohibited species.

HR2964: Sister of S1498. This bill is currently working its way through the subcommittee on wildlife and fisheries.

HR3029: would ban interstate and international commerce in bear viscera.

HR5534: would extend the Lacey Act to cover bears illegally harvested for their viscera; it currently is before the House Committee on Natural Resources.

S1930: Combat Illegal Logging Act of 2007 would extend protections of the Lacey Act to cover trees illegally harvested, and is currently before the Committee on Agriculture, Nutrition, and Forestry. Timber theft is a growing problem particularly in the Eastern US.

Farm Bill:

The farm bill has substantial direct and indirect impacts on wildlife including mammals through such actions as setting funding levels and priorities for programs such as the Conservation Reserve and Wetland Reserve Programs and commodity pricing.

HR2419: Extends and amends the existing farm bill through 2012. This bill is currently in conference. Perhaps the biggest concern is that the level of funding for conservation programs may fall below the value of property if farmed for corn at \$5.00/bushel. This may result in many parcels being removed from programs such as CRP and WRP.

Hardrock Mining and Reclamation Act 2007

HR2262 is modeled after the Surface Mine Reclamation Act and uses taxes on minerals extracted from public lands to ensure and finance the reclamation of Hardrock Mines. The act includes language to ensure the reclaimed sites can serve as wildlife habitat. However, the Western Bat Working Group is concerned that this act may lead to closure of mines that currently serve as bat habitat. This bill has passed the house and is awaiting action by the Senate.

Environmental Quality/Global Climate Change:

Given the recent Supreme Court Decision in *Commonwealth of Massachusetts et al v Environmental Protection Agency*, this is likely to be a very busy area of legislation following the presidential election.

HR5581 requires the National Academy of Sciences to review the impact of federal laws on the environment including global climate change. This bill was introduced into the House on 23 April.

S2284 is designed to assist wildlife populations and wildlife habitats in adapting to and surviving the effects of global warming. This bill is currently stalled in committee.

HR767 aims to provide funding to the National Wildlife Refuge System to combat invasive species. It is currently stalled in committee.

HR5809 would amend the Public Health Service Act to authorize the National Institute of Environmental Health Sciences to conduct and coordinate a research program on hormone disruption. In many ways this duplicates existing efforts, but would add congressional mandate to activities that are already underway. It is newly introduced (15 April) and undergoing committee review.

Border Fencing: Remains a hot topic with joint hearing occurring between the House Natural Resources Subcommittees on National Parks, Forests and Public Lands and the Subcommittee on Fisheries, Wildlife and Oceans.

Endangered Species Act (ESA)

S2165 would amend ESA by suspending each provision during periods of drought with respect to Federal and State agencies that manage Federal river basins that are located in each region affected by the drought. The bill is currently stalled in committee.

HR 3847 is sister to S2165 and is also stalled in committee.

HR 5058 & 5588 would prevent leasing of additional oil or gas leases on the Alaska Continental Shelf until a decision is reached as to whether to list the Polar Bear under ESA. This bill is also stalled in committee.

HR 3549 would require USFWS to publish the technical merits of decisions to list or delist species.

HR1464 + S1033 provides funding for research and conservation of rare canids and felids both within their native ranges and at institutions with demonstrated expertise. It is currently undergoing committee review.

General Wildlife:

HR 5852: Aims to reduce “invasive research” on Great Apes. However, as currently written it would preclude anesthetizing apes for purposes of collecting measurements, attaching transmitters, and similar work that might be undertaken by ASM members.

S2912 would make it illegal to transport exotic animals for use in penned hunts. It is newly introduced and has been referred to committee.

HR 5910 would make it illegal to form any type of human/animal hybrid. As currently written this act might prohibit transgenic work to produce hormones or human tissues in animal cultures.

S2875 is aimed at supporting programs that reduce live-stock losses to large predators including gray wolves, grizzly bears, and other predators. In essence it duplicates existing programs in USDA-APHIS. As written it only applies to the states of Montana, Wyoming, and Idaho, although the secretary of agriculture can designate other states as desired. It is newly introduced and has been referred to committee.

Research Funds:

HR5819 among other items increases the funding set aside by agencies such as NSF and NIH for use in small companies. Given that NSF budgets are stable; this effectively removes funding from that which is available for research at universities.

EXECUTIVE BRANCH

Polar Bears will likely remain a hot topic and no decision on listing is expected until the new president is seated.

Alternative Energy: The US Department of the Interior's Minerals Management Service designated five areas on the Outer Continental Shelf as priority areas for research on alternative energy in federal waters. This item was referred to the ASM Resolutions Committee as supporting material for the wind energy resolution that will be presented at this meeting.

White-nosed Syndrome: Although no current regulations have been provided, draft policies have been circulated through multiple agencies in response to a disease that is killing thousands of bats in the Northeast.

SUPREME COURT DECISIONS:

Commonwealth of Massachusetts vs. Environmental Protection Agency: In this case the US Supreme Court ruled 5/4 that EPA must regulate greenhouse gasses under the Clean Air Act. Notably, in a dissenting opinion, Chief Justice Roberts noted that global

climate change may be "the most pressing environmental problem of our time." This decision will likely lead to extensive legislation aimed at reducing green house gasses.

STATE ISSUES

Creationism and Science: Texas has rejected an effort to develop a creation-based MS in Science Education as proposed by the Institute for Creation Research. Bills are currently alive in Louisiana that may include language requiring teachers to note "controversies" within the scientific community about both Evolution and Global Climate Change.

(3) FINAL COMMENTS

This has been a year of transition within the committee. While the current report is long, it also is an underestimate of the number of bills that were reviewed. In the future I strongly recommend that one committee member also be assigned to keeping up with court decisions and at least one follow issues within the executive branch as well. In the long term it would be beneficial to have these data placed directly on or linked to the ASM website so the membership can be kept up to date about issues as they arise.

Action Items: None

Respectfully Submitted,
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