

## S 3606

### Invasive Fish and Wildlife Prevention Act of 2012

**Congress:** 112 (2011–2013, Ended)

**Chamber:** Senate

**Policy Area:** Environmental Protection

**Introduced:** Sep 20, 2012

**Current Status:** Read twice and referred to the Committee on Environment and Public Works.

**Latest Action:** Read twice and referred to the Committee on Environment and Public Works. (Sep 20, 2012)

**Official Text:** <https://www.congress.gov/bill/112th-congress/senate-bill/3606>

## Sponsor

**Name:** Sen. Gillibrand, Kirsten E. [D-NY]

**Party:** Democratic • **State:** NY • **Chamber:** Senate

## Cosponsors

No cosponsors are listed for this bill.

## Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Referred To	Sep 20, 2012

## Subjects & Policy Tags

### Policy Area:

Environmental Protection

## Related Bills

Bill	Relationship	Last Action
112 HR 5864	Related bill	Aug 1, 2012: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.

Invasive Fish and Wildlife Prevention Act of 2012 - Authorizes any person, entity, or the United States Fish and Wildlife Service (FWS) to propose the regulation of nonnative wildlife taxa. Requires FWS to determine whether the proposal should be approved within 180 days.

Requires FWS to promulgate regulations to: (1) specify the criteria for regulating a nonnative taxon as an Injurious I taxon or Injurious II taxon that is injurious to humans, agriculture, horticulture, forestry, wildlife, or wildlife resources; (2) establish a process for assessing and analyzing the risks of taxa that may have been imported into or found in interstate commerce; and (3) designate a wildlife taxon that was previously designated as injurious by statute or the Secretary of the Interior as an Injurious I or Injurious II taxon.

Requires the Secretary, five years after enactment of this Act, to: (1) define the phrase "non-native wildlife taxa novel to the United States"; (2) establish a process to ensure that all such taxa are thereafter reviewed by FWS to determine whether they should be regulated as Injurious I or Injurious II taxa prior to allowing their importation; and (3) seek to avoid, in promulgating such regulation, creating a new incentive for animal importers to import novel taxa prior to the effective date of such regulation.

Requires FWS, prior to designating a taxon as an Injurious I or Injurious II taxon, to prepare a risk determination.

Authorizes FWS to immediately and temporarily designate a nonnative wildlife taxon as Injurious I if an emergency exists because such unregulated taxon poses an imminent threat of harm to individuals in, or wildlife of, the United States or to the U.S. economy or environment.

Requires FWS to: (1) establish an electronic, publicly available database that describes all quantities of imports of all live wildlife and the regulatory status of such wildlife; (2) monitor and report on the identities and quantities of nonnative wildlife taxa being imported; and (3) make more rapid determinations on proposals for regulation of importations or shipments of injurious mammals, birds, fish, amphibia, and reptiles under the Lacey Act by requiring the Secretary to forego time-consuming optional administrative steps that are not essential and by authorizing the Secretary to forego economic impact analyses.

Gives the Secretary the primary authority to prevent the importation of, and interstate commerce in, wildlife pathogens and harmful parasites. Requires the Secretary to promulgate regulations to impose import restrictions to prevent the importation of, and commerce in, such pathogens and parasites. Establishes exemptions to such requirement.

Prohibits any person from: (1) importing or knowingly possessing such an Injurious I or Injurious II taxon, or the descendant of such an animal, that was imported in violation of this Act; (2) engaging in interstate commerce for or knowingly possessing such an animal that was transported in interstate commerce in violation of this Act; and (3) releasing any such taxon into the wild. Sets forth exemptions from such prohibitions. Authorizes FWS to issue permits to qualified institutions to authorize actions otherwise prohibited for such taxon.

Establishes civil and criminal penalties for violations of this Act.

Requires the Secretary to adopt a fee to be charged on imported live wildlife shipments, excluding shipments made by qualified institutions for scientific, veterinary, or medical research, education, conservation outreach, or display purposes.

Establishes the Injurious Wildlife Prevention Fund to carry out this Act.

## **Actions Timeline**

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- **Sep 20, 2012:** Introduced in Senate
- **Sep 20, 2012:** Read twice and referred to the Committee on Environment and Public Works.