

Q/A: H.R. 669, The Non-native Wildlife Invasion Prevention Act

- **What would the Non-Native Wildlife Invasion Prevention Act do, if enacted?** This bill seeks to prevent invasive wildlife by requiring Fish and Wildlife Service (FWS) to assess the invasive risks associated with imported wildlife and prohibit the importation of those species that are likely to be invasive here in the United States. The bill establishes three basic categories: species which are permitted, species which are prohibited, and species which require further data or study for determination. These categories are reviewed periodically by FWS, or by petition to list/delist a specific species.
- **How would this change existing law?** Under the existing Lacey Act, FWS can find wildlife species "injurious," which allows FWS to prevent the species interstate movement and sale. This has been inadequate to prevent the spread of invasive species, since the injurious determination process can take several years, and FWS does not have the authority to stop sales and movement altogether - only those that cross state lines. This new law, if enacted, would add an important preventative step by requiring Fish and Wildlife Service to consider the implications of new proposed species *before* they arrive in the United States.

The law is meant to supplement and not conflict with authorities that other federal agencies may have to prohibit invasive species. If a species is already prohibited by some other authority (for example, plant pests that are prohibited from import by USDA) the species would not be subject to consideration by FWS under this law.

- **Does the bill preempt state authority?** The law is not intended to limit the abilities of states to enact more stringent laws, except where "inconsistent" with the federal program – not further defined in the legislation. The intent is not to enable a state to take away a person's pet snake, since the federal law includes a grandfathering clause to allow private individuals to keep species which were legally imported under the law prior to enactment. States would also be able to continue to list species that may not be listed at the federal level.
- **What kinds of invasive wildlife species could be prevented by this legislation?** The bill allows FWS to assess all nonnative proposed imports of species of mammal, bird, fish, reptile, amphibian, insect, mollusk and crustacean, arthropod, coelenterate, or other invertebrate, and any egg or offspring thereof except if the species is already listed and prohibited from importation by some other law (e.g., the Plant Protection Act, or the Animal Health Protection Act.)
- **Would the bill stop the further import and sale of invasive wildlife already present in the United States?** In some cases, yes. The bill would enable Fish and Wildlife Service to continue permitting imports of invasive species that are already so widespread that future prohibition or restriction would have no practical utility. However, if an already introduced invasive species was relatively limited in geographic scope, it would be considered for prohibition.
- **Will the bill result in FWS taking people's pets?** No. The legislation grandfathers in pets that were legally obtained or imported prior to the bill's enactment, however it does prohibit the breeding of those pets.