

INFORMATION ON WILD BIRD BILLS BEING CONSIDERED IN THE UNITED STATES

The Environmental Investigation Agency (1506 Nineteenth Street, NW, Washington, D.C. 20036) has prepared the following information on two pending wild bird bills in the United States.

Wild Bird Protection Act Senate 1219/House of Representatives 2540	Exotic Bird Conservation Act Senate 1218/House of Representatives 2541
<p><i>Importation Ban on Wild-caught Birds</i> Requires an immediate ban on the importation of wild-caught birds for sale as pets.</p> <ul style="list-style-type: none"> •Though required by CITES, wild populations are not being monitored to ensure that they can sustain the great numbers of birds being legally captured for the trade. The result— many species of birds are becoming rare and even endangered because of their popularity as pets. •The presence of a legal trade facilitates smuggling of an estimated 150,000 birds into the United States each year. •Limiting the market to domestically bred birds will promote the efforts of American aviculturalists, who at the present time have a difficult time competing with cheap imports on the market. 	<p><i>Importation Ban on Wild-caught Birds</i> Requires a five year “phase-out” of the importation of wild-caught birds for the pet trade.</p> <ul style="list-style-type: none"> •Importation of wild birds in the first year of the “phase-out” could actually increase from present levels, further threatening wild populations. •The importation of wild-caught birds during a “phase-out” period will discourage captive breeding because the cost of domestically bred birds cannot compete with the low prices of imports. •The necessary biological data to establish accurate import quotas during a “phase-out” do not exist. •By petition, the Secretary of the Interior may choose to allow importation of avian species previously not exploited for the pet trade.
<p><i>Exempt Species</i> Exempts from the import ban and marking requirements: common canaries, cockatiels, and budgerigars. Exempts other species commonly bred in captivity after a finding is made by the Secretary of the Interior.</p>	<p><i>Exempt Species</i> Exempts from the “phase-out”: the importation ban and marking requirements, species commonly bred in captivity after a finding is made by the Secretary of the Interior.</p>
<p><i>Pet Bird Imports</i> Allows the importation of personal pet birds.</p>	<p><i>Pet Bird Imports</i> Allows the importation of personal pet birds.</p>
<p><i>Importation of Wild Birds for Captive Breeding</i> Allows for the importation of wild-caught birds for captive breeding purposes, if the importer can demonstrate that the importation will have no detrimental effect on wild populations and that the species being imported is not reasonably available in the United States.</p> <ul style="list-style-type: none"> •The “no detrimental effect” requirement restates criteria already in place for all avian species on CITES Appendix II—criteria which are rarely enforced. •To guard against excessive importation of avian species which have already been brought into the United States in large numbers, imports must be limited to those species not already reasonably available. 	<p><i>Importation of Wild Birds for Captive Breeding</i> The importation of any number or species of wild-caught birds is permitted upon submittal of a name, address, and photo of facilities.</p> <ul style="list-style-type: none"> •Will allow the importation of excessive numbers of wild birds to the detriment of wild populations.
<p><i>Importation of Wild Birds for Zoos and Scientific Research</i> Allows for the importation of wild-caught birds only if the importer has demonstrated the importation will benefit the conservation of the species.</p>	<p><i>Importation of Wild Birds for Zoos and Scientific Research</i> No limitations.</p>
<p><i>Importation of Foreign Captive-Bred Birds</i> Allows the importation of captive-bred birds from facilities in foreign countries. Requires the Secretary to determine that the facility has the ability of producing the birds to be exported and is being operated in a humane manner.</p>	<p><i>Importation of Foreign Captive-bred Birds</i> Allows the importation of captive-bred birds from facilities in foreign countries. Requires the Secretary to make a finding that the facility has the capability of producing the birds to be exported and is operated in a humane manner. The determination, however, need only be made on “the best information available,” which relieves the Secretary from acquiring the information necessary to ensure that the facility is indeed breeding the birds.</p>

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<p>Importation of Ranched Birds Not permitted</p> <ul style="list-style-type: none"> •There is no existing ranching of birds to model a system on. •The biological data and controls to ensure populations are not damaged and that the birds are treated humanely does not exist. •“Ranching” is potentially an easy method of laundering wild-caught birds. 	<p>Importation of Ranched Birds Allows the importation of ranched birds if the Secretary determines that the operation is beneficial to the species and to the local community, and that the operation is carried out in a humane manner. Yet, the determination need only be made on “the best information available”.</p> <ul style="list-style-type: none"> •“The best information available” may be very little information indeed; certainly little or no information exists at present.
<p>Marking Requirements Requires comprehensive marking and record keeping for all birds in trade, except common canaries, budgerigars, cockatiels, and any other species commonly bred in captivity exempt by the Secretary.</p> <ul style="list-style-type: none"> •Comprehensive marking requirements will enable American consumers and enforcement officials to distinguish captive bred from wild-caught birds. •Will promote means of marking birds already being practiced: banding of wild-caught birds by the federal government and marking of captive-bred birds by private means. 	<p>Marking Requirements Only requires marking of imported wild-caught birds five years after enactment.</p> <ul style="list-style-type: none"> •Lack of comprehensive marking of birds will facilitate the laundering of smuggled birds. •Enforcement officials and consumers will have no means of positively identifying captive-bred from illegally obtained birds.
<p>Reporting Requirements Requires any individual importing birds or transferring wild birds imported after enactment to submit annual reports to the Secretary. Such individuals must keep records regarding transfer of all birds except those exempt as species commonly bred in captivity.</p>	<p>Reporting Requirements Requires any individual importing birds or holding wild birds imported after enactment to submit annual reports to the Secretary. Such individuals must keep records regarding transfer of all birds except those exempt as species commonly bred in captivity, pre-Act birds, and those bred in captivity.</p>
<p>Licensing Requirements Requires a license for any individual importing birds into the United States or any person transferring a wild bird. Regulations governing licensing will include standards of husbandry and humane care. Allows the Fish and Wildlife Service to confirm the accuracy of numbers of wild-caught birds within the United States by comparing information in annual reports against information on licensed individuals.</p>	<p>Licensing Requirements Requires a license for any individual importing birds into the United States which are not for their personal use. Regulations governing licensing will include standards of husbandry and humane care, experience, and inspection by an accredited veterinarian; license valid for a period of two years.</p> <p>Requires registration with the Secretary of the Interior for any individual importing any bird one year after enactment for their personal use or transferring a wild bird five years after enactment. Registration automatic when an individual submits a name, address, and a photograph of facilities for registration. Registration valid for a period of two years.</p>
<p>Citizen Suit Stronger citizen suit provision</p>	<p>Citizen Suit Citizen suit provision.</p>
<p>State Preemption Does not pre-empt stronger state laws.</p>	<p>State Preemption Pre-empts stronger state laws, such as the New York State Wild Bird Act enacted in 1984. This removes the right of states to take stronger measures to protect birds. The wild bird trade will reopen, disrupting the captive-bred bird industry.</p>