

TO AMEND TITLE 18, UNITED STATES CODE, TO INCLUDE
CONSTRUCTOR SNAKES OF THE SPECIES PYTHON
GENERA AS AN INJURIOUS ANIMAL

DECEMBER 21, 2010.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. CONYERS, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 2811]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill
(H.R. 2811) to amend title 18, United States Code, to include con-
structor snakes of the species Python genera as an injurious animal,
having considered the same, report favorably thereon with an
amendment and recommend that the bill as amended do pass.

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THE AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. IMPORTATION OR SHIPMENT OF INJURIOUS SPECIES.

Section 42(a)(1) of title 18, United States Code, is amended in the first sentence by inserting “; of the Burmese Python of the species *Python molurus bivittatus*; of the African Rock Python of the species *Python sebae*” after “polymorpha”.

PURPOSE AND SUMMARY

H.R. 2811, sponsored by Rep. Kendrick Meek (D-FL), adds the three largest species of the genus *Python*—the Burmese Python, as well as the two species of African Rock Python, the Northern African Python and the Southern African Python—to a list of injurious animals that are prohibited from importation and interstate transportation into and throughout the United States and its territories and possessions.

BACKGROUND AND NEED FOR THE LEGISLATION

None of the three large python species addressed in the bill is native to the United States; they were initially imported for sale as pets. But they have become established in the wild, living and breeding in Everglades National Park and other parts of southern Florida. Hundreds were accidentally released in 1992 when Hurricane Andrew destroyed a breeding facility in Homestead, Florida, southwest of Miami and just east of the Everglades. In addition, undetermined numbers have been intentionally released into the Everglades over the years by pet owners overwhelmed by the size, appetite, and power of the snakes.

Experts estimate the number of Burmese Pythons in the wild in that area to be in the tens of thousands. The African Rock Python¹ has also been found in the wild there, in smaller numbers—there are indications of an active reproducing population of Northern African Pythons on the western boundaries of Miami.² Meanwhile, pythons continue to be legally imported—more than 140,000 Burmese Pythons alone since 2000, according to estimates.³

While the Southern Florida environment may be hospitable for the pythons, the pythons have become a dominant predator, wreaking havoc on the ecosystem. They have been known to grow to 23 feet, can weigh up to 200 pounds, and consume animals many times their size.

HARM TO ECOSYSTEM

According to a report issued by the U.S. Geological Survey (USGS), several giant, non-native snake species would pose high risks to the health of ecosystems in the United States should they

¹The Northern African Python (*Python sebae*) and the Southern African Python (*Python natalensis*) are commonly referred to together as the African Rock Python. The report uses all these terms.

²While thus far there is no evidence of established populations of the Reticulated Python or any of the various anaconda species in the wild in Florida, individual snakes have been sighted or even captured there.

³Over the past 30 years, about one million snakes of the genus *Python* have been imported into the United States, and current domestic production of some species likely exceeds import levels.

become more established.⁴ The report looked at the large constrictor snakes increasingly found in southern Florida, and examined the implications for the health of the environment, parks, and wildlife refuges. Assessments were made with respect to threats to “at-risk” species and to human safety, as well as the ability to control the growth of the snake populations and their spread to other areas of the country.

The USGS report details the risks of nine non-native species of large constrictor snakes that are invasive or potentially invasive in the United States: the Burmese Python, the North African Python, the Reticulated Python, the Green Anaconda, the South African Python, the Boa Constrictor, the Beni Anaconda, the Yellow Anaconda and the DeSchaunensee’s Anaconda. All nine species share characteristics associated with greater ecological risks and represent a medium or high risk to our natural resources.

The high-risk species identified by the USGS report include three of the species referenced in H.R. 2811—Burmese Python and the African Rock Python, also known as Northern and Southern African Pythons. The other two high-risk species include Boa Constrictors and Yellow Anacondas. All five are more common in trade and commerce than other species of snakes. Medium-risk species include the Reticulated Python, DeSchaunensee’s Anaconda, the Green Anaconda, and the Beni Anaconda. These four species constitute lesser but still potentially serious threats. The Reticulated Python, for example, is the world’s longest snake, and the Green Anaconda is the heaviest snake. Both species have been found in the wild in southern Florida, although breeding populations are not yet confirmed.

Compounding the risk to native species and ecosystems, these snakes mature early, produce large numbers of offspring, travel long distances, and are difficult to detect in the wild. They are also carriers of diseases and parasites that pose significant risks to agriculture or wildlife, and have broad diets that include most native birds, mammals, and other reptiles. Most of these snakes can inhabit a variety of habitats, and are tolerant of suburban and even urban areas.

The USGS report notes that there currently are no control tools that are adequate for eradicating an established population of giant snakes once they have spread over a large area.

POTENTIAL HARM TO HUMANS

Since 1980, 12 people have been killed in the United States by pet pythons, the most recent being a 2-year-old girl in Florida who was killed by her family’s 8-foot-long pet Burmese Python. In 1999, another couple’s 7.5-foot African Rock Python escaped from an enclosure and killed their 3-year-old son.⁵

Some species of constrictors pose a small risk to people, because they would not be large enough to consider a person as suitable prey. However, mature snakes of the largest species—Burmese, Reticulated, and Northern and Southern African Pythons—have been

⁴U.S. Department of the Interior, U.S. Geological Survey Report, October 13, 2009, “Giant Constrictors: Biological and Management Profiles and an Establishment Risk Assessment for Nine Large Species of Pythons, Anacondas, and the Boa Constrictor.”

⁵A Virginia Beach woman found dead by asphyxiation in October 2008 is believed to have been killed by a 13-foot-long pet Reticulated Python owned by her and her husband.

documented as attacking and killing people in the wild in their native range. While the snake most associated with unprovoked human fatalities in the wild is the Reticulated Python, recent articles in the National Geographic News and The Christian Science Monitor also describe the Northern and Southern African Pythons as having a “meaner” disposition and not likely to ever “tame down.”⁶

RANGE

USGS researchers used the best available science to forecast areas of the country most at risk of invasion by these giant snakes. Based on climate alone, many of the species would be limited to the warmest areas of the United States, including parts of Florida, extreme south Texas, Hawaii, and America’s tropical islands, such as Puerto Rico and Guam. For a few species, however, larger areas of the continental United States appear to exhibit suitable climatic conditions. For example, much of the southern U.S. climatic conditions are similar to those experienced by the Burmese Python in its native range. However, many factors other than climate alone can influence whether a species can establish a population in a particular location.

The Fish and Wildlife Service and the National Park Service will use the report to assist in further development of management actions concerning the snakes when and where these species appear in the wild. In addition, the risk assessment will provide current, science-based information for management authorities to evaluate prospective regulations that might prevent further colonization by these snakes.

THE SNAKE TRADE

In response to the U.S. Fish & Wildlife Service’s Notice of Inquiry entitled, “Injurious Wildlife Species: Review of Information Concerning Constrictor Snakes from Python, Boa, and Eunectes (Anaconda) Genera,” the Pet Industry Joint Advisory Council (PIJAC) estimates that in the U.S. there are approximately 10 importers, 50 distributors, 5,100 retailers, 25 hobbyist show promoters hosting 350–400 reptile shows in the U.S. annually, and 2,500–5,000 individual hobbyists that sell Pythons, Boas, and Anacondas. PIJAC was unable to provide annual sales figures for these three species, but indicates prices ranging from approximately \$100 to upwards of \$25,000 per snake, depending on particular colors and locality-specific varieties.

The exotic snake trade is further compounded by the variety of dealers. Dealers can be wholesale or retail, can deal in imported or U.S.-bred snakes, and can be established commercial enterprises or private hobbyists who sell and trade for supplemental income.

LEGISLATION

The Lacey Act bans importation and interstate transport of certain animal species determined to be injurious to humans or to ag-

⁶Christian Science Monitor, September 14, 2009, “Scientists Worry That Two Species of Non-native Pythons Now Near the Everglades Could Breed, Yielding More Aggressive Offspring;” National Geographic News, September 14, 2009, ‘Python ‘Nightmare’: New Giant Species Invading Florida.”

riculture, horticulture, forestry, or wildlife, in order to prevent their introduction and establishment in the United States.⁷ The statute specifically lists a number of species, and gives the Secretary of the Interior authority to add others by regulation. H.R. 2811 would add three python species to the statutory list.⁸

The law, however, is not an outright ban on all importation. 18 U.S.C. § 42(a)(3) provides that the Secretary of the Interior, upon “a showing of responsibility and continued protection of the public interest and health, shall permit the importation for zoological, educational, medical and scientific purposes of any mammals, birds, fish (including mollusks and crustacea), amphibia, and reptiles, or the offspring or eggs thereof, where such importation would be prohibited otherwise by or pursuant to this Act, and this Act shall not restrict importations by Federal agencies for their own use.”

HEARINGS

The Committee’s Subcommittee on Crime, Terrorism, and Homeland Security held hearings on H.R. 2811 on November 6, 2009. Testimony was received from Rep. Kendrick Meek (D-FL). Testimony was also received from Dan Ashe, Deputy Director of the United States Fish and Wildlife Service; Andrew Wyatt, President, United States Association of Reptile Keepers; Dr. Elliot Jacobson, College of Veterinary Medicine, University of Florida; Nancy Perry, Vice President, Government Affairs, The Humane Society of the United States; and George Horne, Deputy Executive Director, Operations and Maintenance, South Florida Water Management District. Statements have been received from Dr. Kenneth L. Krysko, Florida Museum of Natural History, University of Florida, in support of the bill, and the Pet Industry Joint Advisory Council (PIJAC) in opposition to the bill. Ten herpetologists submitted a joint letter expressing their reservations regarding the U. S. Geological Survey’s report. The U.S. Chamber of Commerce, the National Retail Federation, and the Gourmet Rodent oppose H.R. 2811 in its original, unamended form. A joint letter of support for H.R. 2811 was submitted by ten organizations: The Animal Welfare Institute, Born Free USA, Defenders of Wildlife, Great Lakes United, Humane Society Legislative Fund, Humane Society of the United States, National Environmental Coalition on Invasive Species, Natural Areas Association, Natural Resources Defense Council, Nature Conservancy, Sierra Club, and the Union of Concerned Scientists.

COMMITTEE CONSIDERATION

On July 28, 2009, the Subcommittee on Crime, Terrorism, and Homeland Security met in open session and ordered the bill H.R. 2811 favorably reported, without amendment, by voice vote, a quorum being present. On July 29, 2009, the Committee met in open session and ordered bill H.R. 2811 favorably reported with an amendment, by voice vote, a quorum being present.

⁷ 18 U.S.C. § 42.

⁸ As introduced, H.R. 2811 would have extended the statutory ban to the entire genus *Python*, which includes 47 species. During full Committee markup, in consultation with Congressman Meek, the sponsor, an amendment offered by Congressman Tom Rooney (R-FL) was adopted to narrow the focus to the three species.

COMMITTEE VOTES

In compliance with 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 2811.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 2811, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 9, 2009.

Hon. JOHN CONYERS, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2811, a bill to amend title 18, United States Code, to include constrictor snakes of the species *Python* genera as an injurious animal.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

DOUGLAS W. ELMENDORF,
DIRECTOR.

Enclosure

cc: Honorable Lamar S. Smith.
Ranking Member

*H.R. 2811—A bill to amend title 18, United States Code, to include constrictor snakes of the species *Python* genera as an injurious animal*

CBO estimates that implementing H.R. 2811 would have no significant cost to the Federal Government. Enacting the bill could affect direct spending and revenues, but CBO estimates that any such effects would not be significant.

H.R. 2811 would make it a Federal crime to import or ship certain snakes into the United States. Because the bill would establish a new offense, the government would be able to pursue cases that it otherwise would not be able to prosecute. We expect that H.R. 2811 would apply to a relatively small number of offenders, so any increase in costs for law enforcement, court proceedings, or prison operations would not be significant. Any such costs would be subject to the availability of appropriated funds.

Because those prosecuted and convicted under H.R. 2811 could be subject to criminal fines, the Federal Government might collect additional fines if the legislation is enacted. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent. CBO expects that any additional revenues and direct spending would not be significant because of the small number of cases likely to be affected.

Under H.R. 2811, entities such as zoos would need permits to import or transport the affected species of snakes. Based on information provided by the U.S. Fish and Wildlife Service (USFWS), which issues permits for such activities, CBO estimates that enacting the bill could result in an increase in offsetting collections (for permits) and associated spending. We estimate that such increases would be minimal, however, and would offset each other in most years, resulting in no significant net cost.

By prohibiting the importation and interstate transport of certain snakes without a permit, the bill would impose intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

The cost to public and private entities eligible for permits, such as zoos or research centers, would be the expense of obtaining those permits. (USFWS regulations prohibit the agency from charging permit fees to State, local, or tribal entities. Fees for private entities would be \$25 or \$100 depending on the activity being authorized.) The cost of the mandate to those ineligible for a permit, including private importers, breeders, retailers, shippers, and owners of those snakes, would be the forgone net income from no longer being able to sell or transport the animals across State lines. (According to the USFWS, exportation of the animals would be allowed only from coastal or border States.)

Based on information about the cost of permits from the USFWS, and information gathered from industry professionals about the value of shipments, sales, and imports of snakes, CBO estimates that the costs of the mandates would fall below the annual thresholds established in UMRA for intergovernmental and private-sector mandates (\$69 million and \$139 million in 2009, respectively, adjusted annually for inflation).

The CBO staff contacts for this estimate are Mark Grabowicz (for costs to the Federal justice system), Deborah Reis (for USFWS), Melissa Merrell (for the impact on State, local, and tribal governments), and Marin Randall (for the impact on the private sector). The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 2811 is designed

to restrict the importation and interstate transportation of pythons unless specifically authorized by the Secretary of the Interior for zoological, educational, medical, or scientific purposes, or imported by Federal agencies for their own use.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8, clauses 3 and 18 of the Constitution.

ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 2811 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI.

SECTION-BY-SECTION ANALYSIS

Section 1. Importation or Shipment of Injurious Species.—This section amends the first sentence of 18 U.S.C. § 42(a)(1) to include “constrictor snakes of the species Python genera” among the species for which importation into the United States and its territories and possessions is specifically prohibited.

December 17, 2010

JAMES H. ZOLA
DAVID P. STOFF

DUC HASTNER, WA
KAWANABE HIDEAKI (KAWABE)
DON YOUNG, AZ
EITON JAMES JERRY, CA
JOHN W. DUNDAY JR, TX
JEFF JUNE, AZ
KENNY S. BROWN JR, SC
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LOUIE GOMBERG, TX
ROB KESNER, AZ
BOB HILLSTADT, PA
DAVID L. SARGENT, CA
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ROBERT J. WIRTHMAN, VA
PAUL C. STOUN, GA
JOHN FLEMING, LA
NHS COMPANY, CO
NASHON CHRISTOPHER, UT
CYNTHIA M. LUMBER, NY
TOM MCKINZICK, CA
BILL CROSBY, LA

TEDD YOUNG
 REPUBLICAN CHIEF OF STAFF

Dear Mr. Chairman,

Thank you for the opportunity to work with you on H.R. 2811, a bill to amend title 18, United States Code, to include constrictor snakes of the species *Python* genera as an injurious animal, concerning provisions which are within the jurisdiction of the Committee on Natural Resources.

Because of the continued cooperation and consideration that you have afforded me and my staff in developing these provisions, I will not seek a sequential referral of H.R. 2811. Of course, this waiver is not intended to prejudice any future jurisdictional claims over these provisions or similar language. I also reserve the right to seek to have conferees named from the Committee on Natural Resources on these provisions, and request your support if such a request is made.

With warm regards, I am

Sincerely,

Rich Russell

NICK J. RAHALL, II
Chairman
Committee on Natural Resources

JOHN CONYERS, JR., Michigan
CHAIRMAN

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RICK BOUCHER, Virginia
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PEDRO R. PERLAUSI, Puerto Rico
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TED DEUTCH, Florida
LUS V. GUTENBERG, Illinois
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CHARLES A. GONZALEZ, Texas
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ADAM B. SCHIFF, California
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December 21, 2010

The Honorable Nick J. Rahall II
Chairman
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter regarding your committee's jurisdictional interest in H.R. 2811, a bill to amend title 18, United States Code, to include constrictor snakes of the species Python genera as an injurious animal.

I appreciate your willingness to waive referral of this bill to your committee at this time. I understand and agree that this is without prejudice to your committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response in the report we are filing on the bill. I appreciate the cooperative working relationship our two committees have enjoyed.

Sincerely,


John Conyers, Jr.
Chairman

cc: The Honorable Lamar Smith
The Honorable Doc Hastings

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

TITLE 18, UNITED STATES CODE

* * * * *

PART I—CRIMES

* * * * *

CHAPTER 3—ANIMALS, BIRDS, FISH, AND PLANTS

* * * * *

§ 42. Importation or shipment of injurious mammals, birds, fish (including mollusks and crustacea), amphibia, and reptiles; permits, specimens for museums; regulations

(a)(1) The importation into the United States, any territory of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or any shipment between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any possession of the United States, of the mongoose of the species *Herpestes auropunctatus*; of the species of so-called “flying foxes” or fruit bats of the genus *Pteropus*; of the zebra mussel of the species *Dreissena polymorpha*; *of the Burmese Python of the species Python molurus bivittatus; of the African Rock Python of the species Python sebae*; and such other species of wild mammals, wild birds, fish (including mollusks and crustacea), amphibians, reptiles, brown tree snakes, or the offspring or eggs of any of the foregoing which the Secretary of the Interior may prescribe by regulation to be injurious to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States, is hereby prohibited. All such prohibited mammals, birds, fish (including mollusks and crustacea), amphibians, and reptiles, and the eggs or offspring therefrom, shall be promptly exported or destroyed at the expense of the importer or consignee. Nothing in this section shall be construed to repeal or modify any provision of the Public Health Service Act or Federal Food, Drug, and Cosmetic Act. Also, this section shall not authorize any action with respect to the importation of any plant pest as defined in the Federal Plant Pest Act, insofar as such importation is subject to regulation under that Act.

* * * * *