that we start a process here today which is somewhat strange as we enter into this next week. We have eight bills that are coming up from our particular committee—seven of which I actually support, including this one—and yet we are now committing them over to the death now of the Federal graveyard known as the United States Senate, where they shall probably languish for the next 2 years, only to be resurrected in the 112th session of Congress in some kind of omnibus form. We're doing probably the son of S.R. 22 even as we speak.

However, having said that, I appreciate the words that have been spoken about this particular bill.

And I would be willing, Mr. Speaker, to yield 2 minutes to the gentlelady from Guam if she would like to conclude on this debate, and then that would be sufficient for me.

Ms. BORDALLO. I thank the gentleman for yielding me this time.

I want to take this moment just to read a passage here: ''Why is the United States Government, not the Government of Japan, paying for these war claims? This may be a question that many would ask. Well, following World War II, American nationals and citizens were awarded some compensation from the Federal Government for certain war-time losses, yet Guamanians were excluded.

''In 1945, the United States Congress acknowledged and attempted to remedy the needs of Guamanians by passing the Guam Meritorious Claims Act within weeks after the cessation of hostilities. The bill was an attempt to provide immediate relief to the people of Guam for the sacrifices and the sufferings they endured during the Imperial Japanese occupation of the island. Unfortunately, the intent of the legislation was never fully realized. Then, the United States signed a treaty of peace with Japan on September 8, 1951 which precluded American citizens from making claims against Japan for war reparations.'' I think that's very, very important; it precluded American citizens from making claims against Japan for war reparations.

''The treaty closed any legal mechanism for seeking redress from the Government of Japan. And moreover, bureaucratic bungling of the Guam Meritorious Claims Act of 1945, post World War II, hindered many Guamanians from receiving the appropriate level of support. Since Guam had no representation in Congress until 1973, it was difficult for Guamanians to advocate for better implementation of the legislation.''

So, again, I thought it was important to explain this. Many people have asked why isn't Japan responsible for this. And so I thought I would include this in the RECORD, Mr. Speaker. And I urge my colleagues to vote for the bill, H.R. 44.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to support legislation that has been introduced by my colleague, Congresswoman BORDALLO. H.R. 44, the Guam World War II Loyalty Recognition Act, would honor the residents of Guam for their loyalty and compensate them for the atrocities they suffered during the long and violent Japanese occupation of Guam.

During World War II, Guam was invaded, seized and occupied by Imperial Japanese forces for nearly three years. The war destroyed much of Guam, including housing, public buildings, utilities and infrastructure. In addition, the people of Guam suffered many deaths and an untold number of acts of brutality. This ruthless brutality has left a lasting impact on the survivors of the war and the descendants of victims. These sufferers wanted nothing more than survival and liberation under the U.S. flag.

In 1947, the Secretary of the Navy commissioned a civilian committee on the Naval Administration of Guam and American Samoa to prepare a report with specific recommendations. The report became known as the Hopkins Report and was submitted to the Secretary of the Navy in 1947. Among other things, the report addressed deficiencies in the war claims process for Guam immediately after the war ended. In the cover letter submitted with the report, the committee stated, ''Only so can justice be done to a valiant group of Americans who at great cost to themselves remained steadfastly loyal during the war . . . in so special a case this government could well be very generous in method of distributing its relief as well as generous in amount awarded. It has been neither.''

Many decades later, the 107th Congress authorized the Guam War Claims Review Commission to determine if the people of Guam received parity in claims as compared to other Americans who experienced losses and damages during the war. In 2004, the Commission submitted their final report to Congress and found that Guam's residents were inequitably treated.

There has been legislation to address this inequitable treatment in every Congress since 1985. Two hearings have been held, one in the 108th Congress and one on in the 109th Congress. In the 110th Congress, the House passed H.R. 1595 under a suspension of the rules but the Senate was not able to act on the measure before final adjournment. It is time to follow the recommendations made by both the Hopkins report and the Guam War Claims Review Commission by providing adequate reparations for the people of Guam. It is time to honor them for their sacrifices.

Congresswoman BORDALLO continues to call for a resolution to this open wound and has done a fantastic job over the years to create the most fair and equitable legislation that Congress can pass. I hope the people of Guam know that this issue is being addressed and the people have not been forgotten.

I urge my colleagues to support the people of Guam and vote for final passage.

Mr. HONDA. Mr. Speaker, as Chair of the Congressional Asian Pacific American Caucus, I rise today in support of H.R. 44, the Guam World War II Loyalty Recognition Act, which recognizes the great suffering and loyalty of the people of Guam during the Japanese occupation of Guam in World War II.

On December 8, 1941, concurrent with the attack on Pearl Harbor, Imperial Japanese forces invaded and seized control of the island of Guam, a United States Territory. Guam was occupied for the following thirty months, during which time its people were subjected to executions, beatings, rape, forced labor, and forced marches. In the final months of the occupation, all residents were interned in concentration camps.

The Guam Meritorious Claims Act of 1945 provided some relief to residents of Guam, but in 2004, the Guam War Claims Review Commission determined that there was a lack of parity in war claims for the people of Guam compared to other war claims programs authorized by Congress for similarly-affected U.S. citizens and U.S. nationals. The Commission felt that the U.S. government had a ''moral obligation'' to provide redress for the people of Guam, which is the goal of H.R. 44. As an original cosponsor of the bill, I support this objective wholeheartedly.

I am proud to honor and recognize the patriotism shown by the people of Guam and the sacrifices they made during World War II and I urge my colleagues to vote ''yes'' on H.R. 44. This is long-overdue legislation to compensate eligible residents of Guam for deaths and injuries suffered during the Japanese occupation.

Mr. SKELTON. Mr. Speaker, let me express my support for H.R. 44, the Guam World War 2 Loyalty Recognition Act.

As my colleagues know, during World War II, the people of Guam endured great suffering under the occupation of the military forces of the Japanese Empire. H.R. 44 would give appropriate recognition to the extraordinary hardships endured by the people of Guam and the loyalty they demonstrated to the United States of America during 32 months of occupation. The bill would also provide for compensation for the victims and relatives of those who suffered and for research, education, and media efforts to memorialize the occupation.

I recently had the opportunity to visit Guam and I was reminded of the strategic importance it plays in preserving the security of our nation. We must never lose sight of what the people of Guam have done, and continue to do, for the United States.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 44.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROE of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CAPTIVE PRIMATE SAFETY ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 80) to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 80

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Captive Primate Safety Act''.

SEC. 2. ADDITION OF NONHUMAN PRIMATES TO DEFINITION OF PROHIBITED WILDLIFE SPECIES.

Section 2(g) of the Lacey Act Amendments of 1981 (16 U.S.C. 3371(g)) is amended by inserting before the period at the end ''or any nonhuman primate''.

SEC. 3. CAPTIVE WILDLIFE AMENDMENTS.

(a) PROHIBITED ACTS.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting ''or'' after the semicolon;

(ii) in subparagraph (B)(iii), by striking ''; or'' and inserting a semicolon; and

(iii) by striking subparagraph (C); and

(B) in paragraph (4), by inserting ''or subsection (e)'' before the period; and

(2) in subsection (e)—

(A) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6) respectively;

(B) by striking ''(e)'' and all that follows through ''Subsection (a)(2)(C) does not apply'' in paragraph (1) and inserting the following:

''(e) CAPTIVE WILDLIFE OFFENSE.—

''(1) IN GENERAL.—It is unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any live animal of any prohibited wildlife species.

''(2) LIMITATION ON APPLICATION.—This subsection—

''(A) does not apply to a person transporting a nonhuman primate to or from a veterinarian who is licensed to practice veterinary medicine within the United States, solely for the purpose of providing veterinary care to the nonhuman primate, if—

''(i) the person transporting the nonhuman primate carries written documentation issued by the veterinarian, including the appointment date and location;

''(ii) the nonhuman primate is transported in a secure enclosure appropriate for that species of primate;

''(iii) the nonhuman primate has no contact with any other animals or members of the public, other than the veterinarian and other authorized medical personnel providing veterinary care; and

''(iv) such transportation and provision of veterinary care is in accordance with all otherwise applicable State and local laws, regulations, permits, and health certificates;

''(B) does not apply to a person transporting a nonhuman primate to a legally designated caregiver for the nonhuman primate as a result of the death of the preceding owner of the nonhuman primate, if—

''(i) the person transporting the nonhuman primate is carrying legal documentation to support the need for transporting the nonhuman primate to the legally designated caregiver;

''(ii) the nonhuman primate is transported in a secure enclosure appropriate for the species;

''(iii) the nonhuman primate has no contact with any other animals or members of the public while being transported to the legally designated caregiver; and

''(iv) all applicable State and local restrictions on such transport, and all applicable State and local requirements for permits or health certificates, are complied with;

''(C) does not apply to a person transporting a nonhuman primate solely for the purpose of assisting an individual who is permanently disabled with a severe mobility impairment, if—

''(i) the nonhuman primate is a single animal of the genus Cebus;

''(ii) the nonhuman primate was obtained from, and trained at, a licensed nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 the nonprofit tax status of which was obtained—

''(I) before July 18, 2008; and

''(II) on the basis that the mission of the organization is to improve the quality of life of severely mobility-impaired individuals;

''(iii) the person transporting the nonhuman primate is a specially trained employee or agent of a nonprofit organization described in clause (ii) that is transporting the nonhuman primate to or from a designated individual who is permanently disabled with a severe mobility impairment, or to or from a licensed foster care home providing specialty training of the nonhuman primate solely for purposes of assisting an individual who is permanently disabled with severe mobility impairment;

''(iv) the person transporting the nonhuman primate carries documentation from the applicable nonprofit organization that includes the name of the designated individual referred to in clause (iii);

''(v) the nonhuman primate is transported in a secure enclosure that is appropriate for that species;

''(vi) the nonhuman primate has no contact with any animal or member of the public, other than the designated individual referred to in clause (iii); and

''(vii) the transportation of the nonhuman primate is in compliance with—

''(I) all applicable State and local restrictions regarding the transport; and

''(II) all applicable State and local requirements regarding permits or health certificates; and

''(D) does not apply'';

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) by striking ''a'' before ''prohibited'' and inserting ''any'';

(ii) by striking ''(3)'' and inserting ''(4)''; and

(iii) by striking ''(2)'' and inserting ''(3)'';

(D) in paragraph (3) (as redesignated by subparagraph (A))—

(i) in subparagraph (C)—

(I) in clauses (ii) and (iii), by striking ''animals listed in section 2(g)'' each place it appears and inserting ''prohibited wildlife species''; and

(II) in clause (iv), by striking ''animals'' and inserting ''prohibited wildlife species''; and

(ii) in subparagraph (D), by striking ''animal'' each place it appears and inserting ''prohibited wildlife species'';

(E) in paragraph (4) (as redesignated by subparagraph (A)), by striking ''(2)'' and inserting ''(3)''; and

(F) in paragraph (6) (as redesignated by subparagraph (A))—

(i) by striking ''subsection (a)(2)(C)'' and inserting ''this subsection''; and

(ii) by striking ''2004 through 2008'' and inserting ''2010 through 2014''.

(b) CIVIL PENALTIES.—Section 4(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(a)) is amended—

(1) in paragraph (1), by inserting ''(e),'' after ''subsections (b), (d),'' ; and

(2) in paragraph (1), by inserting '', (e),'' after ''subsection (d)''.

(c) CRIMINAL PENALTIES.—Section 4(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is amended—

(1) in paragraphs (1)(A) and (1)(B) and in the first sentence of paragraph (2), by inserting ''(e),'' after ''subsections (b), (d),'' each place it appears; and

(2) in paragraph (3), by inserting '', (e),'' after ''subsection (d)''.

(d) EFFECTIVE DATE; REGULATIONS.—

(1) EFFECTIVE DATE.—Subsections (a) through (c) shall take effect on the earlier of—

(A) the date of the issuance of regulations under paragraph (2); or

(B) the expiration of the period referred to in paragraph (2).

(2) REGULATIONS.—The Secretary of the Interior shall issue regulations implementing the amendments made by this section by not later than the end of the 180-day period beginning on the date of the enactment of this Act.

SEC. 4. APPLICABILITY PROVISION AMENDMENT.

Section 3 of the Captive Wildlife Safety Act (117 Stat. 2871; Public Law 108–191) is amended—

(1) in subsection (a), by striking ''(a) IN GENERAL.—Section 3'' and inserting ''Section 3''; and

(2) by striking subsection (b).

SEC. 5. REGULATIONS.

Section 7(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3376(a)) is amended by adding at the end the following new paragraph:

''(3) The Secretary shall, in consultation with other relevant Federal and State agencies, issue regulations to implement section 3(e).''.

SEC. 6. AUTHORIZATIONS OF APPROPRIATIONS FOR ADDITIONAL LAW ENFORCEMENT PERSONNEL.

In addition to such other amounts as are authorized to carry out the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.), there is authorized to be appropriated to the Secretary of the Interior $5,000,000 for fiscal year 2010 to hire additional law enforcement personnel of the United States Fish and Wildlife Service to enforce that Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam (Ms. BORDALLO).

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and exclude extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

The pending measure, the Captive Primate Safety Act, was introduced by our colleague from Oregon, Representative EARL BLUMENAUER. This bill amends the Lacey Act Amendments of 1981 to prohibit the import, export, transportation, sale, receipt, acquisition or purchase in interstate or foreign commerce of nonhuman primates such as monkeys and chimpanzees.

One week ago today, in Stamford, Connecticut, a 200-pound chimpanzee

went berserk and viciously attacked a family friend he had known for years. The injuries this chimpanzee inflicted on a 55-year-old woman were described as horrendous, including multiple broken bones, loss of limbs, and mutilation. According to a press report, the police called the attack ''lengthy and vicious.'' In trying to save her friend, the chimpanzee's owner stabbed him repeatedly with a kitchen knife and also tried hitting him with a shovel. In the end, police were forced to shoot the animal. Today, our thoughts and prayers go out to Ms. Charla Nash, the victim of this attack.

While nonhuman primates may seem cuddly and harmless to some, last week's tragedy reminds us all too clearly that they are wild animals and that they can become extremely dangerous.

Although the importation into the United States of nonhuman primates for the pet trade has been banned since 1975, and some States already prohibit their possession as pets, these animals are readily available for domestic purchase on the Internet and from exotic animal dealers.

We will never know, Mr. Speaker, what triggered last week's attack, but what we do know is that it is not unique. The Humane Society of the United States estimates about 15,000 monkeys and other primates are in private hands in the United States, and in recent years, there have been dozens of incidents of nonhuman primates injuring people. Fortunately, few were as tragic as the incident in Connecticut. By prohibiting interstate commerce in and transport of nonhuman primates, the pending measure limits the opportunity for people to acquire these wild animals as pets and diminishes the likelihood that another horrific incident like we saw in Connecticut will occur.

This bill passed the House during the last Congress but was not acted upon by the other body. So today, we are renewing our call for action.

And with that, I ask Members on both sides to support passage of this very timely legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

This time, I do rise in opposition to H.R. 80, known as the so-called ''monkey bite bill,'' which we discussed again last time.

Just to clear the deck and make sure that everything is up front, I own no monkeys. I am annoyed by rally monkeys at ALCS series games. Other than that, there is no personal interest here. But it is amazing, at a time when we are suffering economic pain—in fact, I find it somewhat incomprehensible that we are again debating an issue that clearly falls under the jurisdiction of State fish and wildlife agencies. In fact, 40 States already prohibit ownership of monkeys or require a license or permit in order to own a monkey. This is not within the realm of what national government needs to spend its time.

As tragic as the incident in Connecticut was earlier with that 200-pound chimpanzee, Travis, there is nothing in this legislation that addresses the ownership of monkeys. There is nothing that would have impacted that particular occurrence, unless the monkey was willing to chase the woman from Connecticut over to New York State. Then maybe there would have been some nexus for which this bill would yield because this bill only deals with interstate shipment of monkeys.

□ 1500

In 1975 the Federal Government prohibited the importation of nonhuman primates into the United States. There is no legal way to import a monkey into the United States for more than 30 years. So what, pray tell, is the overriding need for this legislation, which, once again, does not prohibit monkeys from biting; we're only prohibiting them from shipping them over States? If a person is bit by a monkey, it will only have any impact if that hand of the kid goes across the State line and then when withdrawing the hand, the monkey follows it back into a different State. Only then would there be some kind of nexus with this.

It was stated that there are 15,000 monkeys in the United States. The vast majority of those are not pets but used in other facilities. It was also stated that there are dozens of incidents of monkey bites. Well, I hate to say this. It's kind of like President Adams once said, ''Facts are stubborn things.'' In the decade from 1995 to 2005, there were only 132 documented incidences between captive primates and humans. Of that total, only 80 involved pet bites. That's 8 bites per year. If you really wanted to do something about protecting Americans from pets, go after dogs. You send 100,000 people to the hospital every year from being bitten by a pet dog. That maybe would have some relevance to what the Federal Government is trying to do.

They also at some time will say that these nonhuman primates transmit disease. Once again in the 110th session of Congress, the expert testimony found that there is no documentation of pet primates being a threat to public safety.

There is, though, a cost to this legislation. Regardless of the fact that the issue is minimal, the problem is minimal, the problem could easily be handled on a State-by-State basis, we will still appropriate to the U.S. Fish and Wildlife Service or we will demand the Fish and Wildlife Service cull out from their budget $4 million to hire additional staff to conduct interstate inspections and investigation to enforce this law. On a per basis, that translates to a half million dollars per monkey bite. It is not surprising, therefore, that the U.S. Fish and Wildlife testified in opposition to this bill. They have better uses of their time and their money.

So I urge my colleagues to resist this effort to try to make sure that everything in life is always fair and equal and controlled from these hallowed Halls of Washington and vote ''no'' on H.R. 80.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentlewoman's courtesy in permitting me to speak on this bill and her leadership in guiding it to the floor once again.

We often speak of an idea whose time has come. Today's legislation is long overdue. Even though the Captive Primate Safety Act passed the House overwhelmingly last session, it was one of those bills alluded to by my friend from Utah that went to the other body to die. I hope that today our vote will at least be nearly unanimous, overwhelmingly again, and the Senate follow our lead. This is a critical step in terms of protection of the public. The gentlewoman referenced the last week's horrific chimpanzee attack that brings renewed urgency to the legislation before us.

I am a little frustrated when I hear my distinguished colleague attempt to belittle the import of this bill. It is common sense that exotic species or animals destined for the food chain are treated not just as an animal welfare issue but as a human welfare issue. Animal welfare legislation is about far more than merely treating God's creatures with the dignity and respect that is their due. How we treat these animals in our community reflects a lot on our own values and who we are.

Last week's attack shows what can happen when primates are treated like pets rather than a wild animal. It's not an isolated instance. There have been 100 attacks on humans by primates in the last 10 years, 29 of which involved children.

We don't know why the chimpanzee that had been treated like a member of the household snapped. We don't know what prompted the act, but we do know the results. And, indeed, all the money my friend decreed will be spent and more trying to deal with this one woman who was horrifically maimed. And it could have been much worse. What if the rampage had taken place near a school, if the officers hadn't responded quickly, or if the chimpanzee in question had been infected with one of the many diseases they commonly carry? Primates should be added to the Lacey Act prohibition just as we added lions, tigers, and other big cats in 2003 with the passage of the Wildlife Safety Act.

There is this notion somehow that we will just sit back, let the States provide legislation protection or not. Well,

we didn't do that with the big cats, appropriately so, and already it is not just illegal to import primates into the United States, but it's outlawed by 20 States. But primates are still readily available. Exactly the same way we have worked to deal with horrific consequences of animal fighting, which used to be legal in the various and sundry States, first dog fighting was made illegal, then cockfighting in a variety of States, but the prohibition of interstate transfer and making it a Federal misdemeanor was an important part of providing a chain of protection. When these animals can be regularly transported across State lines, they can be sold over the Internet, it's very difficult to have a pattern of protection.

I salute the animal welfare advocates for their efforts. At times people are dismissive of one element or another, but the total package here is very important. With thousands of primates exposed to people around the country, we are in a situation where we have an opportunity to take the next important step. It is the least we can do to extend the protections of the Lacey Act. When we treat animals properly, respect the fact that they are not like us, that their needs are not being met, dressed up in tutus or taught to drink wine from wine glasses. The Lacey Extension Act will overnight stop the trade in animals that have no business being household pets. It will mean that the Federal Government is doing all we can to protect our citizens from attack and from disease. And, hopefully, this will be another step in a framework of protection where the 30 States that still allow primates as pets, including a number that have no regulation whatsoever, will be inspired to join the Federal Government and the 20 States which outlaw them entirely. In the meantime we are stopping this trade.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. BLUMENAUER. I will be happy to yield.

Mr. BROUN of Georgia. I appreciate what the gentleman says.

Would you please explain to me how this bill is going to stop the horrific accident that occurred in Connecticut? I don't see how this bill will do that, and I would appreciate it if you would explain how this is going to prevent animal bites.

Mr. BLUMENAUER. I appreciate the gentleman's inquiry. And let me explain. I will use the analogy that I just made on the floor with animal fighting. Dog fighting and cockfighting used to be commonly accepted activities. There were those in this Chamber who fought against having Federal protections to stop it. And what we saw is that when we don't have the Federal protections, when we rely on inadequate activities across State borders, there are many States that don't step up, that don't provide the protection, and if it isn't a serious enough element, the Federal Government doesn't deploy enforcement tactics. In fact, I think it was in your home State of Georgia that we finally had a horrific example of Michael Vick and animal fighting that finally drove the point home and raised the profile of that issue.

Now, what we are going to have to do is to provide a framework of protection to move to where we are, in fact, actually taking seriously this responsibility. And it is not a case of monkey bites, and people are dismissing it, that it's not important, we will just leave it to the State. Obviously, there are some States that aren't stepping up and providing protection.

I want it to be clear because this is an important step. It doesn't solve it overnight, but if we had moved earlier, provided protection, stopped the interstate transfer, put the spotlight on how serious this is, maybe, maybe we would have had States move forward to do what the other 20 States have done, to outlaw them. And when we get to this point where we have a framework of protection, licensing, and outlawing, we are not going to have a place where a neighbor called in distress comes forward and has her face ripped off. This monkey would not have been shipped from Missouri and the victim would not be in Cleveland getting a face transplant.

I sincerely hope that you and other skeptics look at what is happening around the country and revise the notion that this isn't a serious problem, that instead the Federal Government ought to do all it can to stop it, that States ought to step forward and prohibit it, and in so doing all our families will be safer, healthier, and more economically secure.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. BLUMENAUER. I yield.

Mr. BROUN of Georgia. Surely you're not suggesting that owning a primate is equal to cockfighting or dog fighting. Surely the gentleman is not suggesting that. I don't think you can compare. We're comparing apples to oranges in that situation. I don't support dog fighting. I don't support cockfighting. I'm a physician and I have treated a lot of animal bites in my career. But in my opinion, I don't think this is going to prevent animal bites of any kind, even primate bites, and the only person who is going to get bitten in this is the American taxpayer. You may say $5 million is not a lot of money, but the thing is the American public is going to be bitten in the wallet and it's going to be a program that is going to continue for some period of time.

Mr. BLUMENAUER. I appreciate the suggestion.

Mr. BROUN of Georgia. But do you compare this to dog fighting?

Mr. BLUMENAUER. What I'm saying precisely is that having a Federal framework to stop the transport of animals that are dangerous, that are not household pets is an important first step. This is, in fact, serious business. You can make the same argument, you can make exactly the same argument, about prohibiting big cats from being transferred. Just let it go. This is something that can be handled on the State level, that animal fighting is something that can just be handled on the State level and there is no role to play because you're still going to have problems. I respectfully suggest that contrary to your assertion that by having a framework for big cats, having a framework for animal fighting, and now for dangerous primates that should not be routinely treated like the traffic of household pets is an important step to protect the public. It was important for the big cats. It was important for cockfighting and dog fighting. And I think it's important that we do what we can to stop the potential of additional problems from primates and by not having them move in interstate commerce to be trafficking around the country. This is an important step for regulation and control.

I think it's an important step forward. It's why there was an overwhelming vote last session, why it's supported by zoo keepers, animal welfare, research. This is, as I say, Mr. Speaker, legislation whose time has passed.

□ 1515

I would think what we saw in Connecticut is an example of why we need to be serious about the role that these primates play. They aren't pets. The Federal Government should not facilitate their treatment as pets to the 30 States that still, sadly, permit them in households, and many of them that don't have any regulatory controls at all.

We will be doing our part today to do what the Federal Government can do to prevent such tragedies in the future, but I think it is an important signal for State legislatures around the country to step up and provide protection for their communities to prevent these activities, and I think it's critically important that we are part of an effort to inform the public of this problem.

Mr. BISHOP of Utah. I would be happy to yield 2 minutes to the gentleman from Georgia (Mr. BROUN), which was not where the dogfighting took place. That was Virginia.

Mr. BROUN of Georgia. I thank the gentleman from Utah for yielding, and I just wanted to make a comment.

I just respectfully disagree with my friend from out West and from Oregon about his very impassioned debate here, and I understand that my friend is very passionate about this. As a physician, I am very concerned about animal bites myself.

But I don't see where this bill is going to stop animal bites. I don't see where it's going to stop primate bites. If you want to outlaw primate ownership, then maybe that bill is one that you bring to the floor. I am not sure how we would vote on that, but I don't see how we can compare ownership of a

primate or even a lion or a tiger to dogfighting and cockfighting. They are totally separate entities and so totally separate issues.

This is going to cost money when we are in a situation where the American public is fixing to be asked to increase their taxes, and we passed just 2 weeks ago, week-and-a-half ago, a huge stimulus bill that I don't think is going to stimulate the economy.

But I do know this, increasing Federal spending and increasing Federal purview into people's lives, particularly States' lives, is not in the best interests of our taxpayers. It's not in the best interests of America, and, frankly, I carry a copy of the Constitution in my pocket all the time and I don't see anything in this document that allows us to continue to expand the size of the Federal Government like we are doing.

So I just wanted to make a comment that I very much appreciate your impassioned remarks. I understand the horrible accident that my friend from Utah was not trying to belittle in any way whatsoever, and I am sure he would tell you the same thing, and I know that he has a heart just like we all do.

This bill is not going to stop that type of activity, and I don't think it's in the best interests of America.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

I would also like to note that despite State laws, pet primates continue to be available for purchase between States, and this bill would prevent that. In one instance, all it took was $45,000 and a phone call to have a chimp shipped from Missouri to Maryland.

While it is illegal to own a primate in 20 States, in the rest of the country there is little to no regulation, and that is why the chimp owner in Connecticut was able to purchase Travis from Missouri. What happened last Monday has happened repeatedly in the past, and it will happen again if we don't pass this bill.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, once again we look into what we are doing here in Congress in terms of the relationship of how we spend our time and what is most productive for our constituents and the people of this great country.

The gentleman from Georgia, I appreciate him implying that I have a heart. I don't think my kids would concur with that decision, but it happens to be there.

What we are talking about, obviously in this particular bill, is simply the cause-effect relationship between a piece of legislation and the impact of that piece of legislation. It is true that there are 15,000 chimpanzees in this country, the overwhelming majority of which are not owned as pets. They are in labs. They are in zoos. Those chimpanzees are specifically excluded by the language of this particular bill.

We are only going after a small section, a small issue, and yet the so-called harm that's caused does not have a relationship to the bill in front of us. This is not dealing with bites. It's not dealing with ownership. If we are talking about ownership, that could be a legitimate nexus.

This is simply importation and a Federal framework that goes a roundabout way and is not a way to actually come up with issues that solve the problems, especially when a State can do it just as easy as we can. Everyone's personal safety does not have to be guaranteed by a statute that comes from this Chamber of ours. There are other opportunities to deal with that.

What we should be dealing with are the key issues that affect this country. The last time this bill was before us on the floor, it was one of those things where we refused to try and talk about significant issues at the time and instead dealt with issues like this. Not that this is an insignificant issue, but this is dealing with a small area of American life where we are faced with vast issues, and yet we still refuse to deal with them.

It's almost like the end of whenever we left last week. It was the end of a TV season and we are starting over again, and yet we ended that TV season on a very high note of passing a bill of anywhere between 800 billion to $1 trillion with almost no discussion and time to debate it. We were promised 48 hours to talk about the stimulus bill.

Actually, I guess I misheard because I am older; it was actually 4 to 8 hours that we had to actually read about and learn about that stimulus bill before we jumped into the debate on this floor. And yet this week we come back for our new season, and we are doing the same thing again. We are faced with huge economic issues and huge bills coming down the pike, and yet, instead, we are not spending our time discussing those issues. We are spending our time discussing whether a prohibition of trade is the same thing as the prohibition of biting.

Yet, look at what is coming before us. We are going to be talking about an omnibus bill, an omnibus appropriations bill, hopefully sometime this week. Only a few moments ago, the text was finally available, even before it goes into the Rules Committee tomorrow.

Why are we not looking at that text and going through that? That is a $400 billion piece of legislation on top of the $1 trillion stimulus bill, on top of the $800 billion we did in bailouts, on top of $200 billion for Freddie and Fannie and AIG, et cetera, et cetera, on top of maybe some $70 billion we are going to be using for the housing market, on top of another 5 to 10 for another omnibus land bill which may someday come here.

All of these things are adding up, and yet we are not prioritizing the time of this Congress to deal with those. There is every indication that the omnibus spending bill that will be coming before us this week will come under a closed rule, which could indicate that there would be absolutely no debate on the floor of that bill. Not only are we not spending our time dealing with prioritizing what is important, we are not even allowing us, when we actually get to that point, to do it.

Last year, for the first time in the history of this Congress, there was a closed rule on an appropriations bill. That has never happened before, and that is not the way these types of things should take place. That's what we should be talking about today. That's what we should be talking about. How are we doing? How is the spending that we keep going through, an 8.7 percent increase in discretionary spending, how is that going to have an impact, how will the housing decisions we are going to be making soon?

That's where we should be spending our time. That's the discussion. I think, perhaps, if that were the discussion, maybe this room would be fully occupied by Members trying to find out where our future will be.

What we are doing simply right now is galumphing towards some goal in which we will have almost minimal time to discuss the main issues, but we are spending a lot of time dealing with bills that have been passed before, and dealing with bills once again that don't have a cause-effect relationship, which is why the entity that would be responsible for actually, actually supervising and enforcing this bill are opposed to it, because of that minimal nexus of cause-effect relationship. Now, that's the issue that we had before us.

We should, as a Congress, be trying to prioritize our time so we are dealing with the important issues that have an impact for all Americans and have an impact for the future of this country. And until we can do that type of prioritization, we are missing our goal and missing our mission here as Members of Congress.

I reserve the balance of my time, Mr. Speaker.

Ms. BORDALLO. Mr. Speaker, I would like to inquire as to how much time we have left.

The SPEAKER pro tempore. The gentlelady from Guam has 4 minutes.

Ms. BORDALLO. Mr. Speaker, I would therefore like to yield 2 minutes to Mr. BLUMENAUER.

Mr. BLUMENAUER. Thank you again.

I don't want to belabor this, but I find no small amount of irony that my good friend from Utah is saying, well, we shouldn't be wasting time with this, we should be dealing with the major issues of the day, really the critical things. And then I look down the agenda and, lo and behold, he has two items on the suspension calendar that he is sponsoring that are coming forward, and I don't know that they meet the test that he just made of things that are going to shake the roots of the democracy and move forward to solve all our economic and global problems.

We can, as they say, do more than one thing at once. We have a variety of

things that may not be earthshaking for everybody and deal with the future of the republic, but are important business none the less. That's why you put them on the suspension calendar to move them forward and that is why I have done so with this bill.

I want to just conclude with the notion, though, of the framework, and the dismissive notion of, you know, animal bites. I would respectfully suggest that having your face ripped off is not the same as just an animal bite, a nip here or a scratch there. We are dealing with animals that have the potential of inflicting serious damage and death.

We have a patchwork framework right now where the States, some have stepped up and recognized the responsibility and the danger to their citizens and have outlawed it. Others are starting to move in this direction and have some registration, for example.

But what we do with this legislation is provide a framework so that it is possible to actually have some enforcement. But what I mentioned in terms of the analogy, and I am sorry I wasn't clear to my friend from Georgia, that when you don't have a framework, when States are free to do whatever they want and you can transport things across State borders, it undercuts the abilities of the States that are trying to protect their citizens like with animal fighting. With all due respect, this provides a framework to start making this enforcement work. Even if you disagree, if this bill had been the law of the land, the chimp in the most recent attack would never have been shipped from Missouri and an unfortunate woman would still have her face.

Mr. BISHOP of Utah. The gentleman from Oregon has said many things with which I totally agree.

First of all, I didn't actually set the schedule. The Speaker sets the schedule. I do have two bills on the schedule, and I agree, those bills are not crucial to the value of this country. This country will survive without my bills.

Actually, if we are living in the proper world, since both those bills, as many of these passed last year, the Senate should have dealt with them last year and got them over and we would be done with it. That's one of the problems; we have to deal with the other body. There is kind of a difference between my bills and this one as well. Mine don't cost anything.

Mine also have the Federal entity that's involved in the Federal enrollment in support of those, and there is, I think, a cause-effect relationship that happens to be there. Having said that, it still doesn't change the fact that we are facing significant issues that we won't be addressing this week dealing with the economy, and dealing with how we are treating our fellow citizens in this Nation, and dealing with how we are going to ask taxpayers to pay for what we are dealing with, whether it's $1 trillion for a stimulus or a $200 billion bailout for Freddie and Fannie or $4 million a year to enforce a bill that could be done by the States and doesn't necessarily solve the problem that is supposedly the reason for the bill's introduction in the first place.

So I hope that we can move on to more significant things, and I hope that we are allowed on the floor the time to talk about more significant things in the future. And, yes, I would include my two bills as insignificant in that pantheon of issues which Congress should be debating.

With that, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, again, I say this is a timely, important piece of legislation, and I urge my fellow colleagues to support bill number H.R. 80.

Mr. Speaker, I submit for the RECORD the following exchange of letters between the Committee on the Judiciary and the Committee on Natural Resources concerning certain jurisdictional matters on H.R. 80.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 23, 2009.

Hon. NICK RAHALL,
Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.

DEAR CHAIRMAN RAHALL: In recognition of the desire to expedite consideration of H.R. 80, the Captive Primate Safety Act, the Committee on the Judiciary agrees to waive formal consideration of the bill as to provisions that fall within its rule X jurisdiction. Specifically, the bill adds a new criminal prohibition for trafficking in nonhuman primates, with felony penalties, including up to 5 years in prison.

The Committee takes this action with the understanding that by forgoing consideration of H.R. 80 at this time, it does not waive any jurisdiction over subject matter contained in this or similar legislation, and with the understanding that our Committee will be appropriately consulted as the bill or similar legislation moves forward. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor.

Thank you for your attention to this matter, and for the cooperative working relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC February 23, 2009.

Hon. JOHN CONYERS,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding provisions of H.R. 80, the Captive Primate Safety Act, that fall within the jurisdiction of the Committee on the Judiciary. I appreciate your willingness to waive sequential referral of the bill so that it may proceed to the House floor for consideration without delay.

I understand that this waiver is not intended to prejudice any future jurisdictional claims over these provisions or similar language. I also understand that you reserve the right to seek to have conferees named from the Committee on the Judiciary on these provisions, and would support such a request if it were made.

This letter will be entered into the Congressional Record during consideration of H.R. 80 on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,
Chairman.

Mr. BROWN of South Carolina. Mr. Speaker, as a co-sponsor of H.R. 80, I rise in strong support of this legislation. During the last Congress, a similar bill was approved by the House on a vote of 302 to 96.

In fact, this year's version is an improvement because it addresses the needs of certain non-profit humanitarian organizations who utilize nonhuman primates to assist permanently disabled Americans. These service monkeys have for over 30 years significantly improved the lives of dozens of Americans who suffer with polio, multiple sclerosis, spinal cord injuries and other severe mobility impairments.

I would also like to compliment my distinguished Subcommittee Chairwoman, the Honorable MADELEINE BORDALLO who was willing to work in a bipartisan fashion to improve this legislation. During our Committee deliberations, two amendments were adopted to ensure that all non-human primate pets are treated in a humane manner.

The first improvement allows owners to transport their beloved nonhuman primates across state lines when it becomes necessary to obtain essential veterinary care. During the debate on this measure, it became clear that there is a very limited number of veterinarians in the United States that have the expertise and even the interest in treating non-human primates.

The second humanitarian improvement allows the transportation of nonhuman primates across state lines upon the death of their human owners. It is not unusual for many of these non-human primate species to live 25 or even 40 years and it becomes critical that they can be relocated to a safe, secure and health environment.

Without these improvements, it was my fear that these monkeys would not receive adequate medical care or proper living conditions and that they would be dumped at an overcrowded zoo, wildlife sanctuary or animal shelter or simply abandoned to die.

I urge my colleagues to vote "aye" on H.R. 80, the Captive Primate Safety Act.

Ms. BORDALLO. I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 80.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1530

VIRGIN ISLANDS NATIONAL PARK LAND LEASE

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 714) to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CANEEL BAY LEASE AUTHORIZATION.

(a) DEFINITIONS.—In this section:

(1) PARK.—The term ''Park'' means the Virgin Islands National Park.

(2) RESORT.—The term ''resort'' means the Caneel Bay resort on the island of St. John in the Park.

(3) RETAINED USE ESTATE.—The term ''retained use estate'' means the retained use estate for the Caneel Bay property on the island of St. John entered into between the Jackson Hole Preserve and the United States on September 30, 1983.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) LEASE AUTHORIZATION.—

(1) IN GENERAL.—If the Secretary determines that the long-term benefit to the Park would be greater by entering into a lease with the owner of the retained use estate than by authorizing a concession contract upon the termination of the retained use estate, the Secretary may enter into a lease for the operation and management of the resort.

(2) ACQUISITIONS.—The Secretary may—

(A) acquire associated property from the owner of the retained use estate; and

(B) on the acquisition of property under subparagraph (A), administer the property as part of the Park.

(3) AUTHORITY.—Except as otherwise provided by this section, a lease shall be in accordance with subsection (k) of section 3 of Public Law 91–383 (16 U.S.C. 1a–2(k)), notwithstanding paragraph (2) of that subsection.

(4) TERMS AND CONDITIONS.—A lease authorized under this section shall—

(A) be for the minimum number of years practicable, taking into consideration the need for the lessee to secure financing for necessary capital improvements to the resort, but in no event shall the term of the lease exceed 40 years;

(B) prohibit any transfer, assignment, or sale of the lease or otherwise convey or pledge any interest in the lease with prior written notification to, and approval by the Secretary;

(C) ensure that the general character of the resort property remains unchanged, including a prohibition against—

(i) any increase in the overall size of the resort; or

(ii) any increase in the number of guest accommodations available at the resort;

(D) prohibit the sale of partial ownership shares or timeshares in the resort; and

(E) include any other provisions determined by the Secretary to be necessary to protect the Park and the public interest.

(5) RENTAL AMOUNTS.—In determining the fair market value rental of the lease required under section 3(k)(4) of Public Law 91–383 (16 U.S.C. 1a–2(k)(4)), the Secretary shall take into consideration—

(A) the value of any associated property conveyed to the United States; and

(B) the value, if any, of the relinquished term of the retained use estate.

(6) USE OF PROCEEDS.—Rental amounts paid to the United States under a lease shall be available to the Secretary, without further appropriation, for visitor services and resource protection within the Park.

(7) CONGRESSIONAL NOTIFICATION.—The Secretary shall submit a proposed lease under this section to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives at least 60 days before the effective date of the lease.

(8) RENEWAL.—A lease entered into under this section may not be extended or renewed.

(9) TERMINATION.—Upon the termination of a lease entered into under this section, if the Secretary determines the continuation of commercial services at the resort to be appropriate, the services shall be provided in accordance with the National Park Service Concessions Management Improvement Act of 1998 (16 U.S.C. 5951 et seq.).

(c) RETAINED USE ESTATE.—

(1) IN GENERAL.—As a condition of the lease, the owner of the retained use estate shall terminate, extinguish, and relinquish to the Secretary all rights under the retained use estate and shall transfer, without consideration, ownership of improvements on the retained use estate to the National Park Service.

(2) APPRAISAL.—

(A) IN GENERAL.—The Secretary shall require an appraisal by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the retained use estate to determine the value, if any, of the relinquished term of the retained use estate.

(B) REQUIREMENTS.—An appraisal under paragraph (1) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend our distinguished colleague from the Virgin Islands, a valuable member of the Committee on Natural Resources, DONNA CHRISTENSEN, for sponsoring H.R. 714. This legislation would authorize the National Park Service to continue its successful relationship with Caneel Bay Resort, ensure that park resources are protected, and allow the resort to undertake needed maintenance and improvement programs that will benefit visitors to the Virgin Islands National Park and the Caneel Bay Resort well into the future.

Mr. Speaker, this legislation was approved by the House in the previous Congress, but was not considered in the other body. It should be noted, however, that H.R. 714 includes some technical changes suggested by our colleagues in the Senate after hearings were conducted on the bill last year.

Congresswoman CHRISTENSEN deserves our thanks for her work in ensuring that visitor services at the Virgin Islands National Park are available and that the park's stunning natural resources are always protected.

I urge my colleagues to support the passage of H.R. 714.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill has been adequately explained by the other side and we support this legislation.

I reserve my time.

Ms. BORDALLO. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the author of this legislation.

Mrs. CHRISTENSEN. Mr. Speaker, I thank Congresswoman BORDALLO for those kind words and for yielding me time.

I rise, of course, in strong support of H.R. 714, legislation that I introduced to authorize the Secretary of the Interior to enter into a lease with the owners of Caneel Bay Resort in my congressional district. I want to begin by thanking Chairman RAHALL, as well as Chairman GRIJALVA, for their strong and steadfast support of this bill. Chairman GRIJALVA actually traveled to my district to see for himself how important the resort is to the island and the people of St. John and to meet with not only the management, but the employees, because it is important to the entire Virgin Islands.

Mr. Speaker, Caneel Bay traces its roots to Lawrence Rockefeller's coming to the Island of St. John in 1952. He purchased the then-existing resort facilities and also acquired more than 5,000 surrounding acres to protect the area. In 1956, he donated the additional land to create the Virgin Islands National Park. At the same time, he created Caneel Bay Resort, comprising 170 acres, which continues to complement and be environmentally consistent with the natural beauty of the park's setting.

Mr. Rockefeller subsequently decided to transfer the land underlying Caneel Bay to the National Park Service while retaining the improvements and continuing the Caneel Bay operations. He accomplished this through the execution of a series of unique agreements generally known as a retained use estate, or RUE.