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S.3297

Advancing America's Priorities Act (Placed on Calendar in Senate)

Subtitle A--Captive Primate Safety Act

SEC. 3001. SHORT TITLE.

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

SEC. 3002. 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. 3003. 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;



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` (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)';

(F) in paragraph (6) (as redesignated by subparagraph (A)), by striking `subsection (a)(2)(C)' and inserting `this subsection'; and

(G) by inserting after paragraph (6) (as redesignated by subparagraph (A)) the following:

` (7) APPLICATION- This subsection shall apply beginning on the effective date of regulations promulgated under this subsection.'.

(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)'.

SEC. 3004. 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. 3005. 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. 3006. AUTHORIZATION 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 2009 to hire additional law enforcement personnel of the United States Fish and Wildlife Service to enforce that Act.

Subtitle B--Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act

SEC. 3011. SHORT TITLE.

This subtitle may be cited as the `Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act`.

SEC. 3012. AUTHORIZATION OF APPROPRIATIONS.

Section 502 of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105-312) is amended by striking subsection (c) and inserting the following:

- ` (c) Authorization of Appropriations- There are authorized to be appropriated such sums as are necessary to carry out this section.`.

Subtitle C--Beach Protection Act of 2008

SEC. 3021. SHORT TITLE.

This subtitle may be cited as the `Beach Protection Act of 2008`.

SEC. 3022. BEACHWATER POLLUTION SOURCE IDENTIFICATION AND PREVENTION.

(a) In General- Section 406 of the Federal Water Pollution Control Act (33 U.S.C. 1346) is amended in each of subsections (b), (c), (d), (g), and (h) by striking `monitoring and notification' each place it appears and inserting `monitoring, public notification, source tracking, and sanitary surveys to address the identified sources of beachwater pollution`.

(b) Authorization of Appropriations- Section 406(i) of the Federal Water Pollution Control Act (33 U.S.C. 1346(i)) is amended by striking ` \$30,000,000 for each of fiscal years 2001 through 2005' and inserting ` \$60,000,000 for each of fiscal years 2008 through 2013`.

SEC. 3023. FUNDING FOR BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT.

Section 8 of the Beaches Environmental Assessment and Coastal Health Act of 2000 (114 Stat. 877) is amended by striking ` 2005' and inserting ` 2013`.

SEC. 3024. STATE REPORTS.

Section 406(b)(3)(A)(ii) of the Federal Water Pollution Control Act (33 U.S.C. 1346(b)(3)(A)(ii)) is amended by inserting `and all environmental agencies of the State with authority to prevent or treat sources of beachwater pollution' after `public`.

SEC. 3025. USE OF RAPID TESTING METHODS.

(a) Contents of State and Local Government Programs- Section 406(c)(4)(A) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)(4)(A)) is amended by inserting `, including the use of a rapid testing method after the last day of the 1-year period following the date of approval of the rapid testing method by the Administrator' before the semicolon at the end.

(b) Revised Criteria- Section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)) is amended--

- (1) in subparagraph (A)--

(A) by inserting `rapid' before `testing'; and

(B) by striking ` , as appropriate'; and

(2) by adding at the end the following:

`(C) VALIDATION OF RAPID TESTING METHODS- Not later than 2 years after the date of enactment of this subparagraph, and periodically thereafter, the Administrator shall validate the rapid testing methods.'.

(c) Definition- Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

`(25) RAPID TESTING METHOD- The term `rapid testing method' means a method of testing for which results are available within 2 hours after commencement of the rapid testing method.'.

SEC. 3026. PROMPT COMMUNICATION WITH STATE ENVIRONMENTAL AGENCIES.

Section 406(c)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)(5)) is amended--

(1) in the matter preceding subparagraph (A), by striking `prompt communication' and inserting `communication within 24 hours of the receipt of the results of a water quality sample';

(2) in subparagraph (A), by striking `and' at the end;

(3) in subparagraph (B), by inserting `and' after the semicolon at the end; and

(4) by adding at the end the following:

`(C) all agencies of the State government with authority to require the prevention or treatment of the sources of beachwater pollution;'.

SEC. 3027. CONTENT OF STATE AND LOCAL PROGRAMS.

Section 406(c) of the Federal Water Pollution Control Act (33 U.S.C. 1346(c)) is amended--

(1) in paragraph (6), by striking `and' at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon;

(3) by adding at the end the following:

`(8) measures to develop and implement a beachwater pollution source identification and tracking program for the coastal recreation waters that are not meeting applicable water quality standards for pathogens and pathogen indicators;

`(9) a publicly accessible and searchable geographical information system database with information updated within 24 hours of the availability of the information, organized by beach and with defined standards, sampling plan, monitoring protocols, sampling results, and number and cause of beach closing and advisory days; and

`(10) measures to ensure that closures or advisories are made or issued within 24 hours after the State government determines that any coastal recreation waters in the State are not meeting or are not expected to meet applicable water quality standards for pathogens and pathogen indicators.'.

SEC. 3028. COMPLIANCE REVIEW.

Section 406(h) of the Federal Water Pollution Control Act (33 U.S.C. 1346(h)) is amended--

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(2) by striking `In the' and inserting the following: `(1) IN GENERAL- In the'; and

(3) by adding at the end the following:

`(2) COMPLIANCE REVIEW- On or before July 31 of each calendar year beginning after the date of enactment of this paragraph, the Administrator shall--

`(A) prepare a written assessment of compliance with all statutory and regulatory requirements of this section for each State and local government, and of compliance with conditions of each grant made under this section to a State or local government, including compliance with any requirement or condition under subsection (a)(2) or (c);

`(B) notify the State or local government of the assessment; and

`(C) make each of the assessments available to the public in a searchable database on or before December 31 of the calendar year.

`(3) CORRECTIVE ACTION-

`(A) IN GENERAL- Any State or local government that the Administrator notifies under paragraph (2) that the State or local government is not in compliance with any requirement or grant condition described in paragraph (2) shall take such action as is necessary to comply with the requirement or condition by not later than 1 year after the date of the notification.

`(B) NONCOMPLIANCE- If the State or local government is not in compliance with such a requirement

or condition by the date that is 1 year after the deadline specified in subparagraph (A), any grants made under subsection (b) to the State or local government, after the last day of the 1-year period and while the State or local government is not in compliance with all requirements and grant conditions described in paragraph (2), shall require a Federal share of not to exceed 50 percent.

ˆ (4) GAO REVIEW- Not later than December 31 of the third calendar year beginning after the date of enactment of this paragraph, the Comptroller General of the United States shall--

ˆ (A) conduct a review of the activities of the Administrator under paragraphs (2) and (3) during the first and second calendar years beginning after that date of enactment; and

ˆ (B) submit to Congress a report on the results of the review.'.

SEC. 3029. STUDY OF GRANT DISTRIBUTION FORMULA.

(a) Study- Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall commence a study of the formula for the distribution of grants under section 406 of the Federal Water Pollution Control Act (33 U.S.C. 1346) for the purpose of identifying potential revisions of that formula.

(b) Requirements- In conducting the study, the Administrator shall--

(1) consider the emphasis and valuation placed on length of beach season, including any findings made by the Government Accountability Office with respect to that emphasis and valuation; and

(2) consult with appropriate Federal, State, and local agencies.

(c) Report and Revision- Not later than 1 year after the date of enactment of this Act, the Administrator shall--

(1) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study, including any recommendations for revisions of the distribution formula referred to in subsection (a); and

(2) revise the distribution formula referred to in subsection (a) in accordance with those recommendations.

Subtitle D--Appalachian Regional Development Act Amendments of 2008

SEC. 3031. SHORT TITLE.

This subtitle may be cited as the "Appalachian Regional Development Act Amendments of 2008".

SEC. 3032. LIMITATION ON AVAILABLE AMOUNTS; MAXIMUM COMMISSION CONTRIBUTION.

(a) Grants and Other Assistance- Section 14321(a) of title 40, United States Code, is amended--

(1) in paragraph (1)(A) by striking clause (i) and inserting the following:

ˆ (i) the amount of the grant shall not exceed--

ˆ (I) 50 percent of administrative expenses;

ˆ (II) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which a distressed county designation is in effect under section 14526, 75 percent of administrative expenses; or

ˆ (III) at the discretion of the Commission, if the grant is to a local development district that has a charter or authority that includes the economic development of a county or a part of a county for which an at-risk county designation is in effect under section 14526, 70 percent of administrative expenses;'; and

(2) in paragraph (2) by striking subparagraph (A) and inserting the following:

ˆ (A) IN GENERAL- Except as provided in subparagraph (B), of the cost of any activity eligible for financial assistance under this section, not more than--

ˆ (i) 50 percent may be provided from amounts appropriated to carry out this subtitle;

ˆ (ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this subtitle; or

ˆ (iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this subtitle.'.

(b) Demonstration Health Projects- Section 14502 of title 40, United States Code, is amended--

(1) in subsection (d) by striking paragraph (2) and inserting the following:

ˆ (2) LIMITATION ON AVAILABLE AMOUNTS- Grants under this section for the operation (including initial operating amounts and operating deficits, which include the cost of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with amounts authorized to be appropriated by this section, may be made for up to--

ˆ (A) 50 percent of the cost of that operation;

` (B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of the cost of that operation; or

` (C) in the case of a project to be carried out for a county for which an at-risk county designation is in effect under section 14526, 70 percent of the cost of that operation.'; and

(2) in subsection (f)--

(A) in paragraph (1) by striking `paragraph (2)' and inserting `paragraphs (2) and (3)'; and

(B) by adding at the end the following:

` (3) AT-RISK COUNTIES- The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to the lesser of--

` (A) 70 percent; or

` (B) the maximum Federal contribution percentage authorized by this section.'

(c) Assistance for Proposed Low- and Middle-Income Housing Projects- Section 14503 of title 40, United States Code, is amended--

(1) in subsection (d) by striking paragraph (1) and inserting the following:

` (1) LIMITATION ON AVAILABLE AMOUNTS- A loan under subsection (b) for the cost of planning and obtaining financing (including the cost of preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts) of a project described in that subsection may be made for up to--

` (A) 50 percent of that cost;

` (B) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of that cost; or

` (C) in the case of a project to be carried out for a county for which an at-risk county designation is in effect under section 14526, 70 percent of that cost.'; and

(2) in subsection (e) by striking paragraph (1) and inserting the following:

` (1) IN GENERAL- A grant under this section for expenses incidental to planning and obtaining financing for a project under this section that the Secretary considers to be unrecoverable from the proceeds of a permanent loan made to finance the project shall--

` (A) not be made to an organization established for profit; and

` (B) except as provided in paragraph (2), not exceed--

` (i) 50 percent of those expenses;

` (ii) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent of those expenses; or

` (iii) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent of those expenses.'

(d) Telecommunications and Technology Initiative- Section 14504 of title 40, United States Code, is amended by striking subsection (b) and inserting the following:

` (b) Limitation on Available Amounts- Of the cost of any activity eligible for a grant under this section, not more than--

` (1) 50 percent may be provided from amounts appropriated to carry out this section;

` (2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

` (3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.'

(e) Entrepreneurship Initiative- Section 14505 of title 40, United States Code, is amended by striking subsection (c) and inserting the following:

` (c) Limitation on Available Amounts- Of the cost of any activity eligible for a grant under this section, not more than--

` (1) 50 percent may be provided from amounts appropriated to carry out this section;

` (2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

` (3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.'

(f) Regional Skills Partnerships- Section 14506 of title 40, United States Code, is amended by striking subsection (d) and inserting the following:

` (d) Limitation on Available Amounts- Of the cost of any activity eligible for a grant under this section, not more than--

` (1) 50 percent may be provided from amounts appropriated to carry out this section;

` (2) in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526, 80 percent may be provided from amounts appropriated to carry out this section; or

` (3) in the case of a project to be carried out in a county for which an at-risk county designation is in effect under section 14526, 70 percent may be provided from amounts appropriated to carry out this section.'.

(g) Supplements to Federal Grant Programs- Section 14507(g) of title 40, United States Code, is amended--

(1) in paragraph (1) by striking ` paragraph (2)' and inserting ` paragraphs (2) and (3)'; and

(2) by adding at the end the following:

` (3) AT-RISK COUNTIES- The maximum Commission contribution for a project to be carried out in a county for which an at-risk county designation is in effect under section 14526 may be increased to 70 percent.'.

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