

Union Calendar No.

117TH CONGRESS
2^D SESSION

H. R. 263

[Report No. 117-]

To amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2021

Mr. QUIGLEY (for himself, Mr. FITZPATRICK, Mr. BLUMENAUER, Mr. BUCHANAN, Mr. GARCÍA of Illinois, Mr. WALTZ, Mr. MCNERNEY, and Mr. WOMACK) introduced the following bill; which was referred to the Committee on Natural Resources

JUNE --, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on January 11, 2021]

A BILL

To amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Big Cat Public Safety*
5 *Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *(a) IN GENERAL.—Section 2 of the Lacey Act Amend-*
8 *ments of 1981 (16 U.S.C. 3371) is amended—*

9 *(1) by redesignating subsections (a) through (k)*
10 *as subsections (b) through (l), respectively; and*

11 *(2) by inserting before subsection (b) (as so re-*
12 *designated) the following:*

13 *“(a) BREED.—The term ‘breed’ means to facilitate*
14 *propagation or reproduction (whether intentionally or neg-*
15 *ligently), or to fail to prevent propagation or reproduc-*
16 *tion.”.*

17 *(b) CONFORMING AMENDMENTS.—*

18 *(1) CONSOLIDATED FARM AND RURAL DEVELOP-*
19 *MENT ACT.—Section 349(a)(3) of the Consolidated*
20 *Farm and Rural Development Act (7 U.S.C.*
21 *1997(a)(3)) is amended—*

22 *(A) by striking “section 2(a)” and inserting*
23 *“section 2”; and*

24 *(B) by striking “3371(a)” and inserting*
25 *“3371”.*

1 (2) *LACEY ACT AMENDMENTS OF 1981.*—Section
2 7(c) of the Lacey Act Amendments of 1981 (16 U.S.C.
3 3376(c)) is amended by striking “section 2(f)(2)(A)”
4 and inserting “section 2(g)(2)(A)”.

5 **SEC. 3. PROHIBITIONS.**

6 Section 3 of the Lacey Act Amendments of 1981 (16
7 U.S.C. 3372) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (2)—

10 (i) in subparagraph (A), by striking
11 the semicolon at the end and inserting “;
12 or”;

13 (ii) in subparagraph (B)(iii), by strik-
14 ing “; or” and inserting a semicolon; and

15 (iii) by striking subparagraph (C);

16 and

17 (B) in paragraph (4), by striking “(1
18 through (3)” and inserting “(1 through (3) or
19 subsection (e)”;

20 (2) by amending subsection (e) to read as fol-
21 lows:

22 “(e) *CAPTIVE WILDLIFE OFFENSE.*—

23 “(1) *IN GENERAL.*—Except as provided in para-
24 graph (2), it is unlawful for any person to—

1 “(A) import, export, transport, sell, receive,
2 acquire, or purchase in interstate or foreign com-
3 merce, or in a manner substantially affecting
4 interstate or foreign commerce; or

5 “(B) breed or possess;
6 any prohibited wildlife species.

7 “(2) *LIMITATION ON APPLICATION.*—Paragraph
8 (1) does not apply to—

9 “(A) an entity exhibiting animals to the
10 public under a Class C license from the Depart-
11 ment of Agriculture, or a Federal facility reg-
12 istered with the Department of Agriculture that
13 exhibits animals, if such entity or facility holds
14 such license or registration in good standing and
15 if the entity or facility—

16 “(i) does not allow any individual to
17 come into direct physical contact with a
18 prohibited wildlife species, unless that indi-
19 vidual is—

20 “(I) a trained professional em-
21 ployee or contractor of the entity or fa-
22 cility (or an accompanying employee
23 receiving professional training);

1 “(II) a licensed veterinarian (or a
2 veterinary student accompanying such
3 a veterinarian); or

4 “(III) directly supporting con-
5 servation programs of the entity or fa-
6 cility, the contact is not in the course
7 of commercial activity (which may be
8 evidenced by advertisement or pro-
9 motion of such activity or other rel-
10 evant evidence), and the contact is in-
11 cidental to humane husbandry con-
12 ducted pursuant to a species-specific,
13 publicly available, peer-edited popu-
14 lation management and care plan that
15 has been provided to the Secretary
16 with justifications that the plan—

17 “(aa) reflects established con-
18 servation science principles;

19 “(bb) incorporates genetic
20 and demographic analysis of a
21 multi-institution population of
22 animals covered by the plan; and

23 “(cc) promotes animal wel-
24 fare by ensuring that the fre-

1 *quency of breeding is appropriate*
2 *for the species; and*

3 *“(ii) ensures that during public exhi-*
4 *bition of a lion (*Panthera leo*), tiger*
5 *(*Panthera tigris*), leopard (*Panthera**
6 **pardus*), snow leopard (*Uncia uncia*), jag-*
7 *uar (*Panthera onca*), cougar (*Puma**
8 **concolor*), or any hybrid thereof, the animal*
9 *is at least 15 feet from members of the pub-*
10 *lic unless there is a permanent barrier suffi-*
11 *cient to prevent public contact;*

12 *“(B) a State college, university, or agency,*
13 *or a State-licensed veterinarian;*

14 *“(C) a wildlife sanctuary that cares for pro-*
15 *hibited wildlife species, and—*

16 *“(i) is a corporation that is exempt*
17 *from taxation under section 501(a) of the*
18 *Internal Revenue Code of 1986 and de-*
19 *scribed in sections 501(c)(3) and*
20 *170(b)(1)(A)(vi) of such Code;*

21 *“(ii) does not commercially trade in*
22 *any prohibited wildlife species, including*
23 *offspring, parts, and byproducts of such*
24 *animals;*

1 “(iii) does not breed any prohibited
2 wildlife species;

3 “(iv) does not allow direct contact be-
4 tween the public and any prohibited wild-
5 life species; and

6 “(v) does not allow the transportation
7 and display of any prohibited wildlife spe-
8 cies off-site;

9 “(D) has custody of any prohibited wildlife
10 species solely for the purpose of expeditiously
11 transporting the prohibited wildlife species to a
12 person described in this paragraph with respect
13 to the species; or

14 “(E) an entity or individual that is in pos-
15 session of any prohibited wildlife species that
16 was born before the date of the enactment of the
17 Big Cat Public Safety Act, and—

18 “(i) not later than 180 days after the
19 date of the enactment of the such Act, the
20 entity or individual registers each indi-
21 vidual animal of each prohibited wildlife
22 species possessed by the entity or individual
23 with the United States Fish and Wildlife
24 Service;

1 “(ii) does not breed, acquire, or sell
2 any prohibited wildlife species after the date
3 of the enactment of such Act; and

4 “(iii) does not allow direct contact be-
5 tween the public and prohibited wildlife
6 species.”.

7 **SEC. 4. PENALTIES.**

8 (a) *CIVIL PENALTIES.*—Section 4(a)(1) of the Lacey
9 Act Amendments of 1981 (16 U.S.C. 3373(a)(1)) is amend-
10 ed—

11 (1) by inserting “(e),” after “(d),”; and

12 (2) by inserting “, (e),” after “subsection (d)”.

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

15 (1) in paragraph (1)(A), by inserting “(e),” after
16 “(d),”;

17 (2) in paragraph (1)(B), by inserting “(e),”
18 after “(d),”;

19 (3) in paragraph (2), by inserting “(e),” after
20 “(d),”; and

21 (4) by adding at the end the following:

22 “(4) Any person who knowingly violates section
23 3(e) shall be fined not more than \$20,000, or impris-
24 oned for not more than 5 years, or both. Each viola-
25 tion shall be a separate offense and the offense is

1 *deemed to have been committed in the district where*
2 *the violation first occurred, and in any district in*
3 *which the defendant may have taken or been in pos-*
4 *session of the prohibited wildlife species.”.*

5 **SEC. 5. FORFEITURE OF PROHIBITED WILDLIFE SPECIES.**

6 *Section 5(a)(1) of the Lacey Act Amendments of 1981*
7 *(16 U.S.C. 3374(a)(1)) is amended by inserting “bred, pos-*
8 *sessed,” before “imported, exported,”.*

9 **SEC. 6. ADMINISTRATION.**

10 *Section 7(a) of the Lacey Act Amendments of 1981 (16*
11 *U.S.C. 3376(a)) is amended by adding at the end the fol-*
12 *lowing:*

13 *“(3) The Secretary shall, in consultation with*
14 *other relevant Federal and State agencies, promulgate*
15 *any regulations necessary to implement section 3(e).”.*