

117TH CONGRESS
1ST SESSION

S. _____

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 SENATE OF THE UNITED STATES

Mr. BLUMENTHAL (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BURR) introduced the following bill; which was read twice and referred to the Committee on _____

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
8 Amendments of 1981 (16 U.S.C. 3371) is amended—

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

3 (2) by inserting before subsection (b) (as so re-
4 designated) the following:

5 “(a) BREED.—The term ‘breed’ means to facilitate
6 propagation or reproduction (whether intentionally or neg-
7 ligently), or to fail to prevent propagation or reproduc-
8 tion.”.

9 (b) CONFORMING AMENDMENTS.—

10 (1) CONSOLIDATED FARM AND RURAL DEVELOP-
11 OPMENT ACT.—Section 349(a)(3) of the Consoli-
12 dated Farm and Rural Development Act (7 U.S.C.
13 1997(a)(3)) is amended by striking “section 2(a)”
14 and inserting “section 2(b)”.

15 (2) LACEY ACT AMENDMENTS OF 1981.—Section
16 7(c) of the Lacey Act Amendments of 1981 (16
17 U.S.C. 3376(c)) is amended by striking “section
18 2(f)(2)(A)” and inserting “section 2(g)(2)(A)”.

19 **SEC. 3. PROHIBITIONS.**

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

22 (1) in subsection (a)—

23 (A) in paragraph (2)—

1 (i) in subparagraph (A), by striking
2 the semicolon at the end and inserting “;
3 or”;

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

6 (iii) by striking subparagraph (C);
7 and

8 (B) in paragraph (4), by striking “(1)
9 through (3)” and inserting “(1) through (3) or
10 subsection (e)”; and

11 (2) by amending subsection (e) to read as fol-
12 lows:

13 “(e) CAPTIVE WILDLIFE OFFENSE.—

14 “(1) IN GENERAL.—It is unlawful for any per-
15 son to import, export, transport, sell, receive, ac-
16 quire, or purchase in interstate or foreign commerce,
17 or in a manner substantially affecting interstate or
18 foreign commerce, or to breed or possess, any pro-
19 hibited wildlife species.

20 “(2) LIMITATION ON APPLICATION.—Paragraph
21 (1) does not apply to—

22 “(A) an entity exhibiting animals to the
23 public under a Class C license from the Depart-
24 ment of Agriculture, or a Federal facility reg-
25 istered with the Department of Agriculture that

1 exhibits animals, if such entity or facility holds
2 such license or registration in good standing
3 and if the entity or facility—

4 “(i) does not allow any individual to
5 come into direct physical contact with a
6 prohibited wildlife species, unless that indi-
7 vidual is—

8 “(I) a trained professional em-
9 ployee or contractor of the entity or
10 facility (or an accompanying employee
11 receiving professional training);

12 “(II) a licensed veterinarian (or a
13 veterinary student accompanying such
14 a veterinarian); or

15 “(III) directly supporting con-
16 servation programs of the entity or fa-
17 cility, the contact is not in the course
18 of commercial activity (which may be
19 evidenced by advertisement or pro-
20 motion of such activity or other rel-
21 evant evidence), and the contact is in-
22 cidental to humane husbandry con-
23 ducted pursuant to a species-specific,
24 publicly available, peer-edited popu-
25 lation management and care plan that

1 has been provided to the Secretary
2 with justifications that the plan—

3 “(aa) reflects established
4 conservation science principles;

5 “(bb) incorporates genetic
6 and demographic analysis of a
7 multi-institution population of
8 animals covered by the plan; and

9 “(cc) promotes animal wel-
10 fare by ensuring that the fre-
11 quency of breeding is appropriate
12 for the species;

13 “(ii) ensures that during public exhi-
14 bition of a lion (*Panthera leo*), tiger
15 (*Panthera tigris*), leopard (*Panthera*
16 *pardus*), snow leopard (*Uncia uncia*), jag-
17 uar (*Panthera onca*), cougar (*Puma*
18 *concolor*), or any hybrid thereof, the ani-
19 mal is at least 15 feet from members of
20 the public unless there is a permanent bar-
21 rier sufficient to prevent public contact;

22 “(B) a State college, university, or agency,
23 or a State-licensed veterinarian;

24 “(C) a wildlife sanctuary that cares for
25 prohibited wildlife species, and—

1 “(i) is a corporation that is exempt
2 from taxation under section 501(a) of the
3 Internal Revenue Code of 1986 and de-
4 scribed in sections 501(c)(3) and
5 170(b)(1)(A)(vi) of such Code;

6 “(ii) does not commercially trade in
7 any prohibited wildlife species, including
8 offspring, parts, and byproducts of such
9 animals;

10 “(iii) does not breed any prohibited
11 wildlife species;

12 “(iv) does not allow direct contact be-
13 tween the public and any prohibited wild-
14 life species; and

15 “(v) does not allow the transportation
16 and display of any prohibited wildlife spe-
17 cies off-site;

18 “(D) has custody of any prohibited wildlife
19 species solely for the purpose of expeditiously
20 transporting the prohibited wildlife species to a
21 person described in this paragraph with respect
22 to the species; or

23 “(E) an entity or individual that is in pos-
24 session of any prohibited wildlife species that

1 was born before the date of the enactment of
2 the Big Cat Public Safety Act, and—

3 “(i) not later than 180 days after the
4 date of the enactment of the such Act, the
5 entity or individual registers each indi-
6 vidual animal of each prohibited wildlife
7 species possessed by the entity or indi-
8 vidual with the United States Fish and
9 Wildlife Service;

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

13 “(iii) does not allow direct contact be-
14 tween the public and prohibited wildlife
15 species.”.

16 **SEC. 4. PENALTIES.**

17 (a) CIVIL PENALTIES.—Section 4(a)(1) of the Lacey
18 Act Amendments of 1981 (16 U.S.C. 3373(a)(1)) is
19 amended—

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

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

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

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

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

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

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

8 “(4) Any person who knowingly violates sub-
9 section (e) of section 3 shall be fined not more than
10 \$20,000, or imprisoned for not more than five years,
11 or both. Each violation shall be a separate offense
12 and the offense is deemed to have been committed
13 in the district where the violation first occurred, and
14 in any district in which the defendant may have
15 taken or been in possession of the prohibited wildlife
16 species.”.

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

18 Section 5(a)(1) of the Lacey Act Amendments of
19 1981 (16 U.S.C. 3374(a)(1)) is amended by inserting
20 “bred, possessed,” before “imported, exported,”.

21 **SEC. 6. ADMINISTRATION.**

22 Section 7(a) of the Lacey Act Amendments of 1981
23 (16 U.S.C. 3376(a)) is amended by adding at the end the
24 following:

1 “(3) The Secretary shall, in consultation with
2 other relevant Federal and State agencies, promul-
3 gate any regulations necessary to implement section
4 3(e).”.

5 **SEC. 7. DETERMINATION OF BUDGETARY EFFECTS.**

6 The budgetary effects of this Act, for the purpose of
7 complying with the Statutory Pay-As-You-Go Act of 2010,
8 shall be determined by reference to the latest statement
9 titled “Budgetary Effects of PAYGO Legislation” for this
10 Act, submitted for printing in the Congressional Record
11 by the Chairman of the House Budget Committee, pro-
12 vided that such statement has been submitted prior to the
13 vote on passage.