

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 263  
OFFERED BY MR. GRIJALVA OF ARIZONA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Big Cat Public Safety  
3 Act”.

**4 SEC. 2. DEFINITIONS.**

5 (a) IN GENERAL.—Section 2 of the Lacey Act  
6 Amendments of 1981 (16 U.S.C. 3371) is amended—

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

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

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

15 (b) CONFORMING AMENDMENTS.—

16 (1) CONSOLIDATED FARM AND RURAL DEVELOP-  
17 OPMENT ACT.—Section 349(a)(3) of the Consoli-

1       dated Farm and Rural Development Act (7 U.S.C.  
2       1997(a)(3)) is amended—

3               (A) by striking “section 2(a)” and insert-  
4               ing “section 2”; and

5               (B) by striking “3371(a)” and inserting  
6               “3371”.

7       (2) LACEY ACT AMENDMENTS OF 1981.—Section  
8       7(c) of the Lacey Act Amendments of 1981 (16  
9       U.S.C. 3376(c)) is amended by striking “section  
10       2(f)(2)(A)” and inserting “section 2(g)(2)(A)”.

11 **SEC. 3. PROHIBITIONS.**

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

14               (1) in subsection (a)—

15                       (A) in paragraph (2)—

16                               (i) in subparagraph (A), by striking  
17                               the semicolon at the end and inserting “;  
18                               or”;

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

21                               (iii) by striking subparagraph (C);  
22                               and

23                       (B) in paragraph (4), by striking “(1  
24                       through (3)” and inserting “(1) through (3) or  
25                       subsection (e)”;

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

3           “(e) CAPTIVE WILDLIFE OFFENSE.—

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

6           “(A) import, export, transport, sell, re-  
7           ceive, acquire, or purchase in interstate or for-  
8           eign commerce, or in a manner substantially af-  
9           fecting interstate or foreign commerce; or

10           “(B) breed or possess, any prohibited wild-  
11           life species.

12           “(2) LIMITATION ON APPLICATION.—Paragraph  
13           (1) does not apply to—

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

21           “(i) does not allow any individual to  
22           come into direct physical contact with a  
23           prohibited wildlife species, unless that indi-  
24           vidual is—

1           “(I) a trained professional em-  
2           ployee or contractor of the entity or  
3           facility (or an accompanying employee  
4           receiving professional training);

5           “(II) a licensed veterinarian (or a  
6           veterinary student accompanying such  
7           a veterinarian); or

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

21                   “(aa) reflects established  
22                   conservation science principles;

23                   “(bb) incorporates genetic  
24                   and demographic analysis of a

1 multi-institution population of  
2 animals covered by the plan; and

3 “(cc) promotes animal wel-  
4 fare by ensuring that the fre-  
5 quency of breeding is appropriate  
6 for the species; and

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

16 “(B) a State college, university, or agency,  
17 or a State-licensed veterinarian;

18 “(C) a wildlife sanctuary that cares for  
19 prohibited wildlife species, and—

20 “(i) is a corporation that is exempt  
21 from taxation under section 501(a) of the  
22 Internal Revenue Code of 1986 and de-  
23 scribed in sections 501(c)(3) and  
24 170(b)(1)(A)(vi) of such Code;

1 “(ii) does not commercially trade in  
2 any prohibited wildlife species, including  
3 offspring, parts, and byproducts of such  
4 animals;

5 “(iii) does not breed any prohibited  
6 wildlife species;

7 “(iv) does not allow direct contact be-  
8 tween the public and any prohibited wild-  
9 life species; and

10 “(v) does not allow the transportation  
11 and display of any prohibited wildlife spe-  
12 cies off-site;

13 “(D) has custody of any prohibited wildlife  
14 species solely for the purpose of expeditiously  
15 transporting the prohibited wildlife species to a  
16 person described in this paragraph with respect  
17 to the species; or

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

22 “(i) not later than 180 days after the  
23 date of the enactment of the such Act, the  
24 entity or individual registers each indi-  
25 vidual animal of each prohibited wildlife

1 species possessed by the entity or indi-  
2 vidual with the United States Fish and  
3 Wildlife Service;

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

7 “(iii) does not allow direct contact be-  
8 tween the public and prohibited wildlife  
9 species.”.

10 **SEC. 4. PENALTIES.**

11 (a) **CIVIL PENALTIES.**—Section 4(a)(1) of the Lacey  
12 Act Amendments of 1981 (16 U.S.C. 3373(a)(1)) is  
13 amended—

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

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

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

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

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

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

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

1           “(4) Any person who knowingly violates section  
2           3(e) shall be fined not more than \$20,000, or im-  
3           prisoned for not more than 5 years, or both. Each  
4           violation shall be a separate offense and the offense  
5           is deemed to have been committed in the district  
6           where the violation first occurred, and in any district  
7           in which the defendant may have taken or been in  
8           possession of the prohibited wildlife species.”.

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

10          Section 5(a)(1) of the Lacey Act Amendments of  
11   1981 (16 U.S.C. 3374(a)(1)) is amended by inserting  
12   “bred, possessed,” before “imported, exported,”.

13   **SEC. 6. ADMINISTRATION.**

14          Section 7(a) of the Lacey Act Amendments of 1981  
15   (16 U.S.C. 3376(a)) is amended by adding at the end the  
16   following:

17               “(3) The Secretary shall, in consultation with  
18               other relevant Federal and State agencies, promul-  
19               gate any regulations necessary to implement section  
20               3(e).”.

