

Suspend the Rules and Pass the Bill, HR. 1380, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
2D SESSION

H. R. 1380

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

FEBRUARY 26, 2019

Mr. QUIGLEY (for himself, Mr. FITZPATRICK, Mr. BLUMENAUER, Mr. DEFAZIO, Mr. MCNERNEY, Ms. NORTON, Ms. ROYBAL-ALLARD, Ms. MCCOLLUM, Mr. SCHIFF, Mr. RASKIN, Miss RICE of New York, Ms. BROWNLEY of California, Mr. McGOVERN, Mr. MALINOWSKI, Mr. SWALWELL of California, Mr. HASTINGS, Mr. CONNOLLY, Mr. SUOZZI, Mr. CARTWRIGHT, Mr. RYAN, Mr. SEAN PATRICK MALONEY of New York, Mrs. WATSON COLEMAN, Mr. GAETZ, Mr. GALLEGOS, Mr. CASTEN of Illinois, Ms. BLUNT ROCHESTER, Ms. WILSON of Florida, Mrs. NAPOLITANO, Ms. LEE of California, Mr. O'HALLERAN, Ms. MOORE, Mr. TED LIEU of California, Mr. KEATING, Mr. COHEN, Mr. CRIST, Mr. LOWENTHAL, Mr. TURNER, Mr. LYNCH, Mr. BEYER, Mr. KILMER, Mr. ZELDIN, Mrs. DAVIS of California, Ms. MENG, Mr. LANGEVIN, Ms. JACKSON LEE, Ms. WASSERMAN SCHULTZ, Mr. WELCH, Mr. KRISHNAMOORTHI, Ms. JAYAPAL, Mr. MOULTON, Mr. RUPPERSBERGER, Ms. SPEIER, Mr. SERRANO, and Mr. GOMEZ) introduced the following bill; which was referred to the Committee on Natural Resources

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—

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 DEVEL-
19 OPMENT ACT.—Section 349(a)(3) of the Consoli-
20 dated Farm and Rural Development Act (7 U.S.C.
21 1997(a)(3)) is amended by striking “section 2(a)”
22 and inserting “section 2(b)”.

23 (2) LACEY ACT AMENDMENTS OF 1981.—Section
24 7(c) of the Lacey Act Amendments of 1981 (16

1 U.S.C. 3376(c)) is amended by striking “section
2 2(f)(2)(A)” and inserting “section 2(g)(2)(A)”.

3 **SEC. 3. PROHIBITIONS.**

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

6 (1) in subsection (a)—

7 (A) in paragraph (2)—

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

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

13 (iii) by striking subparagraph (C);
14 and

15 (B) in paragraph (4), by striking “(1)
16 through (3)” and inserting “(1) through (3) or
17 subsection (e)”;
18 (2) by amending subsection (e) to read as fol-
19 lows:

20 “(e) CAPTIVE WILDLIFE OFFENSE.—

21 “(1) IN GENERAL.—It is unlawful for any per-
22 son to import, export, transport, sell, receive, ac-
23 quire, or purchase in interstate or foreign commerce,
24 or in a manner substantially affecting interstate or

1 foreign commerce, or to breed or possess, any pro-
2 hibited wildlife species.

3 “(2) LIMITATION ON APPLICATION.—Paragraph

4 (1) does not apply to—

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

12 “(i) does not allow any individual to
13 come into direct physical contact with a
14 prohibited wildlife species, unless that indi-
15 vidual is—

16 “(I) a trained professional em-
17 ployee or contractor of the entity or
18 facility (or an accompanying employee
19 receiving professional training);

20 “(II) a licensed veterinarian (or a
21 veterinary student accompanying such
22 a veterinarian); or

23 “(III) directly supporting con-
24 servation programs of the entity or fa-
25 cility, the contact is not in the course

of commercial activity (which may be evidenced by advertisement or promotion of such activity or other relevant evidence), and the contact is incidental to humane husbandry conducted pursuant to a species-specific, publicly available, peer-edited population management and care plan that has been provided to the Secretary with justifications that the plan—

“(aa) reflects established conservation science principles;

“(cc) promotes animal welfare by ensuring that the frequency of breeding is appropriate for the species;

“(ii) ensures that during public exhibition of a lion (*Panthera leo*), tiger (*Panthera tigris*), leopard (*Panthera pardus*), snow leopard (*Uncia uncia*), jaguar (*Panthera onca*), cougar (*Puma*

1 concolor), or any hybrid thereof, the animal
2 is at least 15 feet from members of
3 the public unless there is a permanent barrier
4 sufficient to prevent public contact;

5 “(B) a State college, university, or agency,
6 or a State-licensed veterinarian;

7 “(C) a wildlife sanctuary that cares for
8 prohibited wildlife species, and—

9 “(i) is a corporation that is exempt
10 from taxation under section 501(a) of the
11 Internal Revenue Code of 1986 and de-
12 scribed in sections 501(c)(3) and
13 170(b)(1)(A)(vi) of such Code;

14 “(ii) does not commercially trade in
15 any prohibited wildlife species, including
16 offspring, parts, and byproducts of such
17 animals;

18 “(iii) does not breed any prohibited
19 wildlife species;

20 “(iv) does not allow direct contact be-
21 tween the public and any prohibited wild-
22 life species; and

23 “(v) does not allow the transportation
24 and display of any prohibited wildlife spe-
25 cies off-site;

1 “(D) has custody of any prohibited wildlife
2 species solely for the purpose of expeditiously
3 transporting the prohibited wildlife species to a
4 person described in this paragraph with respect
5 to the species; or

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

10 “(i) not later than 180 days after the
11 date of the enactment of the such Act, the
12 entity or individual registers each indi-
13 vidual animal of each prohibited wildlife
14 species possessed by the entity or indi-
15 vidual with the United States Fish and
16 Wildlife Service;

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

20 “(iii) does not allow direct contact be-
21 tween the public and prohibited wildlife
22 species.”.

1 SEC. 4. PENALTIES.

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

- 5 (1) by inserting “(e),” after “(d),”; and
6 (2) by inserting “, (e),” after “subsection (d)”.

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

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

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

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

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

17 “(4) Any person who knowingly violates sub-
18 section (e) of section 3 shall be fined not more than
19 \$20,000, or imprisoned for not more than five years,
20 or both. Each violation shall be a separate offense
21 and the offense is deemed to have been committed
22 in the district where the violation first occurred, and
23 in any district in which the defendant may have
24 taken or been in possession of the prohibited wildlife
25 species.”.

1 SEC. 5. FORFEITURE OF PROHIBITED WILDLIFE SPECIES.

2 Section 5(a)(1) of the Lacey Act Amendments of
3 1981 (16 U.S.C. 3374(a)(1)) is amended by inserting
4 “bred, possessed,” before “imported, exported.”.

5 SEC. 6. ADMINISTRATION.

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

9 “(3) The Secretary shall, in consultation with
10 other relevant Federal and State agencies, promul-
11 gate any regulations necessary to implement section
12 3(e).”.

13 SEC. 7. DETERMINATION OF BUDGETARY EFFECTS.

14 The budgetary effects of this Act, for the purpose of
15 complying with the Statutory Pay-As-You-Go Act of 2010,
16 shall be determined by reference to the latest statement
17 titled “Budgetary Effects of PAYGO Legislation” for this
18 Act, submitted for printing in the Congressional Record
19 by the Chairman of the House Budget Committee, pro-
20 vided that such statement has been submitted prior to the
21 vote on passage.