

**Statement for the Record
U.S. Department of the Interior**

**House Committee on Natural Resources
Subcommittee on Water, Oceans, and Wildlife**

Legislative Hearing

May 12, 2022

The Department of the Interior, through the U.S. Fish and Wildlife Service (Service), appreciates the opportunity to submit this statement for the record on H.R. 263, the Big Cat Public Safety Act.

H.R. 263 would amend the Lacey Act Amendments of 1981 by clarifying provisions of the Captive Wildlife Safety Act (Pub. L. 108-191) to prohibit the breeding or possession of big cats. The bill would also make it illegal to import, export, transport, sell, receive, acquire, or purchase big cats in a manner substantially affecting interstate or foreign commerce. The bill would also make it illegal to attempt to commit any of these new prohibitions with big cats. The bill would exempt certain facilities licensed by or registered with the U.S. Department of Agriculture (USDA); State colleges, universities, and agencies; State-licensed veterinarians; and non-profit wildlife sanctuaries that do not breed or trade the animals, do not allow direct contact of the animals with the public, and do not move the animals off-site. H.R. 263 would also require USDA-licensed or registered facilities exhibiting big cats to prohibit physical contact with the animals except for people who meet certain training requirements or serve veterinary or conservation needs. The legislation requires some big cats exhibited at USDA-licensed or USDA-registered facilities to be at least 15 feet from the public or behind a permanent barrier. Finally, H.R. 263 allows continued possession of individual big cats born prior to the date of enactment of the legislation, if the entity or individual in possession of such animal registers each individual big cat in its possession with the Service, not later than 180 days after the date of enactment. The bill prohibits the entity or individual in possession of these registered animals from breeding, acquiring, or selling any big cats, and prohibits the entity or individual from allowing direct contact between the public and any big cats in their possession.

Over the past several years, the Service has engaged in high-profile investigations and cases against individuals in possession of big cats who have violated the Endangered Species Act (ESA). The Service's Office of Law Enforcement enforces the ESA, which protects imperiled species, including big cats, both in the wild and in captivity. The Service's special agents work with federal law enforcement partners to investigate cases and bring violators to justice. In May of 2021, the Service worked with the Department of Justice, U.S. Marshals Service, and USDA to seize 68 protected lions, tigers, lion-tiger hybrids, and a jaguar from Jeffrey and Lauren Lowe's Tiger King Park in Oklahoma. The claims brought against the Lowes included failing to provide adequate veterinary care, appropriate nutrition, and shelter under the Animal Welfare Act, which in turn were violations of the ESA, as the charges related to ESA-protected species. The Lowes were also found to be in contempt of court after months of noncompliance with court orders to improve care.

The Service supports the intent of H.R. 263, the Big Cat Public Safety Act, which would build on existing laws that protect big cats in captivity. Prohibiting most individuals from breeding or possessing prohibited wildlife species would help address public safety concerns with captive large cats. The Service would like to point out that, as written, the legislation does not include the same restrictions on State colleges, universities, agencies, or State-licensed veterinarians that apply to USDA-licensed or registered facilities or wildlife sanctuaries. As a result, this exemption could allow entities or individuals with little experience or conservation expertise to breed and sell big cats. Although we recognize the benefit of allowing some experienced and qualified individuals and institutions to breed, acquire, and transfer big cats, the Service recommends amending H.R. 263 to align this exemption with other exemptions in the legislation. We also recommend amending H.R. 263 to apply the distance and permanent barrier restrictions in the public exhibition exemption to any prohibited wildlife species, rather than a defined subset of species. Additionally, we recommend amending H.R. 263 to further clarify that the limited exemption for continued possession and registration of individual big cats born prior to the date of enactment of the legislation applies only to the prohibition on possession, and not, for example, to import or export or other transportation and display of any prohibited wildlife species off-site.

The Service would appreciate the opportunity to provide the Subcommittee with technical assistance on revised language associated with the criminal penalties included in H.R. 263. The legislation includes a \$20,000 fine, which is not in accordance with the fines outlined in Title 18 of the U.S. Code on Crimes and Criminal Procedure. This could create confusion during sentencing because the Federal Sentencing Guidelines under Title 18 provide standard language that define penalties for felony, misdemeanor, and petty offenses that would conflict with the fines outlined in H.R. 263. In addition, H.R. 263 is limited to crimes committed under a knowing standard. Adding language similar to the misdemeanor provisions already listed in the Lacey Act, such as “reasonably should have known,” with additional lesser penalties for a misdemeanor charge would allow the Service to enforce lesser offenses. The Service would also welcome the opportunity to discuss with the Subcommittee and bill sponsor the potential challenges in establishing and enforcing the registration system that would be established by H.R. 263. Given that there are an unknown number of big cats in captivity in the U.S., the registration system could present a significant increase in workload.