

116TH CONGRESS
1ST SESSION

S. 2561

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

SEPTEMBER 26, 2019

Mr. BLUMENTHAL (for himself, Mr. SANDERS, Mr. MENENDEZ, Mr. VAN HOLLEN, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. REED, Mr. MARKEY, Mr. BOOKER, and Ms. HARRIS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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”.

1 **SEC. 2. DEFINITIONS.**

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

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

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

8 “(a) BREED.—The term ‘breed’ means—

9 “(1) to negligently or intentionally facilitate
10 propagation or reproduction; and

11 “(2) to fail to prevent propagation or reproduc-
12 tion.”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) CONSOLIDATED FARM AND RURAL DEVELOP-
15 OPMENT ACT.—Section 349(a)(3) of the Consoli-
16 dated Farm and Rural Development Act (7 U.S.C.
17 1997(a)(3)) is amended by striking “section 2(a)”
18 and inserting “section 2(b)”.

19 (2) LACEY ACT AMENDMENTS OF 1981.—

20 (A) Section 3(e)(2)(C) of the Lacey Act
21 Amendments of 1981 (16 U.S.C.
22 3372(e)(2)(C)) is amended—

23 (i) in clause (ii), by striking “section
24 2(g)” and inserting “section 2(h)”; and

25 (ii) in clause (iii), by striking “section
26 2(g)” and inserting “section 2(h)”.

1 (B) Section 7(c) of the Lacey Act Amend-
 2 ments of 1981 (16 U.S.C. 3376(c)) is amended
 3 by striking “section 2(f)(2)(A)” and inserting
 4 “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 striking subsection (e) and inserting the
 21 following:

22 “(e) CAPTIVE WILDLIFE OFFENSE.—

23 “(1) IN GENERAL.—It is unlawful for any per-
 24 son—

1 “(A) to import, export, transport, sell, re-
 2 ceive, acquire, or purchase any prohibited wild-
 3 life species—

4 “(i) in interstate or foreign commerce;
 5 or

6 “(ii) in a manner substantially affect-
 7 ing interstate or foreign commerce; or

8 “(B) to breed or possess any prohibited
 9 wildlife species.

10 “(2) LIMITATION ON APPLICATION.—Paragraph
 11 (1) does not apply to—

12 “(A) an entity exhibiting animals to the
 13 public under a Class C license from the Depart-
 14 ment of Agriculture, or a Federal facility reg-
 15 istered with the Department of Agriculture that
 16 exhibits animals, if that entity or facility—

17 “(i) holds that license or registration
 18 in good standing;

19 “(ii) does not allow any individual to
 20 come into direct physical contact with a
 21 prohibited wildlife species, unless—

22 “(I) that individual is—

23 “(aa) a trained professional
 24 employee or contractor of the en-
 25 tity or facility (or an accom-

panying employee receiving professional training); or

“(bb) a licensed veterinarian (or a veterinary student accompanying that veterinarian); or

“(II)(aa) that individual is directly supporting conservation programs of the entity or facility; and

“(bb) the contact is—

“(AA) not in the course of commercial activity (which may be evidenced by advertisement or promotion of that activity or other relevant evidence); and

“(BB) 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 reflects established conservation science principles, incorporates genetic and demographic analysis of a multi-institution population

1 of animals covered by the plan,
 2 and promotes animal welfare by
 3 ensuring that the frequency of
 4 breeding is appropriate for the
 5 species; and

6 “(iii) ensures that, during public exhi-
 7 bition of a lion (*Panthera leo*), tiger
 8 (*Panthera tigris*), leopard (*Panthera*
 9 *pardus*), snow leopard (*Uncia uncia*), jag-
 10 uar (*Panthera onca*), cougar (*Puma*
 11 *concolor*), or any hybrid of any of those
 12 animals, the animal is not less than 15 feet
 13 from members of the public unless there is
 14 a permanent barrier sufficient to prevent
 15 public contact;

16 “(B) a State college, university, or agency;

17 “(C) a State-licensed veterinarian;

18 “(D) a wildlife sanctuary that—

19 “(i) cares for prohibited wildlife spe-
 20 cies;

21 “(ii) is a corporation that is—

22 “(I) exempt from taxation under
 23 section 501(a) of the Internal Rev-
 24 enue Code of 1986; and

1 “(II) described in sections
2 501(c)(3) and 170(b)(1)(A)(vi) of
3 that Code;

4 “(iii) does not commercially trade in
5 any prohibited wildlife species, including
6 offspring, parts, and byproducts of prohib-
7 ited wildlife species;

8 “(iv) does not breed any prohibited
9 wildlife species;

10 “(v) does not allow direct contact be-
11 tween the public and any prohibited wild-
12 life species; and

13 “(vi) does not allow the transportation
14 and display of any prohibited wildlife spe-
15 cies off-site;

16 “(E) an entity that has custody of any
17 prohibited wildlife species solely for the purpose
18 of expeditiously transporting the prohibited
19 wildlife species to a person described in this
20 paragraph with respect to the prohibited wild-
21 life species; or

22 “(F) an entity or individual that—

23 “(i) is in possession of any prohibited
24 wildlife species that was born before the

1 date of enactment of the Big Cat Public
2 Safety Act;

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

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

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

15 **SEC. 4. PENALTIES.**

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

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

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

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

24 (1) in paragraph (1)—

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

3 (B) in subparagraph (B), by inserting
 4 “(e),” after “(d),”;

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

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

8 “(4) CAPTIVE WILDLIFE.—

9 “(A) IN GENERAL.—Any person who
 10 knowingly violates section 3(e) shall be fined
 11 not more than \$20,000, imprisoned for not
 12 more than 5 years, or both.

13 “(B) SEPARATE OFFENSES.—Each viola-
 14 tion under subparagraph (A) shall be—

15 “(i) a separate offense; and

16 “(ii) deemed to have been committed
 17 in both the district in which the violation
 18 first occurred and in any district in which
 19 the defendant may have taken or been in
 20 possession of the prohibited wildlife spe-
 21 cies.”.

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

23 Section 5(a)(1) of the Lacey Act Amendments of
 24 1981 (16 U.S.C. 3374(a)(1)) is amended by inserting
 25 “bred, possessed,” before “imported, exported,”.

1 **SEC. 6. ADMINISTRATION.**

2 Section 7(a) of the Lacey Act Amendments of 1981
3 (16 U.S.C. 3376(a)) is amended by adding at the end the
4 following:

5 “(3) The Secretary, in consultation with other
6 relevant Federal and State agencies, shall promul-
7 gate any regulations necessary to implement section
8 3(e).”.

9 **SEC. 7. TECHNICAL CORRECTION.**

10 Section 4(e), and subsections (a) and (b)(2) of section
11 8, of the Lacey Act Amendments of 1981 (16 U.S.C.
12 3373(e), 3377) are amended by striking “Fishery Con-
13 servation and Management Act of 1976” each place it ap-
14 pears and inserting “Magnuson-Stevens Fishery Con-
15 servation and Management Act”.

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