

113TH CONGRESS
1ST SESSION

H. R. 1998

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

MAY 15, 2013

Mr. McKEON (for himself and Ms. LORETTA SANCHEZ of California) 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 Cats and Public
5 Safety Protection Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The global illicit trade in wildlife may be
2 worth up to \$20,000,000,000 annually and the value
3 of legal wildlife trade in the United States was re-
4 cently estimated at \$2,800,000,000 annually.

5 (2) The illegal trade in prohibited wildlife spe-
6 cies (as defined in section 2(g) of the Lacey Act
7 Amendments of 1981 (16 U.S.C. 3371(g)) stimu-
8 lates demand and expands markets in which those
9 species can be illegally sold.

10 (3) The private possession, breeding, and sale
11 of prohibited wildlife species has a substantial and
12 detrimental effect on the health and general welfare
13 of the people of the United States and on the con-
14 servation of the species themselves.

15 (4) Private possession and breeding of prohib-
16 ited wildlife species have a substantial and direct ef-
17 fect on interstate commerce because prohibited wild-
18 life species are frequently bred and possessed to be
19 used in public exhibition or for sale or transfer of
20 ownership in the exotic pet trade, and are often
21 transported in interstate commerce for these pur-
22 poses.

23 (5) Private possession and breeding of prohib-
24 ited wildlife species contributes to the interstate

1 traffic in those species and may contribute to illegal
2 international wildlife trade.

3 (6) Prohibited wildlife species in private posses-
4 sion, or distributed intrastate, are fungible commod-
5 ities that cannot be differentiated, in terms of con-
6 trol, from prohibited wildlife species possessed or
7 distributed interstate.

8 (7) It is exceedingly difficult to distinguish be-
9 tween prohibited wildlife species that are possessed,
10 bred, sold, or transported in interstate commerce
11 from those that have not been.

12 (8) Federal control of the intrastate private
13 possession and breeding of prohibited wildlife species
14 is essential to the effective control of the interstate
15 incidents of traffic in prohibited wildlife species.

16 (9) The United States is a party to the Conven-
17 tion on International Trade in Endangered Species
18 of Wild Fauna and Flora, which was designed to
19 protect species of wild fauna and flora against over-
20 exploitation through international trade.

21 **SEC. 3. DEFINITIONS.**

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

24 (1) by redesignating subsections (a) through (k)
25 as subsections (b) through (l), respectively;

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

3 “(a) BREED.—The term ‘breed’ means to facilitate
4 the propagation or reproduction (whether intentionally or
5 negligently), or to fail to prevent the propagation or repro-
6 duction, of a prohibited wildlife species or other animal.”;
7 and

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

9 “(m) TRAVELING CIRCUS.—The term ‘traveling cir-
10 cus’ means an exhibitor holding a Class C license issued
11 under the Animal Welfare Act (7 U.S.C. 2131 et seq.).”.

12 (b) CONFORMING AMENDMENTS.—

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

18 (2) LACEY ACT AMENDMENTS OF 1981.—

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

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

24 (ii) in clause (iii), by striking “section
25 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. 4. PROHIBITIONS.**

6 Section 3(a) of the Lacey Act Amendments of 1981
7 (16 U.S.C. 3372(a)) is amended—

8 (1) in paragraph (2)—

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

11 (B) in subparagraph (B)(iii), by striking “;
12 or” and inserting a semicolon; and

13 (C) by striking subparagraph (C);

14 (2) in paragraph (3)(B)(iii), by striking “; or”
15 and inserting a semicolon;

16 (3) by redesignating paragraph (4) as para-
17 graph (5);

18 (4) by inserting after paragraph (3) the fol-
19 lowing:

20 “(4) subject to subsection (e), to import, export,
21 transport, sell, receive, acquire, or purchase in inter-
22 state or foreign commerce, or to breed or possess,
23 any prohibited wildlife species; or”; and

1 (5) in paragraph (5), (as so redesignated), by
2 striking “(1) through (3)” and inserting “(1)
3 through (4)”.

4 **SEC. 5. NONAPPLICABILITY OF OFFENSES.**

5 (a) IN GENERAL.—Section 3(e) of the Lacey Act
6 Amendments of 1981 (16 U.S.C. 3372(e)) is amended—

7 (1) by striking paragraph (1) and inserting the
8 following:

9 “(1) IN GENERAL.—Subsection (a)(4) shall not
10 apply to—

11 “(A) the importation, exportation, trans-
12 portation, sale, receipt, acquisition, purchase,
13 breeding, or possession of an animal of a pro-
14 hibited wildlife species, by any person that,
15 under any regulation promulgated under para-
16 graph (3), is described in subparagraph (A),
17 (B), (C), (D), or (F) of paragraph (2) with re-
18 spect to that species; and

19 “(B) the transportation or possession of an
20 animal of a prohibited wildlife species, by a per-
21 son that, under any regulation promulgated
22 under paragraph (3), is described in paragraph
23 (2)(E) with respect to that species.”; and

24 (2) in paragraph (2)—

1 (A) by striking subparagraph (A) and in-
2 serting the following:

3 “(A) is an institution accredited by the As-
4 sociation of Zoos and Aquariums (AZA) or cer-
5 tified related facilities that coordinate with an
6 AZA Species Survival Plan for breeding of spe-
7 cies listed as threatened or endangered pursu-
8 ant to the provision of law codified at section
9 1533 of title 16, United States Code;”;

10 (B) in subparagraph (C)—

11 (i) by striking “is an accredited” and
12 inserting “is a”;

13 (ii) in clause (iii), by striking “and”;

14 (iii) in clause (iv), by striking “or”
15 and inserting “and”; and

16 (iv) by adding at the end the fol-
17 lowing:

18 “(v) does not allow the transportation
19 and display of animals off-site;”;

20 (C) in subparagraph (D), by striking the
21 period at the end and inserting “; or”; and

22 (D) by adding at the end the following:

23 “(E) is in possession of any animal of any
24 prohibited wildlife species, that—

1 “(i) is born before the date of enact-
2 ment of this subparagraph; and

3 “(ii) not later than 180 days after the
4 date on which regulations are promulgated
5 implementing this subparagraph, is reg-
6 istered with the Animal and Plant Health
7 Inspection Service; or

8 “(F) is a traveling circus that—

9 “(i) regularly travels in interstate
10 commerce to conduct performances fea-
11 turing live prohibited wildlife species and
12 multiple trained human entertainers, in-
13 cluding clowns and acrobats;

14 “(ii) does not allow members of the
15 public to be in direct contact with or un-
16 safe proximity to a prohibited wildlife spe-
17 cies of any age, including offering photo-
18 graphic opportunities or interactive ses-
19 sions; and

20 “(iii) during the 3-year period pre-
21 ceding the date of the enactment of this
22 subparagraph, has not been determined by
23 the Secretary of Agriculture to have vio-
24 lated the Animal Welfare Act (7 U.S.C.
25 2131 et seq.) by reason of jeopardizing the

1 health and well-being of a prohibited wild-
2 life species, including jeopardizing such
3 health and well-being by providing—

4 “(I) inappropriate veterinary
5 care;

6 “(II) inappropriate handling of
7 the species causing stress or trauma
8 to the species or a threat to public
9 safety; or

10 “(III) insufficient food, water,
11 shelter, or space.”.

12 (b) REGULATIONS.—Not later than 180 days after
13 the date of enactment of this Act, the Secretary of the
14 Interior, acting through the Director of the United States
15 Fish and Wildlife Service, and the Secretary of Agri-
16 culture, acting through the Administrator of the Animal
17 and Plant Health Inspection Service, shall promulgate
18 regulations implementing the amendments made by this
19 section.

20 **SEC. 6. PENALTIES.**

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

24 (1) by inserting “(a)(4),” after “subsections”;

25 and

1 (2) by striking “subsection (d)” and inserting
2 “subsection (a)(4), (d),”.

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

6 (1) in paragraph (1)—

7 (A) in subparagraph (A), by striking “or”
8 after the comma at the end;

9 (B) in subparagraph (B), by adding “or”
10 after the comma at the end; and

11 (C) by inserting after subparagraph (B)
12 the following:

13 “(C) knowingly violates section 3(a)(4),”;
14 and

15 (2) in paragraph (2), by inserting “, or in the
16 exercise of due care should know that the conduct
17 violates section 3(a)(4),” after “treaty or regula-
18 tion”.

19 **SEC. 7. FORFEITURE.**

20 Section 5(a) of the Lacey Act Amendments of 1981
21 (16 U.S.C. 3374(a)) is amended—

22 (1) in paragraph (1), by striking “or pur-
23 chased” and inserting “purchased, bred, or pos-
24 sessed,”; and

25 (2) in paragraph (2)—

1 (A) by striking “or purchasing” and in-
2 serting “purchasing, breeding, or possessing,”
3 and

4 (B) by striking “sale or purchase of, the
5 offer of sale or purchase of, or the intent to sell
6 or purchase” and inserting “importation, expor-
7 tation, transportation, sale, receipt, acquisition,
8 purchase, breeding, or possession of, the offer
9 of importation, exportation, transportation,
10 sale, receipt, acquisition, purchase, breeding, or
11 possession of, or the intent to import, export,
12 transport, sell, receive, acquire, purchase, breed,
13 or possess”.

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