

115TH CONGRESS
2D SESSION

S. 2990

To amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act to further the conservation of prohibited wildlife species.

IN THE SENATE OF THE UNITED STATES

JUNE 5, 2018

Mr. BLUMENTHAL (for himself, Mrs. GILLIBRAND, Mrs. FEINSTEIN, Mr. MARKEY, Mr. REED, and Mr. SANDERS) 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 prohibited wildlife species.

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—

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

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

5 “(a) BREED.—The term ‘breed’ means to inten-
 6 tionally or negligently—

7 “(1) facilitate propagation or reproduction; or

8 “(2) fail to prevent propagation or reproduc-
 9 tion.”.

10 (b) CONFORMING AMENDMENTS.—

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

16 (2) LACEY ACT AMENDMENTS OF 1981.—

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

20 (i) in clause (ii), by striking “section
 21 2(g)” and inserting “section 2(h)”; and

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

24 (B) Section 7(c) of the Lacey Act Amend-
 25 ments of 1981 (16 U.S.C. 3376(c)) is amended

1 by striking “section 2(f)(2)(A)” and inserting
 2 “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 “in para-
 16 graphs (1) through (3)” and inserting “in para-
 17 graphs (1) through (3) or subsection (e)”; and

18 (2) by striking subsection (e) and inserting the
 19 following:

20 “(e) CAPTIVE WILDLIFE OFFENSE.—

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

23 “(A) to import, export, transport, sell, re-
 24 ceive, acquire, or purchase any prohibited wild-
 25 life species—

1 “(i) in interstate or foreign commerce;

2 or

3 “(ii) in a manner substantially affect-

4 ing interstate or foreign commerce; or

5 “(B) to breed or possess any prohibited

6 wildlife species.

7 “(2) LIMITATION ON APPLICATION.—Paragraph

8 (1) does not apply to—

9 “(A) an entity exhibiting animals to the

10 public under a class C license issued by the Sec-

11 retary of Agriculture that is held in good stand-

12 ing, if the entity—

13 “(i) has not been, and does not em-

14 ploy any person engaged in animal care

15 who has been, convicted or fined for an of-

16 fense involving the abuse or neglect of any

17 animal pursuant to any Federal, State, or

18 local law;

19 “(ii) has not had, and does not em-

20 ploy any person who has had, a license or

21 permit regarding the care, possession, exhi-

22 bition, breeding, or sale of animals revoked

23 or suspended by any Federal, State, or

24 local agency, including the Department of

1 Agriculture, during the preceding 3-year
2 period;

3 “(iii) has not been cited under the
4 Animal Welfare Act (7 U.S.C. 2131 et
5 seq.) during the preceding 1-year period
6 for any repeat violation for—

7 “(I) inadequate veterinary care;

8 “(II) handling that causes stress
9 or trauma or a threat to public safety;

10 “(III) insufficient provisions of
11 food or water; or

12 “(IV) failure to allow facility in-
13 spection;

14 “(iv) does not allow any individual
15 other than a trained professional employee
16 or contractor of the licensee (or accom-
17 panying employee receiving professional
18 training) or a licensed veterinarian (or an
19 accompanying veterinarian student) to
20 come into direct physical contact with a
21 prohibited wildlife species;

22 “(v) ensures that during public exhi-
23 bition of a prohibited wildlife species (other
24 than a cheetah or a hybrid of a cheetah),
25 the animal is not less than 15 feet from

1 members of the public unless there is a
2 permanent barrier that prevents public
3 contact or risk of contact;

4 “(vi) does not breed any prohibited
5 wildlife species unless the breeding is con-
6 ducted pursuant to a species-specific, pub-
7 licly available, peer-reviewed population
8 management plan developed according to
9 established conservation science principles;

10 “(vii) maintains liability insurance in
11 an amount of not less than \$250,000 for
12 each occurrence of property damage, bodily
13 injury, or death caused by any prohibited
14 wildlife species possessed by the entity; and

15 “(viii) has a written plan that is made
16 available on request to Federal agencies,
17 State agencies, and local law enforcement
18 for the quick and safe recapture or de-
19 struction of a prohibited wildlife species in
20 the event a prohibited wildlife species es-
21 capes, including, at a minimum, written
22 protocols for training staff on methods of
23 safe recapture of the escaped prohibited
24 wildlife species;

1 “(B) a State college, university, or agency,
2 or State-licensed veterinarian;

3 “(C) a wildlife sanctuary that—

4 “(i) cares for prohibited wildlife spe-
5 cies; and

6 “(ii) is a corporation that—

7 “(I) is exempt from taxation
8 under section 501(a) of the Internal
9 Revenue Code of 1986; and

10 “(II) is described in sections
11 501(c)(3) and 170(b)(1)(A)(vi) of
12 that Code;

13 “(iii) does not commercially trade in
14 prohibited wildlife species, including off-
15 spring, parts, and byproducts of prohibited
16 wildlife species;

17 “(iv) does not breed the prohibited
18 wildlife species;

19 “(v) does not allow direct contact be-
20 tween the public and prohibited wildlife
21 species; and

22 “(vi) does not allow the transportation
23 and display of prohibited wildlife species
24 off-site;

“(D) an entity that has custody of the prohibited wildlife species solely for the purpose of expeditiously transporting the prohibited wildlife species to a person described in this paragraph with respect to the prohibited wildlife species; or

“(E) an entity that—

“(i) is in possession of a prohibited wildlife species that was born before the date of enactment of the Big Cat Public Safety Act;

“(ii) not later than 180 days after the date of enactment of the Big Cat Public Safety Act, registers each prohibited wildlife species described in clause (i) with the United States Fish and Wildlife Service; and

“(iii) does not breed, acquire, or sell any prohibited wildlife species after the date of enactment of that Act.”.

SEC. 4. PENALTIES.

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

1 (1) by striking “other than subsections (b),
 2 (d),” and inserting “other than subsections (b), (d),
 3 (e),”; and

4 (2) by striking “violates subsection (d)” and in-
 5 serting “violates subsection (d), (e),”.

6 (b) CRIMINAL PENALTIES.—Section 4(d)(1) of the
 7 Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)(1))
 8 is amended—

9 (1) in subparagraph (A)—

10 (A) by inserting “(e),” after “(d),”; and

11 (B) by striking “or” after the comma at
 12 the end;

13 (2) in subparagraph (B)—

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

15 (B) by adding “or” after the comma at the
 16 end;

17 (3) by inserting after subparagraph (B) the fol-
 18 lowing:

19 “(C) knowingly violates section 3(e),”; and

20 (4) in the undesignated matter following sub-
 21 paragraph (C) (as added by paragraph (3))—

22 (A) by striking “knowing that” and all
 23 that follows through “treaty or regulation,”;
 24 and

1 (B) in the second sentence, by striking
 2 “said fish or wildlife or plants” and inserting
 3 “fish or wildlife, plants, or prohibited wildlife
 4 species concerned”.

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

6 Section 5(a)(1) of the Lacey Act Amendments of
 7 1981 (16 U.S.C. 3374(a)(1)) is amended by inserting
 8 “bred, possessed,” before “imported, exported,”.

9 **SEC. 6. ADMINISTRATION.**

10 Section 7(a) of the Lacey Act Amendments of 1981
 11 (16 U.S.C. 3376(a)) is amended by adding at the end the
 12 following:

13 “(3) The Secretary, in consultation with other
 14 relevant Federal and State agencies, shall promul-
 15 gate any regulations necessary to implement section
 16 3(e).”.

17 **SEC. 7. TECHNICAL CORRECTION.**

18 Section 4(e), and subsections (a) and (b)(2) of section
 19 8, of the Lacey Act Amendments of 1981 (16 U.S.C.
 20 3373(e), 3377) are amended by striking “Fishery Con-
 21 servation and Management Act of 1976” each place it ap-
 22 pears and inserting “Magnuson-Stevens Fishery Con-
 23 servation and Management Act”.

○