

115TH CONGRESS  
1ST SESSION

# S. 789

To exempt from the Lacey Act and the Lacey Act Amendments of 1981 certain water transfers between any of the States of Texas, Arkansas, and Louisiana.

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## IN THE SENATE OF THE UNITED STATES

MARCH 30, 2017

Mr. CRUZ (for himself, Mr. CORNYN, Mr. COTTON, and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To exempt from the Lacey Act and the Lacey Act Amendments of 1981 certain water transfers between any of the States of Texas, Arkansas, and Louisiana.

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 “Public Water Supply  
5 Invasive Species Compliance Act of 2017”.

1 **SEC. 2. EXEMPTION OF CERTAIN WATER TRANSFERS FROM**  
2 **THE LACEY ACT AND THE LACEY ACT AMEND-**  
3 **MENTS OF 1981.**

4 (a) EXEMPTION.—Section 42 of title 18, United  
5 States Code (popularly known as the Lacey Act), and the  
6 Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.)  
7 shall not apply with respect to any covered water transfer,  
8 if—

9 (1)(A) all prohibited species in the water trans-  
10 ferred are located in both of the public water sup-  
11 plies between which the water is transferred; and

12 (B) the water is transferred directly between  
13 such public water supplies; or

14 (2) the water is transferred in a closed convey-  
15 ance system directly to treatment facilities where all  
16 prohibited species contained in the water transferred  
17 will be extirpated.

18 (b) DEFINITIONS.—In this section:

19 (1) COVERED WATER TRANSFER.—The term  
20 “covered water transfer” means a transfer between  
21 public water supplies located on, along, or across the  
22 State boundaries between any of Texas, Arkansas,  
23 and Louisiana, of water containing a prohibited spe-  
24 cies.

25 (2) PROHIBITED SPECIES.—The term “prohib-  
26 ited species” means any species—

1 (A) the shipment of which is otherwise  
2 prohibited by section 42 of title 18, United  
3 States Code; or

4 (B) the transfer of which is otherwise pro-  
5 hibited by the Lacey Act Amendments of 1981  
6 (16 U.S.C. 3371 et seq.).

7 (3) PUBLIC WATER SUPPLY.—The term “public  
8 water supply” means any body of water, including  
9 any river, lake, or stream, the water of which is  
10 available or made available to the public.

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