

116TH CONGRESS
1ST SESSION

H. R. 1380

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

FEBRUARY 26, 2019

Mr. QUIGLEY (for himself, Mr. FITZPATRICK, Mr. BLUMENAUER, Mr. DEFazio, Mr. MCNERNEY, Ms. NORTON, Ms. ROYBAL-ALLARD, Ms. MCCOLLUM, Mr. SCHIFF, Mr. RASKIN, Miss RICE of New York, Ms. BROWNLEY of California, Mr. MCGOVERN, Mr. MALINOWSKI, Mr. SWALWELL of California, Mr. HASTINGS, Mr. CONNOLLY, Mr. SUOZZI, Mr. CARTWRIGHT, Mr. RYAN, Mr. SEAN PATRICK MALONEY of New York, Mrs. WATSON COLEMAN, Mr. GAETZ, Mr. GALLEGRO, Mr. CASTEN of Illinois, Ms. BLUNT ROCHESTER, Ms. WILSON of Florida, Mrs. NAPOLITANO, Ms. LEE of California, Mr. O'HALLERAN, Ms. MOORE, Mr. TED LIEU of California, Mr. KEATING, Mr. COHEN, Mr. CRIST, Mr. LOWENTHAL, Mr. TURNER, Mr. LYNCH, Mr. BEYER, Mr. KILMER, Mr. ZELDIN, Mrs. DAVIS of California, Ms. MENG, Mr. LANGEVIN, Ms. JACKSON LEE, Ms. WASSERMAN SCHULTZ, Mr. WELCH, Mr. KRISHNAMOORTHY, Ms. JAYAPAL, Mr. MOULTON, Mr. RUPPERSBERGER, Ms. SPEIER, Mr. SERRANO, and Mr. GOMEZ) 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 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—

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

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

13 “(a) BREED.—The term ‘breed’ means to facilitate
14 propagation or reproduction (whether intentionally or neg-
15 ligently), or to fail to prevent propagation or reproduc-
16 tion.”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) CONSOLIDATED FARM AND RURAL DEVEL-
19 OPMENT ACT.—Section 349(a)(3) of the Consoli-
20 dated Farm and Rural Development Act (7 U.S.C.
21 1997(a)(3)) is amended by striking “section 2(a)”
22 and inserting “section 2(b)”.

23 (2) LACEY ACT AMENDMENTS OF 1981.—

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

4 (i) in clause (ii), by striking “section
5 2(g)” and inserting “section 2(h)”; and

6 (ii) in clause (iii), by striking “section
7 2(g)” and inserting “section 2(h)”.

8 (B) Section 7(c) of the Lacey Act Amend-
9 ments of 1981 (16 U.S.C. 3376(c)) is amended
10 by striking “section 2(f)(2)(A)” and inserting
11 “section 2(g)(2)(A)”.

12 **SEC. 3. PROHIBITIONS.**

13 Section 3 of the Lacey Act Amendments of 1981 (16
14 U.S.C. 3372) is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (2)—

17 (i) in subparagraph (A), by striking
18 the semicolon at the end and inserting “;
19 or”;

20 (ii) in subparagraph (B)(iii), by strik-
21 ing “; or” and inserting a semicolon; and

22 (iii) by striking subparagraph (C);
23 and

1 (B) in paragraph (4), by striking “(1)
2 through (3)” and inserting “(1) through (3) or
3 subsection (e)”; and

4 (2) by amending subsection (e) to read as fol-
5 lows:

6 “(e) CAPTIVE WILDLIFE OFFENSE.—

7 “(1) IN GENERAL.—It is unlawful for any per-
8 son to import, export, transport, sell, receive, ac-
9 quire, or purchase in interstate or foreign commerce,
10 or in a manner substantially affecting interstate or
11 foreign commerce, or to breed or possess, any pro-
12 hibited wildlife species.

13 “(2) LIMITATION ON APPLICATION.—Paragraph
14 (1) does not apply to—

15 “(A) an entity exhibiting animals to the
16 public under a Class C license from the Depart-
17 ment of Agriculture, or a Federal facility reg-
18 istered with the Department of Agriculture that
19 exhibits animals, if such entity or facility holds
20 such license or registration in good standing
21 and if the entity or facility—

22 “(i) does not allow any individual to
23 come into direct physical contact with a
24 prohibited wildlife species, unless that indi-
25 vidual is—

1 “(I) a trained professional em-
2 ployee or contractor of the entity or
3 facility (or an accompanying employee
4 receiving professional training);

5 “(II) a licensed veterinarian (or a
6 veterinary student accompanying such
7 a veterinarian); or

8 “(III) directly supporting con-
9 servation programs of the entity or fa-
10 cility, the contact is not in the course
11 of commercial activity (which may be
12 evidenced by advertisement or pro-
13 motion of such activity or other rel-
14 evant evidence), and the contact is in-
15 cidental to humane husbandry con-
16 ducted pursuant to a species-specific,
17 publicly available, peer-edited popu-
18 lation management and care plan that
19 has been provided to the Secretary
20 with justifications that the plan—

21 “(aa) reflects established
22 conservation science principles;

23 “(bb) incorporates genetic
24 and demographic analysis of a

1 multi-institution population of
2 animals covered by the plan; and

3 “(cc) promotes animal wel-
4 fare by ensuring that the fre-
5 quency of breeding is appropriate
6 for the species;

7 “(ii) ensures that during public exhi-
8 bition of a lion (*Panthera leo*), tiger
9 (*Panthera tigris*), leopard (*Panthera*
10 *pardus*), snow leopard (*Uncia uncia*), jag-
11 uar (*Panthera onca*), cougar (*Puma*
12 *concolor*), or any hybrid thereof, the ani-
13 mal is at least 15 feet from members of
14 the public unless there is a permanent bar-
15 rier sufficient to prevent public contact;

16 “(B) a State college, university, or agency,
17 or a State-licensed veterinarian;

18 “(C) a wildlife sanctuary that cares for
19 prohibited wildlife species, and—

20 “(i) is a corporation that is exempt
21 from taxation under section 501(a) of the
22 Internal Revenue Code of 1986 and de-
23 scribed in sections 501(c)(3) and
24 170(b)(1)(A)(vi) of such Code;

1 “(ii) does not commercially trade in
2 any prohibited wildlife species, including
3 offspring, parts, and byproducts of such
4 animals;

5 “(iii) does not breed any prohibited
6 wildlife species;

7 “(iv) does not allow direct contact be-
8 tween the public and any prohibited wild-
9 life species; and

10 “(v) does not allow the transportation
11 and display of any prohibited wildlife spe-
12 cies off-site;

13 “(D) has custody of any prohibited wildlife
14 species solely for the purpose of expeditiously
15 transporting the prohibited wildlife species to a
16 person described in this paragraph with respect
17 to the species; or

18 “(E) an entity or individual that is in pos-
19 session of any prohibited wildlife species that
20 was born before the date of the enactment of
21 the Big Cat Public Safety Act, and—

22 “(i) not later than 180 days after the
23 date of the enactment of the such Act, the
24 entity or individual registers each indi-
25 vidual animal of each prohibited wildlife

1 species possessed by the entity or indi-
2 vidual with the United States Fish and
3 Wildlife Service;

4 “(ii) does not breed, acquire, or sell
5 any prohibited wildlife species after the
6 date of the enactment of such Act; and

7 “(iii) does not allow direct contact be-
8 tween the public and prohibited wildlife
9 species.”.

10 **SEC. 4. PENALTIES.**

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

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

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

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

19 (1) in paragraph (1)(A), by inserting “(e),”
20 after “(d),”;

21 (2) in paragraph (1)(B), by inserting “(e),”
22 after “(d),”;

23 (3) in paragraph (2), by inserting “(e),” after
24 “(d),”; and

25 (4) by adding at the end the following:

1 “(4) Any person who knowingly violates sub-
2 section (e) of section 3 shall be fined not more than
3 \$20,000, or imprisoned for not more than five years,
4 or both. Each violation shall be a separate offense
5 and the offense is deemed to have been committed
6 in the district where the violation first occurred, and
7 in any district in which the defendant may have
8 taken or been in possession of the prohibited wildlife
9 species.”.

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

11 Section 5(a)(1) of the Lacey Act Amendments of
12 1981 (16 U.S.C. 3374(a)(1)) is amended by inserting
13 “bred, possessed,” before “imported, exported,”.

14 **SEC. 6. ADMINISTRATION.**

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

18 “(3) The Secretary shall, in consultation with
19 other relevant Federal and State agencies, promul-
20 gate any regulations necessary to implement section
21 3(e).”.

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