

117TH CONGRESS  
1ST SESSION

# H. R. 263

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2021

Mr. QUIGLEY (for himself, Mr. FITZPATRICK, Mr. BLUMENAUER, Mr. BUCHANAN, Mr. GARCÍA of Illinois, Mr. WALTZ, Mr. MCNERNEY, and Mr. WOMACK) introduced the following bill; which was referred to the Committee on Natural Resources

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## 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 to facilitate  
9 propagation or reproduction (whether intentionally or neg-  
10 ligently), or to fail to prevent propagation or reproduc-  
11 tion.”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) CONSOLIDATED FARM AND RURAL DEVELOP-  
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)”; and

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. 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 amending subsection (e) to read as fol-  
21 lows:

22 “(e) CAPTIVE WILDLIFE OFFENSE.—

23 “(1) IN GENERAL.—It is unlawful for any per-  
24 son to import, export, transport, sell, receive, ac-  
25 quire, or purchase in interstate or foreign commerce,

1 or in a manner substantially affecting interstate or  
2 foreign commerce, or to breed or possess, any pro-  
3 hibited wildlife species.

4 “(2) LIMITATION ON APPLICATION.—Paragraph  
5 (1) does not apply to—

6 “(A) an entity exhibiting animals to the  
7 public under a Class C license from the Depart-  
8 ment of Agriculture, or a Federal facility reg-  
9 istered with the Department of Agriculture that  
10 exhibits animals, if such entity or facility holds  
11 such license or registration in good standing  
12 and if the entity or facility—

13 “(i) does not allow any individual to  
14 come into direct physical contact with a  
15 prohibited wildlife species, unless that indi-  
16 vidual is—

17 “(I) a trained professional em-  
18 ployee or contractor of the entity or  
19 facility (or an accompanying employee  
20 receiving professional training);

21 “(II) a licensed veterinarian (or a  
22 veterinary student accompanying such  
23 a veterinarian); or

24 “(III) directly supporting con-  
25 servation programs of the entity or fa-

1                   cility, the contact is not in the course  
2                   of commercial activity (which may be  
3                   evidenced by advertisement or pro-  
4                   motion of such activity or other rel-  
5                   evant evidence), and the contact is in-  
6                   cidental to humane husbandry con-  
7                   ducted pursuant to a species-specific,  
8                   publicly available, peer-edited popu-  
9                   lation management and care plan that  
10                  has been provided to the Secretary  
11                  with justifications that the plan—

12                               “(aa) reflects established  
13                               conservation science principles;

14                               “(bb) incorporates genetic  
15                               and demographic analysis of a  
16                               multi-institution population of  
17                               animals covered by the plan; and

18                               “(cc) promotes animal wel-  
19                               fare by ensuring that the fre-  
20                               quency of breeding is appropriate  
21                               for the species;

22                               “(ii) ensures that during public exhi-  
23                               bition of a lion (*Panthera leo*), tiger  
24                               (*Panthera tigris*), leopard (*Panthera*  
25                               *pardus*), snow leopard (*Uncia uncia*), jag-

1           uar (Panthera onca), cougar (Puma  
2           concolor), or any hybrid thereof, the ani-  
3           mal is at least 15 feet from members of  
4           the public unless there is a permanent bar-  
5           rier sufficient to prevent public contact;

6           “(B) a State college, university, or agency,  
7           or a State-licensed veterinarian;

8           “(C) a wildlife sanctuary that cares for  
9           prohibited wildlife species, and—

10           “(i) is a corporation that is exempt  
11           from taxation under section 501(a) of the  
12           Internal Revenue Code of 1986 and de-  
13           scribed in sections 501(c)(3) and  
14           170(b)(1)(A)(vi) of such Code;

15           “(ii) does not commercially trade in  
16           any prohibited wildlife species, including  
17           offspring, parts, and byproducts of such  
18           animals;

19           “(iii) does not breed any prohibited  
20           wildlife species;

21           “(iv) does not allow direct contact be-  
22           tween the public and any prohibited wild-  
23           life species; and

1           “(v) does not allow the transportation  
2           and display of any prohibited wildlife spe-  
3           cies off-site;

4           “(D) has custody of any prohibited wildlife  
5           species solely for the purpose of expeditiously  
6           transporting the prohibited wildlife species to a  
7           person described in this paragraph with respect  
8           to the species; or

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

13                 “(i) not later than 180 days after the  
14                 date of the enactment of the such Act, the  
15                 entity or individual registers each indi-  
16                 vidual animal of each prohibited wildlife  
17                 species possessed by the entity or indi-  
18                 vidual with the United States Fish and  
19                 Wildlife Service;

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

23                 “(iii) does not allow direct contact be-  
24                 tween the public and prohibited wildlife  
25                 species.”.

1 **SEC. 4. PENALTIES.**

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

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

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

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

10 (1) in paragraph (1)(A), by inserting “(e),”  
11 after “(d),”;

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

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

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

17 “(4) Any person who knowingly violates sub-  
18 section (e) of section 3 shall be fined not more than  
19 \$20,000, or imprisoned for not more than five years,  
20 or both. Each violation shall be a separate offense  
21 and the offense is deemed to have been committed  
22 in the district where the violation first occurred, and  
23 in any district in which the defendant may have  
24 taken or been in possession of the prohibited wildlife  
25 species.”.



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

2 Section 5(a)(1) of the Lacey Act Amendments of  
3 1981 (16 U.S.C. 3374(a)(1)) is amended by inserting  
4 “bred, possessed,” before “imported, exported,”.

5 **SEC. 6. ADMINISTRATION.**

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

9 “(3) The Secretary shall, in consultation with  
10 other relevant Federal and State agencies, promul-  
11 gate any regulations necessary to implement section  
12 3(e).”.

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