

118TH CONGRESS
1ST SESSION

H. R. 4922

To amend title 18, United States Code, to enhance protections against the importation, and transport between States, of injurious species, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2023

Mrs. LUNA (for herself, Mr. BILIRAKIS, Mr. DONALDS, Mr. NEHLS, Mr. CARL, and Mr. DUNN of Florida) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 18, United States Code, to enhance protections against the importation, and transport between States, of injurious 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 “Lacey Act Amend-
5 ments of 2023”.

1 **SEC. 2. AMENDMENTS.**

2 (a) IN GENERAL.—Section 42 of title 18, United
3 States Code, is amended—

4 (1) in subsection (a)(1)—

5 (A) in the first sentence, by striking “ship-
6 ment between the continental United States”
7 and inserting “transport between the States”;
8 and

9 (B) by inserting after the first sentence
10 the following: “Notwithstanding any other pro-
11 vision of law, the Secretary of the Interior may
12 prescribe by regulation an emergency designa-
13 tion prohibiting the importation of any species
14 of wild mammals, wild birds, fish (including
15 mollusks and crustacea), amphibians, or rep-
16 tiles, or the offspring or eggs of any such spe-
17 cies, as injurious to human beings, to the inter-
18 ests of agriculture, horticulture, or forestry, or
19 to wildlife or the wildlife resources of the
20 United States, for not more than 3 years, under
21 this subsection, if the Secretary of the Interior
22 determines that such regulation is necessary to
23 address an imminent threat to human beings,
24 to the interests of agriculture, horticulture, or
25 forestry, or to wildlife or the wildlife resources
26 of the United States. An emergency designation

1 prescribed under this subsection shall take ef-
2 fect immediately upon publication in the Fed-
3 eral Register, unless the Secretary of the Inte-
4 rior prescribes an effective date that is not later
5 than 60 days after the date of publication. Dur-
6 ing the period during which an emergency des-
7 ignation prescribed under this subsection for a
8 species is in effect, the Secretary of the Interior
9 shall evaluate whether the species should be
10 designated as an injurious wildlife species under
11 the first sentence of this paragraph.”; and

12 (2) by adding at the end the following:

13 “(d) PRESUMPTIVE PROHIBITION ON IMPORTA-
14 TION.—

15 “(1) IN GENERAL.—Importation into the
16 United States of any species of wild mammals, wild
17 birds, fish (including mollusks and crustacea), am-
18 phibians, or reptiles, or the offspring or eggs of any
19 such species, that is not native to the United States
20 and, as of the date of enactment of the Lacey Act
21 Amendments of 2023, is not prohibited under sub-
22 section (a)(1), is prohibited, unless—

23 “(A) during the 1-year period preceding
24 the date of enactment of the Lacey Act Amend-

1 ments of 2023, the species was, in more than
2 minimal quantities—

3 “(i) imported into the United States;

4 or

5 “(ii) transported between the States,

6 any territory of the United States, the Dis-

7 trict of Columbia, the Commonwealth of

8 Puerto Rico, or any possession of the

9 United States; or

10 “(B) the Secretary of the Interior deter-

11 mines, after an opportunity for public comment,

12 that the species does not pose a significant risk

13 of invasiveness to the United States and pub-

14 lishes a notice in the Federal Register of the

15 determination.

16 “(2) RULE OF CONSTRUCTION.—Nothing in

17 paragraph (1) shall be construed to limit the author-

18 ity of the Secretary of the Interior under subsection

19 (a)(1).”.

20 (b) CONFORMING AMENDMENTS.—Section 42(a) of

21 title 18, United States Code, is amended—

22 (1) in paragraph (2), by inserting “and sub-

23 section (d)” after “this subsection”;

24 (2) in paragraph (3)—

1 (A) by striking “the foregoing” and insert-
2 ing “paragraph (1) or subsection (d)”; and

3 (B) by striking “this Act” each place the
4 term appears and inserting “this section”;

5 (3) in paragraph (4), by inserting “or sub-
6 section (d)” after “this subsection”; and

7 (4) in paragraph (5)—

8 (A) by inserting “and subsection (d)” after
9 “this subsection”; and

10 (B) by striking “hereunder” and inserting
11 “under such provisions”.

12 (c) REGULATIONS; EFFECTIVE DATE.—

13 (1) REGULATIONS.—Not later than 1 year after
14 the date of enactment of this Act, the Secretary of
15 the Interior shall promulgate regulations to define
16 the term “minimal quantities” for purposes of sub-
17 section (d)(1)(A) of section 42 of title 18, United
18 States Code, as added by subsection (a)(2).

19 (2) EFFECTIVE DATE.—Subsection (d) of sec-
20 tion 42 of title 18, United States Code, as added by
21 subsection (a)(2), shall take effect on the date that
22 is 1 year after the date of enactment of this Act.

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