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”.
SEC. 2. AMENDMENTS.

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

(1) in subsection (a)(1)—

(A) in the first sentence, by striking “shipment between the continental United States” and inserting “transport between the States”; and

(B) by inserting after the first sentence the following: “Notwithstanding any other provision of law, the Secretary of the Interior may prescribe by regulation an emergency designation prohibiting the importation of any species of wild mammals, wild birds, fish (including mollusks and crustacea), amphibians, or reptiles, or the offspring or eggs of any such species, as injurious to human beings, to the interests of agriculture, horticulture, or forestry, or to wildlife or the wildlife resources of the United States, for not more than 3 years, under this subsection, if the Secretary of the Interior determines that such regulation is necessary to address an imminent threat to human beings, to the interests of agriculture, horticulture, or forestry, or to wildlife or the wildlife resources of the United States. An emergency designation
prescribed under this subsection shall take ef-
fect immediately upon publication in the Fed-
eral Register, unless the Secretary of the Inte-
rior prescribes an effective date that is not later
than 60 days after the date of publication. Dur-
ing the period during which an emergency des-
ignation prescribed under this subsection for a
species is in effect, the Secretary of the Interior
shall evaluate whether the species should be
designated as an injurious wildlife species under
the first sentence of this paragraph.”; and
(2) by adding at the end the following:
“(d) Presumptive Prohibition on Importa-
tion.—“(1) In general.—Importation into the
United States of any species of wild mammals, wild
birds, fish (including mollusks and crustacea), am-
phibians, or reptiles, or the offspring or eggs of any
such species, that is not native to the United States
and, as of the date of enactment of the Lacey Act
Amendments of 2023, is not prohibited under sub-
section (a)(1), is prohibited, unless—
“(A) during the 1-year period preceding
the date of enactment of the Lacey Act Amend-
ments of 2023, the species was, in more than
minimal quantities—

“(i) imported into the United States;
or

“(ii) transported between the States,
any territory of the United States, the Dis-
trict of Columbia, the Commonwealth of
Puerto Rico, or any possession of the
United States; or

“(B) the Secretary of the Interior deter-
mines, after an opportunity for public comment,
that the species does not pose a significant risk
of invasiveness to the United States and pub-
lishes a notice in the Federal Register of the
determination.

“(2) RULE OF CONSTRUCTION.—Nothing in
paragraph (1) shall be construed to limit the author-
ity of the Secretary of the Interior under subsection
(a)(1).”.

(b) CONFORMING AMENDMENTS.—Section 42(a) of
title 18, United States Code, is amended—

(1) in paragraph (2), by inserting “and sub-
section (d)” after “this subsection”;

(2) in paragraph (3)—
(A) by striking “the foregoing” and inserting “paragraph (1) or subsection (d)”; and

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

(3) in paragraph (4), by inserting “or subsection (d)” after “this subsection”; and

(4) in paragraph (5)—

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

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

(c) REGULATIONS; EFFECTIVE DATE.—

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

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