

114TH CONGRESS
1ST SESSION

H. R. 3546

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

SEPTEMBER 17, 2015

Mr. JONES (for himself, Mr. FARENTHOLD, Mr. FITZPATRICK, Mr. JOLLY, Mr. FRELINGHUYSEN, Mr. UPTON, Mr. LOBIONDO, and Ms. LORETTA SANCHEZ of California) 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. FINDINGS.**

7 Congress finds the following:

1 (1) The global illicit trade in wildlife may be
2 worth up to \$20,000,000,000 annually and the value
3 of legal wildlife trade in the United States was re-
4 cently estimated at \$2,800,000,000 annually.

5 (2) The illegal trade in prohibited wildlife spe-
6 cies (as defined in section 2(g) of the Lacey Act
7 Amendments of 1981 (16 U.S.C. 3371(g)) stimu-
8 lates demand and expands markets in which those
9 species can be illegally sold.

10 (3) The private possession, breeding, and sale
11 of prohibited wildlife species has a substantial and
12 detrimental effect on the health and general welfare
13 of the people of the United States and on the con-
14 servation of the species themselves.

15 (4) Private possession and breeding of prohib-
16 ited wildlife species have a substantial and direct ef-
17 fect on interstate commerce because prohibited wild-
18 life species are frequently bred and possessed to be
19 used in public exhibition or for sale or transfer of
20 ownership in the exotic pet trade, and are often
21 transported in interstate commerce for these pur-
22 poses.

23 (5) Private possession and breeding of prohib-
24 ited wildlife species contributes to the interstate

1 traffic in those species and may contribute to illegal
2 international wildlife trade.

3 (6) Prohibited wildlife species in private posses-
4 sion, or distributed intrastate, are fungible commod-
5 ities that cannot be differentiated, in terms of con-
6 trol, from prohibited wildlife species possessed or
7 distributed interstate.

8 (7) It is exceedingly difficult to distinguish be-
9 tween prohibited wildlife species that are possessed,
10 bred, sold, or transported in interstate commerce
11 from those that have not been.

12 (8) Federal control of the intrastate private
13 possession and breeding of prohibited wildlife species
14 is essential to the effective control of the interstate
15 incidents of traffic in prohibited wildlife species.

16 (9) The United States is a party to the Conven-
17 tion on International Trade in Endangered Species
18 of Wild Fauna and Flora, which was designed to
19 protect species of wild fauna and flora against over-
20 exploitation through international trade.

21 **SEC. 3. DEFINITIONS.**

22 (a) IN GENERAL.—Section 2 of the Lacey Act
23 Amendments of 1981 (16 U.S.C. 3371) is amended—

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

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

3 “(a) BREED.—The term ‘breed’ means to facilitate
4 propagation or reproduction (whether intentionally or neg-
5 ligently), or to fail to prevent propagation or reproduc-
6 tion”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) CONSOLIDATED FARM AND RURAL DEVELOP-
9 MENT ACT.—Section 349(a)(3) of the Consoli-
10 dated Farm and Rural Development Act (7 U.S.C.
11 1997(a)(3)) is amended by striking “section 2(a)”
12 and inserting “section 2(b)”.

13 (2) LACEY ACT AMENDMENTS OF 1981.—

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

17 (i) in clause (ii), by striking “section
18 2(g)” and inserting “section 2(h)”; and

19 (ii) in clause (iii), by striking “section
20 2(g)” and inserting “section 2(h)”.

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

1 **SEC. 4. PROHIBITIONS.**

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

4 (1) in subsection (a)—

5 (A) in paragraph (2)—

6 (i) in subparagraph (A), by striking
7 the semicolon at the end and inserting “;
8 or”;

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

11 (iii) by striking subparagraph (C);
12 and

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

16 (2) by amending subsection (e) to read as fol-
17 lows:

18 “(e) CAPTIVE WILDLIFE OFFENSE.—

19 “(1) IN GENERAL.—It is unlawful for any per-
20 son to import, export, transport, sell, receive, ac-
21 quire, or purchase in interstate or foreign commerce,
22 or in a manner substantially affecting interstate or
23 foreign commerce, or to breed or possess, any live
24 animal of any prohibited wildlife species.

25 “(2) LIMITATION ON APPLICATION.—Paragraph
26 (1) does not apply to any person that—

1 “(A) is an institution accredited by the As-
2 sociation of Zoos and Aquariums;

3 “(B) is a facility that—

4 “(i) has an active written contract
5 with an Association of Zoos and Aquar-
6 iums Species Survival Plan or Taxon Advi-
7 sory Group for breeding of prohibited wild-
8 life species; and

9 “(ii) does not breed, acquire, or sell
10 prohibited wildlife species other than the
11 species covered by such contract;

12 “(C) is a State college, university, or agen-
13 cy, or State-licensed veterinarian;

14 “(D) is a wildlife sanctuary that cares for
15 prohibited wildlife species, and—

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

21 “(ii) does not commercially trade in
22 prohibited wildlife species, including off-
23 spring, parts, and byproducts of such ani-
24 mals;

1 “(iii) does not breed the prohibited
2 wildlife species;

3 “(iv) does not allow direct contact be-
4 tween the public and prohibited wildlife
5 species; and

6 “(v) does not allow the transportation
7 and display of prohibited wildlife species
8 off-site;

9 “(E) has custody of the prohibited wildlife
10 species solely for the purpose of expeditiously
11 transporting the prohibited wildlife species to a
12 person described in this paragraph with respect
13 to the species;

14 “(F) is in possession of a prohibited wild-
15 life species that was born before the date of the
16 enactment of the Big Cat Public Safety Act,
17 and—

18 “(i) not later than 180 days after the
19 date of the enactment of the Big Cat Pub-
20 lic Safety Act, is registered with the Ani-
21 mal and Plant Health Inspection Service;

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

1 “(iii) does not allow direct contact be-
2 tween the public and prohibited wildlife
3 species; or

4 “(G) holds a valid Class C license under
5 the Animal Welfare Act (7 U.S.C. 2131 et
6 seq.), and—

7 “(i) regularly travels across State
8 lines to conduct circus performances fea-
9 turing live prohibited wildlife species,
10 clowns, and aerial acts;

11 “(ii) engages in such travel and con-
12 duct before January 1, 2015; and

13 “(iii) does not allow direct contact be-
14 tween the public and prohibited wildlife
15 species.”.

16 **SEC. 5. PENALTIES.**

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

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

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

22 (b) CRIMINAL PENALTIES.—Section 4(d)(1) of the
23 Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)(1))
24 is amended—

25 (1) in subparagraph (A)—

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

2 (B) by striking “or” after the comma at

3 the end;

4 (2) in subparagraph (B)—

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

6 (B) by adding “or” after the comma at the

7 end; and

8 (3) by inserting after subparagraph (B) the fol-

9 lowing:

10 “(C) knowingly violates section 3(e),”; and

11 (4) in the matter following subparagraph (B)—

12 (A) by striking “knowing that” and all
13 that follows through “treaty or regulation,”;

14 (B) by striking “said”; and

15 (C) by inserting before the period “or pro-
16 hibited wildlife species concerned”.

17 **SEC. 6. FORFEITURE OF PROHIBITED WILDLIFE SPECIES.**

18 Section 5(a)(1) of the Lacey Act Amendments of
19 1981 (16 U.S.C. 3374(a)(1)) is amended by inserting
20 “bred, possessed,” before “imported, exported,”.

21 **SEC. 7. ADMINISTRATION.**

22 Section 7(a) of the Lacey Act Amendments of 1981
23 (16 U.S.C. 3376(a)) is amended by adding at the end the
24 following:

1 “(3) The Secretary shall, in consultation with
2 other relevant Federal and State agencies, promul-
3 gate any regulations necessary to implement section
4 3(e).”.

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