

117TH CONGRESS
2D SESSION

H. R. 263

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2022

Received

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Big Cat Public Safety
3 Act”.

4 **SEC. 2. DEFINITIONS.**

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

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

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

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

15 (b) CONFORMING AMENDMENTS.—

16 (1) CONSOLIDATED FARM AND RURAL DEVELOP-
17 OPMENT ACT.—Section 349(a)(3) of the Consoli-
18 dated Farm and Rural Development Act (7 U.S.C.
19 1997(a)(3)) is amended—

20 (A) by striking “section 2(a)” and insert-
21 ing “section 2”; and

22 (B) by striking “3371(a)” and inserting
23 “3371”.

24 (2) LACEY ACT AMENDMENTS OF 1981.—Section
25 7(c) of the Lacey Act Amendments of 1981 (16

1 U.S.C. 3376(c)) is amended by striking “section
2 2(f)(2)(A)” and inserting “section 2(g)(2)(A)”.

3 **SEC. 3. PROHIBITIONS.**

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

6 (1) in subsection (a)—

7 (A) in paragraph (2)—

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

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

13 (iii) by striking subparagraph (C);
14 and

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

18 (2) by amending subsection (e) to read as fol-
19 lows:

20 “(e) CAPTIVE WILDLIFE OFFENSE.—

21 “(1) IN GENERAL.—Except as provided in para-
22 graph (2), it is unlawful for any person to—

23 “(A) import, export, transport, sell, re-
24 ceive, acquire, or purchase in interstate or for-

1 eign commerce, or in a manner substantially af-
2 fecting interstate or foreign commerce; or

3 “(B) breed or possess;
4 any prohibited wildlife species.

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

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

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

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

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

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

14 “(aa) reflects established
15 conservation science principles;

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

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

24 “(ii) ensures that during public exhi-
25 bition of a lion (*Panthera leo*), tiger

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

8 “(B) a State college, university, or agency,
9 or a State-licensed veterinarian;

10 “(C) a wildlife sanctuary that cares for
11 prohibited wildlife species, and—

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

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

21 “(iii) does not breed any prohibited
22 wildlife species;

23 “(iv) does not allow direct contact be-
24 tween the public and any prohibited wild-
25 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 section
18 3(e) shall be fined not more than \$20,000, or im-
19 prisoned for not more than 5 years, or both. Each
20 violation shall be a separate offense and the offense
21 is deemed to have been committed in the district
22 where the violation first occurred, and in any district
23 in which the defendant may have taken or been in
24 possession of the prohibited wildlife species.”.

5 SEC. 6. ADMINISTRATION.

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).”.

Attest: **CHERYL L. JOHNSON,**
Clerk.