

## BIG CAT PUBLIC SAFETY ACT

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JULY 22, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. GRIJALVA, from the Committee on Natural Resources,  
submitted the following

### R E P O R T

together with

### DISSENTING VIEWS

[To accompany H.R. 263]

The Committee on Natural Resources, to whom was referred the bill (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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

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

#### SEC. 2. DEFINITIONS.

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

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

(2) by inserting before subsection (b) (as so redesignated) the following:

“(a) BREED.—The term ‘breed’ means to facilitate propagation or reproduction (whether intentionally or negligently), or to fail to prevent propagation or reproduction.”.

(b) CONFORMING AMENDMENTS.—

(1) CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—Section 349(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1997(a)(3)) is amended—

(A) by striking “section 2(a)” and inserting “section 2”; and

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

(2) LACEY ACT AMENDMENTS OF 1981.—Section 7(c) of the Lacey Act Amendments of 1981 (16 U.S.C. 3376(c)) is amended by striking “section 2(f)(2)(A)” and inserting “section 2(g)(2)(A)”.

### SEC. 3. PROHIBITIONS.

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

(1) in subsection (a)—

(A) in paragraph (2)—

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

(ii) in subparagraph (B)(iii), by striking “; or” and inserting a semicolon; and

(iii) by striking subparagraph (C); and

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

(2) by amending subsection (e) to read as follows:

“(e) CAPTIVE WILDLIFE OFFENSE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), it is unlawful for any person to—

“(A) import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce, or in a manner substantially affecting interstate or foreign commerce; or

“(B) breed or possess;

any prohibited wildlife species.

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

“(A) an entity exhibiting animals to the public under a Class C license from the Department of Agriculture, or a Federal facility registered with the Department of Agriculture that exhibits animals, if such entity or facility holds such license or registration in good standing and if the entity or facility—

“(i) does not allow any individual to come into direct physical contact with a prohibited wildlife species, unless that individual is—

“(I) a trained professional employee or contractor of the entity or facility (or an accompanying employee receiving professional training);

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

“(III) directly supporting conservation programs of the entity or facility, the contact is not in the course of commercial activity (which may be evidenced by advertisement or promotion of such activity or other relevant evidence), and the contact is incidental to humane husbandry conducted pursuant to a species-specific, publicly available, peer-edited population management and care plan that has been provided to the Secretary with justifications that the plan—

“(aa) reflects established conservation science principles;

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

“(cc) promotes animal welfare by ensuring that the frequency of breeding is appropriate for the species; and

“(ii) ensures that during public exhibition of a lion (*Panthera leo*), tiger (*Panthera tigris*), leopard (*Panthera pardus*), snow leopard (*Uncia uncia*), jaguar (*Panthera onca*), cougar (*Puma concolor*), or any hybrid thereof, the animal is at least 15 feet from members of the public unless there is a permanent barrier sufficient to prevent public contact;

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

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

“(i) is a corporation that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 and described in sections 501(c)(3) and 170(b)(1)(A)(vi) of such Code;

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

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

“(iv) does not allow direct contact between the public and any prohibited wildlife species; and

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

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

“(E) an entity or individual that is in possession of any prohibited wildlife species that was born before the date of the enactment of the Big Cat Public Safety Act, and—

“(i) not later than 180 days after the date of the enactment of the such Act, the entity or individual registers each individual animal of each prohibited wildlife species possessed by the entity or individual with the United States Fish and Wildlife Service;

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

“(iii) does not allow direct contact between the public and prohibited wildlife species.”.

#### **SEC. 4. PENALTIES.**

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

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

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

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

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

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

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

(4) by adding at the end the following:

“(4) Any person who knowingly violates section 3(e) shall be fined not more than \$20,000, or imprisoned for not more than 5 years, or both. Each violation shall be a separate offense and the offense is deemed to have been committed in the district where the violation first occurred, and in any district in which the defendant may have taken or been in possession of the prohibited wildlife species.”.

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

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

#### **SEC. 6. ADMINISTRATION.**

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

“(3) The Secretary shall, in consultation with other relevant Federal and State agencies, promulgate any regulations necessary to implement section 3(e).”.

### **PURPOSE OF THE BILL**

The purpose of H.R. 263 is to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act and to further the conservation of certain wildlife species.

### **BACKGROUND AND NEED FOR LEGISLATION**<sup>1</sup>

An estimated 20,000 big cats, including tigers, lions, jaguars, leopards, cougars, and hybrids, are currently kept in private ownership in the United States. Privately owned big cats are often purchased or bred as cubs for photo-ops, but as they grow larger, they are sold into the exotic pet trade or on the black market for wildlife parts. Adult big cats in private ownership typically live in inadequate conditions threatening public safety.

Since 1990, around 300 dangerous incidents involving big cats in the United States have resulted in human injuries, mauling, and

<sup>1</sup>Also see generally H. Rep. No. 116–430, at 1–2 (2020), <https://www.congress.gov/116/crpt/hrpt430/CRPT-116hrpt430.pdf>—of which the above text is largely excerpts.

death.<sup>2</sup> In many cases, first responders not equipped for those situations shot and killed the animals. One of the most famous examples occurred in 2011, when 56 exotic animals, including 17 lions and 18 tigers, escaped from a private home in Zanesville, Ohio.<sup>3</sup> Although no serious human injuries occurred, at least 49 animals were killed while restoring public safety.

In 2003, Congress unanimously passed the Captive Wildlife Safety Act<sup>4</sup> (CWSA), which amended the Lacey Act to prohibit importing, exporting, buying, selling, transporting, receiving, or acquiring big cats across states and the U.S. border. However, there is no federal policy regarding the possession of big cats. State laws vary, with some having no restrictions, some requiring registration, and others altogether banning ownership of big cats as pets.<sup>5</sup>

H.R. 263 would end the private ownership of big cats as pets and prohibit exhibitors from allowing public contact with big cats, including cubs. The bill builds on the CWSA by making it illegal to privately possess or breed lions, tigers, leopards, cheetahs, jaguars, cougars, or any hybrid. The bill narrowly focuses on privately-owned animals and includes exemptions for exhibitors with U.S. Department of Agriculture (USDA) Class C licenses, such as zoos, state universities, and sanctuaries. Current owners are grandfathered in, allowing owners to keep their animals if they register with the U.S. Fish and Wildlife Service (FWS) and abide by listed regulations.

#### COMMITTEE ACTION

H.R. 263 was introduced on January 11, 2021, by Representative Mike Quigley (D-IL). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Oceans, and Wildlife. On May 12, 2022, the Subcommittee held a hearing on the bill. On June 8, 2022, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Raúl M. Grijalva (D-AZ) offered an amendment in the nature of a substitute. Ranking Member Bruce Westerman (R-AR) offered a substitute amendment to the amendment in the nature of a substitute designated Westerman #077. A recorded vote was requested and postponed. Rep. Lauren Boebert (R-CO) offered an amendment designated Boebert #1 to the amendment in the nature of a substitute. A recorded vote was requested and postponed. Rep. Garret Graves (R-LA) offered an amendment designated Graves #2 to the amendment in the nature of a substitute. A recorded vote was requested and postponed. Rep. Graves offered an amendment designated Graves #3 to the amendment in the nature of a substitute. A recorded vote was requested and postponed. Rep. Graves offered

<sup>2</sup> THE HUMANE SOCIETY OF THE U.S., BIG CAT INCIDENTS (2012), <https://www.humanesociety.org/sites/default/files/docs/captive-big-cat-incidents.pdf>.

<sup>3</sup> Greg Bishop & Timothy Williams, *Police Kill Dozens of Animal Freed on Ohio Reserve*, N.Y. TIMES (Oct. 19, 2011), [www.nytimes.com/2011/10/20/us/police-kill-dozens-of-animals-freed-from-ohio-preserve.html](http://www.nytimes.com/2011/10/20/us/police-kill-dozens-of-animals-freed-from-ohio-preserve.html).

<sup>4</sup> Pub. L. No. 108-191, 117 Stat. 2871 (2003), <https://uscode.house.gov/statviewer.htm?volume=117&page=2871> (codified as 16 U.S.C. §§ 3371-72 & notes.).

<sup>5</sup> *Map of Private Exotic Pet Ownership Laws*, MICH. STATE UNIV., COLL. OF L., ANIMAL LEGAL & HIST. CTR. (2022), [www.animallaw.info/content/map-private-exotic-pet-ownership-laws](http://www.animallaw.info/content/map-private-exotic-pet-ownership-laws) (last visited July 19, 2022).

an amendment designated Graves #4 to the amendment in the nature of a substitute. The Committee adjourned.

The Committee on Natural Resources met on June 15, 2022, to continue its consideration of the bill. Chair Grijalva offered a motion to move the previous question on the Grijalva amendment in the nature of a substitute. The motion was agreed to by voice vote. The previously offered substitute amendment designated Westerman #077 was not agreed to by a roll call vote of 17 yeas and 24 nays,<sup>6</sup> as follows:

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<sup>6</sup>During the markup, the total on this vote was announced incorrectly. The numbers above are accurate and accord with the clerk's roll call and with the clerk's tally sheet.

F66590

Date: June 15, 2022

**COMMITTEE ON NATURAL RESOURCES  
117<sup>TH</sup> CONGRESS — ROLL CALL**

Bill / Motion: H.R. 263

Amendment: Rep. Westerman substitute amendment #077 to the ANS

Disposition: Was not agreed to by a roll call vote of 17 yeas and 24 nays.<sup>1</sup>

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA	X		
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO			
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY		X	
	<b>REP. MEMBERS (20)</b>	<b>Y</b>	<b>N</b>	<b>P</b>
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Graves, LA	X		
8	Ms. Herrell, NM			
9	Mr. Hice, GA			
10	Mr. Lamborn, CO	X		
11	Mr. McClintock, CA	X		
12	Mr. Moore, UT	X		
13	Mr. Obernolte, CA	X		
14	Mrs. Radewagen, AS			
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)	X		
20	Mr. Wittman, VA	X		
	<b>TOTALS</b>	<b>17</b>	<b>24</b>	
	Total 46 / Quorum: 16 / Report: 24	<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

<sup>1</sup> During the markup, the total on this vote was announced incorrectly. The numbers above are accurate and authoritative.

The substitute amendment designated Boebert #1 not agreed to by a roll call vote of 16 yeas and 22 nays, as follows:

Date: June 15, 2022

**COMMITTEE ON NATURAL RESOURCES  
117<sup>TH</sup> CONGRESS — ROLL CALL**

Bill / Motion: H.R. 263

Amendment: Rep. Boebert substitute amendment #1 to the ANS

Disposition: Was not agreed to by a roll call vote of 16 yeas and 22 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI			
3	Mr. Cohen, TN			
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO			
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	<b>REP. MEMBERS (20)</b>	<b>Y</b>	<b>N</b>	<b>P</b>
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Graves, LA	X		
8	Ms. Herrell, NM			
9	Mr. Hice, GA			
10	Mr. Lamborn, CO	X		
11	Mr. McClintock, CA	X		
12	Mr. Moore, UT	X		
13	Mr. Obernolte, CA	X		
14	Mrs. Radewagen, AS			
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)	X		
20	Mr. Wittman, VA	X		
	<b>TOTALS</b>	<b>16</b>	<b>22</b>	
	Total: 46 / Quorum: 15 / Report: 24	<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>



The amendment designated Graves #2 was not agreed to by a roll call vote of 14 yeas and 24 nays, as follows:

Date: June 15, 2022

**COMMITTEE ON NATURAL RESOURCES  
117<sup>TH</sup> CONGRESS — ROLL CALL**

Bill / Motion: H.R. 263

Amendment: Rep. Graves amendment #2 to the ANS

Disposition: Was not agreed to by a roll call vote of 14 yeas and 24 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI			
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	<b>REP. MEMBERS (20)</b>	<b>Y</b>	<b>N</b>	<b>P</b>
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Graves, LA			
8	Ms. Herrell, NM			
9	Mr. Hice, GA			
10	Mr. Lamborn, CO	X		
11	Mr. McClintock, CA	X		
12	Mr. Moore, UT	X		
13	Mr. Obernolte, CA	X		
14	Mrs. Radewagen, AS			
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL			
19	Mr. Westerman, AR (RM)	X		
20	Mr. Wittman, VA	X		
	<b>TOTALS</b>	<b>14</b>	<b>24</b>	
	Total: 46 / Quorum: 15 / Report: 24	<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

The amendment designated Graves #3 was not agreed to by a roll call vote of 16 yeas and 24 nays, as follows:

Date: June 15, 2022

**COMMITTEE ON NATURAL RESOURCES  
117<sup>TH</sup> CONGRESS — ROLL CALL**

Bill / Motion: H.R. 263

Amendment: Rep. Graves amendment #3 to the ANS

Disposition: Was not agreed to by a roll call vote of 16 yeas and 24 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI			
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	<b>REPUBLICAN (20)</b>	<b>Y</b>	<b>N</b>	<b>P</b>
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Graves, LA	X		
8	Ms. Herrell, NM			
9	Mr. Hice, GA			
10	Mr. Lamborn, CO	X		
11	Mr. McClintock, CA	X		
12	Mr. Moore, UT	X		
13	Mr. Obernolte, CA	X		
14	Mrs. Radewagen, AS			
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)	X		
20	Mr. Wittman, VA	X		
	<b>TOTALS</b>	<b>16</b>	<b>24</b>	
	Total: 46 / Quorum: 15 / Report: 24	<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

The amendment designated Graves #4 was not agreed to by a roll call vote of 16 yeas and 25 nays, as follows:

Date: June 15, 2022

**COMMITTEE ON NATURAL RESOURCES  
117<sup>TH</sup> CONGRESS — ROLL CALL**

Bill / Motion: H.R. 263

Amendment: Rep. Graves amendment #4 to the ANS

Disposition: Was not agreed to by a roll call vote of 16 yeas and 25 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA		X	
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ ( <i>Chair</i> )		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	<b>REP. MEMBERS (20)</b>	<b>Y</b>	<b>N</b>	<b>P</b>
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO	X		
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR	X		
7	Mr. Graves, LA	X		
8	Ms. Herrell, NM			
9	Mr. Hice, GA			
10	Mr. Lamborn, CO	X		
11	Mr. McClintock, CA	X		
12	Mr. Moore, UT	X		
13	Mr. Obernolte, CA	X		
14	Mrs. Radewagen, AS			
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)	X		
20	Mr. Wittman, VA	X		
	<b>TOTALS</b>	<b>16</b>	<b>25</b>	
	Total: 46 / Quorum: 15 / Report: 24	<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>

The amendment in the nature of a substitute was agreed to by voice vote. The bill, as amended, was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 25 yeas and 17 nays, as follows:

Date: June 15, 2022

**COMMITTEE ON NATURAL RESOURCES  
117<sup>TH</sup> CONGRESS — ROLL CALL**

Bill / Motion: H.R. 263

Amendment:

**Disposition:** Final Passage: H.R. 263, as amended, was ordered favorably reported to the House of Representatives by a roll call vote 25 yeas and 17 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA	X		
2	Mr. Case, HI	X		
3	Mr. Cohen, TN	X		
4	Mr. Costa, CA	X		
5	Ms. DeGette, CO	X		
6	Mrs. Dingell, MI	X		
7	Mr. Gallego, AZ	X		
8	Mr. García, IL	X		
9	Mr. Grijalva, AZ ( <i>Chair</i> )	X		
10	Mr. Huffman, CA	X		
11	Ms. Leger Fernández, NM	X		
12	Mr. Levin, CA	X		
13	Mr. Lowenthal, CA	X		
14	Ms. McCollum, MN	X		
15	Mr. McEachin, VA	X		
16	Mrs. Napolitano, CA	X		
17	Mr. Neguse, CO	X		
18	Ms. Porter, CA	X		
19	Mr. Sablan, MP	X		
20	Mr. San Nicolas, GU	X		
21	Mr. Soto, FL	X		
22	Ms. Stansbury, NM	X		
23	Ms. Tlaib, MI	X		
24	Mr. Tonko, NY	X		
25	Ms. Trahan, MA	X		
26	Ms. Velázquez, NY			
	<b>REP. MEMBERS (20)</b>	<b>Y</b>	<b>N</b>	<b>P</b>
1	Mr. Bentz, OR		X	
2	Mrs. Boebert, CO		X	
3	Mr. Carl, AL		X	
4	Mr. Fulcher, ID		X	
5	Mr. Gohmert, TX		X	
6	Miss González-Colón, PR		X	
7	Mr. Graves, LA		X	
8	Ms. Herrell, NM			
9	Mr. Hice, GA			
10	Mr. Lamborn, CO		X	
11	Mr. McClintock, CA		X	
12	Mr. Moore, UT		X	
13	Mr. Obernolte, CA		X	
14	Mrs. Radewagen, AS		X	
15	Mr. Rosendale, MT			
16	Mr. Stauber, MN		X	
17	Mr. Tiffany, WI		X	
18	Mr. Webster, FL		X	
19	Mr. Westerman, AR (RM)		X	
20	Mr. Wittman, VA		X	
	<b>TOTALS</b>	<b>25</b>	<b>17</b>	
	Total: 46 / Quorum: 15 / Report: 24	<b>YEAS</b>	<b>NAYS</b>	<b>PRESENT</b>



## HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Oceans, and Wildlife held on May 12, 2022.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Short title. “Big Cat Public Safety Act”.*

*Sec. 2. Definitions.*

*Sec. 3. Prohibitions.* This section makes it illegal to import, export, transport, sell, receive, acquire, purchase, breed, or possess any live species of lion, tiger, leopard, cheetah, jaguar, cougar, or any hybrid of such species. The bill provides exemptions from these prohibitions for USDA Class C license holders, state universities, and wildlife sanctuaries that don’t allow direct contact with big cats and keep cats at a safe distance from the public. Some direct contact exceptions apply to trained professionals, veterinarians, and conservation programs that do not involve commercial activities and meet other specified restrictions. Current owners of big cats are allowed to keep their animals but must register with FWS, are not allowed to breed, acquire, or sell their wildlife, and cannot allow direct contact between the public and their cats.

*Sec. 4. Penalties.* This section specifies that individuals who violate the bill shall be fined up to \$20,000, imprisoned for five years or less, or both. Each violation will be treated as a separate offense. The offense will be prosecuted where the violation first occurred and where the defendant may have taken or been in possession of wildlife.

*Sec. 5. Forfeiture of Prohibited Wildlife Species.* This section amends the Lacey Act to require that big cats bred or possessed in violation of the section 3 prohibitions must be forfeited, in addition to the current Lacey Act provisions that require all fish, wildlife, or plants imported, exported, transported, sold, received, acquired, or purchased contrary to Lacey act provisions also be forfeited.

*Sec. 6. Administration.* This section directs the Department of the Interior to promulgate regulations in consultation with necessary federal and state agencies.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

## COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this

bill from the Director of Congressional Budget Office. The Committee adopts as its own cost estimate the forthcoming cost estimate of the Director of the Congressional Budget Office, should such cost estimate be made available before House passage of the bill.

The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act and to further the conservation of certain wildlife species.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

#### EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

## LACEY ACT AMENDMENTS OF 1981

\* \* \* \* \*

## SEC. 2. DEFINITIONS.

For purposes of this Act:

(a) *BREED*.—The term “breed” means to facilitate propagation or reproduction (whether intentionally or negligently), or to fail to prevent propagation or reproduction.

[(a)] (b) The term “fish or wildlife” means any wild animal, whether alive or dead, including without limitation any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, arthropod, coelenterate, or other invertebrate, whether or not bred, hatched, or born in captivity, and includes any part, product, egg, or offspring thereof.

[(b)] (c) The term “import” means to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

[(c)] (d) The term “Indian tribal law” means any regulation of, or other rule of conduct enforceable by, any Indian tribe, band, or group but only to the extent that the regulation or rule applies within Indian country as defined in section 1151 of title 18, United States Code.

[(d)] (e) The terms “law,” “treaty,” “regulation,” and “Indian tribal law” mean laws, treaties, regulations or Indian tribal laws which regulate the taking, possession, importation, exportation, transportation, or sale of fish or wildlife or plants.

[(e)] (f) The term “person” includes any individual, partnership, association, corporation, trust, or any officer, employee, agent, department, or instrumentality of the Federal Government or of any State or political subdivision thereof, or any other entity subject to the jurisdiction of the United States.

[(f)] (g) PLANT.—

(1) IN GENERAL.—The terms “plant” and “plants” mean any wild member of the plant kingdom, including roots, seeds, parts, or products thereof, and including trees from either natural or planted forest stands.

(2) EXCLUSIONS.—The terms “plant” and “plants” exclude—

(A) common cultivars, except trees, and common food crops (including roots, seeds, parts, or products thereof);

(B) a scientific specimen of plant genetic material (including roots, seeds, germplasm, parts, or products thereof) that is to be used only for laboratory or field research; and

(C) any plant that is to remain planted or to be planted or replanted.

(3) EXCEPTIONS TO APPLICATION OF EXCLUSIONS.—The exclusions made by subparagraphs (B) and (C) of paragraph (2) do not apply if the plant is listed—

(A) in an appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);

(B) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

or

(C) pursuant to any State law that provides for the conservation of species that are indigenous to the State and are threatened with extinction.

[(g)] (h) PROHIBITED WILDLIFE SPECIES.—The term “prohibited wildlife species” means any live species of lion, tiger, leopard, cheetah, jaguar, or cougar or any hybrid of such species.

[(h)] (i) The term “Secretary” means, except as otherwise provided in the Act, the Secretary of the Interior or the Secretary of Commerce, as program responsibilities are vested pursuant to the provisions of Reorganization Plan Numbered 4 of 1970 (84 Stat. 2090); except that with respect to the provisions of this Act which pertain to the importation or exportation of plants, the term also means the Secretary of Agriculture.

[(i)] (j) The term “State” means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, Northern Mariana Islands, American Samoa, and any other territory, commonwealth, or possession of the United States.

[(j)] (k) TAKEN AND TAKING.—

(1) TAKEN.—The term “taken” means captured, killed, or collected and, with respect to a plant, also means harvested, cut, logged, or removed.

(2) TAKING.—The term “taking” means the act by which fish, wildlife, or plants are taken.

[(k)] (l) The term “transport” means to move, convey, carry, or ship by any means, or to deliver or receive for the purpose of movement, conveyance, carriage, or shipment.

### SEC. 3. PROHIBITED ACTS.

(a) OFFENSES OTHER THAN MARKING OFFENSES.—It is unlawful for any person—

(1) to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States or in violation of any Indian tribal law;

(2) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce—

(A) any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law[;]; or

(B) any plant—

(i) taken, possessed, transported, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

(I) the theft of plants;

(II) the taking of plants from a park, forest reserve, or other officially protected area;

(III) the taking of plants from an officially designated area; or

(IV) the taking of plants without, or contrary to, required authorization;

(ii) taken, possessed, transported, or sold without the payment of appropriate royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

(iii) taken, possessed, transported, or sold in violation of any limitation under any law or regulation of any State, or under any foreign law, governing the export or transshipment of plants【; or】;

【(C) any prohibited wildlife species (subject to subsection (e));】

(3) within the special maritime and territorial jurisdiction of the United States (as defined in section 7 of title 18, United States Code)—

(A) to possess any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law or Indian tribal law, or

(B) to possess any plant—

(i) taken, possessed, transported, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

(I) the theft of plants;

(II) the taking of plants from a park, forest reserve, or other officially protected area;

(III) the taking of plants from an officially designated area; or

(IV) the taking of plants without, or contrary to, required authorization;

(ii) taken, possessed, transported, or sold without the payment of appropriate royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

(iii) taken, possessed, transported, or sold in violation of any limitation under any law or regulation of any State, or under any foreign law, governing the export or transshipment of plants; or

(4) to attempt to commit any act described in paragraphs

【(1) through (3)】 *(1) through (3) or subsection (e).*

(b) MARKING OFFENSES.—It is unlawful for any person to import, export, or transport in interstate commerce any container or package containing any fish or wildlife unless the container or package has previously been plainly marked, labeled, or tagged in accordance with the regulations issued pursuant to paragraph (2) of subsection 7(a) of this Act.

(c) SALE AND PURCHASE OF GUIDING AND OUTFITTING SERVICES AND INVALID LICENSES AND PERMITS.—

(1) SALE.—It is deemed to be a sale of fish or wildlife in violation of this Act for a person for money or other consideration to offer or provide—

(A) guiding, outfitting, or other services; or

(B) a hunting or fishing license or permit;

for the illegal taking, acquiring, receiving, transporting, or possessing of fish or wildlife.

(2) PURCHASE.—It is deemed to be a purchase of fish or wildlife in violation of this Act for a person to obtain for money or other consideration—

(A) guiding, outfitting, or other services; or

(B) a hunting or fishing license or permit;

for the illegal taking, acquiring, receiving, transporting, or possessing of fish or wildlife.

(d) FALSE LABELING OFFENSES.—It is unlawful for any person to make or submit any false record, account, or label for, or any false identification of, any fish, wildlife, or plant which has been, or is intended to be—

(1) imported, exported, transported, sold, purchased, or received from any foreign country; or

(2) transported in interstate or foreign commerce.

[(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE SPECIES OFFENSE.—

[(1) IN GENERAL.—Subsection (a)(2)(C) does not apply to importation, exportation, transportation, sale, receipt, acquisition, or purchase of an animal of a prohibited wildlife species, by a person that, under regulations prescribed under paragraph (3), is described in paragraph (2) with respect to that species.

[(2) PERSONS DESCRIBED.—A person is described in this paragraph, if the person—

[(A) is licensed or registered, and inspected, by the Animal and Plant Health Inspection Service or any other Federal agency with respect to that species;

[(B) is a State college, university, or agency, State-licensed wildlife rehabilitator, or State-licensed veterinarian;

[(C) is an accredited wildlife sanctuary that cares for prohibited wildlife species and—

[(i) is a corporation that is exempt from taxation under section 501(a) of the Internal Revenue Code 1986 and described in sections 501(c)(3) and 170(b)(1)(A)(vi) of such Code;

[(ii) does not commercially trade in animals listed in section 2(g), including offspring, parts, and byproducts of such animals;

[(iii) does not propagate animals listed in section 2(g); and

[(iv) does not allow direct contact between the public and animals; or

[(D) has custody of the animal solely for the purpose of expeditiously transporting the animal to a person described in this paragraph with respect to the species.

[(3) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in cooperation with the Director of the Animal and Plant Health Inspection Service, shall promulgate regulations describing the persons described in paragraph (2).

[(4) STATE AUTHORITY.—Nothing in this subsection preempts or supersedes the authority of a State to regulate wildlife species within that State.

[(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a)(2)(C) \$3,000,000 for each of fiscal years 2004 through 2008.]

(e) CAPTIVE WILDLIFE OFFENSE.—

(1) IN GENERAL.—*Except as provided in paragraph (2), it is unlawful for any person to—*

(A) import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce, or in a manner substantially affecting interstate or foreign commerce; or  
 (B) breed or possess;

any prohibited wildlife species.

(2) *LIMITATION ON APPLICATION.*—Paragraph (1) does not apply to—

(A) an entity exhibiting animals to the public under a Class C license from the Department of Agriculture, or a Federal facility registered with the Department of Agriculture that exhibits animals, if such entity or facility holds such license or registration in good standing and if the entity or facility—

(i) does not allow any individual to come into direct physical contact with a prohibited wildlife species, unless that individual is—

(I) a trained professional employee or contractor of the entity or facility (or an accompanying employee receiving professional training);

(II) a licensed veterinarian (or a veterinary student accompanying such a veterinarian); or

(III) directly supporting conservation programs of the entity or facility, the contact is not in the course of commercial activity (which may be evidenced by advertisement or promotion of such activity or other relevant evidence), and the contact is incidental to humane husbandry conducted pursuant to a species-specific, publicly available, peer-edited population management and care plan that has been provided to the Secretary with justifications that the plan—

(aa) reflects established conservation science principles;

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

(cc) promotes animal welfare by ensuring that the frequency of breeding is appropriate for the species; and

(ii) ensures that during public exhibition of a lion (*Panthera leo*), tiger (*Panthera tigris*), leopard (*Panthera pardus*), snow leopard (*Uncia uncia*), jaguar (*Panthera onca*), cougar (*Puma concolor*), or any hybrid thereof, the animal is at least 15 feet from members of the public unless there is a permanent barrier sufficient to prevent public contact;

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

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

(i) is a corporation that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 and described in sections 501(c)(3) and 170(b)(1)(A)(vi) of such Code;

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

(iii) does not breed any prohibited wildlife species;

(iv) does not allow direct contact between the public and any prohibited wildlife species; and

(v) does not allow the transportation and display of any prohibited wildlife species off-site;

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

(E) an entity or individual that is in possession of any prohibited wildlife species that was born before the date of the enactment of the Big Cat Public Safety Act, and—

(i) not later than 180 days after the date of the enactment of the such Act, the entity or individual registers each individual animal of each prohibited wildlife species possessed by the entity or individual with the United States Fish and Wildlife Service;

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

(iii) does not allow direct contact between the public and prohibited wildlife species.

(f) PLANT DECLARATIONS.—

(1) IMPORT DECLARATION.—Effective 180 days from the date of enactment of this subsection, and except as provided in paragraph (3), it shall be unlawful for any person to import any plant unless the person files upon importation a declaration that contains—

(A) the scientific name of any plant (including the genus and species of the plant) contained in the importation;

(B) a description of—

(i) the value of the importation; and

(ii) the quantity, including the unit of measure, of the plant; and

(C) the name of the country from which the plant was taken.

(2) DECLARATION RELATING TO PLANT PRODUCTS.—Until the date on which the Secretary promulgates a regulation under paragraph (6), a declaration relating to a plant product shall—

(A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product;

(B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than one country, and the country from which the plant was taken and used to produce the plant product is unknown, contain the name of each country from which the plant may have been taken; and



(C) in the case in which a paper or paperboard plant product includes recycled plant product, contain the average percent recycled content without regard for the species or country of origin of the recycled plant product, in addition to the information for the non-recycled plant content otherwise required by this subsection.

(3) EXCLUSIONS.—Paragraphs (1) and (2) shall not apply to plants used exclusively as packaging material to support, protect, or carry another item, unless the packaging material itself is the item being imported.

(4) REVIEW.—Not later than two years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement imposed by paragraphs (1) and (2) and the effect of the exclusion provided by paragraph (3). In conducting the review, the Secretary shall provide public notice and an opportunity for comment.

(5) REPORT.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary shall submit to the appropriate committees of Congress a report containing—

(A) an evaluation of—

(i) the effectiveness of each type of information required under paragraphs (1) and (2) in assisting enforcement of this section; and

(ii) the potential to harmonize each requirement imposed by paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

(B) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of this section; and

(C) an analysis of the effect of subsection (a) and this subsection on—

(i) the cost of legal plant imports; and

(ii) the extent and methodology of illegal logging practices and trafficking.

(6) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary may promulgate regulations—

(A) to limit the applicability of any requirement imposed by paragraph (2) to specific plant products;

(B) to make any other necessary modification to any requirement imposed by paragraph (2), as determined by the Secretary based on the review; and

(C) to limit the scope of the exclusion provided by paragraph (3), if the limitations in scope are warranted as a result of the review.

#### **SEC. 4. PENALTIES AND SANCTIONS.**

(a) CIVIL PENALTIES.—

(1) Any person who engages in conduct prohibited by any provision of this Act (other than subsections (b), (d), (e), and (f) of section 3) and in the exercise of due care should know that the fish or wildlife or plants were taken, possessed, trans-

ported, or sold in violation of, or in a manner unlawful under, any underlying law, treaty, or regulation, and any person who knowingly violates subsection (d), (e), or (f) of section 3, may be assessed a civil penalty by the Secretary of not more than \$10,000 for each such violation: *Provided*, That when the violation involves fish or wildlife or plants with a market value of less than \$350, and involves only the transportation, acquisition, or receipt of fish or wildlife or plants taken or possessed in violation of any law, treaty, or regulation of the United States, any Indian tribal law, any foreign law, or any law or regulation of any State, the penalty assessed shall not exceed the maximum provided for violation of said law, treaty, or regulation, or \$10,000, whichever is less.

(2) Any person who violates subsection (b) or (f) of section 3, except as provided in paragraph (1), may be assessed a civil penalty by the Secretary of not more than \$250.

(3) For purposes of paragraphs (1) and (2), any reference to a provision of this Act or to a section of this Act shall be treated as including any regulation issued to carry out any such provision or section.

(4) No civil penalty may be assessed under this subsection unless the person accused of the violation is given notice and opportunity for a hearing with respect to the violation. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any district in which a person may have taken or been in possession of the said fish or wildlife or plants.

(5) Any civil penalty assessed under this subsection may be remitted or mitigated by the Secretary.

(6) In determining the amount of any penalty assessed pursuant to paragraphs (1) and (2), the Secretary shall take into account the nature, circumstances, extent, and gravity of the prohibited act committed, and with respect to the violator, the degree of culpability, ability to pay, and such other matters as justice may require.

(b) **HEARINGS.**—Hearings held during proceedings for the assessment of civil penalties shall be conducted in accordance with section 554 of title 5, United States Code. The administrative law judge may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents, and may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena issued pursuant to this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the administrative law judge or to appear and produce documents before the administrative law judge, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(c) **REVIEW OF CIVIL PENALTY.**—Any person against whom a civil penalty is assessed under this section may obtain review thereof in

the appropriate District Court of the United States by filing a complaint in such court within 30 days after the date of such order and by simultaneously serving a copy of the complaint by certified mail on the Secretary, the Attorney General, and the appropriate United States attorney. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found or such penalty imposed, as provided in section 2112 of title 28, United States Code. If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary may request the Attorney General of the United States to institute a civil action in an appropriate district court of the United States to collect the penalty, and such court shall have jurisdiction to hear and decide any such action. In hearing such action, the court shall have authority to review the violation and the assessment of the civil penalty de novo.

(d) CRIMINAL PENALTIES.—

(1) Any person who—

(A) knowingly imports or exports any fish or wildlife or plants in violation of any provision of this Act (other than subsections (b), (d), (e), and (f) of section 3), or

(B) violates any provision of this Act (other than subsections (b), (d), (e), and (f) of section 3) by knowingly engaging in conduct that involves the sale or purchase of, the offer of sale or purchase of, or the intent to sell or purchase, fish or wildlife or plants with a market value in excess of \$350,

knowing that the fish or wildlife or plants were taken, possessed, transported, or sold in violation of, or in a manner unlawful under, any underlying law, treaty or regulation, shall be fined not more than \$20,000, or imprisoned for not more than five years, or both. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any district in which the defendant may have taken or been in possession of the said fish or wildlife or plants.

(2) Any person who knowingly engages in conduct prohibited by any provision of this Act (other than subsections (b), (d), (e), and (f) of section 3) and in the exercise of due care should know that the fish or wildlife or plants were taken, possessed, transported, or sold in violation of, or in a manner unlawful under, any underlying law, treaty or regulation shall be fined not more than \$10,000, or imprisoned for not more than one year, or both. Each violation shall be a separate offense and the offense shall be deemed to have been committed not only in the district where the violation first occurred, but also in any district in which the defendant may have taken or been in possession of the said fish or wildlife or plants.

(3) Any person who knowingly violates subsection (d) or (f) of section 3—

(A) shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both, if the offense involves—

(i) the importation or exportation of fish or wildlife or plants; or

(ii) the sale or purchase, offer of sale or purchase, or commission of an act with intent to sell or purchase fish or wildlife or plants with a market value greater than \$350; and

(B) shall be fined under title 18, United States Code, or imprisoned for not more than 1 year, or both, if the offense does not involve conduct described in subparagraph (A).

*(4) Any person who knowingly violates section 3(e) shall be fined not more than \$20,000, or imprisoned for not more than 5 years, or both. Each violation shall be a separate offense and the offense is deemed to have been committed in the district where the violation first occurred, and in any district in which the defendant may have taken or been in possession of the prohibited wildlife species.*

(e) PERMIT SANCTIONS.—The Secretary may also suspend, modify, or cancel any Federal hunting or fishing license, permit, or stamp, or any license or permit authorizing a person to import or export fish or wildlife or plants (other than a permit or license issued pursuant to the Fishery Conservation and Management Act of 1976), or to operate a quarantine station or rescue center for imported wildlife or plants, issued to any person who is convicted of a criminal violation of any provision of this Act or any regulation issued hereunder. The Secretary shall not be liable for the payments of any compensation, reimbursement, or damages in connection with the modification, suspension, or revocation of any licenses, permits, stamps, or other agreements pursuant to this section.

## SEC. 5. FORFEITURE.

### (a) IN GENERAL.—

(1) All fish or wildlife or plants *bred, possessed*, imported, exported, transported, sold, received, acquired, or purchased contrary to the provisions of section 3 of this Act (other than subsection 3(b)), or any regulation issued pursuant thereto, shall be subject to forfeiture to the United States notwithstanding any culpability requirements for civil penalty assessment or criminal prosecution included in section 4 of this Act.

(2) All vessels, vehicles, aircraft, and other equipment used to aid in the importing, exporting, transporting, selling, receiving, acquiring, or purchasing of fish or wildlife or plants in a criminal violation of this Act for which a felony conviction is obtained shall be subject to forfeiture to the United States if (A) the owner of such vessel, vehicle, aircraft, or equipment was at the time of the alleged illegal act a consenting party or privy thereto or in the exercise of due care should have known that such vessel, vehicle, aircraft, or equipment would be used in a criminal violation of this Act, and (B) the violation involved the sale or purchase of, the offer of sale or purchase of, or the intent to sell or purchase, fish or wildlife or plants.

(b) APPLICATION OF CUSTOMS LAWS.—All provisions of law relating to the seizure, forfeiture, and condemnation of property for violation of the customs laws, the disposition of such property or the proceeds from the sale thereof, and the remission or mitigation of such forfeiture, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not incon-

sistent with the provisions of this Act; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Treasury Department may, for the purposes of this Act, also be exercised or performed by the Secretary or by such persons as he may designate: *Provided*, That any warrant for search or seizure shall be issued in accordance with rule 41 of the Federal Rules of Criminal Procedure.

(c) STORAGE COST.—Any person convicted of an offense, or assessed a civil penalty, under section 4 shall be liable for the costs incurred in the storage, care, and maintenance of any fish or wildlife or plant seized in connection with the violation concerned.

(d) CIVIL FORFEITURES.—Civil forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code.

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#### SEC. 7. ADMINISTRATION.

##### (a) REGULATIONS.—

(1) The Secretary, after consultation with the Secretary of the Treasury, is authorized to issue such regulations, except as provided in paragraph (2), as may be necessary to carry out the provisions of sections 3(f), 4, and 5 of this Act.

(2) The Secretaries of the Interior and Commerce shall jointly promulgate specific regulations to implement the provisions of subsection 3(b) and of this Act for the marking and labeling of containers or packages containing fish or wildlife. These regulations shall be in accordance with existing commercial practices.

(3) *The Secretary shall, in consultation with other relevant Federal and State agencies, promulgate any regulations necessary to implement section 3(e).*

(b) CONTRACT AUTHORITY.—Beginning in fiscal year 1983, to the extent and in the amounts provided in advance in appropriations Acts, the Secretary may enter into such contracts, leases, cooperative agreements, or other transactions with any Federal or State agency, Indian tribe, public or private institution, or other person, as may be necessary to carry out the purposes of this Act.

(c) CLARIFICATION OF EXCLUSIONS FROM DEFINITION OF PLANT.—The Secretary of Agriculture and the Secretary of the Interior, after consultation with the appropriate agencies, shall jointly promulgate regulations to define the terms used in [section 2(f)(2)(A)] section 2(g)(2)(A) for the purposes of enforcement under this Act.

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### CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

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#### TITLE III—AGRICULTURAL CREDIT

\* \* \* \* \*

#### SUBTITLE D—ADMINISTRATIVE PROVISIONS

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SEC. 349. (a) For purposes of this section:

(1) The term “governmental entity” means any agency of the United States, a State, or a unit of local government of a State.

(2) The terms “highly erodible land” and “wetland” have the meanings, respectively, that such terms are given in section 1201 of the Food Security Act of 1985.

(3) The term “wildlife” means fish or wildlife as defined in ~~section 2(a)~~ *section 2* of the Lacey Act Amendments of 1981 (16 U.S.C. ~~3371(a)~~ 3371).

(4) The term “recreational purposes” includes hunting.

(b) CONTRACTS ON LOAN SECURITY PROPERTIES.—Subject to subsection (c), the Secretary may enter into a contract related to real property for conservation, recreation, or wildlife purposes.

(c) LIMITATIONS.—The Secretary may enter into a contract under subsection (b) if—

(1) such property is wetland, upland, or highly erodible land;

(2) such property is determined by the Secretary to be suitable for the purposes involved; and

(3)(A) such property secures any loan made under any law administered by the Secretary and held by the Secretary; and

(B) such contract better enables a qualified borrower to repay the loan in a timely manner, as determined by the Secretary.

(d) The terms and conditions specified in each such contract shall—

(1) specify the purposes for which such real property may be used;

(2) identify the conservation measures to be taken, and the recreational and wildlife uses to be allowed, with respect to such real property; and

(3) require such owner to permit the Secretary, and any person or governmental entity designated by the Secretary, to have access to such real property for the purpose of monitoring compliance with such contract.

(e)(1) Subject to paragraph (2), the Secretary may reduce or forgive the outstanding debt of a borrower—

(A) in the case of a borrower to whom the Secretary has made one or more outstanding loans under laws administered by the Secretary, by canceling that part of the aggregate amount of such outstanding loans that bears the same ratio to such aggregate amount as the number of acres of the real property of the borrower that are subject to the contract bears to the aggregate number of acres securing such loans; or

(B) in any other case, by treating as prepaid that part of the principal amount of a new loan to the borrower issued and held by the Secretary under a law administered by the Farmers Home Administration that bears the same ratio to such principal amount as the number of acres of the real property of the borrower that are subject to the contract bears to the aggregate number of acres securing the new loan.

(2) The amount so canceled or treated as prepaid pursuant to paragraph (1) shall not exceed—

(A) in the case of a delinquent loan, the value of the land on which the contract is entered into or the difference between the

amount of the outstanding loan secured by the land and the value of the land, whichever is greater; or

(B) in the case of a nondelinquent loan, 33 percent of the amount of the loan secured by the land.

(f) If the Secretary elects to use the authority provided by this section, the Secretary shall consult with the Director of the Fish and Wildlife Service for purposes of—

(1) selecting real property in which the Secretary may enter into contracts under this section;

(2) formulating the terms and conditions of such contracts; and

(3) enforcing such contracts.

(g) The Secretary, and any person or governmental entity designated by the Secretary, may enforce a contract entered into by the Secretary under this section.

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## DISSENTING VIEWS

H.R. 263, the *Big Cat Public Safety Act*, would create new federal authorities under the *Lacey Act* (16 U.S.C. 3371–3378) to supersede or preempt a state’s authority to regulate big cats within that state and would set up a duplicative regulatory system. H.R. 263 would mandate all persons or entities that currently possess big cats to register each animal with the U.S. Fish and Wildlife Service (USFWS) within 180 days of enactment in order to keep the animals. In addition, it would require big cat owners to certify that they will not breed, acquire, or sell any big cats, and would prohibit direct public contact.

Currently, the *Lacey Act* limits who can engage in interstate commerce of big cats. H.R. 263 would expand these authorities, irrespective of state law, to require that big cats exhibited at U.S. Department of Agriculture (USDA)-licensed or USDA-registered facilities be at least fifteen feet from the public or behind a permanent barrier. This requirement does not have an implementation period. Under H.R. 263, facilities that are not in compliance with the new requirements set by the bill prior to enactment would be subject to fines or jail time.

H.R. 263’s mandates would overlay state authority, and in some cases duplicate, existing federal government processes. The Animal and Plant Health Inspection Service (APHIS) at the USDA already regulates the treatment of animals in research and exhibition pursuant to the *Animal Welfare Act* of 1966 (7 U.S.C. 2131 et seq.). The USDA already has inspectors and law enforcement officers in place that are experts in animal welfare issues. This bill ignores the existing animal regulatory process in place at the USDA and attempts to create a new regulatory system. Some supporters of the bill admit that H.R. 263 would overlay an existing federal process because they would rather work with the Committee on Natural Resources rather than the Committee on Agriculture.

Creating two regulatory frameworks at two different departments—the Department of the Interior and USDA—overlayed with existing state regulation will only create confusion and duplication. For that reason, I offered an amendment that would have moved the authorities proposed by H.R. 263 into the current USDA framework without superseding state authorities. That alternative was unfortunately rejected on a party-line vote.

If the Committee Democrats want to solve a problem with big cat regulation, they should reform the authorities that already address



these matters, rather than creating a complicated and duplicative regulatory scheme. For these reasons, I am opposed to H.R. 263.

BRUCE WESTERMAN,

*Ranking Member, Committee on Natural Resources.*

