

115TH CONGRESS
1ST SESSION

H. R. 1818

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

MARCH 30, 2017

Mr. DENHAM (for himself, Mr. JONES, Mr. FARENTHOLD, Mr. LoBIONDO, Mr. GAETZ, Ms. TSONGAS, Mr. ROSS, and Mr. JOHNSON of Ohio) 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”.

1 **SEC. 2. DEFINITIONS.**

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

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

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

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

12 (b) CONFORMING AMENDMENTS.—

13 (1) CONSOLIDATED FARM AND RURAL DEVELOP-
14 OPMENT ACT.—Section 349(a)(3) of the Consoli-
15 dated Farm and Rural Development Act (7 U.S.C.
16 1997(a)(3)) is amended by striking “section 2(a)”
17 and inserting “section 2(b)”.

18 (2) LACEY ACT AMENDMENTS OF 1981.—

19 (A) Section 3(e)(2)(C) of the Lacey Act
20 Amendments of 1981 (16 U.S.C.
21 3372(e)(2)(C)) is amended—

22 (i) in clause (ii), by striking “section
23 2(g)” and inserting “section 2(h)”; and

24 (ii) in clause (iii), by striking “section
25 2(g)” and inserting “section 2(h)”.

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

5 **SEC. 3. PROHIBITIONS.**

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

8 (1) in subsection (a)—

9 (A) in paragraph (2)—

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

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

15 (iii) by striking subparagraph (C);
 16 and

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

20 (2) by amending subsection (e) to read as fol-
 21 lows:

22 “(e) CAPTIVE WILDLIFE OFFENSE.—

23 “(1) IN GENERAL.—It is unlawful for any per-
 24 son to import, export, transport, sell, receive, ac-
 25 quire, or purchase in interstate or foreign commerce,

1 or in a manner substantially affecting interstate or
2 foreign commerce, or to breed or possess, any pro-
3 hibited wildlife species.

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

6 “(A) an entity exhibiting animals to the
7 public under a Class C license from the Depart-
8 ment of Agriculture and that holds such license
9 in good standing, if the entity—

10 “(i) has not been, and does not em-
11 ploy any person engaged in animal care
12 who has been, convicted of or fined for an
13 offense involving the abuse or neglect of
14 any animal pursuant to any State, local, or
15 Federal law;

16 “(ii) has not had, and does not em-
17 ploy any person who has had, a license or
18 permit regarding the care, possession, exhi-
19 bition, breeding, or sale of animals revoked
20 or suspended by any State, local, or Fed-
21 eral agency, including the Department of
22 Agriculture, within the preceding 3-year
23 period;

24 “(iii) has not been cited by the De-
25 partment of Agriculture under the Animal

1 Welfare Act (7 U.S.C. 2131 et seq.) within
2 the preceding 12-month period for any re-
3 peat violation for—

4 “(I) inadequate veterinary care;

5 “(II) handling that causes stress
6 or trauma or a threat to public safety;

7 “(III) insufficient provisions of
8 food or water; or

9 “(IV) failure to allow facility in-
10 spection;

11 “(iv) does not allow any individual
12 other than a trained professional employee
13 or contractor of the licensee (or an accom-
14 panying employee receiving professional
15 training) or a licensed veterinarian (or an
16 accompanying veterinary student) to come
17 into direct physical contact with a prohib-
18 ited wildlife species;

19 “(v) ensures that during public exhi-
20 bition of a lion (*Panthera leo*), tiger
21 (*Panthera tigris*), leopard (*Panthera*
22 *pardus*), snow leopard (*Uncia uncia*), jag-
23 uar (*Panthera onca*), cougar (*Puma*
24 *concolor*), or any hybrid thereof, the ani-
25 mal is at least 15 feet from members of

1 the public unless there is a permanent bar-
2 rier that prevents public contact or risk of
3 contact;

4 “(vi) does not breed any prohibited
5 wildlife species unless the breeding is con-
6 ducted pursuant to a species-specific, pub-
7 licly available, peer-reviewed population
8 management plan developed according to
9 established conservation science principles;

10 “(vii) maintains liability insurance in
11 an amount of not less than \$250,000 for
12 each occurrence of property damage, bodily
13 injury, or death caused by any prohibited
14 wildlife species possessed by the person;
15 and

16 “(viii) has a written plan that is made
17 available to local law enforcement, State
18 agencies and Federal agencies on request,
19 for the quick and safe recapture or de-
20 struction of prohibited wildlife species in
21 the event a prohibited wildlife species es-
22 capes, including, but not limited to, written
23 protocols for training staff on methods of
24 safe recapture of the escaped prohibited
25 wildlife species;

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

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

5 “(i) is a corporation that is exempt
6 from taxation under section 501(a) of the
7 Internal Revenue Code of 1986 and de-
8 scribed in sections 501(c)(3) and
9 170(b)(1)(A)(vi) of such Code;

10 “(ii) does not commercially trade in
11 prohibited wildlife species, including off-
12 spring, parts, and byproducts of such ani-
13 mals;

14 “(iii) does not breed the prohibited
15 wildlife species;

16 “(iv) does not allow direct contact be-
17 tween the public and prohibited wildlife
18 species; and

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

22 “(D) has custody of the prohibited wildlife
23 species solely for the purpose of expeditiously
24 transporting the prohibited wildlife species to a

1 person described in this paragraph with respect
2 to the species; or

3 “(E) an entity or individual that is in pos-
4 session of a prohibited wildlife species that was
5 born before the date of the enactment of the
6 Big Cat Public Safety Act, and—

7 “(i) not later than 180 days after the
8 date of the enactment of the Big Cat Pub-
9 lic Safety Act, the entity or individual reg-
10 isters each individual animal of each pro-
11 hibited wildlife species with the United
12 States Fish and Wildlife Service;

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

16 “(iii) does not allow direct contact be-
17 tween the public and prohibited wildlife
18 species.”.

19 **SEC. 4. PENALTIES.**

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

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

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

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

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

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

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

10 (4) by adding at the end the following:

11 “(4) Any person who knowingly violates sub-
12 section (e) of section 3 shall be fined not more than
13 \$20,000, or imprisoned for not more than five years,
14 or both. Each violation shall be a separate offense
15 and the offense shall be deemed to have been com-
16 mitted not only in the district where the violation
17 first occurred, but also in any district in which the
18 defendant may have taken or been in possession of
19 the prohibited wildlife species.”.

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

21 Section 5(a)(1) of the Lacey Act Amendments of
22 1981 (16 U.S.C. 3374(a)(1)) is amended by inserting
23 “bred, possessed,” before “imported, exported,”.

1 **SEC. 6. ADMINISTRATION.**

2 Section 7(a) of the Lacey Act Amendments of 1981
3 (16 U.S.C. 3376(a)) is amended by adding at the end the
4 following:

5 “(3) The Secretary shall, in consultation with
6 other relevant Federal and State agencies, promul-
7 gate any regulations necessary to implement section
8 3(e).”.

○