

116TH CONGRESS  
2D SESSION

# H. R. 1380

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IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2020

Received; read twice and referred to the Committee on Environment and  
Public Works

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## 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 by striking “section 2(a)”  
20 and inserting “section 2(b)”.

21 (2) LACEY ACT AMENDMENTS OF 1981.—Section  
22 7(c) of the Lacey Act Amendments of 1981 (16  
23 U.S.C. 3376(c)) is amended by striking “section  
24 2(f)(2)(A)” and inserting “section 2(g)(2)(A)”.

1 **SEC. 3. 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 pro-  
24 hibited wildlife species.

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

1           “(A) an entity exhibiting animals to the  
2 public under a Class C license from the Depart-  
3 ment of Agriculture, or a Federal facility reg-  
4 istered with the Department of Agriculture that  
5 exhibits animals, if such entity or facility holds  
6 such license or registration in good standing  
7 and if the entity or facility—

8           “(i) does not allow any individual to  
9 come into direct physical contact with a  
10 prohibited wildlife species, unless that indi-  
11 vidual is—

12           “(I) a trained professional em-  
13 ployee or contractor of the entity or  
14 facility (or an accompanying employee  
15 receiving professional training);

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

19           “(III) directly supporting con-  
20 servation programs of the entity or fa-  
21 cility, the contact is not in the course  
22 of commercial activity (which may be  
23 evidenced by advertisement or pro-  
24 motion of such activity or other rel-  
25 evant evidence), and the contact is in-

1           cidental to humane husbandry con-  
2           ducted pursuant to a species-specific,  
3           publicly available, peer-edited popu-  
4           lation management and care plan that  
5           has been provided to the Secretary  
6           with justifications that the plan—

7                       “(aa) reflects established  
8                       conservation science principles;

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

13                      “(cc) promotes animal wel-  
14                      fare by ensuring that the fre-  
15                      quency of breeding is appropriate  
16                      for the species;

17                      “(ii) ensures that during public exhi-  
18                      bition of a lion (*Panthera leo*), tiger  
19                      (*Panthera tigris*), leopard (*Panthera*  
20                      *pardus*), snow leopard (*Uncia uncia*), jag-  
21                      uar (*Panthera onca*), cougar (*Puma*  
22                      *concolor*), or any hybrid thereof, the ani-  
23                      mal is at least 15 feet from members of  
24                      the public unless there is a permanent bar-  
25                      rier sufficient to prevent public contact;

1           “(B) a State college, university, or agency,  
2           or a 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                any prohibited wildlife species, including  
12                offspring, parts, and byproducts of such  
13                animals;

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

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

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

22                “(D) has custody of any 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 any prohibited wildlife species that  
5 was born before the date of the enactment of  
6 the Big Cat Public Safety Act, and—

7 “(i) not later than 180 days after the  
8 date of the enactment of the such Act, the  
9 entity or individual registers each indi-  
10 vidual animal of each prohibited wildlife  
11 species possessed by the entity or indi-  
12 vidual with the United States Fish and  
13 Wildlife Service;

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

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

20 **SEC. 4. PENALTIES.**

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

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

25 (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 is deemed to have been committed  
16 in the district where the violation first occurred, and  
17 in any district in which the defendant may have  
18 taken or been in possession of the prohibited wildlife  
19 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).”.

9 **SEC. 7. DETERMINATION OF BUDGETARY EFFECTS.**

10 The budgetary effects of this Act, for the purpose of  
11 complying with the Statutory Pay-As-You-Go Act of 2010,  
12 shall be determined by reference to the latest statement  
13 titled “Budgetary Effects of PAYGO Legislation” for this  
14 Act, submitted for printing in the Congressional Record  
15 by the Chairman of the House Budget Committee, pro-  
16 vided that such statement has been submitted prior to the  
17 vote on passage.

Passed the House of Representatives December 3,  
2020.

Attest: CHERYL L. JOHNSON,  
*Clerk.*