

117TH CONGRESS  
1ST SESSION

# H. R. 211

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 2021

Mr. MCCLINTOCK introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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.—Section  
19 7(c) of the Lacey Act Amendments of 1981 (16  
20 U.S.C. 3376(c)) is amended by striking “section  
21 2(f)(2)(A)” and inserting “section 2(g)(2)(A)”.

22 **SEC. 3. PROHIBITIONS.**

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

25 (1) in subsection (a)—

26 (A) in paragraph (2)—

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

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

6 (iii) by striking subparagraph (C);  
7 and

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

11 (2) by amending subsection (e) to read as fol-  
12 lows:

13 “(e) CAPTIVE WILDLIFE OFFENSE.—

14 “(1) IN GENERAL.—It is unlawful for any per-  
15 son to import, export, transport, sell, receive, ac-  
16 quire, or purchase in interstate or foreign commerce,  
17 or in a manner substantially affecting interstate or  
18 foreign commerce, or to breed or possess, any pro-  
19 hibited wildlife species.

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

22 “(A) an entity exhibiting animals to the  
23 public under a Class C license from the Depart-  
24 ment of Agriculture, or a Federal facility reg-  
25 istered with the Department of Agriculture that

1 exhibits animals, if such entity or facility holds  
2 such license or registration in good standing;

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

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

7 “(i) is a corporation that is exempt  
8 from taxation under section 501(a) of the  
9 Internal Revenue Code of 1986 and de-  
10 scribed in sections 501(c)(3) and  
11 170(b)(1)(A)(vi) of such Code;

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

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

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

23 “(E) an entity or individual that is in pos-  
24 session 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 indi-  
vidual animal of each prohibited wildlife  
species possessed by the entity or indi-  
vidual with the United States Fish and  
Wildlife Service; and

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

#### **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),”; and

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

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

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

4           “(4) Any person who knowingly violates sub-  
5           section (e) of section 3 shall be fined not more than  
6           \$20,000, or imprisoned for not more than five years,  
7           or both. Each violation shall be a separate offense  
8           and the offense is deemed to have been committed  
9           in the district where the violation first occurred, and  
10          in any district in which the defendant may have  
11          taken or been in possession of the prohibited wildlife  
12          species.”.

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

14          Section 5(a)(1) of the Lacey Act Amendments of  
15 1981 (16 U.S.C. 3374(a)(1)) is amended by inserting  
16 “bred, possessed,” before “imported, exported,”.

17 **SEC. 6. ADMINISTRATION.**

18          Section 7(a) of the Lacey Act Amendments of 1981  
19 (16 U.S.C. 3376(a)) is amended by adding at the end the  
20 following:

21           “(3) The Secretary shall, in consultation with  
22           other relevant Federal and State agencies, promul-  
23           gate any regulations necessary to implement section  
24           3(e).”.

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

2       The budgetary effects of this Act, for the purpose of  
3 complying with the Statutory Pay-As-You-Go Act of 2010,  
4 shall be determined by reference to the latest statement  
5 titled “Budgetary Effects of PAYGO Legislation” for this  
6 Act, submitted for printing in the Congressional Record  
7 by the Chairman of the House Budget Committee, pro-  
8 vided that such statement has been submitted prior to the  
9 vote on passage.

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