

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.

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

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)”;

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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