

117TH CONGRESS
1ST SESSION

S. 626

To amend title 18, United States Code, to enhance protections against the importation, and transport between States, of injurious species, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2021

Mr. RUBIO (for himself and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 18, United States Code, to enhance protections against the importation, and transport between States, of injurious 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 “Lacey Act Amend-
5 ments of 2021”.

6 **SEC. 2. AMENDMENTS.**

7 (a) IN GENERAL.—Section 42 of title 18, United
8 States Code, is amended—

9 (1) in subsection (a)(1)—

1 (A) in the first sentence, by striking “ship-
2 ment between the continental United States”
3 and inserting “transport between the States”;
4 and

5 (B) by inserting after the first sentence
6 the following: “Notwithstanding any other pro-
7 vision of law, the Secretary of the Interior may
8 prescribe by regulation an emergency designa-
9 tion prohibiting the importation of any species
10 of wild mammals, wild birds, fish (including
11 mollusks and crustacea), amphibians, or rep-
12 tiles, or the offspring or eggs of any such spe-
13 cies, as injurious to human beings, to the inter-
14 ests of agriculture, horticulture, forestry, or to
15 wildlife or the wildlife resources of the United
16 States, for not more than 3 years, under this
17 subsection, if the Secretary of the Interior de-
18 termines that such regulation is necessary to
19 address an imminent threat to human beings,
20 to the interests of agriculture, horticulture, for-
21 estry, or to wildlife or the wildlife resources of
22 the United States. An emergency designation
23 prescribed under this subsection shall take ef-
24 fect immediately upon publication in the Fed-
25 eral Register, unless the Secretary of the Inte-

rior prescribes an effective date that is not later than 60 days after the date of publication. During the period during which an emergency designation prescribed under this subsection for a species is in effect, the Secretary of the Interior shall evaluate whether the species should be designated as an injurious wildlife species under the first sentence of this paragraph.”; and

(2) by adding at the end the following:

“(d) PRESUMPTIVE PROHIBITION ON IMPORTATION.—

“(1) IN GENERAL.—Importation into the United States of any species of wild mammals, wild birds, fish (including mollusks and crustacea), amphibians, or reptiles, or the offspring or eggs of any such species, that is not native to the United States and, as of the date of enactment of the Lacey Act Amendments of 2021, is not prohibited under subsection (a)(1), is prohibited, unless—

“(A) during the 1-year period preceding the date of enactment of the Lacey Act Amendments of 2021, the species was, in more than minimal quantities—

“(i) imported into the United States;

or

1 “(ii) transported between the States,
 2 any territory of the United States, the Dis-
 3 trict of Columbia, the Commonwealth of
 4 Puerto Rico, or any possession of the
 5 United States; or

6 “(B) the Secretary of the Interior deter-
 7 mines, after an opportunity for public comment,
 8 that the species does not pose a significant risk
 9 of invasiveness to the United States and pub-
 10 lishes a notice in the Federal Register of the
 11 determination.

12 “(2) RULE OF CONSTRUCTION.—Nothing in
 13 paragraph (1) shall be construed to limit the author-
 14 ity of the Secretary of the Interior under subsection
 15 (a)(1).”.

16 (b) CONFORMING AMENDMENTS.—Section 42(a) of
 17 title 18, United States Code, is amended—

18 (1) in paragraph (2), by inserting “and sub-
 19 section (d)” after “this subsection”;

20 (2) in paragraph (3)—

21 (A) by striking “the foregoing” and insert-
 22 ing “paragraph (1) or subsection (d)”; and

23 (B) by striking “this Act” each place the
 24 term appears and inserting “this section”;

1 (3) in paragraph (4), by inserting “or sub-
2 section (d)” after “this subsection”; and

3 (4) in paragraph (5)—

4 (A) by inserting “and subsection (d)” after
5 “this subsection”; and

6 (B) by striking “hereunder” and inserting
7 “under such provisions”.

8 (c) REGULATIONS; EFFECTIVE DATE.—

9 (1) REGULATIONS.—Not later than 1 year after
10 the date of enactment of this Act, the Secretary of
11 the Interior shall promulgate regulations to define
12 the term “minimal quantities” for purposes of sub-
13 section (d)(1)(A) of section 42 of title 18, United
14 States Code, as added by subsection (a)(2).

15 (2) EFFECTIVE DATE.—Subsection (d) of sec-
16 tion 42 of title 18, United States Code, as added by
17 subsection (a)(2), shall take effect on the date that
18 is 1 year after the date of enactment of this Act.

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