

113TH CONGRESS
1ST SESSION

S. 1381

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 SENATE OF THE UNITED STATES

JULY 29, 2013

Mr. BLUMENTHAL (for himself, Mr. SANDERS, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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 Cats and Public
5 Safety Protection Act”.

6 **SEC. 2. DEFINITIONS.**

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

1 (1) by redesignating subsections (a) through (k)
 2 as subsections (b) through (l), respectively;

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

5 “(a) BREED.—The term ‘breed’ means to facilitate
 6 the propagation or reproduction (whether intentionally or
 7 negligently), or to fail to prevent the propagation or repro-
 8 duction, of a prohibited wildlife species or other animal.”;
 9 and

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

11 “(m) TRAVELING CIRCUS.—The term ‘traveling cir-
 12 cus’ means an exhibitor holding a Class C license issued
 13 under the Animal Welfare Act (7 U.S.C. 2131 et seq.).”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) CONSOLIDATED FARM AND RURAL DEVELOP-
 16 OPMENT ACT.—Section 349(a)(3) of the Consoli-
 17 dated Farm and Rural Development Act (7 U.S.C.
 18 1997(a)(3)) is amended by striking “section 2(a)”
 19 and inserting “section 2(b)”.

20 (2) LACEY ACT AMENDMENTS OF 1981.—

21 (A) Section 3(e)(2)(C) of the Lacey Act
 22 Amendments of 1981 (16 U.S.C.
 23 3372(e)(2)(C)) is amended—

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

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

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

7 **SEC. 3. PROHIBITIONS.**

8 Section 3(a) of the Lacey Act Amendments of 1981
9 (16 U.S.C. 3372(a)) is amended—

10 (1) in paragraph (2)—

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

13 (B) in subparagraph (B)(iii), by striking “;
14 or” and inserting a semicolon; and

15 (C) by striking subparagraph (C);

16 (2) in paragraph (3)(B)(iii), by striking “; or”
17 and inserting a semicolon;

18 (3) by redesignating paragraph (4) as para-
19 graph (5);

20 (4) by inserting after paragraph (3) the fol-
21 lowing:

22 “(4) subject to subsection (e), to import, export,
23 transport, sell, receive, acquire, or purchase in inter-
24 state or foreign commerce, or to breed or possess,
25 any prohibited wildlife species; or”; and

1 (5) in paragraph (5), (as so redesignated), by
 2 striking “(1) through (3)” and inserting “(1)
 3 through (4)”.

4 **SEC. 4. NONAPPLICABILITY OF OFFENSES.**

5 (a) IN GENERAL.—Section 3(e) of the Lacey Act
 6 Amendments of 1981 (16 U.S.C. 3372(e)) is amended—

7 (1) by striking paragraph (1) and inserting the
 8 following:

9 “(1) IN GENERAL.—Subsection (a)(4) shall not
 10 apply to—

11 “(A) the importation, exportation, trans-
 12 portation, sale, receipt, acquisition, purchase,
 13 breeding, or possession of an animal of a pro-
 14 hibited wildlife species, by any person that,
 15 under any regulation promulgated under para-
 16 graph (3), is described in subparagraph (A),
 17 (B), (C), (D), or (F) of paragraph (2) with re-
 18 spect to that species; and

19 “(B) the transportation or possession of an
 20 animal of a prohibited wildlife species, by a per-
 21 son that, under any regulation promulgated
 22 under paragraph (3), is described in paragraph
 23 (2)(E) with respect to that species.”; and
 24 (2) in paragraph (2)—

1 (A) by striking subparagraph (A) and in-
2 serting the following:

3 “(A) is an institution accredited by the As-
4 sociation of Zoos and Aquariums (AZA) or cer-
5 tified related facilities that coordinate with an
6 AZA Species Survival Plan for breeding of spe-
7 cies listed as threatened or endangered pursu-
8 ant to the provision of law codified at section
9 1533 of title 16, United States Code;”;

10 (B) in subparagraph (C)—

11 (i) by striking “is an accredited” and
12 inserting “is a”;

13 (ii) in clause (iii), by striking “and”;

14 (iii) in clause (iv), by striking “or”
15 and inserting “and”; and

16 (iv) by adding at the end the fol-
17 lowing:

18 “(v) does not allow the transportation
19 and display of animals off-site;”;

20 (C) in subparagraph (D), by striking the
21 period at the end and inserting “; or”; and

22 (D) by adding at the end the following:

23 “(E) is in possession of any animal of any
24 prohibited wildlife species, that—

1 “(i) is born before the date of enact-
2 ment of this subparagraph; and

3 “(ii) not later than 180 days after the
4 date on which regulations are promulgated
5 implementing this subparagraph, is reg-
6 istered with the Animal and Plant Health
7 Inspection Service; or

8 “(F) is a traveling circus that—

9 “(i) regularly travels in interstate
10 commerce to conduct performances fea-
11 turing live prohibited wildlife species and
12 multiple trained human entertainers, in-
13 cluding clowns and acrobats;

14 “(ii) does not allow members of the
15 public to be in direct contact with or un-
16 safe proximity to a prohibited wildlife spe-
17 cies of any age, including offering photo-
18 graphic opportunities or interactive ses-
19 sions; and

20 “(iii) during the 3-year period pre-
21 ceding the date of the enactment of this
22 subparagraph, has not been determined by
23 the Secretary of Agriculture to have vio-
24 lated the Animal Welfare Act (7 U.S.C.
25 2131 et seq.) by reason of jeopardizing the

1 health and well-being of a prohibited wild-
2 life species, including jeopardizing such
3 health and well-being by providing—

4 “(I) inappropriate veterinary
5 care;

6 “(II) inappropriate handling of
7 the species causing stress or trauma
8 to the species or a threat to public
9 safety; or

10 “(III) insufficient food, water,
11 shelter, or space.”.

12 (b) REGULATIONS.—Not later than 180 days after
13 the date of enactment of this Act, the Secretary of the
14 Interior, acting through the Director of the United States
15 Fish and Wildlife Service, and the Secretary of Agri-
16 culture, acting through the Administrator of the Animal
17 and Plant Health Inspection Service, shall promulgate
18 regulations implementing the amendments made by this
19 section.

20 **SEC. 5. 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 “(a)(4),” after “subsections”;

25 and

1 (2) by striking “subsection (d)” and inserting
 2 “subsection (a)(4), (d),”.

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

6 (1) in paragraph (1)—

7 (A) in subparagraph (A), by striking “or”
 8 after the comma at the end;

9 (B) in subparagraph (B), by adding “or”
 10 after the comma at the end; and

11 (C) by inserting after subparagraph (B)
 12 the following:

13 “(C) knowingly violates section 3(a)(4),”;

14 and

15 (2) in paragraph (2), by inserting “, or in the
 16 exercise of due care should know that the conduct
 17 violates section 3(a)(4),” after “treaty or regula-
 18 tion”.

19 **SEC. 6. FORFEITURE.**

20 Section 5(a) of the Lacey Act Amendments of 1981
 21 (16 U.S.C. 3374(a)) is amended—

22 (1) in paragraph (1), by striking “or pur-
 23 chased” and inserting “purchased, bred, or pos-
 24 sessed,”; and

25 (2) in paragraph (2)—

1 (A) by striking “or purchasing” and in-
2 serting “purchasing, breeding, or possessing,”
3 and

4 (B) by striking “sale or purchase of, the
5 offer of sale or purchase of, or the intent to sell
6 or purchase” and inserting “importation, expor-
7 tation, transportation, sale, receipt, acquisition,
8 purchase, breeding, or possession of, the offer
9 of importation, exportation, transportation,
10 sale, receipt, acquisition, purchase, breeding, or
11 possession of, or the intent to import, export,
12 transport, sell, receive, acquire, purchase, breed,
13 or possess”.

○