

116TH CONGRESS  
1ST SESSION

# S. 2561

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 SENATE OF THE UNITED STATES

SEPTEMBER 26, 2019

Mr. BLUMENTHAL (for himself, Mr. SANDERS, Mr. MENENDEZ, Mr. VAN HOLLEN, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. REED, Mr. MARKEY, Mr. BOOKER, and Ms. HARRIS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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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—

9 “(1) to negligently or intentionally facilitate  
10 propagation or reproduction; and

11 “(2) to fail to prevent propagation or reproduc-  
12 tion.”.

13 (b) CONFORMING AMENDMENTS.—

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

19 (2) LACEY ACT AMENDMENTS OF 1981.—

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

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

25 (ii) in clause (iii), by striking “section  
26 2(g)” and inserting “section 2(h)”.

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

5 **SEC. 3. PROHIBITIONS.**

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

8 (1) in subsection (a)—

9 (A) in paragraph (2)—

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

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

15 (iii) by striking subparagraph (C);  
 16 and

17 (B) in paragraph (4), by striking “(1  
 18 through (3)” and inserting “(1) through (3) or  
 19 subsection (e)”;

20 (2) by striking subsection (e) and inserting the  
 21 following:

22 “(e) CAPTIVE WILDLIFE OFFENSE.—

23 “(1) IN GENERAL.—It is unlawful for any per-  
 24 son—

1           “(A) to import, export, transport, sell, re-  
2           ceive, acquire, or purchase any prohibited wild-  
3           life species—

4                   “(i) in interstate or foreign commerce;

5                   or

6                   “(ii) in a manner substantially affect-  
7                   ing interstate or foreign commerce; or

8           “(B) to breed or possess any prohibited  
9           wildlife species.

10           “(2) LIMITATION ON APPLICATION.—Paragraph  
11           (1) does not apply to—

12                   “(A) an entity exhibiting animals to the  
13                   public under a Class C license from the Depart-  
14                   ment of Agriculture, or a Federal facility reg-  
15                   istered with the Department of Agriculture that  
16                   exhibits animals, if that entity or facility—

17                           “(i) holds that license or registration  
18                           in good standing;

19                           “(ii) does not allow any individual to  
20                           come into direct physical contact with a  
21                           prohibited wildlife species, unless—

22                                   “(I) that individual is—

23   “(aa) a trained professional  
24   employee or contractor of the en-  
25   tity or facility (or an accom-

1           panying employee receiving pro-  
2           fessional training); or

3                   “(bb) a licensed veterinarian  
4                   (or a veterinary student accom-  
5                   panying that veterinarian); or

6                   “(II)(aa) that individual is di-  
7           rectly supporting conservation pro-  
8           grams of the entity or facility; and

9                   “(bb) the contact is—

10                   “(AA) not in the course of  
11                   commercial activity (which may  
12                   be evidenced by advertisement or  
13                   promotion of that activity or  
14                   other relevant evidence); and

15                   “(BB) incidental to humane  
16                   husbandry conducted pursuant to  
17                   a species-specific, publicly avail-  
18                   able, peer-edited population man-  
19                   agement and care plan that has  
20                   been provided to the Secretary  
21                   with justifications that the plan  
22                   reflects established conservation  
23                   science principles, incorporates  
24                   genetic and demographic analysis  
25                   of a multi-institution population

1 of animals covered by the plan,  
2 and promotes animal welfare by  
3 ensuring that the frequency of  
4 breeding is appropriate for the  
5 species; and

6 “(iii) ensures that, during public exhi-  
7 bition of a lion (*Panthera leo*), tiger  
8 (*Panthera tigris*), leopard (*Panthera*  
9 *pardus*), snow leopard (*Uncia uncia*), jag-  
10 uar (*Panthera onca*), cougar (*Puma*  
11 *concolor*), or any hybrid of any of those  
12 animals, the animal is not less than 15 feet  
13 from members of the public unless there is  
14 a permanent barrier sufficient to prevent  
15 public contact;

16 “(B) a State college, university, or agency;

17 “(C) a State-licensed veterinarian;

18 “(D) a wildlife sanctuary that—

19 “(i) cares for prohibited wildlife spe-  
20 cies;

21 “(ii) is a corporation that is—

22 “(I) exempt from taxation under  
23 section 501(a) of the Internal Rev-  
24 enue Code of 1986; and

1                   “(II) described in sections  
2                   501(c)(3) and 170(b)(1)(A)(vi) of  
3                   that Code;

4                   “(iii) does not commercially trade in  
5                   any prohibited wildlife species, including  
6                   offspring, parts, and byproducts of prohib-  
7                   ited wildlife species;

8                   “(iv) does not breed any prohibited  
9                   wildlife species;

10                  “(v) does not allow direct contact be-  
11                  tween the public and any prohibited wild-  
12                  life species; and

13                  “(vi) does not allow the transportation  
14                  and display of any prohibited wildlife spe-  
15                  cies off-site;

16                  “(E) an entity that has custody of any  
17                  prohibited wildlife species solely for the purpose  
18                  of expeditiously transporting the prohibited  
19                  wildlife species to a person described in this  
20                  paragraph with respect to the prohibited wild-  
21                  life species; or

22                  “(F) an entity or individual that—

23                         “(i) is in possession of any prohibited  
24                         wildlife species that was born before the

1 date of enactment of the Big Cat Public  
2 Safety Act;

3 “(ii) not later than 180 days after the  
4 date of enactment of that Act, registers  
5 each individual animal of each prohibited  
6 wildlife species possessed by the entity or  
7 individual with the United States Fish and  
8 Wildlife Service;

9 “(iii) does not breed, acquire, or sell  
10 any prohibited wildlife species after the  
11 date of enactment of that Act; and

12 “(iv) does not allow direct contact be-  
13 tween the public and any prohibited wild-  
14 life species.”.

15 **SEC. 4. PENALTIES.**

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

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

20 (2) by inserting “, (e),” after “subsection (d)”.

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

24 (1) in paragraph (1)—

1 (A) in subparagraph (A), by inserting  
2 “(e),” after “(d),”; and

3 (B) in subparagraph (B), by inserting  
4 “(e),” after “(d),”;

5 (2) in paragraph (2), in the first sentence, by  
6 inserting “(e),” after “(d),”; and

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

8 “(4) CAPTIVE WILDLIFE.—

9 “(A) IN GENERAL.—Any person who  
10 knowingly violates section 3(e) shall be fined  
11 not more than \$20,000, imprisoned for not  
12 more than 5 years, or both.

13 “(B) SEPARATE OFFENSES.—Each viola-  
14 tion under subparagraph (A) shall be—

15 “(i) a separate offense; and

16 “(ii) deemed to have been committed  
17 in both the district in which the violation  
18 first occurred and in any district in which  
19 the defendant may have taken or been in  
20 possession of the prohibited wildlife spe-  
21 cies.”.

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

23 Section 5(a)(1) of the Lacey Act Amendments of  
24 1981 (16 U.S.C. 3374(a)(1)) is amended by inserting  
25 “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, in consultation with other  
6 relevant Federal and State agencies, shall promul-  
7 gate any regulations necessary to implement section  
8 3(e).”.

9 **SEC. 7. TECHNICAL CORRECTION.**

10 Section 4(e), and subsections (a) and (b)(2) of section  
11 8, of the Lacey Act Amendments of 1981 (16 U.S.C.  
12 3373(e), 3377) are amended by striking “Fishery Con-  
13 servation and Management Act of 1976” each place it ap-  
14 pears and inserting “Magnuson-Stevens Fishery Con-  
15 servation and Management Act”.

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