

115TH CONGRESS
1ST SESSION

S. 789

To exempt from the Lacey Act and the Lacey Act Amendments of 1981 certain water transfers between any of the States of Texas, Arkansas, and Louisiana.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2017

Mr. CRUZ (for himself, Mr. CORNYN, Mr. COTTON, and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To exempt from the Lacey Act and the Lacey Act Amendments of 1981 certain water transfers between any of the States of Texas, Arkansas, and Louisiana.

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 “Public Water Supply
5 Invasive Species Compliance Act of 2017”.

1 **SEC. 2. EXEMPTION OF CERTAIN WATER TRANSFERS FROM**
2 **THE LACEY ACT AND THE LACEY ACT AMEND-**
3 **MENTS OF 1981.**

4 (a) EXEMPTION.—Section 42 of title 18, United
5 States Code (popularly known as the Lacey Act), and the
6 Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.)
7 shall not apply with respect to any covered water transfer,
8 if—

9 (1)(A) all prohibited species in the water trans-
10 ferred are located in both of the public water sup-
11 plies between which the water is transferred; and

12 (B) the water is transferred directly between
13 such public water supplies; or

14 (2) the water is transferred in a closed convey-
15 ance system directly to treatment facilities where all
16 prohibited species contained in the water transferred
17 will be extirpated.

18 (b) DEFINITIONS.—In this section:

19 (1) COVERED WATER TRANSFER.—The term
20 “covered water transfer” means a transfer between
21 public water supplies located on, along, or across the
22 State boundaries between any of Texas, Arkansas,
23 and Louisiana, of water containing a prohibited spe-
24 cies.

25 (2) PROHIBITED SPECIES.—The term “prohib-
26 ited species” means any species—

1 (A) the shipment of which is otherwise
2 prohibited by section 42 of title 18, United
3 States Code; or

4 (B) the transfer of which is otherwise pro-
5 hibited by the Lacey Act Amendments of 1981
6 (16 U.S.C. 3371 et seq.).

7 (3) PUBLIC WATER SUPPLY.—The term “public
8 water supply” means any body of water, including
9 any river, lake, or stream, the water of which is
10 available or made available to the public.

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