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

MARCH 1, 2012

Mr. McKeon (for himself, Ms. Loretta Sanchez of California, Mr. Farr, and Mr. Kucinich) introduced the following bill; which was referred to the Committee on Natural Resources

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Big Cats and Public Safety Protection Act”.

SEC. 2. FINDINGS.

The Congress finds the following:
(1) The global illicit trade in wildlife may be worth up to $20,000,000,000 annually and the value of United States legal wildlife trade was recently estimated at $2,800,000,000 annually.

(2) The illegal trade in prohibited wildlife species (as that term is defined in the Lacey Act Amendments of 1981) stimulates demand and expands markets in which those species can be illegally sold.

(3) The private ownership of and commerce in prohibited wildlife species has a substantial and detrimental effect on the health and general welfare of the American people and on the species themselves.

(4) Activities related to prohibited wildlife species that are not an integral part of the interstate or foreign commerce in such species, such as private ownership and possession, nonetheless have a substantial and direct effect upon interstate commerce because—

(A) after breeding, many prohibited wildlife species are transported in interstate commerce; and

(B) privately owned prohibited wildlife species have been transported in interstate commerce before transfer of ownership.
(5) Private ownership of prohibited wildlife species contributes to swelling the interstate traffic in those species.

(6) Prohibited wildlife species in private ownership or possession, or distributed intrastate, are fungible commodities that cannot be differentiated from prohibited wildlife species possessed or distributed interstate. Thus, it is not feasible to distinguish, in terms of control, between prohibited wildlife species in private ownership or possession or distributed intrastate and prohibited wildlife species possessed and distributed interstate.

(7) Federal control of the intrastate private ownership and breeding of prohibited wildlife species is essential to the effective control of the interstate incidents of traffic in such species.

(8) The United States is a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, which was designed to protect species of wild fauna and flora against over-exploitation through international trade.

**SEC. 3. DEFINITIONS.**

Section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended by adding at the end the following:
“(l) BREED.—The term ‘breed’ means to facilitate the reproduction of a prohibited wildlife species for commercial use.”.

SEC. 4. PROHIBITIONS.

Section 3(a) of such Act (16 U.S.C. 3372(a)) is amended—

(1) in paragraph (2)—

(A) by adding “or” after the semicolon at the end of subparagraph (A); and

(B) by striking subparagraph (C);

(2) by striking “or” after the semicolon at the end of paragraph (3), by redesignating paragraph (4) as paragraph (5), and by inserting after paragraph (3) the following:

“(4) subject to subsection (e), to import, export, transport, sell, receive, acquire, purchase, breed, possess, or own any prohibited wildlife species; or”; and

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

SEC. 5. NONAPPLICABILITY OF OFFENSES.

(a) IN GENERAL.—Section 3(e) of such Act (16 U.S.C. 3372(e)) is amended—

(1) by amending paragraph (1) to read as follows:
“(1) IN GENERAL.—Subsection (a)(4) does not apply to—

“(A) importation, exportation, transportation, sale, receipt, acquisition, breeding, possession, ownership, or purchase of an animal of a prohibited wildlife species, by a person that, under regulations prescribed under paragraph (3), is described in subparagraph (A), (B), (C), or (D) paragraph (2) with respect to that species; and

“(B) transportation, possession, or ownership of an animal of a prohibited wildlife species, by a person that, under regulations prescribed under paragraph (3), is described in subparagraph (E) of paragraph (2) with respect to that animal.”; and

(2) in paragraph (2)—

(A) by amending subparagraph (A) to read as follows:

“(A) is a zoo accredited by the Association of Zoos and Aquariums;”; and

(B) in subparagraph (C)—

(i) by striking “is an accredited”;

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

(iv) by adding at the end the following:

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

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

(D) by adding at the end the following:

“(E) is in possession of one or more animals of the prohibited wildlife species, that—

“(i) were born before the date of enactment of this subparagraph; and

“(ii) are registered with the Animal and Plant Health Inspection Service within 6 months after the date of promulgation of regulations implementing this subparagraph by the Secretary of the Interior and the Secretary of Agriculture.”.

(b) Regulations.—Not later than 6 months after the date of enactment of this Act the Secretary of the Interior, acting through the United States Fish and Wildlife Service, and the Secretary of Agriculture, acting through the Animal and Plant Health Inspection Service, shall pro-
mulgate regulations implementing the amendments made by this section.

SEC. 6. PENALTIES.

(a) CIVIL PENALTIES.—Section 4(a)(1) of such Act (16 U.S.C. 3373(a)(1)) is amended—

(1) by inserting “(a)(4),” after “subsections”; and

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

(b) CRIMINAL PENALTIES.—Section 4(d) of such Act (16 U.S.C. 3373(d)) is amended—

(1) in paragraph (1)—

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

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

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

“(C) knowingly violates paragraph (4) of section 3(a),”; and

(2) in paragraph (2), by inserting “, or in the exercise of due care should know that the conduct violates paragraph (4) of section 3(a),” after “treaty or regulation”.
SEC. 7. FORFEITURE.

Section 5(a) of such Act (16 U.S.C. 3374(a)) is amended—

(1) in paragraph (1), by inserting "bred, possessed, owned," after "acquired,"; and

(2) in paragraph (2)—

(A) by inserting "breeding, possessing, owning," after "acquiring,"; and

(B) by inserting "or involved the breeding, possession, or ownership of a prohibited wildlife species".

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