

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 263
OFFERED BY MR. WESTERMAN OF ARKANSAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Big Cat Public Safety
3 Act”.

4 SEC. 2. DEFINITIONS.

5 Section 2 of the Animal Welfare Act (7 U.S.C. 2132)
6 is amended by adding at the end the following:

7 “(p) The term ‘breed’ means to facilitate propagation
8 or reproduction (whether intentionally or negligently), or
9 to fail to prevent propagation or reproduction.

10 “(q) The term ‘prohibited wildlife species’ has the
11 meaning given such term in section 2 of the Lacey Act
12 Amendments of 1981 (16 U.S.C. 3371).”.

13 SEC. 3. PROHIBITIONS.

14 The Animal Welfare Act (7 U.S.C. 2131 et seq.) is
15 amended by adding at the end the following:

16 “SEC. 30. CAPTIVE WILDLIFE OFFENSE.

17 “(a) IN GENERAL.—Except as provided in subsection
18 (b), it is unlawful for any person—

1 “(1) to import, export, transport, sell, receive,
2 acquire, or purchase in interstate or foreign com-
3 merce, or in a manner substantially affecting inter-
4 state or foreign commerce, any prohibited wildlife
5 species; or

6 “(2) to breed or possess, any prohibited wildlife
7 species.

8 “(b) LIMITATION ON APPLICATION.—Subsection (a)
9 does not apply to—

10 “(1) an entity exhibiting animals to the public
11 under a Class C license issued by the Secretary pur-
12 suant to section 3, or a Federal facility registered
13 with the Secretary under this Act that exhibits ani-
14 mals, if such entity or facility holds such license or
15 registration in good standing and if the entity or fa-
16 cility—

17 “(A) does not allow any individual to come
18 into direct physical contact with a prohibited
19 wildlife species, unless that individual is—

20 “(i) a trained professional employee or
21 contractor of the entity or facility (or an
22 accompanying employee receiving profes-
23 sional training);

1 “(ii) a licensed veterinarian (or a vet-
2 erinary student accompanying such a vet-
3 erinarian); or

4 “(iii) directly supporting conservation
5 programs of the entity or facility, the con-
6 tact is not in the course of commercial ac-
7 tivity (which may be evidenced by adver-
8 tisement or promotion of such activity or
9 other relevant evidence), and the contact is
10 incidental to humane husbandry conducted
11 pursuant to a species-specific, publicly
12 available, peer-edited population manage-
13 ment and care plan that has been provided
14 to the Secretary with justifications that the
15 plan—

16 “(I) reflects established conserva-
17 tion science principles;

18 “(II) incorporates genetic and de-
19 mographic analysis of a multi-institu-
20 tion population of animals covered by
21 the plan; and

22 “(III) promotes animal welfare
23 by ensuring that the frequency of
24 breeding is appropriate for the spe-
25 cies; and

1 “(B) ensures that during public exhibition
2 of a lion (*Panthera leo*), tiger (*Panthera tigris*),
3 leopard (*Panthera pardus*), snow leopard (*Uncia*
4 *uncia*), jaguar (*Panthera onca*), cougar (*Puma*
5 *concolor*), or any hybrid thereof, the animal is
6 at least 15 feet from members of the public un-
7 less there is a permanent barrier sufficient to
8 prevent public contact;

9 “(2) a State college, university, or agency, or a
10 State-licensed veterinarian;

11 “(3) a wildlife sanctuary that cares for prohib-
12 ited wildlife species, and—

13 “(A) is a corporation that is exempt from
14 taxation under section 501(a) of the Internal
15 Revenue Code of 1986 and described in sections
16 501(c)(3) and 170(b)(1)(A)(vi) of such Code;

17 “(B) does not commercially trade in any
18 prohibited wildlife species, including offspring,
19 parts, and byproducts of such animals;

20 “(C) does not breed any prohibited wildlife
21 species;

22 “(D) does not allow direct contact between
23 the public and any prohibited wildlife species;
24 and

1 “(E) does not allow the transportation and
2 display of any prohibited wildlife species off-
3 site;

4 “(4) has custody of any prohibited wildlife spe-
5 cies solely for the purpose of expeditiously trans-
6 porting the prohibited wildlife species to a person de-
7 scribed in this paragraph with respect to the species;
8 or

9 “(5) an entity or individual that is in possession
10 of any prohibited wildlife species that was born be-
11 fore the date of the enactment of the Big Cat Public
12 Safety Act, and—

13 “(A) not later than 180 days after the date
14 of the enactment of the such Act, the entity or
15 individual registers each individual animal of
16 each prohibited wildlife species possessed by the
17 entity or individual with the Secretary;

18 “(B) does not breed, acquire, or sell any
19 prohibited wildlife species after the date of the
20 enactment of such Act; and

21 “(C) does not allow direct contact between
22 the public and prohibited wildlife species.”.

23 **SEC. 4. PENALTIES.**

24 Section 19 of the Animal Welfare Act (7 U.S.C.
25 2149) is amended by adding at the end the following:

1 “(e) Any person who knowingly violates section 30
2 shall be fined not more than \$20,000, or imprisoned for
3 not more than 5 years, or both. Each violation shall be
4 a separate offense and the offense is deemed to have been
5 committed in the district where the violation first oc-
6 curred, and in any district in which the defendant may
7 have taken or been in possession of the prohibited wildlife
8 species. All prohibited wildlife species bred, possessed, im-
9 ported, exported, transported, sold, received, acquired, or
10 purchased contrary to the provisions of section 30, or any
11 regulation issued pursuant thereto, shall be subject to for-
12 feiture to the United States notwithstanding any culpa-
13 bility requirements for civil penalty assessment or criminal
14 prosecution included in this section.”.

15 **SEC. 5. REGULATIONS.**

16 The Secretary of Agriculture shall issue regulations
17 to carry out the amendments made by sections 2, 3, or
18 4 of this Act.

19 **SEC. 6. EFFECT OF LACEY ACT AMENDMENTS OF 1981 ON**
20 **STATE LAW.**

21 Section 3(e)(4) of the Lacey Act Amendments of
22 1981 (16 U.S.C. 3372(e)(4)) is amended to read as fol-
23 lows:

24 “(4) EFFECT ON POWERS OF STATES.—Noth-
25 ing in this subsection preempts or supersedes the

1 authority of a State to regulate a prohibited wildlife
2 species within that State.”.

3 **SEC. 7. DETERMINATION OF BUDGETARY EFFECTS.**

4 The budgetary effects of this Act, for the purpose of
5 complying with the Statutory Pay-As-You-Go Act of 2010,
6 shall be determined by reference to the latest statement
7 titled “Budgetary Effects of PAYGO Legislation” for this
8 Act, submitted for printing in the Congressional Record
9 by the Chairman of the House Budget Committee, pro-
10 vided that such statement has been submitted prior to the
11 vote on passage.

