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 Act”.

4 SEC. 2. DEFINITIONS.
5 Section 2 of the Animal Welfare Act (7 U.S.C. 2132) is amended by adding at the end the following:
6 “(p) The term ‘breed’ means to facilitate propagation or reproduction (whether intentionally or negligently), or to fail to prevent propagation or reproduction.
7 “(q) The term ‘prohibited wildlife species’ has the meaning given such term in section 2 of the Lacey Act 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 amended by adding at the end the following:
16 “SEC. 30. CAPTIVE WILDLIFE OFFENSE.
17 “(a) IN GENERAL.—Except as provided in subsection (b), it is unlawful for any person—
“(1) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce, or in a manner substantially affecting interstate or foreign commerce, any prohibited wildlife species; or

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

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

“(1) an entity exhibiting animals to the public under a Class C license issued by the Secretary pursuant to section 3, or a Federal facility registered with the Secretary under this Act that exhibits animals, if such entity or facility holds such license or registration in good standing and if the entity or facility—

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

“(i) a trained professional employee or contractor of the entity or facility (or an accompanying employee receiving professional training);
“(ii) a licensed veterinarian (or a veterinary student accompanying such a veterinarian); or

“(iii) directly supporting conservation programs of the entity or facility, the contact is not in the course of commercial activity (which may be evidenced by advertisement or promotion of such activity or other relevant evidence), and the contact is incidental to humane husbandry conducted pursuant to a species-specific, publicly available, peer-edited population management and care plan that has been provided to the Secretary with justifications that the plan—

“(I) reflects established conservation science principles;

“(II) incorporates genetic and demographic analysis of a multi-institution population of animals covered by the plan; and

“(III) promotes animal welfare by ensuring that the frequency of breeding is appropriate for the species; and
“(B) ensures that during public exhibition
of a lion (*Panthera leo*), tiger (*Panthera tigris*),
leopard (*Panthera pardus*), snow leopard (*Uncia
uncia*), jaguar (*Panthera onca*), cougar (*Puma
concolor*), or any hybrid thereof, the animal is
at least 15 feet from members of the public un-
less there is a permanent barrier sufficient to
prevent public contact;
“(2) a State college, university, or agency, or a
State-licensed veterinarian;
“(3) a wildlife sanctuary that cares for prohib-
ited wildlife species, and—
“(A) is a corporation that is exempt from
taxation under section 501(a) of the Internal
Revenue Code of 1986 and described in sections
501(c)(3) and 170(b)(1)(A)(vi) of such Code;
“(B) does not commercially trade in any
prohibited wildlife species, including offspring,
parts, and byproducts of such animals;
“(C) does not breed any prohibited wildlife
species;
“(D) does not allow direct contact between
the public and any prohibited wildlife species; and
“(E) does not allow the transportation and display of any prohibited wildlife species off-site;

“(4) has custody of any prohibited wildlife species solely for the purpose of expeditiously transporting the prohibited wildlife species to a person described in this paragraph with respect to the species; or

“(5) an entity or individual that is in possession of any prohibited wildlife species that was born before the date of the enactment of the Big Cat Public Safety Act, and—

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

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

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

SEC. 4. PENALTIES.

Section 19 of the Animal Welfare Act (7 U.S.C. 2149) is amended by adding at the end the following:
“(e) Any person who knowingly violates section 30 shall be fined not more than $20,000, or imprisoned for not more than 5 years, or both. Each violation shall be a separate offense and the offense is deemed to have been committed in the district where the violation first occurred, and in any district in which the defendant may have taken or been in possession of the prohibited wildlife species. All prohibited wildlife species bred, possessed, imported, exported, transported, sold, received, acquired, or purchased contrary to the provisions of section 30, or any regulation issued pursuant thereto, shall be subject to forfeiture to the United States notwithstanding any culpability requirements for civil penalty assessment or criminal prosecution included in this section.”.

SEC. 5. REGULATIONS.

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

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

Section 3(e)(4) of the Lacey Act Amendments of 1981 (16 U.S.C. 3372(e)(4)) is amended to read as follows:

“(4) Effect on powers of states.—Nothing in this subsection preempts or supersedes the
authority of a State to regulate a prohibited wildlife species within that State.”.

SEC. 7. DETERMINATION OF BUDGETARY EFFECTS.

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