

(Discussion Draft)

H.L.C.

[DISCUSSION DRAFT]

110TH CONGRESS
2D SESSION

H. R. _____

To amend the Lacey Act Amendments of 1981 to prohibit breeding of prohibited wildlife species, to treat as prohibited wildlife species all species of the family *Felidae* (cats) except *Felis catus* (the domestic cat), and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. PEARLSTEIN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Lacey Act Amendments of 1981 to prohibit breeding of prohibited wildlife species, to treat as prohibited wildlife species all species of the family *Felidae* (cats) except *Felis catus* (the domestic cat), 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 "Federal Ban on the
5 Breeding of the Exotic Felines for Personal Possession
6 Act".

1 **SEC. 2. AMENDMENT TO DEFINITIONS.**

2 Section 2 of the Lacey Act Amendments of 1981 (16
3 U.S.C. 3371) is amended—

4 (1) by redesignating paragraphs (a) through (k)
5 as paragraphs (b) through (l), respectively;

6 (2) by inserting before paragraph (b), as so re-
7 designated, the following:

8 “(a) BREED.—The term ‘breed’ means to facilitate
9 the reproduction of a wildlife species for commercial pur-
10 poses.”; and

11 (3) by amending paragraph (h), as so redesign-
12 ated, to read as follows:

13 “(h) PROHIBITED WILDLIFE SPECIES.—The term
14 ‘prohibited wildlife species’—

15 “(1) except as provided in subparagraph (2),
16 means any animal of the family *Felidae*, including
17 lions, tigers, leopards, jaguars, cougars, cheetahs,
18 caracal, and lynxes, and all sub-species and hybrids
19 thereof

20 “(2) does not include any member of the order
21 *Felis catus* (domestic cat).”.

22 **SEC. 3. PROHIBITION ON BREEDING.**

23 Section 3(a) of the Lacey Act Amendments of 1981
24 (16 U.S.C. 3373(a)) is amended by striking “or” after the
25 semicolon at the end of paragraph (3), by redesignating

1 paragraph (4) as paragraph (5), and by inserting after
2 paragraph (3) the following new paragraph:

3 “(4) to breed any member of a prohibited wild-
4 life species; or”;

5 **SEC. 4. NONAPPLICABILITY OF OFFENSES.**

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

8 (1) by amending paragraph (1) to read as fol-
9 lows:

10 “(1) **IN GENERAL.**—Subsections (a)(2)(C) and
11 (a)(4) of this section do not apply to importation,
12 exportation, transportation, sale, receipt, acquisition,
13 or purchase of an animal of a prohibited wildlife spe-
14 cies, or breeding of a prohibited wildlife species ex-
15 clusively for the purpose of conservation of the spe-
16 cies and not for profit or any other commercial pur-
17 pose or use, by a person that, under regulations pre-
18 scribed under paragraph (3), is described in para-
19 graph (2) with respect to that species.”; and

20 (2) in paragraph (5) by striking “subsection
21 (a)(2)(C)” and inserting “subsections (a)(2)(C) and
22 (a)(5)”.

(Original Signature of Member)

110TH CONGRESS
2D SESSION

H. R. _____

To amend the Lacey Act Amendments of 1981 to prohibit breeding of prohibited wildlife species, to treat as prohibited wildlife species all species of the family *Felidae* (cats) except *Felis catus* (the domesticated house cat), and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. PERLMUTTER introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Lacey Act Amendments of 1981 to prohibit breeding of prohibited wildlife species, to treat as prohibited wildlife species all species of the family *Felidae* (cats) except *Felis catus* (the domesticated house cat), 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 "Federal Ban on the
5 Breeding of the Exotic Felines for Personal Possession
6 Act".

1 SEC. 2. AMENDMENT TO DEFINITIONS.

2 Section 2 of the Lacey Act Amendments of 1981 (16
3 U.S.C. 3371) is amended—

4 (1) in paragraph (a), by inserting "any prohib-
5 ited wildlife species," after "including without limi-
6 tation";

7 (2) by amending paragraph (g) to read as fol-
8 lows:

9 "(g) PROHIBITED WILDLIFE SPECIES.—The term
10 'prohibited wildlife species'—

11 "(1) except as provided in subparagraph (3),
12 means any animal of the family *Felidae*, and all sub-
13 species and hybrids thereof;

14 "(2) includes lions (*Panthera leo*), tigers
15 (*Panthera tigris*), leopards (*Panthera pardus*), jag-
16 uars (*Panthera onca*), cougars (*Puma concolor*), and
17 cheetahs (*Acinonyx jubatus*), caracal (*Caracal*
18 *caracal*), the four breeds of lynxes, and other wild
19 cats; and

20 "(3) does not include any member of the order
21 *Felis catus*."; and

22 (3) by adding at the end the following new
23 paragraphs:

24 "(1) BREED.—The term 'breed'—

1 “(1) means to facilitate the reproduction of a
2 prohibited wildlife species for commercial use, by
3 any person, with or without accreditation; and

4 “(2) includes such activity by a person licensed
5 by the Department of Agriculture to engage in such
6 activity who is specifically responsible for the admin-
7 istration of the Federal Ban on the Breeding of the
8 Exotic Felines for Personal Possession Act.

9 “(m) PERMIT.—The term ‘permit’ means a document
10 or certificate issued by a local, State, or Federal govern-
11 ment agency that authorizes a person to take a particular
12 action.

13 “(n) ZOO.—The term ‘zoo’ means any park, building,
14 cage, enclosure, or other structure or premise in which a
15 wild animal or animals are facilitated for public exhibition
16 or viewing.”

17 **SEC. 3. PROHIBITION ON BREEDING.**

18 Section 3(a)(1) of such Act (16 U.S.C. 3373(a)(1))
19 is amended by striking “or” after the semicolon at the
20 end of paragraph (3), by redesignating paragraph (4) as
21 paragraph (5), and by inserting after paragraph (3) the
22 following new paragraph:

23 “(4) to breed any member of a prohibited wild-
24 life species that is taken, possessed, transported, or
25 sold in violation of any law, treaty, or regulation of

1 the United States or in violation of any Indian tribal
2 law; or”.

3 **SEC. 4. NONAPPLICABILITY OF OFFENSES.**

4 Section 3(e) (16 U.S.C. 3372(e)) is amended to read
5 as follows:

6 **“(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE**
7 **SPECIES OFFENSE.—**

8 **“(1) IN GENERAL.—**Subsections (a)(1), (a)(2),
9 and (a)(4) do not apply to importation, exportation,
10 transportation, sale, receipt, acquisition, or purchase
11 of an animal of a prohibited wildlife species, by a
12 person that, under regulations prescribed by the
13 Secretary under this paragraph, is the owner or op-
14 erator of a zoo that is accredited by the Association
15 of Zoos and Aquariums and licensed by the Depart-
16 ment of Agriculture, that breeds or trades prohibited
17 wildlife species only for purposes of conservation of
18 such species.

19 **“(2) STATE AUTHORITY.—**Nothing in this sub-
20 section preempts or supersedes the authority of a
21 State to regulate wildlife species within that State.”.