

Congress of the United States
Washington, DC 20510

April 4, 2024

The Honorable Martha Williams
Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240

Dear Director Williams,

Thank you for your work to implement the Big Cat Public Safety Act (P.L. 117-243). We appreciate the Service moving expeditiously to develop and implement an interim rule and to seek public input as you work to develop a final rule. However, we are writing with concern over the Service's interpretation of an element of this new law.

As strong advocates for the Big Cat Public Safety Act (BCPSA), we largely support the provisions laid out in the Interim Rule. However, there is an important issue that we want to raise with regard to export. The statute clearly states that facilities holding valid U.S. Department of Agriculture (USDA) Class C licenses are excepted from the prohibitions on import, export, transport, sale, receipt, acquisition, purchase in interstate or foreign commerce, or in a manner substantially affecting interstate or foreign commerce, breeding, and possession. However, in the Interim Rule, the Service indicates in several places that there are limitations on these exceptions.

We concur with the Service's assertion that sale, receipt, acquisition, purchase, etc., within the United States would require that both the sending and receiving facility meet the requirements of the BCPSA. However, the Service also appears to be indicating that export would be prohibited unless the receiving facility meets BCPSA requirements, without providing additional details on how a foreign facility could meet those requirements. Such an interpretation is contrary to the language in the statute and could make moot the exception that Congress explicitly provided.

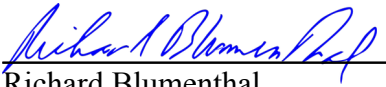
These are uniquely American requirements that are not available to a foreign facility. Because such qualifying U.S. facilities are excepted from the prohibition on export, Congress' intent was not to bar U.S. facilities from utilizing this exception by a provision that their counterpart facility in another country has no opportunity to meet.

Furthermore, the Service has a readily available tool at its disposal. All of the species implicated by the BCPSA are also covered by the Endangered Species Act (ESA) and CITES permitting and regulatory requirements. Thus, the Service already has opportunity, through those existing authorities, to ensure that any foreign facilities are suitably housed and equipped to care for these species. We would recommend the rule to continue to require foreign facilities

to meet ESA and CITES permitting and regulatory requirements with the additional requirement that foreign facilities must provide written evidence that the foreign recipient meets the public contact requirements of the BCPSA.

Thank you again for your work to implement this important legislation and for your consideration of this concern. While we hope this issue can be resolved through the rulemaking process, we stand prepared to pursue a legislative solution to further clarify Congress' intent. Please let me know how else we can be of assistance in meeting our shared goals with respect to implementation of this carefully crafted statute.

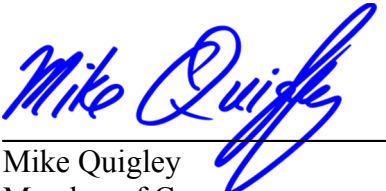
Sincerely,



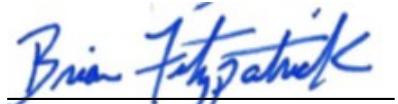
Richard Blumenthal
United States Senator



Thomas R. Carper
United States Senator



Mike Quigley
Member of Congress



Brian Fitzpatrick
Member of Congress