

Comparative Print: Changes in Existing Law for Bill number:

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Summary

- (1) 11 amendments.
- (2) 0 automated notifications.

Current Law(s) being amended

[1. Lacey Act Amendments of 1981](#)

Comparative Print: Changes in Existing Law

1. Lacey Act Amendments of 1981

[As Amended Through P.L. 117–243, Enacted December 20,
2022]

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Sec. 2. DEFINITIONS.

For purposes of this Act:

(a) **Breed.**— The term “**breed**” means to facilitate propagation or reproduction (whether intentionally or negligently), or to fail to prevent propagation or reproduction.

(b) The term “**fish or wildlife**” means any wild animal, whether alive or dead, including without limitation any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, arthropod, coelenterate, or other invertebrate, whether or not bred, hatched, or born in captivity, and includes any part, product, egg, or offspring thereof.

(c) The term “**import**” means to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(d) The term “**Indian tribal law**” means any regulation of, or other rule of conduct enforceable by, any Indian tribe, band, or group but only to the extent that the regulation or rule applies within Indian country as defined in section 1151 of title 18, United States Code.

(e) The terms “**law**,” “**treaty**,” “**regulation**,” and “**Indian tribal law**” mean laws, treaties, regulations or Indian tribal laws which regulate the taking, possession, importation, exportation, transportation, or sale of fish or wildlife or plants.

(f) The term “**person**” includes any individual, partnership, association, corporation, trust, or any officer, employee, agent, department, or instrumentality of the Federal Government or of any State or political subdivision thereof, or any other entity subject to the jurisdiction of the United States.

(g) Plant.—

(1) **In general.**— The terms “**plant**” and “**plants**” mean any wild member of the plant kingdom, including roots, seeds, parts, or products thereof, and including trees from either natural or planted forest stands.

(2) **Exclusions.**— The terms “**plant**” and “**plants**” exclude—

(A) common cultivars, except trees, and common food crops (including roots, seeds, parts, or products thereof);

(B) a scientific specimen of plant genetic material (including roots, seeds, germplasm, parts, or products thereof) that is to be used only for laboratory or field research; and

(C) any plant that is to remain planted or to be planted or replanted.

(3) **Exceptions to application of exclusions.**— The exclusions made by subparagraphs (B) and (C) of paragraph (2) do not apply if the plant is listed—

(A) in an appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);

(B) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(C) pursuant to any State law that provides for the conservation of species that are indigenous to the State and are threatened with extinction.

(h) Prohibited Wildlife Species.—

(1) IN GENERAL.— The term

The term “**prohibited wildlife species**” means any live species of lion, tiger, leopard, cheetah, jaguar, or cougar or any hybrid of such species.

(2) EXCLUSIONS.— The term ‘prohibited wildlife species’ does not include the snow leopard (*Uncia uncia*) or the clouded leopard (*Neofelis nebulosa*) or any hybrid of either such species.

(i) The term “**Secretary**” means, except as otherwise provided in the Act, the Secretary of the Interior or the Secretary of Commerce, as program responsibilities are vested pursuant to the provisions of Reorganization Plan Numbered 4 of 1970 (84 Stat. 2090); except that with respect to the provisions of this Act which pertain to the importation or exportation of plants, the term also means the Secretary of Agriculture.

(j) The term “**State**” means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, Northern Mariana Islands, American Samoa, and any other territory, commonwealth, or possession of the United States.

(k) Taken and Taking.—

(1) **Taken.**— The term “**taken**” means captured, killed, or collected and, with respect to a plant, also means harvested, cut, logged, or removed.

(2) **Taking.**— The term “**taking**” means the act by which fish, wildlife, or plants are taken.

(l) The term “**transport**” means to move, convey, carry, or ship by any means, or to deliver or receive for the purpose of movement, conveyance, carriage, or shipment.

Sec. 3. PROHIBITED ACTS.

(a) Offenses Other Than Marking Offenses.— It is unlawful for any person—

(1) to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States or in violation of any Indian tribal law;

(2) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce—

(A) any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law; or

(B) any plant—

(i) taken, possessed, transported, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

(I) the theft of plants;

(II) the taking of plants from a park, forest reserve, or other officially protected area;

(III) the taking of plants from an officially designated area; or

(IV) the taking of plants without, or contrary to, required authorization;

(ii) taken, possessed, transported, or sold without the payment of appropriate royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

(iii) taken, possessed, transported, or sold in violation of any limitation under any law or regulation of any State, or under any foreign law, governing the export or transshipment of plants;

(3) within the special maritime and territorial jurisdiction of the United States (as defined in section 7 of title 18, United States Code)—

(A) to possess any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law or Indian tribal law, or

(B) to possess any plant—

(i) taken, possessed, transported, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

(I) the theft of plants;

(II) the taking of plants from a park, forest reserve, or other officially protected area;

(III) the taking of plants from an officially designated area; or

(IV) the taking of plants without, or contrary to, required authorization;

(ii) taken, possessed, transported, or sold without the payment of appropriate royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

(iii) taken, possessed, transported, or sold in violation of any limitation under any law or regulation of any State, or under any foreign law, governing the export or transshipment of plants; or

(4) to attempt to commit any act described in paragraphs (1) through (3) or subsection (e).

(b) Marking Offenses.— It is unlawful for any person to import, export, or transport in interstate commerce any container or package containing any fish or wildlife unless the container or package has previously been plainly marked, labeled, or tagged in accordance with the regulations issued pursuant to paragraph (2) of subsection 7(a) of this Act.

(c) Sale and Purchase of Guiding and Outfitting Services and Invalid Licenses and Permits.—

(1) **Sale.**— It is deemed to be a sale of fish or wildlife in violation of this Act for a person for money or other consideration to offer or provide—

(A) guiding, outfitting, or other services; or

(B) a hunting or fishing license or permit;

for the illegal taking, acquiring, receiving, transporting, or possessing of fish or wildlife.

(2) **Purchase.**— It is deemed to be a purchase of fish or wildlife in violation of this Act for a person to obtain for money or other consideration—

(A) guiding, outfitting, or other services; or

(B) a hunting or fishing license or permit;

for the illegal taking, acquiring, receiving, transporting, or possessing of fish or wildlife.

(d) False Labeling Offenses.— It is unlawful for any person to make or submit any false record, account, or label for, or any false identification of, any fish, wildlife, or plant which has been, or is intended to be—

(1) imported, exported, transported, sold, purchased, or received from any foreign country; or

(2) transported in interstate or foreign commerce.

(e) Captive Wildlife Offense.—

(1) **In general.**— Except as provided ~~in paragraph (2)~~ in paragraphs (2) and (3), it is unlawful for any person to—

(A) import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce, or in a manner substantially affecting interstate or foreign commerce; or

(B) breed or possess;

any prohibited wildlife species.

(2) **Limitation on application.**— Paragraph (1) does not apply to—

(A) an entity licensed to hold animals under a Class B license from the Department of Agriculture, an entity exhibiting animals to the public under a Class C license from the Department of Agriculture, or a Federal facility registered with the Department of Agriculture that exhibits animals, if such entity or facility holds such license or registration in good standing and if the entity or facility—

(i) 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, including an owner, executive, or volunteer 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 other veterinary or medical professional, such as a veterinary assistant, veterinary technician, or non-veterinary specialist; 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—

(aa) reflects established conservation science principles;

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

(cc) promotes animal welfare by ensuring that the frequency of breeding is appropriate for the species; and

(ii) 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 unless there is a permanent barrier sufficient to prevent public contact;

(B) a State college, university, or agency, or a State-licensed veterinarian;

(C) a wildlife sanctuary that cares for prohibited wildlife species, and—

(i) 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;

(ii) does not commercially trade in any prohibited wildlife species, including offspring, parts, and byproducts of such animals;

(iii) does not breed any prohibited wildlife species;

(iv) does not allow direct contact between the public and any prohibited wildlife species; and

(v) does not allow the transportation and display of any prohibited wildlife species off-site;

(D) 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

(E) 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—

(i) 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 United States Fish and Wildlife Service;

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

(iii) does not allow direct contact between the public and prohibited wildlife species; ~~; or~~

(F) a person described in subparagraph (A), (B), or (C) that is in possession of any prohibited wildlife species and—

(i) registers each individual animal of each prohibited wildlife species possessed by the person with the United States Fish and Wildlife Service; and

(ii) beginning on the date of such registration, does not—

(I) breed, acquire, or sell any prohibited wildlife species;

(II) allow direct contact between the public and any prohibited wildlife species; and

(III) exhibit to the public any prohibited wildlife species.

(3) EXPORT AND IMPORT TO FOREIGN ENTITIES.— Notwithstanding paragraph (1), an entity or a facility described in paragraph (2)(A) that is in compliance with the requirements of that paragraph may export to or import from a foreign entity that is authorized to operate in the country within which it is located and is lawfully operating in such country at the time of such export or import a prohibited wildlife species.

(4) CANCELLATION OF MISTAKEN REGISTRATION.—

(A) IN GENERAL.— A covered registered entity or individual may submit to the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, an application to cancel the registration under paragraph (2)(E) of such covered registered entity or individual.

(B) APPLICATION REQUIREMENT.— A covered registered entity or individual shall include in an application submitted under subparagraph (A) evidence sufficient for the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, to determine that the covered registered entity or individual qualifies for an exception from the application of paragraph (1) pursuant to subparagraph (A), (B), or (C) of paragraph (2) as of the date on which the covered registered entity or individual—

(i) registered with the United States Fish and Wildlife Service under paragraph (2)(E); and

(ii) submits such application.

(C) GRANT OF APPLICATION.— If the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, makes an affirmative determination under subparagraph (B) with respect to an application submitted by a covered registered entity or individual under subparagraph (A), the Director shall grant such application.

(D) COVERED REGISTERED ENTITY OR INDIVIDUAL DEFINED.— In this paragraph, the term “covered registered entity or individual” means an entity or individual described in paragraph (2)(E) that—

- (i) is in compliance with the requirements of that paragraph;*
- (ii) registered with the United States Fish and Wildlife Service as described in that paragraph; and*
- (iii) would have, on the date of such registration, qualified for an exception from the application of paragraph (1) pursuant to subparagraph (A), (B), or (C) of paragraph (2).*

(f) Plant Declarations.—

(1) Import declaration.— Effective 180 days from the date of enactment of this subsection, and except as provided in paragraph (3), it shall be unlawful for any person to import any plant unless the person files upon importation a declaration that contains—

- (A)** the scientific name of any plant (including the genus and species of the plant) contained in the importation;
- (B)** a description of—
 - (i)** the value of the importation; and
 - (ii)** the quantity, including the unit of measure, of the plant; and
- (C)** the name of the country from which the plant was taken.

(2) Declaration relating to plant products.— Until the date on which the Secretary promulgates a regulation under paragraph (6), a declaration relating to a plant product shall—

- (A)** in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product;
- (B)** in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than one country, and the country from which the plant was taken and used to produce the plant product is unknown, contain the name of each country from which the plant may have been taken; and
- (C)** in the case in which a paper or paperboard plant product includes recycled plant product, contain the average percent recycled content without regard for the species or country of origin of the recycled plant product, in addition to the information for the non-recycled plant content otherwise required by this subsection.

(3) Exclusions.— Paragraphs (1) and (2) shall not apply to plants used exclusively as packaging material to support, protect, or carry another item, unless the packaging material itself is the item being imported.

(4) Review.— Not later than two years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement imposed by paragraphs (1) and (2) and the effect of the exclusion provided by paragraph (3). In conducting the review, the Secretary shall provide public notice and an opportunity for comment.

(5) Report.— Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary shall submit to the appropriate committees of Congress a report containing—

- (A)** an evaluation of—
 - (i)** the effectiveness of each type of information required under paragraphs (1) and (2) in assisting enforcement of this section; and

(ii) the potential to harmonize each requirement imposed by paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

(B) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of this section; and

(C) an analysis of the effect of subsection (a) and this subsection on—

(i) the cost of legal plant imports; and

(ii) the extent and methodology of illegal logging practices and trafficking.

(6) **Promulgation of regulations.**— Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary may promulgate regulations

(A) to limit the applicability of any requirement imposed by paragraph (2) to specific plant products;

(B) to make any other necessary modification to any requirement imposed by paragraph (2), as determined by the Secretary based on the review; and

(C) to limit the scope of the exclusion provided by paragraph (3), if the limitations in scope are warranted as a result of the review.

Summary

(1) 11 amendments.

(2) 0 automated notifications.

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