

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend title 18, United States Code, to enhance protections against the importation, and transport between States, of injurious species, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. RUBIO (for himself and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title 18, United States Code, to enhance protections against the importation, and transport between States, of injurious species, 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 “Lacey Act Amend-  
5       ments of 2021”.

6       **SEC. 2. AMENDMENTS.**

7       (a) IN GENERAL.—Section 42 of title 18, United  
8       States Code, is amended—

9               (1) in subsection (a)(1)—

1 (A) in the first sentence, by striking “ship-  
2 ment between the continental United States”  
3 and inserting “transport between the States”;  
4 and

5 (B) by inserting after the first sentence  
6 the following: “Notwithstanding any other pro-  
7 vision of law, the Secretary of the Interior may  
8 prescribe by regulation an emergency designa-  
9 tion prohibiting the importation of any species  
10 of wild mammals, wild birds, fish (including  
11 mollusks and crustacea), amphibians, or rep-  
12 tiles, or the offspring or eggs of any such spe-  
13 cies, as injurious to human beings, to the inter-  
14 ests of agriculture, horticulture, forestry, or to  
15 wildlife or the wildlife resources of the United  
16 States, for not more than 3 years, under this  
17 subsection, if the Secretary of the Interior de-  
18 termines that such regulation is necessary to  
19 address an imminent threat to human beings,  
20 to the interests of agriculture, horticulture, for-  
21 estry, or to wildlife or the wildlife resources of  
22 the United States. An emergency designation  
23 prescribed under this subsection shall take ef-  
24 fect immediately upon publication in the Fed-  
25 eral Register, unless the Secretary of the Inte-

1 rior prescribes an effective date that is not later  
2 than 60 days after the date of publication. Dur-  
3 ing the period during which an emergency des-  
4 ignation prescribed under this subsection for a  
5 species is in effect, the Secretary of the Interior  
6 shall evaluate whether the species should be  
7 designated as an injurious wildlife species under  
8 the first sentence of this paragraph.”; and  
9 (2) by adding at the end the following:

10 “(d) PRESUMPTIVE PROHIBITION ON IMPORTA-  
11 TION.—

12 “(1) IN GENERAL.—Importation into the  
13 United States of any species of wild mammals, wild  
14 birds, fish (including mollusks and crustacea), am-  
15 phibians, or reptiles, or the offspring or eggs of any  
16 such species, that is not native to the United States  
17 and, as of the date of enactment of the Lacey Act  
18 Amendments of 2021, is not prohibited under sub-  
19 section (a)(1), is prohibited, unless—

20 “(A) during the 1-year period preceding  
21 the date of enactment of the Lacey Act Amend-  
22 ments of 2021, the species was, in more than  
23 minimal quantities—

24 “(i) imported into the United States;  
25 or

1 “(ii) transported between the States,  
2 any territory of the United States, the Dis-  
3 trict of Columbia, the Commonwealth of  
4 Puerto Rico, or any possession of the  
5 United States; or

6 “(B) the Secretary of the Interior deter-  
7 mines, after an opportunity for public comment,  
8 that the species does not pose a significant risk  
9 of invasiveness to the United States and pub-  
10 lishes a notice in the Federal Register of the  
11 determination.

12 “(2) RULE OF CONSTRUCTION.—Nothing in  
13 paragraph (1) shall be construed to limit the author-  
14 ity of the Secretary of the Interior under subsection  
15 (a)(1).”.

16 (b) CONFORMING AMENDMENTS.—Section 42(a) of  
17 title 18, United States Code, is amended—

18 (1) in paragraph (2), by inserting “and sub-  
19 section (d)” after “this subsection”;

20 (2) in paragraph (3)—

21 (A) by striking “the foregoing” and insert-  
22 ing “paragraph (1) or subsection (d)”; and

23 (B) by striking “this Act” each place the  
24 term appears and inserting “this section”;

1           (3) in paragraph (4), by inserting “or sub-  
2       section (d)” after “this subsection”; and

3           (4) in paragraph (5)—

4               (A) by inserting “and subsection (d)” after  
5       “this subsection”; and

6               (B) by striking “hereunder” and inserting  
7       “under such provisions”.

8       (c) REGULATIONS; EFFECTIVE DATE.—

9           (1) REGULATIONS.—Not later than 1 year after  
10       the date of enactment of this Act, the Secretary of  
11       the Interior shall promulgate regulations to define  
12       the term “minimal quantities” for purposes of sub-  
13       section (d)(1)(A) of section 42 of title 18, United  
14       States Code, as added by subsection (a)(2).

15          (2) EFFECTIVE DATE.—Subsection (d) of sec-  
16       tion 42 of title 18, United States Code, as added by  
17       subsection (a)(2), shall take effect on the date that  
18       is 1 year after the date of enactment of this Act.