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

IN THE SENATE OF THE UNITED STATES

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on __________________

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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Lacey Act Amend-
ments of 2023”.

SEC. 2. AMENDMENTS.

(a) In General.—Section 42 of title 18, United
States Code, is amended—

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

(B) by inserting after the first sentence
the following: “Notwithstanding any other pro-
vision of law, the Secretary of the Interior may
prescribe by regulation an emergency designa-
tion prohibiting the importation of any species
of wild mammals, wild birds, fish (including
mollusks and crustacea), amphibians, or rep-
tiles, or the offspring or eggs of any such spe-
cies, as injurious to human beings, to the inter-
ests of agriculture, horticulture, or forestry, or
to wildlife or the wildlife resources of the
United States, for not more than 3 years, under
this subsection, if the Secretary of the Interior
determines that such regulation is necessary to
address an imminent threat to human beings,
to the interests of agriculture, horticulture, or
forestry, or to wildlife or the wildlife resources
of the United States. An emergency designation
prescribed under this subsection shall take ef-
fect immediately upon publication in the Fed-
eral Register, unless the Secretary of the Inte-
rior prescribes an effective date that is not later than 60 days after the date of publication. During the period during which an emergency designation prescribed under this subsection for a species is in effect, the Secretary of the Interior shall evaluate whether the species should be designated as an injurious wildlife species under the first sentence of this paragraph.”; and

(2) by adding at the end the following:

“(d) Presumptive Prohibition on Importation.—

“(1) In general.—Importation into the United States of any species of wild mammals, wild birds, fish (including mollusks and crustacea), amphibians, or reptiles, or the offspring or eggs of any such species, that is not native to the United States and, as of the date of enactment of the Lacey Act Amendments of 2023, is not prohibited under subsection (a)(1), is prohibited, unless—

“(A) during the 1-year period preceding the date of enactment of the Lacey Act Amendments of 2023, the species was, in more than minimal quantities—

“(i) imported into the United States; or
“(ii) transported between the States, any territory of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States; or

“(B) the Secretary of the Interior determines, after an opportunity for public comment, that the species does not pose a significant risk of invasiveness to the United States and publishes a notice in the Federal Register of the determination.

“(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to limit the authority of the Secretary of the Interior under subsection (a)(1).”.

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

(1) in paragraph (2), by inserting “and subsection (d)” after “this subsection”;

(2) in paragraph (3)—

(A) by striking “the foregoing” and inserting “paragraph (1) or subsection (d)”;

(B) by striking “this Act” each place the term appears and inserting “this section”;
(3) in paragraph (4), by inserting “or subsection (d)” after “this subsection”; and

(4) in paragraph (5)—

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

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

(c) Regulations; Effective Date.—

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

(2) Effective date.—Subsection (d) of section 42 of title 18, United States Code, as added by subsection (a)(2), shall take effect on the date that is 1 year after the date of enactment of this Act.