

118TH CONGRESS
1ST SESSION

S. 1614

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

MAY 16, 2023

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

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 2023”.

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, or forestry, or
15 to wildlife or the wildlife resources of the
16 United States, for not more than 3 years, under
17 this subsection, if the Secretary of the Interior
18 determines that such regulation is necessary to
19 address an imminent threat to human beings,
20 to the interests of agriculture, horticulture, or
21 forestry, or to wildlife or the wildlife resources
22 of 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 2023, 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 2023, 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.

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