AMENDMENT – BIG CAT PUBLIC SAFETY CAT REGISTRATION

(Pub. L. 117-243, December 20, 2022, 136 Stat 2336)

U.S. Fish and Wildlife Service

GENERAL INSTRUCTIONS

This form is to be used to make amendments to the Big Cat Public Safety Act (BCPSA) registrations. This amendment form is provided under the authority of 16 U.S.C. § 3372(e), pursuant to the BCPSA, Pub. L. 117-243, December 20, 2022, 136 Stat 2336 (amending the Captive Wildlife Safety Act, and Lacey Act Amendments of 1981, 16 U.S.C. §§ 3371-3374, 3376, and 7 U.S.C. § 1997).

To have qualified to continue to possess live specimens of prohibited wildlife species (also referred to as "big cats") under 16 U.S.C. § 3372(e)(2)(E), pre-BCPSA owners must have registered all live specimens of prohibited wildlife species in their possession with the U.S. Fish and Wildlife Service (Service) by no later than June 18, 2023. "Prohibited wildlife species" is defined as "any live species of lion, tiger, leopard, cheetah, jaguar, or cougar or any hybrid of such species." [16 U.S.C. § 3371(h)]. This includes any of the following species, or hybrids of any of these species: lion (*Panthera leo*), tiger (*Panthera tigris*), leopard (*Panthera pardus*), snow leopard (*Uncia uncia*), clouded leopard (*Neofelis nebulosa*), jaguar (*Panthera onca*), cheetah (*Acinonyx jubatus*), cougar (*Puma concolor*). [50 CFR 14.252].

The interim rule for the BCPSA requires pre-BCPSA owners who registered their live specimens of prohibited species with the Service to provide specific updates on the registered cats. Within 10 calendar days, a registered pre-BCPSA owner must use this form to update their registration with the Service when a prohibited wildlife species dies or any of the following information changes: the location where the prohibited wildlife species is housed; the protocols taken to prevent breeding; the protocols taken to prevent direct contact between the public and big cat; ownership; or a unique identifier (50 CFR § 14.255(d)).

The BCPSA makes it 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 live prohibited wildlife species. [16 U.S.C. § 3372(e)(1)]. The BCPSA also makes it unlawful for any person to attempt to commit any of these acts with prohibited wildlife species. [16 U.S.C. § 3372(a)(4)]. Violators of the BCPSA are subject to civil and criminal penalties, [16 U.S.C. § 3373], and big cats bred, possessed, imported, exported, transported, sold, received, acquired, or purchased contrary to the provisions of the BCPSA shall be subject to forfeiture to the United States, [16 U.S.C. § 3374].

The BCPSA authorized a limited exception from the prohibition on possession for a person or entity to register live specimens of prohibited wildlife species if certain requirements were met and continue to be met. [16 U.S.C. § 3372(e)(2)(E)]. The exception was intended to allow pre-BCPSA owners of big cats at the time of enactment of the BCPSA to keep their big cats, but they must have registered with the Service, are not allowed to breed, acquire, or sell big cats, and cannot allow direct contact between the public and their big cats. [H. Rept. No. 117-428, p. 17 (July 22, 2022)]. By having registered their big cats by no later than the statutory deadline (June 18, 2023), the person or entity (registrant) may continue to possess registered big cats that were born before the date of enactment, December 20, 2022, and legally in their possession on or before the date of enactment, as long as the registrant meets and continues to meet all requirements of 16 U.S.C. § 3372(e)(2)(E).

To meet the requirements for an exception from the prohibition on possession under 16 U.S.C. § 3372(e)(2)(E), the registrant must have:

- Registered each individual big cat in their possession with the U.S. Fish and Wildlife Service by no later than 180 days after the date of enactment of the BCPSA, December 20, 2022 (i.e., no later than June 18, 2023) [16 U.S.C. § 3372(e)(2)(E)(i)];
- Not breed[1], acquire, or sell any big cat after the date of the enactment of the BCPSA, December 20, 2022. [16 U.S.C. § 3372(e)(2)(E)(ii); NOTE: The requirement that the registrant not breed, acquire, or sell any prohibited wildlife species after December 20, 2022, applies regardless of whether the activity is intrastate, interstate, or international]; and

[1] "Breed" means "to facilitate propagation or reproduction (whether intentionally or negligently), or to fail to prevent propagation or reproduction." [16 U.S.C. § 3371(a)].

- Not allow direct contact[2] between the public and any big cat(s) after the date of the enactment of the BCPSA, December 20, 2022. [16 U.S.C. § 3372(e)(2)(E)(iii)].

To have met the requirements under 16 U.S.C. § 3372(e)(2)(E), the big cat in the registrant's possession must:

- Have been born before the date of enactment of the BCPSA, December 20, 2022, except as described below for a big cat born on or after December 20, 2022, from breeding that occurred before December 20, 2022 [16 U.S.C. § 3372(e)(2)(E];
- Not have been acquired by the registrant after the date of enactment, December 20, 2022 (i.e., legally in the registrant's possession on or before December 20, 2022, and have remained continually in the registrant's possession) [16 U.S.C. § 3372(e)(2)(E)(ii)]; and
- Have been registered by the owner with the U.S. Fish and Wildlife Service by no later than 180 days after the date of enactment of the BCPSA, December 20, 2022 (i.e., no later than June 18, 2023) [16 U.S.C. § 3372(e)(2)(E)(i)].

The Service recognized that there may have been big cats bred before the effective date of the BCPSA, that were subsequently born on or after the effective date of the BCPSA. The text of the BCPSA only allows big cats born before the effective date of the BCPSA to be registered under 16 U.S.C. § 3372(e)(2)(E). If a big cat was not registered, then it may not be possessed by its owner under the limited exception of 16 U.S.C. § 3372(e)(2)(E); and, if each big cat owned by a registrant was not registered by the statutory deadline (i.e., no later than June 18, 2023), then the registrant does not qualify to possess any of their big cats under 16 U.S.C. § 3372(e)(2)(E). However, the BCPSA does not specifically address big cats born on or after the effective date of the BCPSA from breeding that occurred before the effective date of the BCPSA. As noted above, the exception was intended to allow current owners of big cats to keep big cats that were legally in their possession at the time of enactment of the BCPSA, if they registered their big cats and comply with the BCPSA, including by not breeding any big cats on or after the effective date of the BCPSA. [H. Rept. No. 117- 428, p. 17 (July 22, 2022)]. The BCPSA was not intended to retroactively prohibit breeding that occurred before the enactment of the BCPSA. Under the requirements of 16 U.S.C. § 3372(e)(2)(E)(ii)-(iii), after December 20, 2022 the registrant is prohibited from breeding, acquiring, or selling big cats, and from allowing direct contact between the public and big cats. However, the BCPSA requires that to keep and possess the parent under the limited exception of 16 U.S.C. § 3372(e)(2)(E), the owner must have registered not only the parent, but each big cat legally in the owner's possession, 16 U.S.C. § 3372(e)(2)(E)(i), which includes the cub legally bred before but born to the parent after the enactment of the BCPSA.

Recognizing these intentions, and to avoid a reading of the BCPSA that would lead to an impossibility for some current owners of big cats both to comply with the law and possess big cats that are born on or after the effective date of the BCPSA from breeding that occurred before the effective date of the BCPSA, such big cats were considered eligible for registration. In addition to meeting all the other requirements above, such big cats could have been registered, if the registrant included documentation demonstrating that the breeding of the big cat occurred before December 20, 2022 (the effective date of the BCPSA). The gestation period for all big cats is substantially less than the 180-day registration period provided in the BCPSA, meaning that any owners of big cats that are affected still must have met the statutory deadline to register (June 18, 2023). Accordingly, except as provided by the BCPSA [16 U.S.C. § 3372(e)(2)(A)-(D)], possession of any big cat born on or after December 20, 2022, is possessed in violation of the BCPSA, unless: documentation is provided to prove the big cat was born on or after December 20, 2022, from breeding that occurred before December 20, 2022, and all other registration requirements of 16 U.S.C. § 3372(e)(2)(E) are met as described above.

NOTE: Big cats bred or possessed in violation of the BCPSA, to include any big cat that was not registered on or before June 18, 2023, shall be subject to forfeiture for violation of the BCPSA prohibition on possession, unless another limited exception applies. [16 U.S.C. §§ 3372(e)(2)(A) - (D), 3374(a)]. These other exceptions apply only to qualifying entities exhibiting big cats 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; State colleges, State universities, State agencies, or State-licensed veterinarians; qualifying wildlife sanctuaries; or qualifying transporters only when in custody of any big cat solely for the purpose of expeditiously transporting the big cat to a person who qualifies for an exception under the BCPSA.

[2] "Direct contact" means "any situation in which any individual other than an authorized keeper or caregiver may potentially touch or otherwise come into physical contact with any live specimen of the prohibited wildlife species." [50 CFR 14.252].

It is your responsibility to follow all local, state, and federal laws and regulations for possession of and other activities with prohibited wildlife species, and registration under the BCPSA does not constitute authorization to engage in any activity prohibited by such laws and regulations. NOTE: For example, most big cats are listed as either endangered or threatened under the Endangered Species Act and take of such species and their offspring is prohibited, with limited exceptions for take authorized by statute, regulation, or permit. [16 U.S.C. § 1531 et seq.; 50 CFR part 17].

The principal owner or responsible party must complete this form to amend their registration. If the prohibited wildlife species is owned by a corporation, business, trust, or other entity, the names, titles, and mailing address of each officer of the entity must be provided, as well as the address where the wildlife is located if different from the registrant's physical or mailing addresses. These names and addresses may be provided as a separate attachment to this amendment form.

AMENDMENT – BIG CAT PUBLIC SAFETY CAT REGISTRATION

(Pub. L. 117-243, December 20, 2022, 136 Stat 2336)

U.S. Fish and Wildlife Service

PART I

Amendment to My Registration

This amendment refers to the following big cat:

Name or Hybrid name of the prohibited wildlife species	**Name given to individual big cat, if applicable**

Genus	**Species**	**Subspecies**

Genus	**Species**	**Subspecies**

Birth date	**Date of acquisition**	**Unique identifier of the individual big cat** (i.e., microchip or tattoo)

☐ My individual big cat has a new location

Street Address (physical location)	**City**

State/Province	**Zip or Postal Code**	**Country**

☐ I have changed the protocols to prevent breeding as previously described in my registration

New protocols used to prevent breeding:

☐ I have changed the protocols to prevent direct contact between the public and the prohibited wildlife as previously described in my registration

New protocols to prevent direct contact between the public and big cats

☐ My big cat has a new unique identifier (list here): __

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☐ My big cat has a new owner [new owner must meet exceptions outlined in 16 U.S.C § 3372(e)(2)(A)-(C)]:

First Name	**Middle Name (if applicable)**	**Last Name**

Email Address	**Telephone Number**	**Driver's License #**

Street Address (physical location)	**City**

Mailing Address (if different than physical address)	**City**

State/Province	**Zip or Postal Code**	**Country**

☐ My big cat has died (list microchip or tattoo number): _____ Date of death: _____

- Manner of disposal of remains (provide documentation from veterinarian or other authority describing cause of death and how the remains were disposed): _____

NOTICES

PRIVACY ACT STATEMENT

Authority: 16 U.S.C. § 3372(e); 16 U.S.C. §§ 3371-3374, 3376, and 7 U.S.C. § 1997.

Purpose: This information is collected by the United States Fish and Wildlife Service for you to register your prohibited wildlife species to continue to possess your prohibited wildlife species (also referred to as "big cats") in accordance with 16 U.S.C. § 3372(e)(2)(E).

Routine Uses: This information may be shared in accordance with the Freedom of Information Act (FOIA), the Privacy Act of 1974, or the routine uses listed in System of Records Notice (SORN) INTERIOR/FWS-21, Permits Records available at //www.doi.gov/privacy/fws-notices.

Disclosure: Furnishing this information is voluntary; however, failure to provide all requested information will prevent you from registering your prohibited wildlife species with the United States Fish and Wildlife Service to allow you to continue to possess your prohibited wildlife species (also referred to as "big cats") in accordance with 16 U.S.C. § 3372(e)(2)(E).

PAPERWORK REDUCTION ACT STATEMENT

We are collecting this information subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) to enable owners to amend their current registrations in order to continue to possess live specimens of prohibited wildlife species (also referred to as "big cats") in accordance with 16 U.S.C. § 3372(e)(2)(E), and to respond to requests made under the Freedom of Information Act and the Privacy Act of 1974. The information that you provide is required to obtain or retain a benefit; however, failure to provide all required information is sufficient cause to deny you from registering in accordance with 16 U.S.C. § 3372(e)(2)(E). False, fictitious, or fraudulent statements or representations made in the registration form may be grounds for denying you from registering in accordance with 16 U.S.C. § 3372(e)(2)(E) and may be punishable by fine or imprisonment (18 U.S.C. 1001). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has approved this information collection and assigned control number 1018-0192.

ESTIMATED BURDEN STATEMENT

We estimate the public reporting burden for this information to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments relating to our time estimate, including suggestions for reducing this burden, or any other aspects of this collection of information to the Service Information Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041-3803, or via email to *Info_Coll@fws.gov*. Please do not send your completed form to this address.

Questions regarding permits from Management Authority should be sent to *managementauthority@fws.gov*.