

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3038

To amend the Lacey Act Amendments of 1981 to further the conservation  
of certain wildlife species.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 2002

Mr. JEFFORDS (for himself and Mr. SMITH of New Hampshire) introduced  
the following bill; which was read twice and referred to the Committee  
on Environment and Public Works

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## A BILL

To amend the Lacey Act Amendments of 1981 to further  
the conservation of certain wildlife species.

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 “Captive Wildlife Safety  
5 Act”.

6 **SEC. 2. DEFINITION OF PROHIBITED WILDLIFE SPECIES.**

7 Section 2 of the Lacey Act Amendments of 1981 (16  
8 U.S.C. 3371) is amended—

9 (1) by redesignating subsections (g) through (j)  
10 as subsections (h) through (k), respectively; and

1           (2) by inserting after subsection (f) the fol-  
2           lowing:

3           “(k) PROHIBITED WILDLIFE SPECIES.—The  
4           term ‘prohibited wildlife species’ means any live lion,  
5           tiger, leopard, cheetah, jaguar, or cougar.”.

6 **SEC. 3. PROHIBITED ACTS.**

7           (a) IN GENERAL.—Section 3 of the Lacey Act  
8           Amendments of 1981 (16 U.S.C. 3372) is amended—

9           (1) in subsection (a)—

10           (A) in paragraph (2)—

11           (i) in subparagraph (A), by striking “,  
12           or” at the end and inserting a semicolon;

13           (ii) in subparagraph (B), by inserting  
14           “or” after the semicolon at the end; and

15           (iii) by adding at the end the fol-  
16           lowing:

17           “(C) any prohibited wildlife species (sub-  
18           ject to subsection (e));”;

19           (B) in paragraph (3)(B), by inserting “or”  
20           after the semicolon at the end; and

21           (C) in paragraph (4), by striking “para-  
22           graphs (1) through (4)” and inserting “para-  
23           graphs (1) through (3)”;

24           (2) by adding at the end the following:

1       “(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE  
2 SPECIES OFFENSE.—

3           “(1) IN GENERAL.—Subsection (a)(2)(C) does  
4 not apply to—

5           “(A) any zoo, circus, research facility li-  
6 censed or registered and inspected by a Federal  
7 agency, or aquarium;

8           “(B) any person accredited by the Associa-  
9 tion of Sanctuaries or the American Sanctuary  
10 Association;

11          “(C) any State college, university, or agen-  
12 cy, State-licensed wildlife rehabilitator, or  
13 State-licensed veterinarian;

14          “(D) any incorporated humane society,  
15 animal shelter, or society for the prevention of  
16 cruelty to animals;

17          “(E) any federally-licensed and inspected  
18 breeder or dealer that is conducting any breed-  
19 ing or dealing activity with a person referred to  
20 in this paragraph; or

21          “(F) any person having custody of a wild  
22 animal solely for the purpose of transporting  
23 the animal to a person referred to in this para-  
24 graph.

1           “(2) REGULATIONS.—Not later than 180 days  
2 after the date of enactment of this subsection, the  
3 Secretary, in consultation with the heads of other  
4 relevant Federal agencies, shall promulgate regula-  
5 tions describing the persons or entities to which  
6 paragraph (1) applies.

7           “(3) STATE AUTHORITY.—Nothing in this sub-  
8 section preempts or supersedes the authority of a  
9 State to regulate wildlife species within that State.”.

10          (b) APPLICATION.—Section 3(a)(2)(C) of the Lacey  
11 Act Amendments of 1981 (as added by subsection  
12 (a)(1)(A)(iii)) shall apply beginning on the effective date  
13 of regulations promulgated under section 3(e)(2) of that  
14 Act (as added by subsection (a)(2)).

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