

108TH CONGRESS
1ST SESSION

H. R. 1006

IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2003

Received

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Captive Wildlife Safety
3 Act”.

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

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

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

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

11 “(g) PROHIBITED WILDLIFE SPECIES.—The term
12 ‘prohibited wildlife species’ means any lion, tiger, leopard,
13 cheetah, jaguar, or cougar species, or any hybrid of such
14 a species.”.

15 **SEC. 3. PROHIBITED ACTS.**

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

18 (1) in subsection (a)—

19 (A) in paragraph (2)—

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

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

24 (iii) by adding at the end the fol-
25 lowing:

1 “(C) any live animal of a prohibited wild-
2 life species (subject to subsection (e));”;

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

5 (C) in paragraph (4), by striking “para-
6 graphs (1) through (4)” and inserting “para-
7 graphs (1) through (3)”;

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

9 “(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE
10 SPECIES OFFENSE.—

11 “(1) IN GENERAL.—Subsection (a)(2)(C) does
12 not apply to importation, exportation, transpor-
13 tation, sale, receipt, acquisition, or purchase of an
14 animal of a prohibited wildlife species, by a person
15 that, under regulations prescribed under paragraph
16 (3), is described in paragraph (2) with respect to
17 that species.

18 “(2) PERSONS DESCRIBED.—A person is de-
19 scribed in this paragraph, if the person—

20 “(A) is licensed and inspected by the Ani-
21 mal and Plant Health Inspection Service with
22 respect to that species;

23 “(B) is a State college, university, or agen-
24 cy, State-licensed wildlife rehabilitator, or
25 State-licensed veterinarian;

1 “(C) is an accredited wildlife sanctuary
2 that cares for prohibited wildlife species and—

3 “(i) is a corporation that is exempt
4 from taxation under section 501(a) of the
5 Internal Revenue Code 1986 and described
6 in sections 501(c)(3) and 170(b)(1)(A)(vi)
7 of such Code;

8 “(ii) does not commercially trade in
9 animals listed in section 2(g), including
10 offspring, parts, and byproducts of such
11 animals;

12 “(iii) does not propagate animals; and

13 “(iv) does not allow direct contact be-
14 tween the public and animals; or

15 “(D) has custody of the animal solely for
16 the purpose of expeditiously transporting the
17 animal to a person described in this paragraph
18 with respect to the species.

19 “(3) REGULATIONS.—Not later than 180 days
20 after the date of enactment of this subsection, the
21 Secretary, in cooperation with the Director of the
22 Animal and Plant Health Inspection Service, shall
23 promulgate regulations describing the persons de-
24 scribed in paragraph (2).

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

4 (b) APPLICATION.—Section 3(a)(2)(C) of the Lacey
5 Act Amendments of 1981 (as added by subsection
6 (a)(1)(A)(iii)) shall apply beginning on the effective date
7 of regulations promulgated under section 3(e)(3) of that
8 Act (as added by subsection (a)(2)).

 Passed the House of Representatives November 19,
2003.

Attest:

JEFF TRANDAHL,

Clerk.