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,
SECTION 1. SHORT TITLE.

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

SEC. 2. DEFINITION OF PROHIBITED WILDLIFE SPECIES.

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

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

(2) by inserting after subsection (f) the following:

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

SEC. 3. PROHIBITED ACTS.

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

(1) in subsection (a)—

(A) in paragraph (2)—

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

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

(iii) by adding at the end the following:
“(C) any live animal of a prohibited wildlife species (subject to subsection (e));”; (B) in paragraph (3)(B), by inserting “or” after the semicolon at the end; and (C) in paragraph (4), by striking “paragraphs (1) through (4)” and inserting “paragraphs (1) through (3)”; and (2) by adding at the end the following: “(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE SPECIES OFFENSE.— “(1) IN GENERAL.—Subsection (a)(2)(C) does not apply to importation, exportation, transportation, sale, receipt, acquisition, or purchase of an animal of a prohibited wildlife species, by a person that, under regulations prescribed under paragraph (3), is described in paragraph (2) with respect to that species. “(2) PERSONS DESCRIBED.—A person is described in this paragraph, if the person— “(A) is licensed and inspected by the Animal and Plant Health Inspection Service with respect to that species; “(B) is a State college, university, or agency, State-licensed wildlife rehabilitator, or State-licensed veterinarian;
“(C) is an accredited wildlife sanctuary
that cares for prohibited wildlife species and—

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

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

“(iii) does not propagate animals; and

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

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

“(3) REGULATIONS.—Not later than 180 days
after the date of enactment of this subsection, the
Secretary, in cooperation with the Director of the
Animal and Plant Health Inspection Service, shall
promulgate regulations describing the persons de-
described in paragraph (2).
“(4) STATE AUTHORITY.—Nothing in this subsection preempts or supersedes the authority of a State to regulate wildlife species within that State.”.

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

Passed the House of Representatives November 19, 2003.

Attest: JEFF TRANDAHL, Clerk.