

Union Calendar No. 154

108TH CONGRESS
1ST SESSION

H. R. 1006

[Report No. 108-269]

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2003

Mr. McKEON (for himself and Mr. GEORGE MILLER of California) introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 11, 2003

Additional sponsors: Mr. KOLBE, Mr. MCGOVERN, Mr. WAXMAN, Ms. ESHOO, Mr. RAMSTAD, Mr. GILCHREST, Mr. LEACH, Mr. ACKERMAN, Mrs. MCCARTHY of New York, Ms. SCHAKOWSKY, Mr. DOYLE, Mr. FILNER, Mr. ISRAEL, Mr. PRICE of North Carolina, Ms. LOFGREN, Mr. ROTHMAN, Mr. UDALL of Colorado, Mr. ISSA, Mr. GALLEGLY, Mrs. CAPPS, Mr. ISAKSON, Mr. MORAN of Virginia, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. SIMMONS, Mr. McNULTY, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mrs. NAPOLITANO, Mr. KILDEE, Mr. MENENDEZ, Mr. BERMAN, Mr. BLUMENAUER, Mrs. LOWEY, Mr. WU, Mr. BROWN of Ohio, Mr. CALVERT, Ms. KILPATRICK, Mr. McDERMOTT, Mr. ACEVEDO-VILÁ, Mr. ALLEN, Ms. MCCOLLUM, Mr. CRAMER, Mr. SCHIFF, Mr. BARTLETT of Maryland, Mrs. BONO, Mr. PETERSON of Minnesota, Mr. VAN HOLLEN, Mr. BRADLEY of New Hampshire, Ms. BALDWIN, Mr. DOGGETT, Mr. KUCINICH, Ms. LINDA T. SÁNCHEZ of California, Mr. LOBIONDO, Mr. OWENS, Mr. THOMPSON of California, Mr. GRIJALVA, Mr. KIND, and Mr. RANGEL

Deleted sponsor: Mr. ALEXANDER (added March 26, 2003; deleted April 1, 2003)

SEPTEMBER 11, 2003

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 27, 2003]

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*

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

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

16 **SEC. 3. PROHIBITED ACTS.**

17 *(a) IN GENERAL.—Section 3 of the Lacey Act Amend-*
18 *ments of 1981 (16 U.S.C. 3372) is amended—*

19 *(1) in subsection (a)—*

1 (A) in paragraph (2)—

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

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

6 (iii) by adding at the end the fol-
7 lowing:

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

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

12 (C) in paragraph (4), by striking “para-
13 graphs (1) through (4)” and inserting “para-
14 graphs (1) through (3)”; and

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

16 “(e) *NONAPPLICABILITY OF PROHIBITED WILDLIFE*
17 *SPECIES OFFENSE.*—

18 “(1) *IN GENERAL.*—Subsection (a)(2)(C) does
19 not apply to importation, exportation, transpor-
20 tation, sale, receipt, acquisition, or purchase of an
21 animal of a prohibited wildlife species, by a person
22 that, under regulations prescribed under paragraph
23 (3), is described in paragraph (2) with respect to that
24 species.

1 “(2) *PERSONS DESCRIBED.*—A person is de-
2 scribed in this paragraph, if—

3 “(A) the person has expertise, knowledge,
4 and experience with respect to the care of that
5 species in captivity; and

6 “(B) the person—

7 “(i) is licensed and inspected by the
8 Animal and Plant Health Inspection Serv-
9 ice with respect to that species;

10 “(ii) is a State college, university, or
11 agency, State-licensed wildlife rehabilitator,
12 or State-licensed veterinarian;

13 “(iii) is an accredited wildlife sanc-
14 tuary that cares for prohibited wildlife spe-
15 cies; or

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

20 “(3) *REGULATIONS.*—Not later than 180 days
21 after the date of enactment of this subsection, the Sec-
22 retary, in consultation with the heads of other rel-
23 evant Federal agencies, shall promulgate regulations
24 describing the persons described 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 Act*
5 *Amendments of 1981 (as added by subsection (a)(1)(A)(iii))*
6 *shall apply beginning on the effective date of regulations*
7 *promulgated under section 3(e)(3) of that Act (as added by*
8 *subsection (a)(2)).*

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