

Public Law 108–191
108th Congress

An Act

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

Dec. 19, 2003
[H.R. 1006]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Captive Wildlife
Safety Act.
16 USC 3371
note.

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 live species of lion, tiger, leopard, cheetah, jaguar, or cougar or any hybrid of such 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 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 or registered, and inspected, by the Animal and Plant Health Inspection Service or any other Federal agency 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 listed in section 2(g); and

“(iv) does not allow direct contact between 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.

Deadline.

“(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 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.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a)(2)(C) \$3,000,000 for each of fiscal years 2004 through 2008.”

16 USC 3372
note.

(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)).

Approved December 19, 2003.

LEGISLATIVE HISTORY—H.R. 1006 (S. 269):

HOUSE REPORTS: No. 108-269 (Comm. on Resources).

SENATE REPORTS: No. 108-172 accompanying S. 269 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 149 (2003):

Nov. 18, 19, considered and passed House.

Nov. 24, considered and passed Senate, amended.

Dec. 8, House concurred in Senate amendments.