

110TH CONGRESS
2D SESSION

H. R. 4933

To amend the Lacey Act Amendments of 1981 to protect captive wildlife and to make technical corrections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2008

Ms. BORDALLO (for herself, Mr. BROWN of South Carolina, and Mr. GEORGE MILLER of California) introduced the following bill

JANUARY 15, 2008

Referred to the Committee on Natural Resources

A BILL

To amend the Lacey Act Amendments of 1981 to protect captive wildlife and to make technical corrections, and for other purposes.

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 Technical Amendments Act of 2008”.

6 **SEC. 2. CAPTIVE WILDLIFE SAFETY AMENDMENTS.**

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

1 (1) in subsection (a)(2)—

2 (A) in subparagraph (A), by inserting “or”
3 after the semicolon;

4 (B) in subparagraph (B), by striking “;
5 or” and inserting a semicolon; and

6 (C) by striking subparagraph (C); and

7 (2) in subsection (e)—

8 (A) by redesignating paragraphs (2), (3),
9 (4), and (5) as paragraphs (3), (4), (5), and (6)
10 respectively; and

11 (B) by striking “(e)” and all that follows
12 through “Subsection (a)(2)(C)” in paragraph
13 (1) and inserting the following:

14 “(e) CAPTIVE WILDLIFE OFFENSES.—

15 “(1) IN GENERAL.—It is unlawful for any per-
16 son—

17 “(A) to import, export, transport, sell, re-
18 ceive, acquire, or purchase in interstate or for-
19 eign commerce any live animal of any prohib-
20 ited wildlife species; or

21 “(B) to attempt to commit any act de-
22 scribed in subparagraph (A).

23 “(2) NONAPPLICABILITY.—This subsection”;

24 (C) in paragraph (2) (as redesignated by
25 subparagraph (A))—

1 (i) by striking “a” before “prohibited”
2 and inserting “any”;

3 (ii) by striking “(3)” and inserting
4 “(4)”; and

5 (iii) by striking “(2)” and inserting
6 “(3)”;

7 (D) in paragraph (3) (as redesignated by
8 subparagraph (A))—

9 (i) in subparagraph (C)—

10 (I) in clauses (ii) and (iii), by
11 striking “animals listed in section
12 2(g)” each place it appears and in-
13 serting “prohibited wildlife species”;
14 and

15 (II) in clause (iv), by striking
16 “animals” and inserting “prohibited
17 wildlife species”; and

18 (ii) in subparagraph (D)—

19 (I) by striking “the animal” the
20 first place it appears and inserting
21 “an animal of any prohibited wildlife
22 species”; and

23 (II) by striking “the animal” the
24 second place it appears and inserting
25 “that animal”;

1 (E) in paragraph (4) (as redesignated by
2 subparagraph (A)), by striking “(2)” and in-
3 serting “(3)”;

4 (F) in paragraph (6) (as redesignated by
5 subparagraph (A))—

6 (i) by striking “subsection (a)(2)(C)”
7 and inserting “this subsection”; and

8 (ii) by striking “fiscal years 2004
9 through 2008” and inserting “fiscal years
10 2009 through 2013”; and

11 (G) by inserting after paragraph (6) (as
12 redesignated by subparagraph (A)) the fol-
13 lowing:

14 “(7) APPLICATION.—This subsection shall
15 apply beginning on the effective date of regulations
16 promulgated under this subsection.”.

17 (b) CIVIL PENALTIES.—Section 4(a) of the Lacey
18 Act Amendments of 1981 (16 U.S.C. 3373(a)) is amend-
19 ed—

20 (1) in paragraph (1), by striking “subsections
21 (b) and (d)” and inserting “subsections (b), (d), and
22 (e)”;

23 (2) in paragraph (1), by striking “section 3(d)”
24 and inserting “subsection (d) or (e) of section 3”.

1 (c) CRIMINAL PENALTIES.—Section 4(d) of the
2 Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is
3 amended—

4 (1) in paragraphs (1)(A) and (1)(B) and in the
5 first sentence of paragraph (2), by striking “sub-
6 sections (b) and (d)” each place it appears and in-
7 serting “subsections (b), (d), and (e) of section 3”;
8 and

9 (2) in paragraph (3), by striking “section 3(d)”
10 and inserting “subsection (d) or (e) of section 3”.

11 (d) CORRECTION OF PRIOR AMENDMENT.—

12 (1) CORRECTION.—Section 102(c) of Public
13 Law 100–653 (102 Stat. 3826) is amended by strik-
14 ing “section 3(b)” and inserting “subsection 3(b)”.

15 (2) EFFECTIVE DATE.—This subsection shall
16 take effect upon enactment of Public Law 100–653.

17 **SEC. 3. APPLICABILITY PROVISION AMENDMENT.**

18 Section 3 of the Captive Wildlife Safety Act (117
19 Stat. 2871; Public Law 108–191) is amended—

20 (1) in subsection (a), by striking “(a) IN GEN-
21 ERAL.—Section 3” and inserting “Section 3”; and

22 (2) by striking subsection (b).

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