

110TH CONGRESS  
2D SESSION

# H. R. 6988

To amend the Lacey Act Amendments of 1981 to treat wildlife, other than birds, used or intended to be used in penned dog training activities as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2008

Mr. HOLT introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Lacey Act Amendments of 1981 to treat wildlife, other than birds, used or intended to be used in penned dog training activities as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, 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 “Wildlife Penning Pro-  
5 hibition Act”.

1 **SEC. 2. ADDITION OF WILDLIFE USED IN PENNED DOG**  
2 **TRAINING ACTIVITIES TO DEFINITION OF**  
3 **PROHIBITED WILDLIFE SPECIES.**

4 Section 2(g) of the Lacey Act Amendments of 1981  
5 (16 U.S.C. 3371(g)) is amended by inserting before the  
6 period at the end “, or any wildlife, other than birds, used  
7 or intended to be used in dog training activities in which  
8 coyotes, foxes or other wildlife species (other than birds)  
9 are pursued, harassed, or killed within an enclosure”.

10 **SEC. 3. CAPTIVE WILDLIFE AMENDMENTS.**

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

13 (1) in subsection (a)—

14 (A) in paragraph (2)—

15 (i) in subparagraph (A), by inserting  
16 “or” after the semicolon;

17 (ii) in subparagraph (B), by striking  
18 “; or” and inserting a semicolon; and

19 (iii) by striking subparagraph (C);  
20 and

21 (B) in paragraph (4), by inserting “or sub-  
22 section (e)” before the period; and

23 (2) in subsection (e)—

24 (A) by redesignating paragraphs (2), (3),  
25 (4) and (5) as paragraphs (3), (4), (5) and (6)  
26 respectively;

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

4 “(e) CAPTIVE WILDLIFE OFFENSE.—

5 “(1) IN GENERAL.—It is unlawful for any per-  
6 son to import, export, transport, sell, receive, ac-  
7 quire, or purchase in interstate or foreign commerce  
8 any live animal of any prohibited wildlife species.

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

10 (C) in paragraph (2) (as redesignated by  
11 subparagraph (A))—

12 (i) by striking “a prohibited” and in-  
13 serting “any prohibited”;

14 (ii) by striking “(3)” and inserting  
15 “(4)”;

16 (iii) by striking “(2)” and inserting  
17 “(3)”;

18 (D) in paragraph (3) (as redesignated by  
19 subparagraph (A))—

20 (i) in subparagraph (C)—

21 (I) in clauses (ii) and (iii), by  
22 striking “animals listed in section  
23 2(g)” each place it appears and in-  
24 serting “prohibited wildlife species”;  
25 and

1 (II) in clause (iv), by striking  
2 “animals” and inserting “prohibited  
3 wildlife species”; and

4 (ii) in subparagraph (D), by striking  
5 “animal” each place it appears and insert-  
6 ing “prohibited wildlife species”;

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

10 (F) in paragraph (6) (as redesignated by  
11 subparagraph (A)), by striking “subsection  
12 (a)(2)(C)” and inserting “this subsection”; and

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

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

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

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

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

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

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

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

12           (d) CORRECTION OF PRIOR AMENDMENT.—

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

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

18 **SEC. 4. APPLICABILITY PROVISION AMENDMENT.**

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

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

23           (2) by striking subsection (b).

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