

109TH CONGRESS  
1ST SESSION

# S. 1415

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2005

Referred to the Committee on Resources

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## AN ACT

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

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 Amendment Act of 2005”.

1 **SEC. 2. CAPTIVE WILDLIFE AMENDMENTS.**

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

4 (1) in subsection (a)—

5 (A) in paragraph (2)—

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

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

10 (iii) by striking subparagraph (C);

11 and

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

14 (2) in subsection (e)—

15 (A) by redesignating paragraphs (2), (3),  
16 (4), and (5) as paragraphs (3), (4), (5), and (6)  
17 respectively;

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

21 “(e) CAPTIVE WILDLIFE OFFENSE.—

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

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

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

3 (i) by striking “a” before “prohibited”  
4 and inserting “any”;

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

7 (iii) by striking “(2)” and inserting  
8 “(3)”;

9 (D) in paragraph (3) (as redesignated by  
10 subparagraph (A))—

11 (i) in subparagraph (C)—

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

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

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

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

1 (F) in paragraph (6) (as redesignated by  
 2 subparagraph (A)), by striking “subsection  
 3 (a)(2)(C)” and inserting “this subsection”; and  
 4 (G) by inserting after paragraph (6) (as  
 5 redesignated by subparagraph (A)) the fol-  
 6 lowing:

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

10 (b) CRIMINAL PENALTIES.—Section 4(d) of the  
 11 Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is  
 12 amended—

13 (1) in paragraphs (1)(A) and (1)(B) and in the  
 14 first sentence of paragraph (2), by striking “sub-  
 15 section 3(b)” each place it appears and inserting  
 16 “subsections (b), (d), and (e) of section 3”; and

17 (2) in paragraph (3), by striking “section 3(d)”  
 18 and inserting “subsections (d) and (e) of section 3”.

19 **SEC. 3. APPLICABILITY PROVISION AMENDMENT.**

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

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

1 (2) by striking subsection (b).

Passed the Senate September 9, 2005.

Attest: EMILY J. REYNOLDS,  
*Secretary.*