

Calendar No. 197

109TH CONGRESS
1ST SESSION

S. 1415

[Report No. 109-126]

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

IN THE SENATE OF THE UNITED STATES

JULY 18, 2005

Mr. INHOFE (for himself, Mr. JEFFORDS, and Mr. CHAFEE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

AUGUST 31, 2005

Reported under authority of the order of the Senate of July 29, 2005, by Mr. INHOFE, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

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 ~~semi-colon~~ *semicolon*;

8 (ii) in subparagraph (B), by striking
9 “; or” and inserting a ~~semi-colon~~ *semi-*
10 *colon*; and

11 (iii) by striking subparagraph (C);
12 and

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

15 (2) in subsection (e)—

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

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

22 “(e) CAPTIVE WILDLIFE OFFENSE.—

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

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

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

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

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

8 (iii) by striking “(2)” and inserting
9 “(3)”;

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

12 (i) in subparagraph (C)—

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

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

21 (ii) in ~~subparagraph~~ *subparagraph* (D),
22 by striking “animal” each place it appears
23 and inserting “prohibited wildlife species”;

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

7 (G) by inserting after paragraph (6) (as
8 redesignated by subparagraph (A)) the fol-
9 lowing:

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

13 (b) CRIMINAL PENALTIES.—Section 4(d) of the
14 Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is
15 amended—

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

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

22 **SEC. 3. APPLICABILITY PROVISION AMENDMENT.**

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

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

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