

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4933

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IN THE SENATE OF THE UNITED STATES

APRIL 1 (legislative day, MARCH 13), 2008

Received; read twice and referred to the Committee on Environment and  
Public Works

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Captive Wildlife Safety  
3 Technical Amendments Act of 2008”.

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

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

7 (1) in subsection (a)(2)—

8 (A) in subparagraph (A), by inserting “or”  
9 after the semicolon;

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

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

13 (2) in subsection (e)—

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

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

20 “(e) CAPTIVE WILDLIFE OFFENSES.—

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

23 “(A) to import, export, transport, sell, re-  
24 ceive, acquire, or purchase in interstate or for-  
25 eign commerce any live animal of any prohib-  
26 ited wildlife species; or

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

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

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

6           (i) by striking “a” before “prohibited”  
7           and inserting “any”;

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

10          (iii) by striking “(2)” and inserting  
11          “(3)”;

12          (D) in paragraph (3) (as redesignated by  
13          subparagraph (A))—

14          (i) in subparagraph (C)—

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

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

23          (ii) in subparagraph (D)—

24           (I) by striking “the animal” the  
25           first place it appears and inserting

1 “an animal of any prohibited wildlife  
2 species”; and

3 (II) by striking “the animal” the  
4 second place it appears and inserting  
5 “that animal”;

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

9 (F) in paragraph (6) (as redesignated by  
10 subparagraph (A))—

11 (i) by striking “subsection (a)(2)(C)”  
12 and inserting “this subsection”; and

13 (ii) by striking “fiscal years 2004  
14 through 2008” and inserting “fiscal years  
15 2009 through 2013”; and

16 (G) by inserting after paragraph (6) (as  
17 redesignated by subparagraph (A)) the fol-  
18 lowing:

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

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

1 (1) in paragraph (1), by striking “subsections  
2 (b) and (d)” and inserting “subsections (b), (d), and  
3 (e)”; and

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

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

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

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

15 (d) CORRECTION OF PRIOR AMENDMENT.—

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

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

21 **SEC. 3. APPLICABILITY PROVISION AMENDMENT.**

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

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

1 (2) by striking subsection (b).

Passed the House of Representatives March 31,  
2008.

Attest: LORRAINE C. MILLER,  
*Clerk.*