

Union Calendar No. 334

110TH CONGRESS
2D SESSION

H. R. 4933

[Report No. 110-551]

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

MARCH 31, 2008

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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,*

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) of section 3”;
13 and

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

16 (d) CORRECTION OF PRIOR AMENDMENT.—

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

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

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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