

108th CONGRESS
1st Session
S. 269

To amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

IN THE SENATE OF THE UNITED STATES

January 30, 2003

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

A BILL

To amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Captive Wildlife Safety Act'.

SEC. 2. DEFINITION OF PROHIBITED WILDLIFE SPECIES.

Section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended--

(1) by redesignating subsections (g) through (j) as subsections (h) through (k), respectively; and

(2) by inserting after subsection (f) the following:

`(k) PROHIBITED WILDLIFE SPECIES- The term `prohibited wildlife species' means any live lion, tiger, leopard, cheetah, jaguar, or cougar.'.

SEC. 3. PROHIBITED ACTS.

(a) IN GENERAL- Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended--

(1) in subsection (a)--

(A) in paragraph (2)--

(i) in subparagraph (A), by striking `, or' at the end and inserting a semicolon;

(ii) in subparagraph (B), by inserting `or' after the semicolon at the end; and

(iii) by adding at the end the following:

`(C) any prohibited wildlife species (subject to subsection (e));'

(B) in paragraph (3)(B), by inserting `or' after the semicolon at the end; and

(C) in paragraph (4), by striking `paragraphs (1) through (4)' and inserting `paragraphs (1) through (3)'; and

(2) by adding at the end the following:

`(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE SPECIES OFFENSE-

`(1) IN GENERAL- Subsection (a)(2)(C) does not apply to--

`(A) any zoo, circus, research facility licensed or registered and inspected by a Federal agency, or aquarium;

`(B) any person accredited by the Association of Sanctuaries or the American Sanctuary Association;

`(C) any State college, university, or agency, State-licensed wildlife rehabilitator, or State-licensed veterinarian;

`(D) any incorporated humane society, animal shelter, or society for the prevention of cruelty to animals;

`(E) any federally-licensed and inspected breeder or dealer that is conducting any breeding or dealing activity with a person referred to in this paragraph; or

`(F) any person having custody of a wild animal solely for the purpose of transporting the animal to a person referred to in this paragraph.

`(2) REGULATIONS- Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the heads of other relevant Federal agencies, shall promulgate regulations describing the persons or entities to which paragraph (1) applies.

`(3) STATE AUTHORITY- Nothing in this subsection preempts or supersedes the authority of a State to regulate wildlife species within that State.'

(b) APPLICATION- Section 3(a)(2)(C) of the Lacey Act Amendments of 1981 (as added by subsection (a)(1)(A)(iii)) shall apply beginning on the effective date of regulations promulgated under section 3(e)(2) of that Act (as added by subsection (a)(2)).

END