

Calendar No. 928

110TH CONGRESS
2D SESSION

H. R. 2964

IN THE SENATE OF THE UNITED STATES

JUNE 19, 2008

Received

AUGUST 1, 2008

Read twice and placed on the calendar

AN ACT

To amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Captive Primate Safety
5 Act”.

1 **SEC. 2. ADDITION OF NONHUMAN PRIMATES TO DEFINI-**
2 **TION OF PROHIBITED WILDLIFE SPECIES.**

3 Section 2(g) of the Lacey Act Amendments of 1981
4 (16 U.S.C. 3371(g)) is amended by inserting before the
5 period at the end “or any nonhuman primate”.

6 **SEC. 3. CAPTIVE WILDLIFE AMENDMENTS.**

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

9 (1) in subsection (a)—

10 (A) in paragraph (2)—

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

13 (ii) in subparagraph (B)(iii), by strik-
14 ing “; or” and inserting a semicolon; and

15 (iii) by striking subparagraph (C);
16 and

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

19 (2) in subsection (e)—

20 (A) by redesignating paragraphs (2), (3),
21 (4), and (5) as paragraphs (3), (4), (5), and (6)
22 respectively;

23 (B) by striking “(e)” and all that follows
24 through “Subsection (a)(2)(C) does not apply”
25 in paragraph (1) and inserting the following:

26 “(e) CAPTIVE WILDLIFE OFFENSE.—

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

5 “(2) LIMITATION ON APPLICATION.—This sub-
6 section—

7 “(A) does not apply to a person trans-
8 porting a nonhuman primate to or from a vet-
9 erinarian who is licensed to practice veterinary
10 medicine within the United States, solely for
11 the purpose of providing veterinary care to the
12 nonhuman primate, if—

13 “(i) the person transporting the
14 nonhuman primate carries written docu-
15 mentation issued by the veterinarian, in-
16 cluding the appointment date and location;

17 “(ii) the nonhuman primate is trans-
18 ported in a secure enclosure appropriate
19 for that species of primate;

20 “(iii) the nonhuman primate has no
21 contact with any other animals or members
22 of the public, other than the veterinarian
23 and other authorized medical personnel
24 providing veterinary care; and

1 “(iv) such transportation and provi-
2 sion of veterinary care is in accordance
3 with all otherwise applicable State and
4 local laws, regulations, permits, and health
5 certificates;

6 “(B) does not apply to a person trans-
7 porting a nonhuman primate to a legally des-
8 ignated caregiver for the nonhuman primate as
9 a result of the death of the preceding owner of
10 the nonhuman primate, if—

11 “(i) the person transporting the
12 nonhuman primate is carrying legal docu-
13 mentation to support the need for trans-
14 porting the nonhuman primate to the le-
15 gally designated caregiver;

16 “(ii) the nonhuman primate is trans-
17 ported in a secure enclosure appropriate
18 for the species;

19 “(iii) the nonhuman primate has no
20 contact with any other animals or members
21 of the public while being transported to the
22 legally designated caregiver; and

23 “(iv) all applicable State and local re-
24 strictions on such transport, and all appli-
25 cable State and local requirements for per-

1 mits or health certificates, are complied
2 with; and

3 “(C) does not apply”;

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)”;

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”;

23 (ii) in subparagraph (D), by striking
24 “animal” each place it appears and insert-
25 ing “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) CIVIL PENALTIES.—Section 4(a) of the Lacey
14 Act Amendments of 1981 (16 U.S.C. 3373(a)) is amend-
15 ed—

16 (1) in paragraph (1), by inserting “(e),” after
17 “subsections (b), (d),” ; and

18 (2) in paragraph (1), by inserting “, (e),” after
19 “subsection (d)”.

20 (c) CRIMINAL PENALTIES.—Section 4(d) of the
21 Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is
22 amended—

23 (1) in paragraphs (1)(A) and (1)(B) and in the
24 first sentence of paragraph (2), by inserting “(e),”

1 after “subsections (b), (d),” each place it appears;
2 and

3 (2) in paragraph (3), by inserting “, (e),” after
4 “subsection (d)”.

5 **SEC. 4. APPLICABILITY PROVISION AMENDMENT.**

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

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

10 (2) by striking subsection (b).

11 **SEC. 5. REGULATIONS.**

12 Section 7(a) of the Lacey Act Amendments of 1981
13 (16 U.S.C. 3376(a)) is amended by adding at the end the
14 following new paragraph:

15 “(3) The Secretary shall, in consultation with
16 other relevant Federal and State agencies, issue reg-
17 ulations to implement section 3(e).”.

18 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR ADDI-
19 TIONAL LAW ENFORCEMENT PERSONNEL.**

20 In addition to such other amounts as are authorized
21 to carry out the Lacey Act Amendments of 1981 (16
22 U.S.C. 3371 et seq.), there is authorized to be appro-
23 priated to the Secretary of the Interior \$5,000,000 for fis-
24 cal year 2009 to hire additional law enforcement personnel

1 of the United States Fish and Wildlife Service to enforce
2 that Act.

Passed the House of Representatives June 17, 2008.

Attest: LORRAINE C. MILLER,
Clerk.

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