

110TH CONGRESS
1ST SESSION

S. 1498

To amend the Lacey Act Amendments of 1981 to prohibit the import, export, transportation, sale, receipt, acquisition, or purchase in interstate or foreign commerce of any live animal of any prohibited wildlife species, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2007

Mrs. BOXER (for herself, Mr. VITTER, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. MENENDEZ) 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 prohibit the import, export, transportation, sale, receipt, acquisition, or purchase in interstate or foreign commerce of any live animal of any prohibited wildlife species, 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 THE DEFINITION OF PROHIBITED WILDLIFE SPECIES.**

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

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), by striking
14 “; 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)
21 through (5) as paragraphs (3) through (6) re-
22 spectively;

23 (B) by striking “(e)” and all that follows
24 through “does not apply” in paragraph (1) and
25 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) NONAPPLICABILITY.—This subsection does
 6 not apply”;

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

9 (i) by striking “a prohibited” and in-
 10 serting “any prohibited”; and

11 (ii) by striking “paragraph (3), is de-
 12 scribed in paragraph (2)” and inserting
 13 “paragraph (4), is described in paragraph
 14 (3)”;

15 (D) in paragraph (3) (as redesignated by
 16 subparagraph (A))—

17 (i) in subparagraph (C)—

18 (I) in clauses (ii) and (iii), by
 19 striking “animals listed in section
 20 2(g)” each place it appears and in-
 21 serting “prohibited wildlife species”;
 22 and

23 (II) in clause (iv), by striking
 24 “animals” and inserting “prohibited
 25 wildlife species”; and

1 (ii) in subparagraph (D), by striking
 2 “animal” each place it appears and insert-
 3 ing “prohibited wildlife species”;

4 (E) in paragraph (4) (as redesignated by
 5 subparagraph (A)), by striking “paragraph (2)”
 6 and inserting “paragraph (3)”;

7 (F) in paragraph (6) (as redesignated by
 8 subparagraph (A)), by striking “subsection
 9 (a)(2)(C)” and inserting “this section”; and

10 (G) by adding at the end the following:

11 “(7) APPLICATION.—This subsection shall
 12 apply beginning on the effective date of the regula-
 13 tions promulgated pursuant to this subsection.”.

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

17 (1) in paragraphs (1) and (2), by striking “sub-
 18 sections (b) and (d) of section 3” each place it ap-
 19 pears and inserting “subsections (b), (d), and (e) of
 20 section 3”; and

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

23 **SEC. 4. APPLICABILITY PROVISION AMENDMENT.**

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

- 1 (1) in subsection (a), by striking the subsection
- 2 designation and heading and all that follows through
- 3 “Section 3” and inserting “Section 3”; and
- 4 (2) by striking subsection (b).

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