

Calendar No. 455110TH CONGRESS
1ST SESSION**S. 1498****[Report No. 110-210]**

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, Mr. MENENDEZ, and Mr. ENSIGN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

OCTOBER 29, 2007

Reported by Mrs. BOXER, with amendments

[Omit the part struck through and insert the part printed in *italic*]**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”.

6 **SEC. 2. ADDITION OF NONHUMAN PRIMATES TO THE DEFINI-**
 7 **TION OF PROHIBITED WILDLIFE SPECIES.**

8 Section 2(g) of the Lacey Act Amendments of 1981
 9 (16 U.S.C. 3371(g)) is amended by inserting “, or any
 10 nonhuman primate” before the period at the end.

11 **SEC. 3. CAPTIVE WILDLIFE AMENDMENTS.**

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

14 (1) in subsection (a)—

15 (A) in paragraph (2)—

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

18 (ii) in subparagraph (B), by striking
 19 “; or” and inserting a semicolon; and

20 (iii) by striking subparagraph (C);

21 and

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

24 (2) in subsection (e)—

1 (A) by redesignating paragraphs (2)
2 through (5) as paragraphs (3) through (6) re-
3 spectively;

4 (B) by striking “(e)” and all that follows
5 through “does not apply” in paragraph (1) and
6 inserting the following:

7 “(e) CAPTIVE WILDLIFE OFFENSE.—

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

12 “(2) NONAPPLICABILITY.—This subsection does
13 not apply”;

14 (C) in paragraph (2) (as redesignated by
15 subparagraph (A))—

16 (i) by striking “a prohibited” and in-
17 serting “any prohibited”; and

18 (ii) by striking “paragraph (3), is de-
19 scribed in paragraph (2)” and inserting
20 “paragraph (4), is described in paragraph
21 (3)”;

22 (D) in paragraph (3) (as redesignated by
23 subparagraph (A))—

24 (i) in subparagraph (C)—

1 (I) in clauses (ii) and (iii), by
2 striking “animals listed in section
3 2(g)” each place it appears and in-
4 serting “prohibited wildlife species”;
5 and

6 (II) in clause (iv), by striking
7 “animals” and inserting “prohibited
8 wildlife species”; and

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

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

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

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

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

22 (b) *CIVIL PENALTIES.*—*Section 4(a)(1) of the Lacey*
23 *Act Amendments of 1981 (16 U.S.C. 3373(a)(1)) is amend-*
24 *ed—*

1 (1) by striking “(other than subsection 3(b))”
 2 and inserting “(other than subsections (b), (d), and
 3 (e) of section 3)”; and

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

6 ~~(b) Criminal Penalties.—Section 4(d) of the~~

7 ~~(c) CRIMINAL PENALTIES.—Section 4(d) of the Lacey~~
 8 Act Amendments of 1981 (16 U.S.C. 3373(d)) is amend-
 9 ed—

10 (1) in paragraphs (1) and (2), by striking
 11 “(other than subsection 3(b))” each place it appears
 12 and inserting “(other than subsections (b), (d), and
 13 (e) of section 3)”; and

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

16 **SEC. 4. APPLICABILITY PROVISION AMENDMENT.**

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

19 (1) in subsection (a), by striking the subsection
 20 designation and heading and all that follows through
 21 “Section 3” and inserting “Section 3”; and

22 (2) by striking subsection (b).

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