

## Calendar No. 928

110TH CONGRESS  
2D SESSION**H. R. 2964**

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IN THE SENATE OF THE UNITED STATES

JUNE 19, 2008

Received

AUGUST 1, 2008

Read twice and placed on the calendar

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**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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August 1, 2008

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