

Union Calendar No. 453

110TH CONGRESS
2^D SESSION

H. R. 2964

[Report No. 110-712]

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.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2007

Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. KIRK, Mr. GEORGE MILLER of California, Mr. GRIJALVA, Ms. SCHAKOWSKY, and Mr. BOSWELL) introduced the following bill; which was referred to the Committee on Natural Resources

JUNE 17, 2008

Additional sponsors: Mr. REICHERT, Mr. VAN HOLLEN, Mr. BRALEY of Iowa, Mr. FRANK of Massachusetts, Mr. MOORE of Kansas, Mr. CUMMINGS, Mrs. CAPPS, Mr. FILNER, Mr. STARK, Mr. MILLER of North Carolina, Mr. ROTHMAN, Mrs. GILLIBRAND, Mr. SESTAK, Mr. GUTIERREZ, Ms. LEE, Mr. FARR, Mr. SHAYS, Mr. HONDA, Mr. BERMAN, and Mr. PALLONE

JUNE 17, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 10, 2007]

A BILL

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”.*

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

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

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)(iii), by strik-*
 19 *ing “; or” and inserting a semicolon; and*

20 *(iii) by striking subparagraph (C);*

21 *and*

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

3 (2) in subsection (e)—

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

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

10 “(e) *CAPTIVE WILDLIFE OFFENSE.*—

11 “(1) *IN GENERAL.*—It is unlawful for any per-
12 son to import, export, transport, sell, receive, acquire,
13 or purchase in interstate or foreign commerce any
14 live animal of any prohibited wildlife species.

15 “(2) *LIMITATION ON APPLICATION.*—This sub-
16 section—

17 “(A) does not apply to a person trans-
18 porting a nonhuman primate to or from a vet-
19 erinarian who is licensed to practice veterinary
20 medicine within the United States, solely for the
21 purpose of providing veterinary care to the
22 nonhuman primate, if—

23 “(i) the person transporting the
24 nonhuman primate carries written docu-

1 *mentation issued by the veterinarian, in-*
2 *cluding the appointment date and location;*

3 “(ii) *the nonhuman primate is trans-*
4 *ported in a secure enclosure appropriate for*
5 *that species of primate;*

6 “(iii) *the nonhuman primate has no*
7 *contact with any other animals or members*
8 *of the public, other than the veterinarian*
9 *and other authorized medical personnel pro-*
10 *viding veterinary care; and*

11 “(iv) *such transportation and provi-*
12 *sion of veterinary care is in accordance*
13 *with all otherwise applicable State and*
14 *local laws, regulations, permits, and health*
15 *certificates;*

16 “(B) *does not apply to a person trans-*
17 *porting a nonhuman primate to a legally des-*
18 *ignated caregiver for the nonhuman primate as*
19 *a result of the death of the preceding owner of*
20 *the nonhuman primate, if—*

21 “(i) *the person transporting the*
22 *nonhuman primate is carrying legal docu-*
23 *mentation to support the need for trans-*
24 *porting the nonhuman primate to the le-*
25 *gally designated caregiver;*

1 “(ii) the nonhuman primate is trans-
2 ported in a secure enclosure appropriate for
3 the species;

4 “(iii) the nonhuman primate has no
5 contact with any other animals or members
6 of the public while being transported to the
7 legally designated caregiver; and

8 “(iv) all applicable State and local re-
9 strictions on such transport, and all appli-
10 cable State and local requirements for per-
11 mits or health certificates, are complied
12 with; and

13 “(C) does not apply”;

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

16 (i) by striking “a” before “prohibited”
17 and inserting “any”;

18 (ii) by striking “(3)” and inserting
19 “(4)”; and

20 (iii) by striking “(2)” and inserting
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 insert-
4 ing “prohibited wildlife species”; and

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

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

11 (E) in paragraph (4) (as redesignated by
12 subparagraph (A)), by striking “(2)” and insert-
13 ing “(3)”;

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

17 (G) by inserting after paragraph (6) (as re-
18 designated by subparagraph (A)) the following:

19 “(7) APPLICATION.—This subsection shall apply
20 beginning on the effective date of regulations promul-
21 gated under this subsection.”.

22 (b) CIVIL PENALTIES.—Section 4(a) of the Lacey Act
23 Amendments of 1981 (16 U.S.C. 3373(a)) is amended—

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

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

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

5 (1) in paragraphs (1)(A) and (1)(B) and in the
6 first sentence of paragraph (2), by inserting “(e),”
7 after “subsections (b), (d),” each place it appears; and

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

10 **SEC. 4. APPLICABILITY PROVISION AMENDMENT.**

11 Section 3 of the Captive Wildlife Safety Act (117 Stat.
12 2871; Public Law 108–191) is amended—

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

15 (2) by striking subsection (b).

16 **SEC. 5. REGULATIONS.**

17 Section 7(a) of the Lacey Act Amendments of 1981 (16
18 U.S.C. 3376(a)) is amended by adding at the end the fol-
19 lowing new paragraph:

20 “(3) The Secretary shall, in consultation with
21 other relevant Federal and State agencies, issue regu-
22 lations to implement section 3(e).”.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR ADDI-**
2 **TIONAL LAW ENFORCEMENT PERSONNEL.**

3 *In addition to such other amounts as are authorized*
4 *to carry out the Lacey Act Amendments of 1981 (16 U.S.C.*
5 *3371 et seq.), there is authorized to be appropriated to the*
6 *Secretary of the Interior \$5,000,000 for fiscal year 2009 to*
7 *hire additional law enforcement personnel of the United*
8 *States Fish and Wildlife Service to enforce that Act.*

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