

110TH CONGRESS  
2D SESSION

# H. R. 2964

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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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Captive Primate Safety  
3 Act”.

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

6       Section 2(g) of the Lacey Act Amendments of 1981  
7 (16 U.S.C. 3371(g)) is amended by inserting before the  
8 period at the end “or any nonhuman primate”.

9 **SEC. 3. CAPTIVE WILDLIFE AMENDMENTS.**

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

12               (1) in subsection (a)—

13                       (A) in paragraph (2)—

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

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

18                               (iii) by striking subparagraph (C);  
19                       and

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

22               (2) in subsection (e)—

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

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

4 “(e) CAPTIVE WILDLIFE OFFENSE.—

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

9 “(2) LIMITATION ON APPLICATION.—This sub-  
10 section—

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

17 “(i) the person transporting the  
18 nonhuman primate carries written docu-  
19 mentation issued by the veterinarian, in-  
20 cluding the appointment date and location;

21 “(ii) the nonhuman primate is trans-  
22 ported in a secure enclosure appropriate  
23 for that species of primate;

24 “(iii) the nonhuman primate has no  
25 contact with any other animals or members

1 of the public, other than the veterinarian  
2 and other authorized medical personnel  
3 providing veterinary care; and

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

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

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

19 “(ii) the nonhuman primate is trans-  
20 ported in a secure enclosure appropriate  
21 for the species;

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

“(iv) all applicable State and local restrictions on such transport, and all applicable State and local requirements for permits or health certificates, are complied with; and

“(C) does not apply”;

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

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

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

(iii) by striking “(2)” and inserting “(3)”;

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

(i) in subparagraph (C)—

(I) in clauses (ii) and (iii), by striking “animals listed in section 2(g)” each place it appears and inserting “prohibited wildlife species”; and

(II) in clause (iv), by striking “animals” and inserting “prohibited 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 “(2)” and in-  
6 serting “(3)”;

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

10 (G) by inserting after paragraph (6) (as  
11 redesignated by subparagraph (A)) the fol-  
12 lowing:

13 “(7) APPLICATION.—This subsection shall  
14 apply beginning on the effective date of regulations  
15 promulgated under this subsection.”.

16 (b) CIVIL PENALTIES.—Section 4(a) of the Lacey  
17 Act Amendments of 1981 (16 U.S.C. 3373(a)) is amend-  
18 ed—

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

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

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

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

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

7 **SEC. 4. APPLICABILITY PROVISION AMENDMENT.**

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

10 (1) in subsection (a), by striking “(a) IN GEN-  
 11 ERAL.—Section 3” and inserting “Section 3”; and  
 12 (2) by striking subsection (b).

13 **SEC. 5. REGULATIONS.**

14 Section 7(a) of the Lacey Act Amendments of 1981  
 15 (16 U.S.C. 3376(a)) is amended by adding at the end the  
 16 following new paragraph:

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

20 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR ADDI-  
 21 TIONAL LAW ENFORCEMENT PERSONNEL.**

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

1 cal year 2009 to hire additional law enforcement personnel  
2 of the United States Fish and Wildlife Service to enforce  
3 that Act.

Passed the House of Representatives June 17, 2008.

Attest:

*Clerk.*





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