

111TH CONGRESS  
1ST SESSION

# H. R. 80

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.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Mr. BLUMENAUER (for himself and Mr. KIRK) introduced the following bill;  
which was referred to the Committee on Natural Resources

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## 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”.

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;

3 “(C) does not apply to a person trans-  
4 porting a nonhuman primate solely for the pur-  
5 pose of assisting an individual who is perma-  
6 nently disabled with a severe mobility impair-  
7 ment, if—

8 “(i) the nonhuman primate is a single  
9 animal of the genus *Cebus*;

10 “(ii) the nonhuman primate was ob-  
11 tained from, and trained at, a licensed  
12 nonprofit organization described in section  
13 501(c)(3) of the Internal Revenue Code of  
14 1986 the nonprofit tax status of which was  
15 obtained—

16 “(I) before July 18, 2008; and

17 “(II) on the basis that the mis-  
18 sion of the organization is to improve  
19 the quality of life of severely mobility-  
20 impaired individuals;

21 “(iii) the person transporting the  
22 nonhuman primate is a specially trained  
23 employee or agent of a nonprofit organiza-  
24 tion described in clause (ii) that is trans-  
25 porting the nonhuman primate to or from

1 a designated individual who is permanently  
2 disabled with a severe mobility impairment,  
3 or to or from a licensed foster care home  
4 providing specialty training of the  
5 nonhuman primate solely for purposes of  
6 assisting an individual who is permanently  
7 disabled with severe mobility impairment;

8 “(iv) the person transporting the  
9 nonhuman primate carries documentation  
10 from the applicable nonprofit organization  
11 that includes the name of the designated  
12 individual referred to in clause (iii);

13 “(v) the nonhuman primate is trans-  
14 ported in a secure enclosure that is appro-  
15 priate for that species;

16 “(vi) the nonhuman primate has no  
17 contact with any animal or member of the  
18 public, other than the designated individual  
19 referred to in clause (iii); and

20 “(vii) the transportation of the  
21 nonhuman primate is in compliance with—

22 “(I) all applicable State and local  
23 restrictions regarding the transport;  
24 and

1                   “(II) all applicable State and  
2                   local requirements regarding permits  
3                   or health certificates; and

4                   “(D) does not apply”;

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

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

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

11                  (iii) by striking “(2)” and inserting  
12                  “(3)”;

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

15                  (i) in subparagraph (C)—

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

21                   (II) in clause (iv), by striking  
22                   “animals” and inserting “prohibited  
23                   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)”; and

7 (F) in paragraph (6) (as redesignated by  
8 subparagraph (A))—

9 (i) by striking “subsection (a)(2)(C)”  
10 and inserting “this subsection”; and

11 (ii) by striking “2004 through 2008”  
12 and inserting “2010 through 2014”.

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 (d) EFFECTIVE DATE; REGULATIONS.—

6 (1) EFFECTIVE DATE.—Subsections (a)  
7 through (c) shall take effect on the earlier of—

8 (A) the date of the issuance of regulations  
9 under paragraph (2); or

10 (B) the expiration of the period referred to  
11 in paragraph (2).

12 (2) REGULATIONS.—The Secretary of the Inte-  
13 rior shall issue regulations implementing the amend-  
14 ments made by this section by not later than the end  
15 of the 180-day period beginning on the date of the  
16 enactment of this Act.

17 **SEC. 4. APPLICABILITY PROVISION AMENDMENT.**

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

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

22 (2) by striking subsection (b).

1 **SEC. 5. REGULATIONS.**

2 Section 7(a) of the Lacey Act Amendments of 1981  
3 (16 U.S.C. 3376(a)) is amended by adding at the end the  
4 following new paragraph:

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

8 **SEC. 6. AUTHORIZATIONS OF APPROPRIATIONS FOR ADDI-**  
9 **TIONAL LAW ENFORCEMENT PERSONNEL.**

10 In addition to such other amounts as are authorized  
11 to carry out the Lacey Act Amendments of 1981 (16  
12 U.S.C. 3371 et seq.), there is authorized to be appro-  
13 priated to the Secretary of the Interior \$5,000,000 for fis-  
14 cal year 2010 to hire additional law enforcement personnel  
15 of the United States Fish and Wildlife Service to enforce  
16 that Act.

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