

113TH CONGRESS
1ST SESSION

S. 1463

To amend the Lacey Act Amendments of 1981 to prohibit importation, exportation, transportation, sale, receipt, acquisition, and purchase in interstate or foreign commerce, or in a manner substantially affecting interstate or foreign commerce, of any live animal of any prohibited wildlife species.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2013

Mrs. BOXER (for herself and Mr. VITTER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Lacey Act Amendments of 1981 to prohibit importation, exportation, transportation, sale, receipt, acquisition, and purchase in interstate or foreign commerce, or in a manner substantially affecting interstate or foreign commerce, of any live animal of any prohibited wildlife species.

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 striking “(e)” and all that follows
 21 through paragraph (1) and inserting the fol-
 22 lowing:

23 “(e) CAPTIVE WILDLIFE OFFENSE.—

24 “(1) IN GENERAL.—It is unlawful for any per-
 25 son to import, export, transport, sell, receive, ac-
 26 quire, or purchase in interstate or foreign commerce,

1 or in a manner substantially affecting interstate or
2 foreign commerce, any live animal of any prohibited
3 wildlife species.”; and

4 (B) in paragraph (2)—

5 (i) by striking so much as precedes
6 subparagraph (A) and inserting the fol-
7 lowing:

8 “(2) LIMITATION ON APPLICATION.—Paragraph
9 (1) does not apply to any person who—”.

10 (ii) in subparagraph (A), by inserting
11 before the semicolon at the end “and does
12 not allow direct contact between the public
13 and prohibited wildlife species”;

14 (iii) in subparagraph (B), by striking
15 “State-licensed wildlife rehabilitator,”;

16 (iv) in subparagraph (C)—

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

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

24 (III) by striking “or” after the
25 semicolon at the end;

1 (v) in subparagraph (D)—

2 (I) by striking “animal” each
3 place it appears and inserting “pro-
4 hibited wildlife species”; and

5 (II) by striking the period at the
6 end and inserting “; or”; and

7 (vi) by adding at the end the fol-
8 lowing:

9 “(E) is transporting a nonhuman primate
10 solely for the purpose of assisting an individual
11 who is permanently disabled with a severe mo-
12 bility impairment, if—

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

15 “(ii) the nonhuman primate was ob-
16 tained from, and trained at, a licensed
17 nonprofit organization that before July 18,
18 2008 was exempt from taxation under sec-
19 tion 501(a) of the Internal Revenue Code
20 of 1986 and described in sections
21 501(e)(3) and 170(b)(1)(A)(vi) of such
22 Code on the basis that the mission of the
23 organization is to improve the quality of
24 life of severely mobility-impaired individ-
25 uals;

1 “(iii) the person transporting the
2 nonhuman primate is a specially trained
3 employee or agent of a nonprofit organiza-
4 tion described in clause (ii) that is trans-
5 porting the nonhuman primate to or from
6 a designated individual who is permanently
7 disabled with a 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.”.

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

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

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

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

14 (1) in subparagraphs (A) and (B) of paragraph
15 (1) and in the first sentence of paragraph (2), by in-
16 serting “(e),” after “subsections (b), (d),” each
17 place it appears; and

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

20 (d) EFFECTIVE DATE; REGULATIONS.—

21 (1) EFFECTIVE DATE.—Subsections (a)
22 through (c), and the amendments made by those
23 subsections, shall take effect on the earlier of—

24 (A) the date of promulgation of regulations
25 under paragraph (2); and

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

3 (2) REGULATIONS.—Not later than 180 days
4 after the date of enactment of this Act, the Sec-
5 retary of the Interior shall promulgate regulations
6 implementing the amendments made by this section.

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:

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

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