

**Calendar No. 455**

110TH CONGRESS  
1ST SESSION

**S. 1498**

**[Report No. 110-210]**

To amend the Lacey Act Amendments of 1981 to prohibit the import, export, transportation, sale, receipt, acquisition, or purchase in interstate or foreign commerce of any live animal of any prohibited wildlife species, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 24, 2007

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

OCTOBER 29, 2007

Reported by Mrs. BOXER, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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**A BILL**

To amend the Lacey Act Amendments of 1981 to prohibit the import, export, transportation, sale, receipt, acquisition, or purchase in interstate or foreign commerce of any live animal of any prohibited wildlife species, 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 THE DEFINITION OF PROHIBITED WILDLIFE SPECIES.**

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

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), by striking  
 19                               “; or” and inserting a semicolon; and

20                               (iii) by striking subparagraph (C);

21                       and

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

24               (2) in subsection (e)—

1 (A) by redesignating paragraphs (2)  
 2 through (5) as paragraphs (3) through (6) re-  
 3 spectively;

4 (B) by striking “(e)” and all that follows  
 5 through “does not apply” in paragraph (1) and  
 6 inserting the following:

7 “(e) CAPTIVE WILDLIFE OFFENSE.—

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

12 “(2) NONAPPLICABILITY.—This subsection does  
 13 not apply”;

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

16 (i) by striking “a prohibited” and in-  
 17 serting “any prohibited”; and

18 (ii) by striking “paragraph (3), is de-  
 19 scribed in paragraph (2)” and inserting  
 20 “paragraph (4), is described in paragraph  
 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 in-  
 4 serting “prohibited wildlife species”;  
 5 and

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

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

12 (E) in paragraph (4) (as redesignated by  
 13 subparagraph (A)), by striking “paragraph (2)”  
 14 and inserting “paragraph (3)”;

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

18 (G) by adding at the end the following:

19 “(7) APPLICATION.—This subsection shall  
 20 apply beginning on the effective date of the regula-  
 21 tions promulgated pursuant to this subsection.”.

22 (b) *CIVIL PENALTIES.*—*Section 4(a)(1) of the Lacey*  
 23 *Act Amendments of 1981 (16 U.S.C. 3373(a)(1)) is amend-*  
 24 *ed—*

1           (1) *by striking “(other than subsection 3(b))”*  
 2           *and inserting “(other than subsections (b), (d), and*  
 3           *(e) of section 3)”*; and

4           (2) *by striking “section 3(d)” and inserting*  
 5           *“subsection (d) or (e) of section 3”*.

6       ~~(b) Criminal Penalties.—Section 4(d) of the~~

7       (c) *CRIMINAL PENALTIES.—Section 4(d) of the Lacey*  
 8       Act Amendments of 1981 (16 U.S.C. 3373(d)) is amend-  
 9       ed—

10           (1) in paragraphs (1) and (2), by striking  
 11           “(other than subsection 3(b))” each place it appears  
 12           and inserting “(other than subsections (b), (d), and  
 13           (e) of section 3)”

14           (2) in paragraph (3), by striking “section 3(d)”  
 15           and inserting “subsection (d) or (e) of section 3”.

16       **SEC. 4. APPLICABILITY PROVISION AMENDMENT.**

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

19           (1) in subsection (a), by striking the subsection  
 20           designation and heading and all that follows through  
 21           “Section 3” and inserting “Section 3”; and

22           (2) by striking subsection (b).

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