

Calendar No. 650

113TH CONGRESS
2^D SESSION

S. 1463

[Report No. 113–308]

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, Mr. VITTER, Mr. SANDERS, Mr. BLUMENTHAL, Mr. MURPHY, Mr. MENENDEZ, Mr. MARKEY, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Mr. REED, Ms. COLLINS, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. WYDEN, Mr. LEAHY, Mr. KIRK, Mrs. SHAHEEN, Ms. WARREN, Ms. CANTWELL, Mr. BOOKER, Mr. BENNET, Mrs. McCASKILL, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

DECEMBER 11, 2014

Reported by Mrs. BOXER, without amendment

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”.

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
 9 (16 U.S.C. 3371(g)) is amended by inserting before the
 10 period 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

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

24 (2) in subsection (e)—

1 (A) by striking “(e)” and all that follows
 2 through paragraph (1) and inserting the fol-
 3 lowing:

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

11 (B) in paragraph (2)—

12 (i) by striking so much as precedes
 13 subparagraph (A) and inserting the fol-
 14 lowing:

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

17 (ii) in subparagraph (A), by inserting
 18 before the semicolon at the end “and does
 19 not allow direct contact between the public
 20 and prohibited wildlife species”;

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

23 (iv) in subparagraph (C)—

24 (I) in clauses (ii) and (iii), by
 25 striking “animals listed in section

1 2(g)” each place it appears and in-
 2 serting “prohibited wildlife species”;

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

6 (III) by striking “or” after the
 7 semicolon at the end;

8 (v) in subparagraph (D)—

9 (I) by striking “animal” each
 10 place it appears and inserting “pro-
 11 hibited wildlife species”; and

12 (II) by striking the period at the
 13 end and inserting “; or”; and

14 (vi) by adding at the end the fol-
 15 lowing:

16 “(E) is transporting a nonhuman primate
 17 solely for the purpose of assisting an individual
 18 who is permanently disabled with a severe mo-
 19 bility impairment, if—

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

22 “(ii) the nonhuman primate was ob-
 23 tained from, and trained at, a licensed
 24 nonprofit organization that before July 18,
 25 2008 was exempt from taxation under sec-

tion 501(a) of the Internal Revenue Code of 1986 and described in sections 501(c)(3) and 170(b)(1)(A)(vi) of such Code on the basis that the mission of the organization is to improve the quality of life of severely mobility-impaired individuals;

“(iii) the person transporting the nonhuman primate is a specially trained employee or agent of a nonprofit organization described in clause (ii) that is transporting the nonhuman primate to or from a designated individual who is permanently disabled with a severe mobility impairment;

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

“(v) the nonhuman primate is transported in a secure enclosure that is appropriate for that species;

“(vi) the nonhuman primate has no contact with any animal or member of the

1 public, other than the designated individual
 2 referred to in clause (iii); and

3 “(vii) the transportation of the
 4 nonhuman primate is in compliance with—

5 “(I) all applicable State and local
 6 restrictions regarding the transport;
 7 and

8 “(II) all applicable State and
 9 local requirements regarding permits
 10 or health certificates.”.

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

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

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

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

21 (1) in subparagraphs (A) and (B) of paragraph
 22 (1) and in the first sentence of paragraph (2), by in-
 23 serting “(e),” after “subsections (b), (d),” each
 24 place it appears; and

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

3 (d) EFFECTIVE DATE; REGULATIONS.—

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

7 (A) the date of promulgation of regulations
 8 under paragraph (2); and

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

11 (2) REGULATIONS.—Not later than 180 days
 12 after the date of enactment of this Act, the Sec-
 13 retary of the Interior shall promulgate regulations
 14 implementing the amendments made by this section.

15 **SEC. 4. APPLICABILITY PROVISION AMENDMENT.**

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

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

20 (2) by striking subsection (b).

21 **SEC. 5. REGULATIONS.**

22 Section 7(a) of the Lacey Act Amendments of 1981
 23 (16 U.S.C. 3376(a)) is amended by adding at the end the
 24 following:

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

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