

HR 6505 IH

110th CONGRESS

2d Session

H. R. 6505

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.

IN THE HOUSE OF REPRESENTATIVES

July 15, 2008

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Natural Resources

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Captive Primate Safety and Disabled Human Assistance Act'.

SEC. 2. ADDITION OF NONHUMAN PRIMATES TO DEFINITION OF PROHIBITED WILDLIFE SPECIES.

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

SEC. 3. CAPTIVE WILDLIFE AMENDMENTS.

(a) Prohibited Acts- Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended--

(1) in subsection (a)--

(A) in paragraph (2)--

(i) in subparagraph (A), by inserting ` or' after the semicolon;

(ii) in subparagraph (B)(iii), by striking ` ; or' and inserting a semicolon; and

(iii) by striking subparagraph (C); and

(B) in paragraph (4), by inserting ` or subsection (e)' before the period; and

(2) in subsection (e)--

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

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

` (e) Captive Wildlife Offense-

` (1) IN GENERAL- It is unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any live animal of any prohibited wildlife species.

` (2) LIMITATION ON APPLICATION- This subsection--

` (A) does not apply to a person transporting a nonhuman primate to or from a veterinarian who is licensed to practice veterinary medicine within the United States, solely for the purpose of providing veterinary care to the nonhuman primate, if--

` (i) the person transporting the nonhuman primate carries written documentation issued by the veterinarian, including the appointment date and location;

` (ii) the nonhuman primate is transported in a secure enclosure appropriate for that species of primate;

` (iii) the nonhuman primate has no contact with any other animals or members of the public, other than the veterinarian and other authorized medical personnel providing veterinary care; and

` (iv) such transportation and provision of veterinary care is in accordance with all otherwise applicable State and local laws, regulations, permits, and health certificates;

` (B) does not apply to a person transporting a nonhuman primate to a legally designated caregiver for the nonhuman primate as a result of the death of the preceding owner of the nonhuman primate, if--

` (i) the person transporting the nonhuman primate is carrying legal documentation to support the need for transporting the nonhuman primate to the legally designated caregiver;

` (ii) the nonhuman primate is transported in a secure enclosure appropriate for the species;

` (iii) the nonhuman primate has no contact with any other animals or members of the public while being transported to the 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;

` (C) does not apply to a person that--

` (i) is described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986 and exempt from tax under subsection (a) of such section;

` (ii) was incorporated under the laws of the State of New York in 1982; and

` (iii) provides service capuchin monkeys to permanently disabled individuals who are licensed by or secure permits from a State or locality to maintain such nonhuman primates in their residence, for the sole purpose of assisting such individuals to live independently; and

` (D) 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

(ii) in subparagraph (D), by striking ` animal' each place it appears and inserting ` prohibited wildlife species';

(E) in paragraph (4) (as redesignated by subparagraph (A)), by

striking ` (2)' and inserting ` (3)';

(F) in paragraph (6) (as redesignated by subparagraph (A)), by striking ` subsection (a)(2)(C)' and inserting ` this subsection'; and

(G) by inserting after paragraph (6) (as redesignated by subparagraph (A)) the following:

` (7) APPLICATION- This subsection shall apply beginning on the effective date of regulations promulgated under this subsection.'

(b) Civil Penalties- Section 4(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(a)) is amended--

(1) in paragraph (1), by inserting ` (e),' after ` subsections (b), (d),' ; and

(2) in paragraph (1), by inserting ` , (e),' after ` subsection (d)'.

(c) Criminal Penalties- Section 4(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is amended--

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

(2) in paragraph (3), by inserting ` , (e),' after ` subsection (d)'.

SEC. 4. APPLICABILITY PROVISION AMENDMENT.

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

(1) in subsection (a), by striking ` (a) In General- Section 3' and inserting ` Section 3'; and

(2) by striking subsection (b).

SEC. 5. REGULATIONS.

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

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

SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL LAW ENFORCEMENT PERSONNEL.

In addition to such other amounts as are authorized to carry out the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.), there is authorized to be appropriated to the Secretary of the Interior \$5,000,000 for fiscal year 2009 to hire additional law enforcement personnel of the United States Fish and Wildlife Service to enforce that Act.

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