

**Captive Primate Safety Act (Reported in Senate)**

S 1498 RS

**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.

**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.

*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 Act'.

## SEC. 2. ADDITION OF NONHUMAN PRIMATES TO THE 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 ` , or any nonhuman primate' before the period at the end.

## 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), 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) through (5) as paragraphs (3) through (6) respectively;

(B) by striking ` (e)' and all that follows through ` 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) NONAPPLICABILITY- This subsection does not apply';

(C) in paragraph (2) (as redesignated by subparagraph (A))--

(i) by striking ` a prohibited' and inserting ` any prohibited'; and

(ii) by striking ` paragraph (3), is described in paragraph (2)' and inserting ` paragraph (4), is described in paragraph (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 `paragraph (2)' and inserting `paragraph (3)';

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

(G) by adding at the end the following:

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

*(b) Civil Penalties- Section 4(a)(1) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(a)(1)) is amended--*

*(1) by striking `(other than subsection 3(b))' and inserting `(other than subsections (b), (d), and (e) of section 3)'; and*  
*(2) by striking `section 3(d)' and inserting `subsection (d) or (e) of section 3'.*

[Struck out->] (b) [~~Struck out~~] [Struck out->] Criminal Penalties [~~Struck out~~] - [~~Struck out~~] Section 4(d) of the [~~Struck out~~] (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) and (2), by striking `(other than subsection 3(b))' each place it appears and inserting `(other than subsections (b), (d), and (e) of section 3)'; and*  
*(2) in paragraph (3), by striking `section 3(d)' and inserting `subsection (d) or (e) of section 3'.*

## **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 the subsection designation and heading and all that follows through `Section 3' and inserting `Section 3'; and  
(2) by striking subsection (b).

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