

116TH CONGRESS  
1ST SESSION

# H. R. 1776

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2019

Mr. BLUMENAUER (for himself and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on Natural Resources

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## 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 any mem-  
13 ber of the public and a live bear, tiger,  
14 lion, jaguar, cougar, African leopard, snow  
15 leopard, ape, gibbon, siamang, monkey, or  
16 loris, regardless of the age of the animal”;

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

19 (iv) in subparagraph (C)—

20 (I) by striking “an accredited”  
21 and inserting “a”;

22 (II) in clauses (ii) and (iii), by  
23 striking “animals listed in section  
24 2(g)” each place it appears and in-

1                   serting “prohibited wildlife species”;  
 2                   and  
 3                   (III) in clause (iv), by striking  
 4                   “animals” and inserting “prohibited  
 5                   wildlife species”; and  
 6                   (v) in subparagraph (D), by striking  
 7                   “animal” each place it appears and insert-  
 8                   ing “prohibited wildlife species”.

9           (b) CIVIL PENALTIES.—Section 4(a)(1) of the Lacey  
 10 Act Amendments of 1981 (16 U.S.C. 3373(a)(1)) is  
 11 amended—

12           (1) by inserting “(e),” after “subsections (b),  
 13           (d),”; and

14           (2) by inserting “, (e),” after “subsection (d)”.

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

18           (1) in subparagraphs (A) and (B) of paragraph  
 19           (1), by inserting “(e),” after “subsections (b), (d),”  
 20           each place it appears;

21           (2) in paragraph (2), by inserting “(e),” after  
 22           “subsections (b), (d),”; and

23           (3) in paragraph (3), by inserting “, (e),” after  
 24           “subsection (d)”.

25           (d) EFFECTIVE DATE; REGULATIONS.—

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

4                   (A) the date of promulgation of regulations  
5 under paragraph (2); and

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

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

12 **SEC. 4. APPLICABILITY PROVISION AMENDMENT.**

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

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

17           (2) by striking subsection (b).

18 **SEC. 5. REGULATIONS.**

19       Section 7(a) of the Lacey Act Amendments of 1981  
20 (16 U.S.C. 3376(a)) is amended by adding at the end the  
21 following:

22           “(3) The Secretary shall, in consultation with  
23 other relevant Federal and State agencies, promul-

- 1 gate any regulations necessary to implement section
- 2 3(e).”.

