

116TH CONGRESS
1ST SESSION

S. 2562

To amend the Lacey Act Amendments of 1981 to prohibit the 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

SEPTEMBER 26, 2019

Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mr. SANDERS, Mr. MENENDEZ, Mr. VAN HOLLEN, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. MERKLEY, Mr. REED, Mr. MARKEY, Mr. BOOKER, and Ms. HARRIS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Lacey Act Amendments of 1981 to prohibit the 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Captive Primate Safety
3 Act”.

4 **SEC. 2. ADDITION OF NONHUMAN PRIMATES TO DEFINI-**
5 **TION OF PROHIBITED WILDLIFE SPECIES.**

6 Section 2(g) of the Lacey Act Amendments of 1981
7 (16 U.S.C. 3371(g)) is amended—

8 (1) by striking “means any live species” and in-
9 serting the following: “means any live—

10 “(1) species”; and

11 (2) by striking “cougar or any hybrid of such
12 species.” and inserting the following: “cougar;

13 “(2) hybrid of a species described in paragraph
14 (1); or

15 “(3) nonhuman primate.”.

16 **SEC. 3. CAPTIVE WILDLIFE AMENDMENTS.**

17 (a) PROHIBITED ACTS.—Section 3 of the Lacey Act
18 Amendments of 1981 (16 U.S.C. 3372) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (2)—

21 (i) in subparagraph (A), by adding
22 “or” after the semicolon;

23 (ii) in subparagraph (B)(iii), by strik-
24 ing “; or” and inserting a semicolon; and

25 (iii) by striking subparagraph (C);
26 and

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

3 (2) in subsection (e)—

4 (A) by striking the subsection designation
 5 and heading and all that follows through the
 6 period at the end of paragraph (1) and insert-
 7 ing the following:

8 “(e) CAPTIVE WILDLIFE OFFENSE.—

9 “(1) IN GENERAL.—Except as provided in para-
 10 graph (2), it is unlawful for any person to import,
 11 export, transport, sell, receive, acquire, or purchase
 12 in interstate or foreign commerce, or in a manner
 13 substantially affecting interstate or foreign com-
 14 merce, any live animal of any prohibited wildlife spe-
 15 cies.”;

16 (B) in paragraph (2)—

17 (i) by striking the paragraph designa-
 18 tion and heading and all that follows
 19 through “person—” in the matter pre-
 20 ceding subparagraph (A) and inserting the
 21 following:

22 “(2) LIMITATION ON APPLICATION.—Paragraph
 23 (1) does not apply to any person that—”;

24 (ii) in subparagraph (A)—

- 1 (I) by striking “(A) is licensed”
2 and inserting “(A)(i) is licensed”; and
3 (II) in clause (i) (as so des-
4 ignated), by striking “species;” and
5 inserting the following: “species; and
6 “(ii) does not allow direct contact between
7 any member of the public and a live bear, tiger,
8 lion, jaguar, cougar, African leopard, snow leopard,
9 ape, gibbon, siamang, monkey, or loris, re-
10 gardless of the age of the live animal;”;
11 (iii) in subparagraph (B), by striking
12 “, State-licensed wildlife rehabilitator;”;
13 (iv) in subparagraph (C)—
14 (I) by striking “an accredited”
15 and inserting “a”;
16 (II) in clause (ii), by striking
17 “such animals” and inserting “a pro-
18 hibited wildlife species”;
19 (III) in clauses (ii) and (iii), by
20 striking “animals listed in section
21 2(g)” each place it appears and in-
22 serting “any prohibited wildlife spe-
23 cies”; and

1 (IV) in clause (iv), by striking
 2 “animals” and inserting “a prohibited
 3 wildlife species”; and

4 (v) in subparagraph (D), by striking
 5 “animal” each place it appears and insert-
 6 ing “prohibited wildlife species”;

7 (C) by striking paragraphs (3) and (5);

8 and

9 (D) by redesignating paragraph (4) as
 10 paragraph (3).

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

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

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

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

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

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

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

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

6 (1) the date of promulgation of regulations
7 under paragraph (3) of section 7(a) of the Lacey
8 Act Amendments of 1981 (16 U.S.C. 3376(a)) (as
9 added by section 4); and

10 (2) the expiration of the period described in
11 that paragraph.

12 **SEC. 4. REGULATIONS.**

13 Section 7(a) of the Lacey Act Amendments of 1981
14 (16 U.S.C. 3376(a)) is amended by adding at the end the
15 following:

16 “(3) Not later than 180 days after the date of
17 enactment of the Captive Primate Safety Act, the
18 Secretary shall—

19 “(A) in consultation with other relevant
20 Federal and State agencies, promulgate regula-
21 tions to implement section 3(e) (as amended by
22 section 3(a) of that Act, notwithstanding sec-
23 tion 3(d) of that Act); and

24 “(B) promulgate regulations to implement
25 any other amendments made by section 3 of

1 that Act (notwithstanding section 3(d) of that
2 Act).”.

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