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CAPTIVE PRIMATE SAFETY ACT OF 2005

JUNE 19, 2006.—Ordered to be printed

Mr. INHOFE, from the Committee on Environment and Public Works, submitted the following

REPORT

[to accompany S. 1509]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 1509) to amend the Lacey Act Amendments of 1981 to add nonhuman primates to the definition of prohibited wildlife species, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

Nonhuman primates kept as pets pose serious risks to public health and safety. These animals can be dangerous and can spread life-threatening diseases. Infant primates often seem cute and cooperative, but they inevitably grow larger, stronger and more aggressive. They can inflict serious harm by biting and scratching. Removing their teeth, as some pet owners do, is cruel and no safeguard against injury. The Captive Wild Animal Protection Coalition reported that, from January 1, 1995 to January 1, 2005, there were 132 dangerous incidents reported involving primates. The break down of these incidents by type of owner is as follows:

49–010

Pet	Research Facility	Quarantine Facility	Circus	Sanctuary	Zoo	Dealer	Exhibitor	Unknown
80	7	1	1	1	18	1	13	10

Many more incidents may have occurred, but went unreported. Most incidents occur when primates have contact with people other than their owners or trained caretakers. The probability of contact with strangers and untrained people increases during interstate transport.

Nonhuman primates can potentially transmit diseases including Herpes B, monkeypox, Simian Immunodeficiency Virus (SIV), tuberculosis, yellow fever, and the Ebola virus. There are more than 240 species of extant primates. Primates fall into four categories: apes, old world monkeys, new world monkeys, and prosimians. The species from each group most commonly seen in the United States as pets are described below along with brief descriptions of some of the dangers that may accompany them.

APES

chimpanzees and gibbons

- All great apes become intractable during and post-puberty. They are extremely muscular and can cause great injury even without intention.
- Molloscum contagiosum is an example of a virus transported only from chimpanzees to humans as a small, domelike waxy papule on the face and eyelids.
- Because of the close genetic relationship, almost all diseases can be transmitted between apes and humans.

OLD WORLD MONKEYS

rhesus macaques, vervets, cynomolgus monkeys, and baboons

- Old world monkeys are tremendously aggressive and dangerous in close proximity to humans, especially after puberty.
- Old world monkeys should be considered carriers of Herpes B, a virus that can be passed to humans through bites and through the airborne transmission of the disease in the form of vapor, fine particles, or larger droplets from body fluids and feces.
- The vervet monkey is known to often carry the Marburg virus, a disease that has been fatal to humans in 7 out of 31 cases. No symptoms are shown until death and all vervets should be treated as if infected.

NEW WORLD MONKEYS

wooley monkeys, capuchins, squirrel monkeys, marmosets, spider monkeys, and owl monkeys

- New world monkeys tend to be less aggressive but are far more difficult to adapt to a pet environment.
- New world monkeys often carry diseases, such as measles, easily contracted by young children and the elderly.

- All four poxviruses are found in new world monkeys, with monkeypox being the most frequent.
- Viral hepatitis A is common in capuchins, owl monkeys, and tamarins. Often undetectable in the monkeys, the disease can still be passed to humans. Primate handlers often contract this virus from recently shipped animals.
- New world monkeys (mostly frugivores) are especially prime cadidates for klebsiella and other water-borne, gram-negative bacteria. Infected primates pose a serious danger to human infants and children with mild respiratory infections.

PROSIMIANS

galagos, tarsiers, lemurs, and lorises

- Prosimians may appear small and cuddly but have fierce and dangerous bites.
- Prosimians are likely to carry tuberculosis, bacterial pathogens such as salmonella, and both endo-and ecto-parasites.

All nonhuman primates may carry diseases that can be passed to their human caretakers. Poxviruses can be found in all primates and transmitted to humans. Like humans, all primates can be infected with bacterial infection. The bacteria of most concern are Mycobacteriaciae (tuberculosis), Shigella/Salmonella, Campylobacter, and Klebsiella. Tuberculosis is common among pet primates and their owners. In addition, many primates carry parasites that are easily transmitted to humans.

In addition, captive nonhuman primates require a specialized diet, companionship from other nonhuman primates, and housing in very large enclosures. If a nonhuman primate becomes too difficult to handle for a pet owner, there are few options for caring for them.

Because of the serious health risk, importing nonhuman primates to the U.S. for the pet trade has been banned by Federal regulation since 1975. In addition, many States already prohibit these animals as pets. Still, there is a vigorous trade of those animals already in the country and held in private ownership. Estimates are that 15,000 are privately owned. However, the pet trade is largely unregulated, therefore, that number may be much higher. Because many of these animals are moved in interstate commerce, Federal legislation is needed.

OBJECTIVES OF THE LEGISLATION

S. 1509 amends the Lacey Act by adding nonhuman primates to the list of animals that cannot be transported, sold, received, acquired or purchased in interstate or foreign commerce. It has no impact on the trade or transportation of nonhuman primates owned by zoos, research facilities, or other federally licensed and regulated entities. Federal licenses or registration are required for all commercial activity, such as breeders, dealers, research institutions, exhibitors, and transporters, therefore, they are exempt.

The bill is similar to the Captive Wildlife Safety Act, which Congress passed in 2003 to prohibit interstate commerce in lions, tigers, and other big cats for the pet trade.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title.

This section provides that this Act may be cited as the "Captive Primate Safety Act of 2005".

Sec. 2. Addition of nonhuman primates to the definition of prohibited wildlife species.

This section amends the Lacey Act by adding nonhuman primates to the list of animals that cannot be transported, sold, received, acquired or purchased in interstate or foreign commerce.

LEGISLATIVE HISTORY

On July 27, 2005, Senator Jeffords introduced S. 1509, which was cosponsored by Senators Chafee, Lautenberg, Lieberman and Ensign. The bill was received, read twice and referred to the Senate Committee on Environment and Public Works. The committee met on May 23, 2006, to consider the bill. S. 1509 was ordered favorably reported without amendment by voice vote.

HEARINGS

No committee hearings were held on S. 1509.

ROLLCALL VOTES

The Committee on Environment and Public Works met to consider S. 1509 on May 23, 2006. The bill was ordered favorably reported by voice vote. No roll call votes were taken.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee finds that S. 1509 does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the committee finds that S. 1509 would not impose Federal intergovernmental unfunded mandates on State, local, or tribal governments.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

S. 1509, Captive Primate Safety Act of 2005, As ordered reported by the Senate Committee on Environment and Public Works on May 23, 2006

Summary

S. 1509 would amend the Lacey Act to prohibit interstate and foreign trade of nonhuman primates. CBO estimates that implementing the bill would cost $17 million over the 2007–2011 period, assuming appropriation of the necessary amounts. The bill could increase direct spending and revenue collections, but we estimate that any such changes would be insignificant.

S. 1509 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments.

S. 1509 would impose a private-sector mandate as defined in UMRA on certain entities that handle nonhuman primates. Based on information from government and industry sources, CBO estimates that the direct costs of the mandate would fall below the annual threshold established in UMRA ($128 million in 2006, adjusted for inflation).

Estimated Cost to the Federal Government

The estimated budgetary impact of S. 1509 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

By Fiscal Year, in Millions of Dollars

	2007	2008	2009	2010	2011
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level	2	3	4	4	4
Estimated Outlays	2	3	4	4	4

Basis of Estimate

S. 1509 would make it illegal to import, export, transport, sell, receive, acquire, or purchase nonhuman primates (e.g., monkeys and apes). Violators of the proposed prohibition on interstate and foreign trade of such animals would be subject to criminal and civil penalties.

Based on information provided by the U.S. Fish and Wildlife Service (USFWS), CBO estimates that implementing S. 1509 would cost about $4 million annually, primarily for additional staff to conduct inspections and investigations to enforce the legislation. CBO expects that the agency would take about 3 years to reach that level of effort. Thus, we estimate that the added duties for USFWS would cost about $17 million over the 2007–2011 period, assuming appropriation of the necessary amounts.

Enacting S. 1509 could increase revenues from civil and criminal fines. Based on information obtained from the USFWS about the relatively small number of violations likely to occur, CBO estimates that any such increase would be less than $500,000 annually. Moreover, such changes would be fully offset by increases in direct spending from the Crime Victims Fund (where criminal fines are

deposited) or the resource management account of the USFWS (where civil fines are deposited and used for rewards to informers and for other program costs).

Estimated Impact on State, Local, and Tribal Governments

S. 1509 contains no intergovernmental mandates as defined in UMRA and would impose no costs on State, local, or tribal governments.

Estimated Impact on the Private Sector

S. 1509 would impose a private-sector mandate by prohibiting persons, with some exceptions, from importing, exporting, transporting, selling, receiving, acquiring, or purchasing in interstate or foreign commerce nonhuman primates (including lemurs, monkeys, and apes). The bill would exempt several groups from the prohibition, including: entities that are licensed or registered and inspected by a Federal agency; a State college, university, or agency, or certain persons licensed by the State; other groups such as accredited wildlife sanctuaries that qualify under the bill's criteria; and individuals that have custody of nonhuman primates solely for the purpose of transporting them to an exempted individual.

The Endangered Species Act already prohibits the interstate sale and international trade of certain nonhuman primates that qualify under the act. In addition, the international trade of nonhuman primates is regulated under the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The Convention, to which the United States is a party, requires all import, export, re-export, and introduction of species covered by the Convention to be authorized through a licensing system. This bill would expand the list of nonhuman primates for which commercial activities are regulated.

The cost of the mandate would be either the cost of getting licensed, registered, or accredited for those who are not required to do so under current law or the forgone net income from lost sales. According to government sources and information from wildlife sanctuaries, the bill would not cause significant new activity in the demand for licenses or accreditations. Those sources estimate that fewer than 20 wildlife sanctuaries would have to be accredited in order for them to continue to harbor nonhuman primates. CBO expects that the incremental costs to the entities that would have get accredited, licensed, or registered in order to deal with nonhuman primates would not be substantial. Also, under the bill, breeders currently licensed by the United States Department of Agriculture would not be able to obtain a license to breed and sell nonhuman primates. According to several industry observers, the forgone net income from lost sales would not be substantial. Consequently, CBO estimates that the cost to the private sector of complying with the mandate would fall below the annual threshold established in UMRA ($128 million in 2006, adjusted for inflation).

Estimate Prepared By: Federal Costs: Matthew Pickford; Impact on State, Local, and Tribal Governments: Marjorie Miller; Impact on the Private Sector: Amy Petz.

Estimate Approved By: Robert A. Sunshine, Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in italic, existing law in which no change is proposed is shown in roman:

[16 U.S.C. 3371(G)]

TITLE 16. CONSERVATION

CHAPTER 53. CONTROL OF ILLEGALLY TAKEN FISH AND WILDLIFE

SECTION 3371. DEFINITIONS.

For the purposes of this chapter:

(a) * * *

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(g)PROHIBITED WILDLIFE SPECIES.—The term "prohibited wildlife species" means any live species of lion, tiger, leopard, cheetah, jaguar, or cougar or any hybrid of such a species *or any nonhuman primate*.

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