



# CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

June 3, 2009

## **H.R. 80** **Captive Primate Safety Act**

*As ordered reported by the Senate Committee on Environment and Public Works  
on May 14, 2009*

### **SUMMARY**

H.R. 80 would amend the Lacey Act to prohibit interstate and foreign trade of nonhuman primates. The legislation also would authorize appropriations for the U.S. Fish and Wildlife Service (USFWS) to carry out that act. Assuming appropriation of the amounts authorized, CBO estimates that implementing H.R. 80 would cost \$20 million over the 2010-2014 period. The legislation could increase revenue collections and direct spending, but we estimate that any such changes would be insignificant.

H.R. 80 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

H.R. 80 would impose a private-sector mandate, as defined in UMRA, on certain entities that handle nonhuman primates. CBO expects that the aggregate direct cost of the mandate would fall well below the annual threshold established in UMRA for private-sector mandates (\$139 million in 2009, adjusted for inflation).

### **ESTIMATED COST TO THE FEDERAL GOVERNMENT**

The estimated budgetary impact of H.R. 80 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					2010-2014
	2010	2011	2012	2013	2014	
<b>CHANGES IN SPENDING SUBJECT TO APPROPRIATION</b>						
Authorization Level	8	3	3	3	3	20
Estimated Outlays	4	4	4	4	4	20

## **BASIS OF ESTIMATE**

H.R. 80 would make it illegal to import, export, transport, sell, receive, acquire, or purchase nonhuman primates (such as monkeys and apes). Violators of the proposed prohibition on interstate and foreign trade of such animals would be subject to criminal and civil penalties.

The legislation would reauthorize appropriations of \$3 million annually through 2014 for enforcement of the Lacey Act. For 2010, an additional \$5 million would be authorized to hire new enforcement personnel. (The bill would not authorize appropriations after 2010 to fund the additional employees.)

Assuming appropriation of the authorized amounts, CBO estimates that enforcing the legislation’s prohibitions on transactions involving nonhuman primates would cost \$20 million over the 2010-2014 period. For this estimate, we assume that the USFWS would spend the 2010 authorization of \$5 million evenly over the 2010-2014 period to hire and compensate new enforcement employees, resulting in a program level for captive primates of \$4 million annually. We assume that enforcing existing provisions of the Lacey Act would continue to be funded with a portion of the annual appropriations provided for USFWS law enforcement. (That funding—recently about \$60 million a year—is authorized and appropriated under other federal statutes governing USFWS enforcement activities.)

Enacting H.R. 80 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**

H.R. 80 contains no intergovernmental mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

## **ESTIMATED IMPACT ON THE PRIVATE SECTOR**

H.R. 80 would impose a private-sector mandate, as defined in UMRA, by prohibiting any person from importing, exporting, transporting, selling, receiving, acquiring, or purchasing nonhuman primates in interstate or foreign commerce. Several groups would be exempted from the prohibition, including entities that are licensed or registered by a federal agency. Importers, dealers, exhibitors, transporters, and research facilities that handle nonhuman primates are already required to obtain a permit or license, or register with a federal agency. Therefore, those entities would not be affected by the provisions in the act.

H.R. 80 also would authorize persons to transport nonhuman primates in some circumstances if they comply with the requirements for transport specified in the act. CBO expects that the cost to comply with those requirements would be minimal. The costs to others who would be affected by the prohibition also would be small. Consequently, CBO expects that the total cost of complying with the mandate would fall well below the annual threshold established in UMRA for private-sector mandates (\$139 million for 2009, adjusted for inflation).

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