

115TH CONGRESS
1ST SESSION

H. R. 1759

To amend the Animal Welfare Act to restrict the use of exotic and wild animals in traveling performances.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2017

Mr. GRIJALVA (for himself, Ms. LEE, Mr. CONNOLLY, Mr. LANGEVIN, Mr. JOHNSON of Georgia, Mr. TED LIEU of California, Mr. QUIGLEY, Mr. MEEKS, Ms. SCHAKOWSKY, Ms. MCSALLY, Mr. MCGOVERN, Ms. CASTOR of Florida, Mr. COSTELLO of Pennsylvania, Mr. COHEN, and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Animal Welfare Act to restrict the use of exotic and wild animals in traveling performances.

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 “Traveling Exotic Ani-
5 mal and Public Safety Protection Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) conditions inherent to traveling perform-
2 ances, including constant travel, temporary and col-
3 lapsible facilities, and the prolonged confinement
4 and physical coercion of animals, subject exotic and
5 wild animals to compromised welfare and chronic
6 stress, and present public and worker health and
7 safety risks not adequately addressed by current reg-
8 ulation;

9 (2) current regulatory oversight of traveling
10 performances is complex and costly, and these costs
11 are not typically recouped via licensing fees, but are
12 left to the American taxpayer;

13 (3) the frequent mobility of traveling perform-
14 ances complicates oversight such that agencies and
15 authorities cannot properly monitor, evaluate, or fol-
16 low through regarding the condition of animals or
17 facilities, or their history of potential injuries, inci-
18 dents, illnesses, violations, or other issues, and so
19 cannot properly protect animals, workers, or the
20 public;

21 (4) traveling exotic and wild animal perform-
22 ances use collapsible, temporary, mobile facilities,
23 which risk escape and serious harm to animals,
24 workers, and the public;

1 (5) traveling exotic and wild animal perform-
2 ances present safety risks by permitting or not pre-
3 venting public contact and by displaying animals in
4 inappropriate, uncontrolled areas in dangerous prox-
5 imity to humans and other animals;

6 (6) exotic and wild animals have intrinsic value;
7 their wild instincts and needs are unpredictable and
8 are not naturally suited to traveling performances,
9 and they suffer as a result of being unable to fulfill
10 instinctive natural behaviors;

11 (7) exotic and wild animals used in traveling
12 performances suffer severe and extended confine-
13 ment, and, deprived of natural movements and be-
14 haviors, are prone to chronic stress, behavioral,
15 health, and psychological problems;

16 (8) exotic and wild animals are forced to per-
17 form unnatural tricks requiring extreme physical co-
18 ercion, including, but not limited to the use of food
19 and water restrictions, electric shock devices, bull-
20 hooks, metal bars, whips, shovels, and pitchforks,
21 among other abuses;

22 (9) it is not necessary to use exotic or wild ani-
23 mals in traveling performances to experience the cir-
24 cus or similar events;

1 (10) using exotic or wild animals as commod-
2 ities traded for traveling performances adds nothing
3 to the understanding and conservation of such ani-
4 mals and the natural environment, and actually un-
5 dermines conservation efforts necessary to protect
6 threatened and endangered species;

7 (11) it is not possible to provide or ensure pub-
8 lic and worker safety or appropriate physical and
9 mental welfare for exotic and wild animals under the
10 traveling performance business model, which inher-
11 ently and significantly restricts animals' natural
12 movements and behaviors, and where abuse is preva-
13 lent and oversight problematic;

14 (12) the use of exotic or wild animals in trav-
15 eling performances is or substantially affects inter-
16 state or foreign commerce, or the free flow thereof;
17 it is essential to regulate such activities to assure
18 animals' humane care and treatment; and

19 (13) restricting the use of exotic and wild ani-
20 mals in traveling performances is the most cost-ef-
21 fective and efficient way to safeguard animals, work-
22 ers, and the public.

1 **SEC. 3. USE OF EXOTIC OR WILD ANIMALS IN TRAVELING**
2 **PERFORMANCES.**

3 Section 13 of the Animal Welfare Act (7 U.S.C.
4 2143) is amended by adding at the end the following:

5 “(i)(1) No person shall cause a performance of, or
6 allow for the participation of, an exotic animal or wild ani-
7 mal in a traveling animal act.

8 “(2) Paragraph (1) shall not apply to the use of an
9 exotic animal or wild animal—

10 “(A) in an exhibition at a nonmobile, perma-
11 nent institution, facility, zoo, or aquarium accredited
12 by the Association of Zoos & Aquariums or the Glob-
13 al Federation of Animal Sanctuaries, or a wildlife
14 sanctuary;

15 “(B) as part of an environmental education
16 program by a facility accredited by the Association
17 of Zoos & Aquariums, if the animal used for such
18 purposes is not so used for more than 6 months in
19 any year and is not kept in a mobile or traveling
20 housing facility for more than 12 hours in any day;

21 “(C) by a university, college, laboratory, or
22 other research facility registered with the Secretary
23 pursuant to section 6 for the purpose of conducting
24 research;

1 “(D) in film, television, or advertising, if such
2 use does not involve a live animal exhibition con-
3 ducted before a public studio audience; or

4 “(E) in a rodeo.

5 “(3) Paragraph (1) shall not apply to domestic ani-
6 mals or farm animals.

7 “(4) For the purposes of this subsection:

8 “(A) CAUSE A PERFORMANCE.—The term
9 ‘cause a performance’ means to be responsible for a
10 performance, to financially benefit as an owner or
11 operator from a performance, or to sponsor a per-
12 formance.

13 “(B) DOMESTIC ANIMAL.—The term ‘domestic
14 animal’ means any animal that is normally main-
15 tained as a companion or pet animal in or near the
16 household of the owner or person who cares for the
17 animal, such as a domestic dog (including a service
18 dog), domestic cat, ferret, gerbil, horse, mouse, rat,
19 guinea pig, rabbit, or hamster, but does not include
20 any exotic animal or wild animal.

21 “(C) ENVIRONMENTAL EDUCATION PRO-
22 GRAM.—The term ‘environmental education pro-
23 gram’ means an animal exhibition that is profes-
24 sionally designed to impart knowledge or information
25 for educational or conservation purposes about that

1 animal's natural behavior, habitat, life cycle, or simi-
2 lar pedagogical information, conducted by an indi-
3 vidual qualified to impart such information, which
4 does not include any performance of behavior that
5 does not naturally occur for that animal in the wild
6 state.

7 “(D) EXOTIC ANIMAL.—The term ‘exotic ani-
8 mal’ means any animal that is not a domestic ani-
9 mal or farm animal, that is native to a foreign coun-
10 try or of foreign origin or character, is not native to
11 the United States, or was introduced from abroad,
12 whether wild-born or captive-bred, and any hybrid of
13 such an animal, including hybrid crosses with a do-
14 mestic animal or farm animal, including but not lim-
15 ited to animals such as—

16 “(i) cetartiodactyla (excepting alpacas,
17 bison, cattle, deer, elk, goats, llamas, reindeer,
18 swine, and sheep);

19 “(ii) felidae (excepting domestic cats);

20 “(iii) marsupialia;

21 “(iv) nonhuman primates;

22 “(v) perissodactyla (excepting horses, don-
23 keys, and mules);

24 “(vi) pinnipedia;

25 “(vii) proboscidea;

1 “(viii) ratites (excepting ostriches, emus,
2 and rheas); and

3 “(ix) ursidae.

4 “(E) FARM ANIMAL.—The term ‘farm animal’
5 means any domestic species of alpacas, cattle, sheep,
6 swine, goats, llamas, poultry, or horses, which are
7 normally and have historically, been kept and raised
8 on farms in the United States, and used or intended
9 for use as food or fiber, or for improving animal nu-
10 trition, breeding, management, or production effi-
11 ciency, or for improving the quality of food or fiber.
12 This term also includes animals such as rabbits,
13 mink, and chinchilla, when they are used solely for
14 purposes of meat or fur, and animals such as horses
15 and llamas when used solely as work and pack ani-
16 mals. The term does not include exotic animals or
17 wild animals.

18 “(F) MOBILE OR TRAVELING HOUSING FACIL-
19 ITY.—The term ‘mobile or traveling housing facility’
20 means a transporting vehicle such as a truck, car,
21 trailer, airplane, ship, or railway car, used to trans-
22 port or house animals while traveling to, from, or
23 between locations for performance purposes.

24 “(G) PERFORMANCE.—The term ‘performance’
25 means any animal act, circus, ride, carnival, parade,

1 race, performance, or similar undertaking in which
2 animals are required to perform tricks, give rides, or
3 participate as accompaniments for the entertain-
4 ment, amusement, or benefit of an audience.

5 “(H) TRAVELING ANIMAL ACT.—The term
6 ‘traveling animal act’ means any performance of ani-
7 mals where such animals are transported to, from,
8 or between locations for the purpose of such per-
9 formance, in a mobile or traveling housing facility.

10 “(I) WILD ANIMAL.—The term ‘wild animal’
11 means any animal that is not a domestic animal or
12 farm animal, which is now or has historically been
13 found in the wild or in the wild state, within the
14 boundaries of the United States, its territories, or
15 possessions, whether wild-born or captive-bred, and
16 any hybrid of such an animal, including hybrid
17 crosses with a domestic animal or farm animal, in-
18 cluding but not limited to animals such as—

19 “(i) cetartiodactyla (excepting alpacas,
20 bison, cattle, deer, elk, goats, llamas, reindeer,
21 swine, and sheep);

22 “(ii) felidae (excepting domestic cats);

23 “(iii) marsupialia;

24 “(iv) perissodactyla (excepting horses, don-
25 keys, and mules);

1 “(v) pinnipedia;

2 “(vi) ratites (excepting ostriches, emus,
3 and rheas); and

4 “(vii) ursidae.

5 “(J) WILDLIFE SANCTUARY.—The term ‘wild-
6 life sanctuary’ means an organization described in
7 sections 170(b)(1)(A)(vi) and 501(c)(3) of the Inter-
8 nal Revenue Code 1986 that does not—

9 “(i) engage in commercial trade in any ex-
10 otic or wild animal, including the sale of any
11 animal, animal part or derivative, offspring,
12 photographic opportunities, or public events for
13 financial profit or any other entertainment pur-
14 pose;

15 “(ii) breed any exotic or wild animal;

16 “(iii) permit unescorted public visitation;

17 “(iv) permit direct contact between the
18 public and any exotic or wild animal; or

19 “(v) remove any exotic or wild animal from
20 a sanctuary or enclosure for exhibition or per-
21 formance.

22 “(5) A person who fails to comply with this sub-
23 section shall be subject to the enforcement and penalties
24 provided for under sections 16, 19, and 29.”.

1 **SEC. 4. RELATIONSHIP WITH OTHER LAW.**

2 (a) This Act shall not be interpreted to—

3 (1) authorize the interstate transport of a
4 threatened or endangered species, which is prohib-
5 ited under the Endangered Species Act (16 U.S.C.
6 1538); or

7 (2) waive any requirement to comply with any
8 regulation issued under the Animal Welfare Act.

9 (b) The provisions of this Act shall be interpreted to
10 be are in addition to, and not in lieu of, any other laws
11 protecting animal welfare.

12 (c) This Act shall not be construed to limit any other
13 Federal, State, or local law or rule that more strictly pro-
14 tects the welfare of animals.

15 **SEC. 5. EFFECTIVE DATE.**

16 The amendments made by this Act shall take effect
17 on the date that is 1 year after the date of the enactment
18 of this Act.

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