

116TH CONGRESS
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H. R. 2863

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

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2019

Mr. GRIJALVA (for himself, Mr. SCHWEIKERT, Mr. BLUMENAUER, Mr. COHEN, Mr. CONNOLLY, Mr. DEFazio, Mr. ENGEL, Ms. JAYAPAL, Ms. LEE of California, Mr. LOWENTHAL, Mr. SEAN PATRICK MALONEY of New York, Mr. MCGOVERN, Ms. KUSTER of New Hampshire, Ms. NORTON, Miss RICE of New York, Ms. SCHAKOWSKY, and Ms. SPEIER) 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 PROHIBITED.**

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—

9 “(A) domestic animals or farm animals;

10 “(B) the use of an exotic or wild animal—

11 “(i) in an exhibition at a nonmobile, per-
12 manent institution, zoo, or aquarium accredited
13 by the Association of Zoos & Aquariums (AZA),
14 the World Association of Zoos and Aquariums
15 (WAZA), or the Global Federation of Animal
16 Sanctuaries (GFAS);

17 “(ii) as part of an environmental education
18 program by a facility accredited by the Associa-
19 tion of Zoos & Aquariums, if the animal used
20 for such purposes is not so used for more than
21 6 months in any year, and is not kept in a mo-
22 bile or traveling housing facility for more than
23 12 hours in any day;

24 “(iii) by a university, college, laboratory, or
25 other research facility registered with the Sec-

1 retary pursuant to section 6 for the purpose of
2 conducting research;

3 “(iv) in film, television, or advertising, if
4 such use does not involve a live animal exhi-
5 bition conducted before a public studio audi-
6 ence; or

7 “(v) in a rodeo;

8 “(C) the use of indigenous wildlife in an exhi-
9 bition or environmental education program by a
10 wildlife rehabilitator that is—

11 “(i) permitted by the relevant jurisdiction;
12 and

13 “(ii) accredited or certified by the National
14 Wildlife Rehabilitation Association (NWRA) or
15 the International Wildlife Rehabilitation Coun-
16 cil (IWRC) if the animal used for such purposes
17 is not kept in a mobile or traveling housing fa-
18 cility for more than 12 hours in any day;

19 “(D) a federally permitted falconer; or

20 “(E) a wildlife sanctuary, as defined herein.

21 “(3) For the purposes of this subsection, the fol-
22 lowing definitions apply:

23 “(A) CAUSE A PERFORMANCE.—The term
24 ‘cause a performance’ means to be responsible for a
25 performance, to financially benefit as an owner or

1 operator from a performance, or to sponsor a per-
2 formance.

3 “(B) DOMESTIC ANIMAL.—The term ‘domestic
4 animal’ means any animal that is normally main-
5 tained as a companion or pet animal in or near the
6 household of the owner or person who cares for the
7 animal, such as a domestic dog (including a service
8 dog), domestic cat, ferret, gerbil, horse, mouse, rat,
9 guinea pig, rabbit, or hamster, but does not include
10 any exotic animal or wild animal.

11 “(C) ENVIRONMENTAL EDUCATION PRO-
12 GRAM.—The term ‘environmental education pro-
13 gram’ means a program, which may include animal
14 exhibition, that is professionally designed to impart
15 knowledge or information for educational or con-
16 servation purposes about that animal’s natural be-
17 havior, habitat, life cycle, or similar pedagogical in-
18 formation, conducted by an individual qualified to
19 impart such information, which does not include any
20 performance of behavior that does not naturally
21 occur for that animal in the wild state.

22 “(D) EXOTIC AND WILD ANIMALS.—The terms
23 ‘exotic animal’, ‘wild animal’, ‘exotic and wild ani-
24 mal’, and ‘exotic or wild animal’ mean any animal
25 that is not a domestic animal or farm animal, which

1 is now or has historically been found in the wild or
 2 in the wild state, whether wild-borne or captive-bred,
 3 and any hybrid of such an animal, including hybrid
 4 crosses with a domestic animal or farm animal, in-
 5 cluding but not limited to animals such as—

6 “(i) canidae (excepting domestic dogs);

7 “(ii) cetartiodactyla (excepting alpacas,
 8 bison, cattle, deer, elk, goats, llamas, reindeer,
 9 swine, and sheep);

10 “(iii) crocodilia;

11 “(iv) edentata;

12 “(v) elasmobranchii;

13 “(vi) felidae (excepting domestic cats);

14 “(vii) hyaenidae;

15 “(viii) marsupialia;

16 “(ix) mustelidae;

17 “(x) nonhuman primates;

18 “(xi) perissodactyla (excepting horses, don-
 19 keys, and mules);

20 “(xii) pinnipedia;

21 “(xiii) proboscidea;

22 “(xiv) procyonidae;

23 “(xv) ratites;

24 “(xvi) spheniscidae;

25 “(xvii) testudinidae;

1 “(xviii) ursidae;

2 “(xix) varanidae; and

3 “(xx) viverridae.

4 “(E) FARM ANIMAL.—The term ‘farm animal’
5 means alpacas, cattle, sheep, swine, goats, llamas,
6 poultry, rabbits, horses, mules, or donkeys. The term
7 does not include exotic animals or wild animals.

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

14 “(G) PERFORMANCE.—The term ‘performance’
15 means any animal act, circus, ride, carnival, display,
16 exhibition, fair, parade, petting zoo, race, perform-
17 ance, or similar undertaking in which animals are
18 required to perform tricks, give rides, or participate
19 as accompaniments for the entertainment, amuse-
20 ment, or benefit of an audience.

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

1 “(I) WILDLIFE SANCTUARY.—The term ‘wildlife
2 sanctuary’ means an organization described in sec-
3 tions 170(b)(1)(A)(vi) and 501(c)(3) of the Internal
4 Revenue Code 1986, which is a place of refuge that
5 provides care for abused, neglected, unwanted, im-
6 pounded, abandoned, orphaned, or displaced wildlife
7 for their lifetime, and which does not—

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

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

15 “(iii) permit unescorted public visitation;

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

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

21 “(4) A person who fails to comply with this
22 subsection shall be subject to the enforcement and
23 penalties provided for under sections 16, 19, and
24 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 in addition to, and not in lieu of, any other laws pro-
11 tecting 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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