

HR 3359 IH

112th CONGRESS

1st Session

H. R. 3359

To amend the Animal Welfare Act to restrict the use of exotic and non-domesticated animals in traveling circuses and exhibitions.

IN THE HOUSE OF REPRESENTATIVES

November 3, 2011

Mr. MORAN (for himself, Mr. ROTHMAN of New Jersey, Mr. FILNER, Mr. YOUNG of Florida, Mr. RAHALL, Mr. STARK, Mr. KUCINICH, Mr. NADLER, Mr. VAN HOLLEN, and Mr. POLIS) 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 non-domesticated animals in traveling circuses and exhibitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Traveling Exotic Animal Protection Act'.

SEC. 2. FINDINGS.

Congress finds that--

(1) traveling circuses are detrimental to animal welfare due to the adverse effects of captivity and transport;

(2) due to severe confinement, lack of free exercise, and the restriction of natural behaviors, animals used in circuses suffer and are prone to health, behavioral, and psychological problems;

(3) the tricks that exotic and non-domesticated animals are forced to perform require extreme physical coercion techniques, including the restriction of food, the use of elephant hooks (objects used to control and punish elephants), electric shocks, metal bars, whips, and other forms of physical abuse;

(4) the welfare of animals subject to the conditions in traveling circuses, such as constant travel, limited facilities, long periods of restriction of movement, stress, and physical coercion, will inevitably be compromised, which can lead to increased risks to public safety;

(5) animals in traveling circuses pose an additional risk to public safety because such animals have wild instincts and needs and have demonstrated unpredictability;

(6) the use of collapsible, temporary facilities in traveling circuses increases the risk of escaping exotic and non-domesticated animals seriously harming workers and the public;

(7) traveling circuses bring people dangerously close to exotic and non-domesticated animals by displaying animals in inappropriate, uncontrolled areas that are not suited for the exhibition of such animals;

(8) it is not possible to provide exotic and non-domesticated animals with facilities sufficient to maintain the optimum physical and mental health of the animals because of the suffering caused to the animals by the nature of circuses, in which restriction of movement, separation from natural groupings, restriction of food and water, and physical abuse are prevalent;

(9) due to the mobile and transitory nature of traveling circuses, law enforcement authorities cannot properly monitor the conditions of the animals or follow up on previous infractions by traveling circuses; and

(10) restricting the use of exotic and non-domesticated animals in circuses is the most cost-effective and efficient way to safeguard both animal welfare and public safety.

SEC. 3. USE OF EXOTIC OR WILD ANIMALS IN TRAVELING CIRCUSES AND EXHIBITIONS.

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

`(i)(1) No exhibitor may allow for the participation of an exotic or wild animal (including a non-human primate) in an animal act if, during the 15-day period preceding such participation, such animal was traveling in a mobile housing facility.

`(2) The restriction under paragraph (1) shall not apply to the use of an exotic or wild animal (including a non-human primate)--

`(A) in an exhibition at a non-mobile, permanent institution or facility, including an accredited zoo or aquarium;

`(B) as part of an outreach program for educational or conservation purposes by an accredited zoo or aquarium, if the animal used for such purposes is not kept in a mobile housing facility for more than 12 hours a day;

`(C) by a university, college, laboratory, or other research facility registered with the Secretary pursuant to section 6;

`(D) in film, television, or advertising if such use does not involve a live public exhibition; or

`(E) in a rodeo.

`(3) A traveling circus or exhibitor that fails to comply with this subsection shall be subject to the penalties provided for under section 19.'

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date that is one year after the date of the enactment of this Act.