

117TH CONGRESS
1ST SESSION

S. 3220

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2021

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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 of 2021”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) conditions inherent to traveling perform-
9 ances, including constant travel, temporary and col-
10 lapsible facilities, and the prolonged confinement

1 and physical coercion of animals, subject exotic and
2 wild animals to compromised welfare and chronic
3 stress, and present public and worker health and
4 safety risks not adequately addressed by current reg-
5 ulations;

6 (2) current regulatory oversight of traveling
7 performances is complex and costly, and those costs
8 are not typically recouped via licensing fees but are
9 left to the taxpayer;

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

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

22 (5) traveling exotic and wild animal perform-
23 ances present safety risks by permitting or not pre-
24 venting public contact and by displaying animals in

1 inappropriate, uncontrolled areas in dangerous prox-
 2 imity to humans and other animals;

3 (6) exotic and wild animals have intrinsic value;

4 (7) the wild instincts and needs of exotic and
 5 wild animals are unpredictable and not naturally
 6 suited to traveling performances, and exotic and wild
 7 animals thus suffer as a result of being unable to
 8 fulfill instinctive natural behaviors;

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

14 (9) exotic and wild animals are forced to per-
 15 form unnatural tricks requiring extreme physical co-
 16 ercion, including the use of food and water restric-
 17 tions, electric shock devices, bullhooks, metal bars,
 18 whips, shovels, pitchforks, and other abuses;

19 (10) it is not necessary to use exotic or wild
 20 animals in traveling performances to experience the
 21 circus or similar events;

22 (11) using exotic or wild animals as commod-
 23 ities traded for traveling performances adds nothing
 24 to the understanding and conservation of those ani-
 25 mals and the natural environment, and actually un-

1 dermines conservation efforts necessary to protect
2 threatened and endangered species;

3 (12) it is not possible to provide or ensure pub-
4 lic and worker safety or appropriate physical and
5 mental welfare of exotic and wild animals under the
6 traveling performance business model, which inher-
7 ently and significantly restricts the natural move-
8 ments and behaviors of animals, and in which abuse
9 is prevalent and oversight problematic;

10 (13) the use of exotic or wild animals in trav-
11 eling performances is or substantially affects inter-
12 state or foreign commerce and the free flow of inter-
13 state or foreign commerce;

14 (14) it is essential to regulate the use of exotic
15 or wild animals in traveling performances to ensure
16 the humane care and treatment of animals; and

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

21 **SEC. 3. USE OF EXOTIC OR WILD ANIMALS IN TRAVELING**
22 **PERFORMANCES PROHIBITED.**

23 Section 13 of the Animal Welfare Act (7 U.S.C.
24 2143) is amended—

1 (1) by redesignating subsections (g) and (h) as
 2 subsections (h) and (i), respectively;

3 (2) by redesignating the second subsection (f)
 4 (relating to delivery of animals by a dealer, research
 5 facility, exhibitor, or government) as subsection (g);
 6 and

7 (3) by adding at the end the following:

8 “(j) PROHIBITION OF EXOTIC AND WILD ANIMALS
 9 IN TRAVELING PERFORMANCES.—

10 “(1) DEFINITIONS.—In this subsection:

11 “(A) CAUSE A PERFORMANCE.—The term
 12 ‘cause a performance’ means—

13 “(i) to be responsible for a perform-
 14 ance;

15 “(ii) to financially benefit as an owner
 16 or operator from a performance; or

17 “(iii) to sponsor a performance.

18 “(B) DOMESTIC ANIMAL.—The term ‘do-
 19 mestic animal’ means any animal that is nor-
 20 mally maintained as a companion or pet animal
 21 in or near the household of the owner or person
 22 who cares for the animal, such as a domestic
 23 dog (including a service dog), domestic cat, fer-
 24 ret, gerbil, horse, mouse, rat, guinea pig, rabbit,
 25 or hamster.

“(C) ENVIRONMENTAL EDUCATION PROGRAM.—The term ‘environmental education program’ means a program, which may be an animal exhibition, that—

“(i) is professionally designed to impart knowledge or information for educational or conservation purposes about the natural behavior, habitat, and life cycle of an animal, or similar pedagogical information, by an individual qualified to impart that information; and

“(ii) does not include any performance of behavior of an animal that does not naturally occur for that animal in the wild.

“(D) EXOTIC OR WILD ANIMAL.—

“(i) IN GENERAL.—The term ‘exotic or wild animal’ means—

“(I) any animal that is or has historically been found in the wild or in the wild state, regardless of whether the animal was bred or born in the wild or in captivity; and

“(II) any hybrid of an animal described in subclause (I), including a

1 hybrid cross with a domestic animal
2 or farm animal.

3 “(ii) INCLUSIONS.—The term ‘exotic
4 or wild animal’ includes—

5 “(I) canidae (except domestic
6 dogs);

7 “(II) cetartiodactyla (except al-
8 pacas, bison, cattle, deer, elk, goats,
9 llamas, reindeer, swine, and sheep);

10 “(III) crocodilia;

11 “(IV) edentata;

12 “(V) elasmobranchii;

13 “(VI) felidae (except domestic
14 cats);

15 “(VII) hyaenidae;

16 “(VIII) marsupialia;

17 “(IX) mustelidae;

18 “(X) nonhuman primates;

19 “(XI) perissodactyla (except
20 horses, donkeys, and mules);

21 “(XII) pinnipedia;

22 “(XIII) proboscidea;

23 “(XIV) procyonidae;

24 “(XV) ratites;

25 “(XVI) spheniscidae;

1 “(XVII) testudinidae;

2 “(XVIII) ursidae;

3 “(XIX) varanidae; and

4 “(XX) viverridae.

5 “(iii) EXCLUSION.—The term ‘exotic
6 or wild animal’ does not include any ani-
7 mal that is a domestic animal or farm ani-
8 mal.

9 “(E) FARM ANIMAL.—The term ‘farm ani-
10 mal’ means an alpaca, cow, sheep, swine, goat,
11 llama, poultry, rabbit, horse, mule, or donkey.

12 “(F) MOBILE OR TRAVELING HOUSING FA-
13 CILITY.—The term ‘mobile or traveling housing
14 facility’ means a transporting vehicle, such as a
15 truck, car, trailer, airplane, ship, or railway car,
16 used to transport or house an animal while
17 traveling to, from, or between locations for per-
18 formance purposes.

19 “(G) PERFORMANCE.—The term ‘perform-
20 ance’ means any animal act, circus, ride, car-
21 nival, display, exhibition, fair, parade, petting
22 zoo, race, performance, or similar undertaking
23 in which an animal is required to perform
24 tricks, give rides, or participate as an accom-

paniment for the entertainment, amusement, or
benefit of an audience.

“(H) TRAVELING ANIMAL ACT.—The term
‘traveling animal act’ means any performance
of an animal for which the animal is trans-
ported in a mobile or traveling housing facility
to, from, or between locations for the purpose
of a performance.

“(I) WILDLIFE SANCTUARY.—The term
‘wildlife sanctuary’ means an organization
that—

“(i) is described in sections
170(b)(1)(A)(vi) and 501(c)(3) of the In-
ternal Revenue Code of 1986;

“(ii) is a place of refuge that provides
care for abused, neglected, unwanted, im-
pounded, abandoned, orphaned, or dis-
placed exotic or wild animals for the life-
time of the exotic or wild animals; and

“(iii) does not—

“(I) engage in commercial trade
in any exotic or wild animal, includ-
ing—

1 “(aa) the sale of any animal,
2 animal part, or derivative off-
3 spring;

4 “(bb) photographic opportu-
5 nities; and

6 “(cc) public events for finan-
7 cial profit or an entertainment
8 purpose;

9 “(II) breed any exotic or wild
10 animal;

11 “(III) permit unescorted public
12 visitation;

13 “(IV) permit direct contact be-
14 tween the public and any exotic or
15 wild animal; or

16 “(V) remove any exotic or wild
17 animal from a sanctuary or enclosure
18 for exhibition or performance.

19 “(2) PROHIBITED USE OF EXOTIC AND WILD
20 ANIMALS.—Subject to paragraph (3), no person
21 shall cause a performance of, or allow for the par-
22 ticipation of, an exotic or wild animal in a traveling
23 animal act.

24 “(3) EXCEPTIONS.—Paragraph (2) shall not
25 apply to—

1 “(A) the use of an exotic or wild animal—

2 “(i) in an exhibition at a nonmobile,
3 permanent institution, zoo, or aquarium
4 accredited by the Association of Zoos and
5 Aquariums, the World Association of Zoos
6 and Aquariums, the Global Federation of
7 Animal Sanctuaries, or the Alliance of Ma-
8 rine Mammal Parks and Aquariums;

9 “(ii) as part of an environmental edu-
10 cation program by a facility accredited by
11 the Association of Zoos and Aquariums or
12 the Alliance of Marine Mammal Parks and
13 Aquariums, if the animal used as part of
14 the program is not—

15 “(I) used for more than 180 total
16 days during a year; and

17 “(II) kept in a mobile or trav-
18 eling housing facility for more than
19 12 total hours during a day;

20 “(iii) by an institution of higher edu-
21 cation, laboratory, or other research facil-
22 ity registered under section 6 for the pur-
23 pose of conducting research;

24 “(iv) in film, television, or advertising,
25 if the use does not involve a live animal ex-

1 hibition conducted before a public studio
2 audience; or

3 “(v) in a rodeo;

4 “(B) the use of an indigenous wild animal
5 by a wildlife rehabilitator in an environmental
6 education program—

7 “(i) that is permitted by the relevant
8 jurisdiction;

9 “(ii) that is accredited or certified by
10 the National Wildlife Rehabilitators Asso-
11 ciation or the International Wildlife Reha-
12 bilitation Council; and

13 “(iii) if the exotic or wild animal is
14 kept in a mobile or traveling housing facil-
15 ity for not more than 12 total hours during
16 a day;

17 “(C) a federally permitted falconer; or

18 “(D) a wildlife sanctuary.

19 “(4) PENALTY.—Any person that fails to com-
20 ply with this subsection shall be subject to the en-
21 forcement and penalties described in sections 16, 19,
22 and 29.

23 “(5) RELATIONSHIP WITH OTHER LAW.—

24 “(A) IN GENERAL.—Nothing in this sub-
25 section—

1 “(i) authorizes the interstate trans-
2 port of any species listed as threatened or
3 endangered under the Endangered Species
4 Act of 1973 (16 U.S.C. 1531 et seq.); or

5 “(ii) waives any requirement to com-
6 ply with any regulation issued under this
7 Act.

8 “(B) SUPPLEMENT NOT SUPPLANT.—The
9 standards and requirements of this sub-
10 section—

11 “(i) are in addition to, and not in lieu
12 of, any other laws protecting animal wel-
13 fare; and

14 “(ii) do not limit any other Federal,
15 State, or local law or rule that more strin-
16 gently protects the welfare of animals.

17 “(C) PREEMPTION.—No State or political
18 subdivision of a State may establish or continue
19 to enforce any standards, requirements, or reg-
20 ulations with respect to causing a performance
21 of, or allowing for the participation of, an exotic
22 or wild animal in a traveling animal act that
23 are inconsistent with or less stringent than the
24 standards and requirements under this sub-
25 section.”.

1 **SEC. 4. EFFECTIVE DATE.**

2 The amendments made by this Act shall take effect
3 on the date that is 1 year after the date of enactment
4 of this Act.

