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**DRAFT**

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### **Talking points to oppose: HR 4122 Big Cats and Public Safety Protection Act**

To amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes.

[http://www.rexano.org/HR4122\\_Big\\_Cat\\_Frame.htm](http://www.rexano.org/HR4122_Big_Cat_Frame.htm)

1. The purpose of the Lacey act is to protect wildlife, fish and plants by creating civil and criminal penalties for violators trading in wildlife, fish, and plants that were acquired illegally.
2. Currently: *"It is unlawful for any person—*
  - (1) *to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the United States or in violation of any Indian tribal law;*
  - (2) *to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce"*
3. This bill wants to criminalize the legal activity relating to the legally privately possessed, acquired, bred, received, transferred and sold captive wildcats (live species of lion, tiger, leopard, cheetah, jaguar, or cougar or any hybrid of such species).
4. This bill attempts to ban the intrastate private commercial and non-commercial legal possession and breeding of captive wild and exotic cats. The interstate commerce clause (*Article I, Section 8, Clause 3: ``To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."*) does not apply intrastate, but this bill attempts to ban/criminalize intrastate private commercial and non-commercial future ownership, transportation, sale, receipt, acquisition, breeding, possession, ownership, or purchase of an animal that is born in, never leaves and dies in the same state. This is our federal government attempting to take the rights away from the individual states to regulate their native and non native wildcats inside the state. **The way this bill is written, it could set a dangerous precedent of a federal government being able to dictate to the individual states what other species of animals (or goods) they can legally keep commercially and non-commercially, intrastate.**
5. This bill also requires non-commercial aka 'pet' owners of these wildcats to register their non commercial animals with the federal agency USDA, which regulates animals in commerce. USDA has no legal jurisdiction over non commercial aka pet animals of any species. This would set a dangerous precedent as any species could be added on later to micromanage US citizens' personal pets at the federal level.

6. This bill would create the illegal monopoly on captive breeding of big cats by giving breeding exemptions to a private group AZA (Association of Zoos and Aquariums), even though all current legal AZA and non AZA breeders are licensed by the same federal USDA agency. This would create an unfair business advantage for a private AZA (possible violation of The Sherman Antitrust Act), while putting the rest of legal USDA breeders out of business. This would also hasten the extinction of such charismatic species like the tiger, which are going extinct in the wild, and AZA with their 200-300 tigers can't save the species.
7. This bill exempts the very hypocritical sanctuaries who are proposing this bill. To be an exempt sanctuary, breeding, buying, selling or exhibiting off site would not be allowed, and the sanctuary would have to be nonprofit IRS 501©3. **Not engaging in commercial activity and not paying taxes has nothing to do with public safety or animal welfare.**
8. This bill will not improve public safety. Currently, only 1 person dies in the USA as a result of captive big cat attack, all of them (except 1 visitor in AZA San Francisco zoo that would ironically be exempt from this ban) were owners, trainers, friends, caretakers, family members, aka people voluntarily engaging in occupational or hobby hazard. **Also, the last 3 fatal attacks occurred in facilities that would be exempt from this proposed bill: 2 in AZA zoos (tiger in CA, jaguar in CO) and 1 in sanctuary (liger in OK):** [http://www.rexano.org/Statistics/Captive\\_big\\_cat\\_fatality.pdf](http://www.rexano.org/Statistics/Captive_big_cat_fatality.pdf)
9. There is nothing in this bill that would prevent a misguided employee or volunteer to release the animals from the exempt sanctuary or AZA zoo (majority of AZA zoos are in very urban area) like the situation that happened in Zanesville, Ohio: <http://www.rexano.org/Zanesville.htm>
10. If this bill passes, the exempt facilities, donation dependent AZA zoos and sanctuaries, will be allowed to add more animals and exhibit on site, while **the taxpaying honest businesses (zoos, breeders, circuses, etc...) would be slowly put out of business, which would hurt our already struggling economy and eliminate more jobs.**
11. **There is no proof that American captive born and bred wildcats are part of any illegal global trade in wildlife.** This bill is attempting to use the illegal global trade in all wildlife and their parts as a reason and excuse to outlaw private ownership of captive bred and born American wild and exotic cats that are a self sustaining population in USA. This reasoning is as absurd as trying to outlaw dog ownership in USA, because some dogs are being eaten in Asian countries.
12. According to the bill sponsor's Rep McKeon, Howard P. "Buck" [CA-25] uninformed press release: [http://www.rexano.org/Federal\\_Canada/Big\\_Cats\\_Press\\_HR4122.pdf](http://www.rexano.org/Federal_Canada/Big_Cats_Press_HR4122.pdf) *"Violators of the law could have their animals confiscated along with any vehicles or equipment used to aid in their illegal activity, and could face stiff penalties including fines as much as \$20,000, and up to five years in jail."* Not only is this punishment for a harmless activity extreme, what would happen to the cats for which new homes couldn't be found? **This tax payers' money wasting bill is unneeded and potentially deadly to the animals it claims to protect. Who will have the blood of these innocent dead animals on their hands?**