



**PROPOSAL TO THE CONGRESS OF THE UNITED STATES TO
MODIFY THE ANIMAL WELFARE ACT
7 U.S.C. 54 2132**

General:

This proposal seeks a modification of 7 U.S.C. 54-2132 (The Animal Welfare Act) by the Congress of the United States, by providing an exemption from the provisions of this Act for birds that are already governed by the provisions of the Migratory Bird Treaty Act (16 U.S.C. 703-711 as amended)

Qualified persons, educational facilities, zoos and similar organizations that use various species of native and some non native species of birds for exhibition/education of the public are already allowed live possession of such birds and are already permitted for possession and display for exhibition/educational purposes of such birds under regulations implemented by the United States Fish and Wildlife Service (USFWS). These regulations and permits and associated regulations have been in place for decades and are promulgated under the authority of 16 U.S.C. 703-711, the Migratory Bird Treaty Act, delegated by Congress to the United States Department of the Interior. Additional (potential) regulation by the United States Department of Agriculture is not necessary to ensure the safety, care and well being of any such bird. USFWS regulations are more than sufficient to ensure only qualified and properly permitted persons, educational facilities and similar organizations are allowed possession for the purpose of exhibition/education.

Additional regulation would be confusing. Potential additional inspections of facilities would be a duplication of effort by two different federal agencies and the possibility of completely contradictory regulations could lead to potential enforcement actions by one or both agencies, placing the permittee in the middle.

Costs Associated with this Proposal:

Other than the costs normally associated with a bill and subsequent codification and agency costs, there would be no additional cost to the American people.

Safeguards, Current Laws and Regulations:

This proposal is narrowly focused on the definition in 7 USC 54-2132 to provide an exclusion/exemption to persons, firms, corporations, educational facilities or similar entities permitted or allowed to be permitted by the United States Fish and Wildlife Service for birds used in exhibition/education that are subject to the provisions of regulations implemented under the Migratory Bird Treaty Act, 50 CFR parts 10, 13 and 21 and where such a person, firm, corporation, educational facility or similar entity has a valid permit issued by the USFWS for such a purpose.

The United States Fish and Wildlife Service (USFWS) under authority granted by Congress to the Secretary of the Department of Interior, developed regulations through the provisions of the Migratory Bird Treaty Act to regulate exhibition/educational use of such birds.

TITLE 7 - AGRICULTURE
CHAPTER 54 - TRANSPORTATION, SALE, AND HANDLING OF CERTAIN ANIMALS

AMENDMENTS

2002 - Subsec. (g). Pub. L. 107-171 substituted "excludes (1) birds, rats of the genus *Rattus*, and mice of the genus *Mus*, bred for use in research, (2) horses not used for research purposes, and (3)" for "excludes horses not used for research purposes and".

2132. Definitions

(g) The term "animal" means any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet; but such term excludes (1) **all birds governed or otherwise protected by provisions of the Migratory Bird Treaty Act**, (2) birds, rats of the genus *Rattus*, and mice of the genus *Mus*, bred for use in research, (3) horses not used for research purposes, and (4) other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. With respect to a dog, the term means all dogs including those used for hunting, security, or breeding purposes;

We respectfully request you introduce legislation that would modify 7 U.S.C. 54, the Animal Welfare Act, to make it clear that birds already governed by the provisions of law and protections afforded by regulation under the Migratory Bird Treaty Act (16 U.S.C. 703-711) found in 50 CFR parts 10, 13, and 21 are exempt from the provisions of the Animal Welfare Act and in keeping with Executive Order 13186.

Sincerely,



Wm. L. "Larry" Dickerson, President
North American Falconers' Association
695 Garden Valley Road
Statesville, N.C. 28625
704-546-2703
www.n-a-f-a.com