

118TH CONGRESS  
1ST SESSION

# H. R. 3859

To amend the Animal Welfare Act to increase protections for animals, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2023

Mr. KRISHNAMOORTHY (for himself and Ms. MACE) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Animal Welfare Act to increase protections for animals, and for other purposes.

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 “Animal Welfare En-  
5 forcement Improvement Act”.

6 **SEC. 2. CLARIFICATION WITH RESPECT TO ISSUANCE OF**  
7 **LICENSES.**

8 Section 3 of the Animal Welfare Act (7 U.S.C. 2133)  
9 is amended to read as follows:

1 **“SEC. 3. LICENSES.**

2 “(a) IN GENERAL.—Subject to subsections (c), (d),  
3 and (e), the Secretary shall issue licenses to dealers and  
4 exhibitors upon—

5 “(1) the submission of an application for such  
6 license that—

7 “(A) contains an inventory of all animals  
8 present in all of the applicant’s facilities; and

9 “(B) is submitted in such form and man-  
10 ner as the Secretary may prescribe; and

11 “(2) payment of such fee established pursuant  
12 to section 23.

13 “(b) VALIDITY OF LICENSE.—A license issued under  
14 subsection (a) shall be valid for a period not to exceed  
15 1 calendar year. An applicant shall submit an application  
16 under such subsection to renew such license each calendar  
17 year before the expiration of the previously issued license.

18 “(c) PROHIBITED DEALERS AND EXHIBITORS.—Not-  
19 withstanding subsection (a), the Secretary may not issue  
20 a license (including a renewal of such a license) under such  
21 subsection to a dealer or exhibitor if—

22 “(1) such dealer or exhibitor has been found to  
23 have violated (including by entering a nolo  
24 contendere or no contest plea with respect to the vio-  
25 lation) Federal, State, or local laws relating to ani-

1       mals, including this Act and any other anti-animal  
2       cruelty or wildlife protection law; or

3               “(2) the issuance of a license to such dealer or  
4       exhibitor would facilitate the circumvention of State  
5       or local law prohibiting the private ownership of cer-  
6       tain animals.

7       “(d) UNANNOUNCED FACILITY INSPECTIONS.—

8               “(1) IN GENERAL.—Notwithstanding subsection  
9       (a) and except as provided in paragraph (2), the  
10      Secretary may not issue a license (including a re-  
11      newal of such a license) under such subsection to a  
12      dealer or exhibitor until the dealer or exhibitor shall  
13      have demonstrated for the one-year period preceding  
14      the date on which the application for such license is  
15      submitted, through full, unannounced inspections,  
16      that the facilities of such dealer or exhibitor at the  
17      time of inspection—

18               “(A) comply with the standards promul-  
19      gated by the Secretary pursuant to section 13;  
20      and

21               “(B) have not been documented as having  
22      not complied with any such standard during  
23      more than one inspection in the previous two  
24      calendar years.

1           “(2) NEW APPLICANTS.—In the case of an ap-  
2           plicant seeking to be licensed as a dealer or exhibitor  
3           under subsection (a) who has not previously been so  
4           licensed, the applicant shall not be subject to more  
5           than 2 inspections conducted pursuant to paragraph  
6           (1). Both such inspections shall be conducted within  
7           the 90-day period that begins on the date of the re-  
8           ceipt of the application by the Secretary. If, upon  
9           the second inspection, the applicant is found to have  
10          failed to meet any standard promulgated by the Sec-  
11          retary pursuant to section 13, the Secretary shall  
12          deny the application for such license and such appli-  
13          cant may not submit an application for such a li-  
14          cense for a one-year period beginning on the date on  
15          which the application is so denied.

16          “(e) EXCEPTION.—Notwithstanding subsection (a), a  
17          dealer or exhibitor shall not be required to obtain a license  
18          as a dealer or exhibitor under this Act if the size of the  
19          business is determined by the Secretary to be de mini-  
20          mis.”.

21       **SEC. 3. HUMANE STANDARDS WITH RESPECT TO WATERING**  
22                               **AND ADEQUATE VETERINARY CARE.**

23          Section 13(a) of the Animal Welfare Act (7 U.S.C.  
24          2143(a)) is amended by adding at the end the following:

1           “(9) The standards with respect to minimum  
2 requirements for adequate veterinary care referred  
3 to in paragraph (2) shall include, at a minimum, the  
4 following:

5           “(A) Regularly scheduled visits, not less  
6 than once every 12 months, by the attending  
7 veterinarian to all dealer and exhibitor premises  
8 where animals are kept, to assess and ensure  
9 the adequacy of veterinary care and other as-  
10 pects of animal care and use.

11           “(B) A complete physical examination of  
12 each animal maintained by a dealer or exhibitor  
13 by the attending veterinarian not less than once  
14 every 12 months, unless animal health or safety  
15 considerations require a different protocol.

16           “(C) Vaccinations for contagious or deadly  
17 diseases, and sampling and treatment of  
18 parasites and other pests, to which the species  
19 maintained by a dealer or exhibitor may be sus-  
20 ceptible, in accordance with a schedule ap-  
21 proved by the attending veterinarian.

22           “(D) Preventative care and treatment as  
23 required by the species maintained by a dealer  
24 or exhibitor, in accordance with a schedule ap-  
25 proved by the attending veterinarian.”.

1 **SEC. 4. LICENSE SUSPENSIONS AND REVOCATIONS.**

2 Section 19 of the Animal Welfare Act (7 U.S.C.  
3 2149) is amended—

4 (1) in subsection (a)—

5 (A) by striking “hereunder, he may sus-  
6 pend” and inserting the following: “here-  
7 under—

8 “(1) in the case of any such violation that is  
9 not described in paragraph (2), the Secretary may  
10 suspend”;

11 (B) by striking the period at the end and  
12 inserting “; and”; and

13 (C) by adding at the end the following new  
14 paragraph:

15 “(2) in the case of such a violation that the  
16 Secretary determines presents a risk to animal wel-  
17 fare, the Secretary shall—

18 “(A) suspend such person’s license tempo-  
19 rarily, but for a period not to exceed 21 days;  
20 and

21 “(B) after notice and opportunity for an  
22 informal hearing, permanently revoke such li-  
23 cense if the Secretary determines that—

24 “(i) the violation occurred;

25 “(ii) the violation presents or has pre-  
26 sented a risk to animal welfare; and

1           “(iii) the violation has persisted past  
2           the initial period of license suspension  
3           under subparagraph (A) or the person has  
4           been found to have committed one or more  
5           other such violations (including by entering  
6           a nolo contendere or no contest plea with  
7           respect to any such violation) affecting ani-  
8           mal welfare.”; and

9           (2) by adding at the end the following:

10          “(e)(1) Any person whose license has been suspended  
11          for any reason shall not be licensed, or registered, in his  
12          or her own name or in any other manner, within the period  
13          during which the order of suspension is in effect. No fam-  
14          ily member, household member, partnership, firm, cor-  
15          poration, or other legal entity in which any such person  
16          has a substantial interest, financial or otherwise, will be  
17          licensed or registered during that period.

18          “(2) Any person whose license has been revoked shall  
19          not be licensed or registered, in his or her own name or  
20          in any other manner, at any time, and no family member,  
21          household member, partnership, firm, corporation, or  
22          other legal entity in which any such person has a substan-  
23          tial interest, financial or otherwise, will be licensed or reg-  
24          istered.

1       “(3) Any person whose license has been suspended  
2 or revoked shall not buy, sell, transport, exhibit, deliver  
3 for transportation, or be employed in any capacity with  
4 respect to any animal during the period of suspension or  
5 revocation, under any circumstances, whether on his or  
6 her behalf or on the behalf of another licensee or reg-  
7 istrant.”.

8 **SEC. 5. PUBLICATION OF INFORMATION ON VIOLATIONS.**

9       The Animal Welfare Act is amended by inserting be-  
10 fore section 26 (7 U.S.C. 2156) the following new section:

11 **“SEC. 25A. PUBLICATION OF INFORMATION ON ENFORCE-**  
12 **MENT.**

13       “The Secretary shall publish, in a searchable format  
14 on a public website of the Department of Agriculture, in-  
15 formation and reports (in their entirety and without redac-  
16 tion) on the nature and place of all investigations and in-  
17 spections conducted by the Secretary under section 16 (in-  
18 cluding all reports documenting all instances of non-  
19 compliance with this Act observed during any such inspec-  
20 tion), enforcement records, and animal inventories.”.

21 **SEC. 6. REGULATIONS.**

22       Not later than 90 days after the date of the enact-  
23 ment of this Act, the Secretary of Agriculture shall issue



1 regulations to carry out the amendments made by this  
2 Act.

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