

117TH CONGRESS
1ST SESSION

H. R. 3277

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

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2021

Mr. KRISHNAMOORTHY (for himself, Mr. LIEU, Mr. SCHIFF, Mr. LOWENTHAL, Mr. VARGAS, Ms. BARRAGÁN, Ms. BROWNLEY, Ms. ROYBAL-ALLARD, Ms. ESHOO, Mrs. HAYES, Ms. NORTON, Mr. LAWSON of Florida, Mr. JOHNSON of Georgia, Mrs. AXNE, Ms. PRESSLEY, Mr. MORELLE, Mr. JONES, Mr. NADLER, Mr. BLUMENAUER, Mr. DEFazio, Mr. COHEN, Mr. COOPER, Mr. SMITH of Washington, Ms. DELBENE, Mr. KIM of New Jersey, Mr. POCAN, Ms. WASSERMAN SCHULTZ, Mr. SUOZZI, Mrs. NAPOLITANO, Mr. TAKANO, Mr. MALINOWSKI, Mr. CÁRDENAS, Mr. KHANNA, Mr. GARCÍA of Illinois, Mr. LYNCH, Mr. MCGOVERN, Mr. FITZPATRICK, Mr. KILMER, Mr. GRIJALVA, Mr. RASKIN, Ms. STEVENS, Ms. BONAMICI, Ms. TLAIB, Ms. VELÁZQUEZ, Ms. SCANLON, Mr. SIRES, Ms. SHERRILL, Mr. CONNOLLY, Mr. CORREA, Mr. YARMUTH, and Ms. JACOBS of California) introduced the following bill; which was referred to the Committee on Agriculture

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Animal Welfare En-
3 forcement Improvement Act”.

4 **SEC. 2. CLARIFICATION WITH RESPECT TO ISSUANCE OF**
5 **LICENSES.**

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

8 **“SEC. 3. LICENSES.**

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

12 “(1) the submission of an application for such
13 license that—

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

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

18 “(2) payment of such fee established pursuant
19 to section 23.

20 “(b) VALIDITY OF LICENSE.—A license issued under
21 subsection (a) shall be valid for a period not to exceed
22 1 calendar year. An applicant shall submit an application
23 under such subsection to renew such license each calendar
24 year before the expiration of the previously issued license.

25 “(c) PROHIBITED DEALERS AND EXHIBITORS.—Not-
26 withstanding subsection (a), the Secretary may not issue

1 a license (including a renewal of such a license) under such
2 subsection to a dealer or exhibitor if—

3 “(1) such dealer or exhibitor has been found to
4 have violated (including by entering a nolo
5 contendere or no contest plea with respect to the vio-
6 lation) Federal, State, or local laws relating to ani-
7 mals, including this Act and any other anti-animal
8 cruelty or wildlife protection law; or

9 “(2) the issuance of a license to such dealer or
10 exhibitor would facilitate the circumvention of State
11 or local law prohibiting the private ownership of cer-
12 tain animals.

13 “(d) UNANNOUNCED FACILITY INSPECTIONS.—

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

1 “(A) comply with the standards promul-
2 gated by the Secretary pursuant to section 13;
3 and

4 “(B) have not been documented as having
5 not complied with any such standard during
6 more than one inspection in the previous two
7 calendar years.

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

23 “(e) EXCEPTION.—Notwithstanding subsection (a), a
24 dealer or exhibitor shall not be required to obtain a license
25 as a dealer or exhibitor under this Act if the size of the

1 business is determined by the Secretary to be de mini-
2 mis.”.

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

5 Section 13(a) of the Animal Welfare Act (7 U.S.C.
6 2143(a)) is amended by adding at the end the following:

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

11 “(A) Regularly scheduled visits, not less
12 than once every 12 months, by the attending
13 veterinarian to all dealer and exhibitor premises
14 where animals are kept, to assess and ensure
15 the adequacy of veterinary care and other as-
16 pects of animal care and use.

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

22 “(C) Vaccinations for contagious or deadly
23 diseases, and sampling and treatment of
24 parasites and other pests, to which the species
25 maintained by a dealer or exhibitor may be sus-

1 ceptible, in accordance with a schedule ap-
2 proved by the attending veterinarian.

3 “(D) Preventative care and treatment as
4 required by the species maintained by a dealer
5 or exhibitor, in accordance with a schedule ap-
6 proved by the attending veterinarian.”.

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

8 Section 19 of the Animal Welfare Act (7 U.S.C.
9 2149) is amended—

10 (1) in subsection (a)—

11 (A) by striking “hereunder, he may sus-
12 pend” and inserting the following: “here-
13 under—

14 “(1) in the case of any such violation that is
15 not described in paragraph (2), the Secretary may
16 suspend”;

17 (B) by striking the period at the end and
18 inserting “; and”; and

19 (C) by adding at the end the following new
20 paragraph:

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

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

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

7 “(i) the violation occurred;

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

10 “(iii) the violation has persisted past
11 the initial period of license suspension
12 under subparagraph (A) or the person has
13 been found to have committed one or more
14 other such violations (including by entering
15 a nolo contendere or no contest plea with
16 respect to any such violation) affecting ani-
17 mal welfare.”; and

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

19 “(e)(1) Any person whose license has been suspended
20 for any reason shall not be licensed, or registered, in his
21 or her own name or in any other manner, within the period
22 during which the order of suspension is in effect. No fam-
23 ily member, household member, partnership, firm, cor-
24 poration, or other legal entity in which any such person

1 has a substantial interest, financial or otherwise, will be
2 licensed or registered during that period.

3 “(2) Any person whose license has been revoked shall
4 not be licensed or registered, in his or her own name or
5 in any other manner, at any time, and no family member,
6 household member, partnership, firm, corporation, or
7 other legal entity in which any such person has a substan-
8 tial interest, financial or otherwise, will be licensed or reg-
9 istered.

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

17 **SEC. 5. CITIZEN SUITS.**

18 Section 19 of the Animal Welfare Act (7 U.S.C.
19 2149), as amended by section 3, is further amended by
20 adding at the end the following new subsection:

21 “(f)(1) Except as provided in paragraph (2), any per-
22 son may commence a civil suit on his own behalf to enjoin
23 any person, including the United States and any other
24 governmental instrumentality or agency (to the extent per-
25 mitted by the eleventh amendment to the Constitution),

1 who is alleged to be in violation of any provision of this
2 Act or regulation issued under the authority thereof. The
3 district courts shall have jurisdiction, without regard to
4 the amount in controversy or the citizenship of the parties,
5 to enforce any such provision or regulation or to order the
6 Secretary to perform such act or duty, as the case may
7 be.

8 “(2) No action may be commenced under paragraph
9 (1)—

10 “(A) prior to sixty days after written notice of
11 the violation has been given to the Secretary, and to
12 any alleged violator of any such provision or regula-
13 tion; and

14 “(B) if the United States has commenced and
15 is diligently prosecuting a criminal action in a court
16 of the United States to redress a violation of any
17 such provision or regulation.

18 “(3)(A) Any suit under this subsection may be
19 brought in the judicial district in which the violation oc-
20 curs.

21 “(B) In any such suit under this subsection in which
22 the United States is not a party, the Attorney General,
23 at the request of the Secretary, may intervene on behalf
24 of the United States as a matter of right.

1 “(4) The court, in issuing any final order in any suit
2 brought pursuant to paragraph (1), may award costs of
3 litigation (including reasonable attorney and expert wit-
4 ness fees) to any party, whenever the court determines
5 such award is appropriate.

6 “(5) The injunctive relief provided by this subsection
7 shall not restrict any right which any person (or class of
8 persons) may have under any statute or common law to
9 seek enforcement of any standard or limitation or to seek
10 any other relief (including relief against the Secretary or
11 a State agency).”.

12 **SEC. 6. PUBLICATION OF INFORMATION ON VIOLATIONS.**

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

15 **“SEC. 25A. PUBLICATION OF INFORMATION ON ENFORCE-**
16 **MENT.**

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

1 **SEC. 7. REGULATIONS.**

2 Not later than 90 days after the date of the enact-
3 ment of this Act, the Secretary of Agriculture shall issue
4 regulations to carry out the amendments made by this
5 Act.

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