

118TH CONGRESS
2D SESSION

S. 4033

To amend the Animal Welfare Act to strengthen enforcement with respect to violations of that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2024

Mr. BLUMENTHAL (for himself and Mr. SCOTT of Florida) 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 strengthen enforcement with respect to violations of that Act, 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 “Goldie’s Act of 2024”.

5 **SEC. 2. STRENGTHENING ENFORCEMENT OF VIOLATIONS**
6 **OF ANIMAL WELFARE ACT.**

7 (a) DEFINITIONS.—Section 2 of the Animal Welfare
8 Act (7 U.S.C. 2132) is amended—

9 (1) in subsection (b), by striking “of the United
10 States or his representative who shall be an em-

1 ployee of the United States” and inserting “or a
2 representative of the Secretary of Agriculture, who
3 shall be an employee of the”;

4 (2) in subsection (c)—

5 (A) by redesignating paragraphs (1) and
6 (2) as subparagraphs (A) and (B), respectively,
7 and indenting the subparagraphs appropriately;

8 (B) in subparagraph (A) (as so redesign-
9 dated), by adding “or” after the semicolon at
10 the end; and

11 (C) in subparagraph (B) (as so redesign-
12 dated), by striking “paragraph (1)” and insert-
13 ing “subparagraph (A)”;

14 (3) in each of subsections (e), (f), and (g)—

15 (A) by striking “(1)” each place it appears
16 and inserting “(A)”;

17 (B) by striking “(2)” each place it appears
18 and inserting “(B)”;

19 (4) in subsection (g), in the first sentence, by
20 striking “(3) other farm animals, such as, but not
21 limited to” and inserting “(C) other farm animals,
22 including”;

23 (5) by redesignating subsections (a) through (o)
24 as paragraphs (11), (14), (3), (15), (13), (5), (1),
25 (6), (10), (2), (7), (8), (12), (4), and (9), respec-

1 tively, indenting the paragraphs appropriately, and
2 moving the paragraphs so as to appear in numerical
3 order;

4 (6) in each of paragraphs (1) through (15) (as
5 so redesignated), by inserting a paragraph heading,
6 the text of which comprises the term defined in the
7 paragraph; and

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

9 “(16) VIOLATION.—The term ‘violation’, with
10 respect to a provision of this Act or any regulation
11 or standard issued pursuant to this Act, means any
12 deficiency, deviation, or other failure to comply with
13 that provision, regulation, or standard.”.

14 (b) COOPERATION WITH STATE LAW ENFORCE-
15 MENT.—Section 15(b) of the Animal Welfare Act (7
16 U.S.C. 2145(b)) is amended—

17 (1) by striking “(b) The Secretary” and insert-
18 ing the following:

19 “(b) STATE COORDINATION.—

20 “(1) IN GENERAL.—The Secretary”; and

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

22 “(2) COORDINATION WITH LAW ENFORCE-
23 MENT.—The Secretary, acting through the Animal
24 and Plant Health Inspection Service, shall—

1 “(A) submit to each State, local, and mu-
 2 nicipal animal control or law enforcement offi-
 3 cial of appropriate jurisdiction a notification of
 4 any suspected violation of this Act that has
 5 caused or permitted any pain, suffering, injury,
 6 or death to an animal within the jurisdiction of
 7 the official not later than 48 hours after the
 8 suspected violation is discovered; and

9 “(B) provide to an official described in
 10 subparagraph (A) images relating to a sus-
 11 pected violation for which a notification is sub-
 12 mitted under that subparagraph not later than
 13 10 days after the date on which the suspected
 14 violation is discovered.”.

15 (c) INSPECTIONS AND INVESTIGATIONS.—Section
 16 16(a) of the Animal Welfare Act (7 U.S.C. 2146(a)) is
 17 amended—

18 (1) by striking the subsection designation and
 19 all that follows through “at all reasonable times,” in
 20 the first sentence and inserting the following:

21 “(a) DETERMINATION OF VIOLATION.—

22 “(1) IN GENERAL.—The Secretary shall deter-
 23 mine whether any dealer, exhibitor, intermediate
 24 handler, carrier, research facility, or operator of an
 25 auction sale subject to section 12 has violated, or is

1 violating, any provision of this Act or any regulation
2 or standard issued pursuant to this Act.

3 “(2) ACCESS.—The Secretary shall, at all rea-
4 sonable times,”; and

5 (2) in paragraph (2) (as so designated), by
6 striking “The Secretary” in the second sentence and
7 all that follows through the period at the end of the
8 third sentence and inserting the following:

9 “(3) INSPECTIONS AND INVESTIGATIONS.—

10 “(A) IN GENERAL.—The Secretary shall—

11 “(i) carry out the necessary inspec-
12 tions and investigations to make a deter-
13 mination under paragraph (1);

14 “(ii) document and record a detailed
15 description of—

16 “(I) any violation observed dur-
17 ing such an inspection or investiga-
18 tion; and

19 “(II) any animal observed to be
20 in poor condition during the inspec-
21 tion or investigation, regardless of
22 whether the animal is under the care
23 of a veterinarian; and

24 “(iii) in the case of a violation of this
25 Act or standards promulgated thereunder

1 at a research facility, shall conduct such
2 follow-up inspections as may be necessary
3 until all violations are corrected.

4 “(B) FREQUENCY.—In carrying out sub-
5 paragraph (A), the Secretary shall conduct—

6 “(i) a compliance inspection of each
7 research facility and the premises of each
8 dealer and exhibitor, including any prop-
9 erties, animals, facilities, vehicles, equip-
10 ment, or other premises used, or intended
11 for use, in an activity subject to regulation
12 under this Act, as applicable—

13 “(I) not less frequently than once
14 each year; or

15 “(II) for a dealer or exhibitor the
16 properties, animals, facilities, vehicles,
17 equipment, and other premises of
18 which have received inspection reports
19 indicating no violations for each of the
20 first 5 calendar years beginning after
21 the date of enactment of this subpara-
22 graph, not less frequently than once
23 every 2 years, unless a violation is dis-
24 covered in any type of inspection (in-

1 cluding an inspection for purposes of
2 relicensing); and

3 “(ii) in any case in which a violation
4 that has caused or permitted any pain, suf-
5 fering, injury, or death to an animal is dis-
6 covered on the premises of a dealer or ex-
7 hibitor in any type of inspection (including
8 an inspection for purposes of relicensing),
9 any necessary follow-up inspections of the
10 dealer or exhibitor, in order to ensure that
11 humane care and treatment (including vet-
12 erinary care) has been, and is continuing
13 to be, provided until the violation is cor-
14 rected, if applicable.

15 “(4) CONFISCATION OR DESTRUCTION.—

16 “(A) IN GENERAL.—The Secretary shall
17 promulgate regulations to require inspectors to
18 promptly confiscate, or destroy in a humane
19 manner, any animal described in subparagraph
20 (C).

21 “(B) NOTICE TO CONFISCATE.—Any deal-
22 er, exhibitor, intermediate handler, or carrier
23 that has received a notice of the intent of an in-
24 spector to confiscate an animal described in
25 subparagraph (C) shall be prohibited from—

1 “(i) destroying that animal in any
2 manner; and

3 “(ii) until the Secretary has completed
4 the confiscation, destroying any other ani-
5 mal in the ownership or possession of the
6 dealer, exhibitor, intermediate handler, or
7 carrier, as applicable, without prior written
8 consent from the Secretary.

9 “(C) DESCRIPTION OF ANIMALS.—An ani-
10 mal referred to in subparagraphs (A) and (B)
11 is an animal that is held by a dealer, exhibitor,
12 operator of an auction sale, intermediate han-
13 dler or carrier, or research facility that—

14 “(i) is suffering physical or psycho-
15 logical harm as a result of a failure to
16 comply with any provision of this Act or
17 any regulation or standard issued pursuant
18 to this Act; and

19 “(ii) in the case of an animal held by
20 a research facility, is no longer required by
21 the research facility to carry out the re-
22 search, test, or experiment for which the
23 animal has been utilized.”.

24 (d) SEARCHABLE DATABASE REQUIREMENTS.—Sec-
25 tion 788 of the Agriculture, Rural Development, Food and

1 Drug Administration, and Related Agencies Appropria-
2 tions Act, 2020 (7 U.S.C. 2146a), is amended—

3 (1) in subsection (b)—

4 (A) by striking “three” each place it ap-
5 pears and inserting “3”;

6 (B) in the matter preceding paragraph (1),
7 by striking “without redactions except signa-
8 tures, the following records:” and inserting
9 “without redactions (except for signatures)—”;

10 (C) in paragraph (1), by striking “(1) all
11 final” and all that follows through “inven-
12 tories” and inserting the following:

13 “(A) each final inspection report under the
14 Animal Welfare Act (7 U.S.C. 2131 et seq.), in-
15 cluding—

16 “(i) each report documenting a viola-
17 tion of, or instance of noncompliance with,
18 any provision of that Act observed by an
19 official of the Department of Agriculture;

20 “(ii) any images relating to a violation
21 or instance of noncompliance described in
22 clause (i) that has caused or permitted any
23 pain, suffering, injury, or death to an ani-
24 mal; and

25 “(iii) each animal inventory”;

1 (D) in paragraph (2), by striking “(2) all
2 final Animal Welfare Act and Horse Protection
3 Act enforcement records” and inserting the fol-
4 lowing:

5 “(B) each final enforcement record under
6 the Animal Welfare Act (7 U.S.C. 2131 et seq.)
7 and the Horse Protection Act (15 U.S.C. 1821
8 et seq.)”;

9 (E) in paragraph (3)—

10 (i) by striking “non-compliances ob-
11 served by USDA officials” and inserting
12 “instances of noncompliance observed by
13 an official of the Department of Agri-
14 culture, including any images relating to
15 such a violation or instance of noncompli-
16 ance that has caused or permitted any
17 pain, suffering, injury, or death to an ani-
18 mal,”; and

19 (ii) by striking “(3) all reports or
20 other materials” and inserting the fol-
21 lowing:

22 “(C) each report and other material”; and

23 (F) in paragraph (4)—

24 (i) by striking “USDA” and inserting
25 “the Department of Agriculture”; and

1 (ii) by striking “(4) within six months
2 of receipt by the agency, all final Animal
3 Welfare Act research facility annual re-
4 ports, including their” and inserting the
5 following:

6 “(D) not later than 180 days after the
7 date of receipt by the Animal and Plant Health
8 Inspection Service, each final annual report for
9 a research facility under the Animal Welfare
10 Act (7 U.S.C. 2131 et seq.), including any”;

11 (2) by redesignating subsections (a) and (b) as
12 paragraphs (1) and (2), respectively, and indenting
13 the paragraphs appropriately;

14 (3) in the matter preceding paragraph (1) (as
15 so redesignated), by striking “The Animal and Plant
16 Health Inspection Service shall, notwithstanding any
17 other provision of law:” and inserting the following:

18 “(a) RESTORATION AND CONTENTS.—Notwith-
19 standing any other provision of law, the Animal and Plant
20 Health Inspection Service shall—”; and

21 (4) by adding at the end the following:

22 “(b) TIMING.—

23 “(1) IN GENERAL.—Each report described in
24 subsection (a)(2) shall—

1 “(A) be uploaded to the database described
2 in subsection (a)(1) not later than 48 hours
3 after the date on which, as applicable—

4 “(i) any appeal relating to the report
5 is resolved; or

6 “(ii) for a report that is not appealed
7 by the entity that is the subject of the re-
8 port, the applicable deadline to appeal ex-
9 pires; and

10 “(B) remain on the database for not less
11 than 10 years after the date on which the re-
12 port is uploaded under subparagraph (A).

13 “(2) IMAGES.—The requirement to include im-
14 ages under subparagraphs (A)(ii) and (C) of sub-
15 section (a)(2) takes effect on the date that is 30
16 days after the date of enactment of Goldie’s Act of
17 2024.”.

18 (e) REVOCATION OF LICENSE, CIVIL PENALTIES, AP-
19 PEAL, FINES, AND IMPRISONMENT.—Section 19(b) of the
20 Animal Welfare Act (7 U.S.C. 2149(b)) is amended—

21 (1) in the seventh sentence—

22 (A) by striking “a civil penalty” and all
23 that follows through the period at the end and
24 inserting “a civil penalty of \$1,500.”; and

1 (B) by striking “Any person” and insert-
2 ing the following:

3 “(6) FAILURE TO OBEY CEASE AND DESIST.—
4 Any person”;

5 (2) in the sixth sentence, by striking “Upon any
6 failure” and inserting the following:

7 “(5) FAILURE TO PAY PENALTY.—On any fail-
8 ure”;

9 (3) by striking the fifth sentence;

10 (4) in the fourth sentence, by striking “The
11 Secretary shall give” and inserting the following:

12 “(4) PENALTY AMOUNT.—

13 “(A) IN GENERAL.—The Secretary shall
14 give”;

15 (5) in the third sentence, by striking “No pen-
16 alty shall be assessed” and inserting the following:

17 “(3) NOTICE AND OPPORTUNITY FOR HEAR-
18 ING.—

19 “(A) IN GENERAL.—No penalty shall be
20 assessed”;

21 (6) in the second sentence, by striking “Each
22 violation” and inserting the following:

23 “(2) SEPARATE OFFENSES.—Each violation”;

24 (7) in the first sentence, by striking “(b) Any
25 dealer” and inserting the following:

1 “(b) CIVIL PENALTY.—

2 “(1) IN GENERAL.—Any dealer”;

3 (8) in paragraph (1) (as so designated)—

4 (A) by striking “thereunder, may be as-
5 sessed” and inserting “pursuant to this Act,
6 shall be subject to”; and

7 (B) by striking “may also make” and in-
8 sserting “shall also make”;

9 (9) in paragraph (3) (as so designated)—

10 (A) in subparagraph (A) (as so des-
11 ignated), by striking “violation, and the order
12 of the Secretary” and inserting the following:
13 “violation.

14 “(B) TREATMENT AS FINAL ORDER.—An
15 order of the Secretary under this subsection”;
16 and

17 (B) by adding at the end the following:

18 “(C) NOTICE.—Verified delivery of an in-
19 spection report prepared pursuant to section 16
20 shall serve as notice under subparagraph (A).

21 “(D) HEARING.—

22 “(i) PANEL.—A hearing under this
23 section shall be conducted by, at a min-
24 imum, 1 veterinarian and 2 animal care
25 specialists or directors.

1 “(ii) TIMING.—A hearing under this
 2 section shall take place by not later than
 3 21 days after the date on which notice of
 4 the violation has been provided, unless the
 5 Secretary identifies a reasonable basis for
 6 continuance.”; and

7 (10) in paragraph (4) (as so designated), by
 8 adding at the end the following:

9 “(B) CALCULATION.—A penalty assessed
 10 by the Secretary under this section—

11 “(i) shall be calculated on a per ani-
 12 mal and per violation basis; and

13 “(ii) may not be reduced by 10 per-
 14 cent or more.

15 “(C) GUIDELINES.—The Secretary shall—

16 “(i) establish penalty guidelines for
 17 violations of this Act in a manner that rea-
 18 sonably discourages future violations; and

19 “(ii) verify that the Department of
 20 Agriculture adheres to those guidelines.”.

21 (f) TECHNICAL CORRECTIONS.—

22 (1) The Animal Welfare Act (7 U.S.C. 2131 et
 23 seq.) is amended—

24 (A) by striking “as he” each place it ap-
 25 pears and inserting “as the Secretary”;

1 (B) by striking “section 3 of this Act”
2 each place it appears and inserting “section 3”;

3 (C) by striking “section 12 of this Act”
4 each place it appears and inserting “section
5 12”;

6 (D) by striking “section 13 of this Act”
7 each place it appears and inserting “section
8 13”;

9 (E) by striking “section 23 of this Act”
10 each place it appears and inserting “section
11 23”; and

12 (F) by striking “section 26 of this Act”
13 each place it appears and inserting “section
14 26”.

15 (2) Section 1(b) of the Animal Welfare Act (7
16 U.S.C. 2131(b)) is amended—

17 (A) by striking “The Congress” each place
18 it appears and inserting “Congress”;

19 (B) in paragraph (1), by striking “insure”
20 and inserting “ensure”; and

21 (C) in paragraph (2), by striking “assure”
22 and inserting “ensure”.

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

25 (A) in subsection (a)(6)(A)—

1 (i) in clause (i), by striking “para-
2 graphs (7) of this subsection, shall be con-
3 strued as authorizing” and inserting
4 “paragraph (7), authorizes”; and

5 (ii) in clause (ii), by striking “as pro-
6 vided subparagraphs (A) and (C)(ii)
7 through (v) of paragraph (3) and para-
8 graph (7) of this subsection, shall be con-
9 strued as authorizing” and inserting “as
10 provided in paragraph (3)(A), clauses (ii)
11 through (v) of paragraph (3)(C), and para-
12 graph (7), authorizes”;

13 (B) by redesignating subsections (g) and
14 (h) as subsections (h) and (i), respectively;

15 (C) by redesignating the second subsection
16 (f) (relating to veterinary certification) as sub-
17 section (g);

18 (D) in subsection (f)—

19 (i) in the first sentence, by striking
20 “that he” and inserting “that the veteri-
21 narian”; and

22 (ii) in the last sentence, by striking
23 “section 10 of this Act” and inserting
24 “section 10”; and

1 (E) in subsection (h) (as so redesignated),
2 in the second sentence, by striking “when he”
3 and inserting “when the Secretary”.

4 (4) Section 14 of the Animal Welfare Act (7
5 U.S.C. 2144) is amended by striking “sections
6 13(a), (f), (g), and (h)” each place it appears and
7 inserting “subsections (a), (f), (g), and (h) of section
8 13”.

9 (5) Section 15(a) of the Animal Welfare Act (7
10 U.S.C. 2145(a)) is amended, in the third sentence,
11 by striking “if he” and inserting “if the Secretary
12 of Transportation”.

13 (6) Section 16(c) of the Animal Welfare Act (7
14 U.S.C. 2146(c)) is amended—

15 (A) in the first sentence, by striking “the
16 Act entitled ‘An Act to create a Federal Trade
17 Commission, to define its powers and duties,
18 and for other purposes,’ approved September
19 26, 1914 (38 Stat. 721–723, as amended; 15
20 U.S.C. 46, 48, 49, and 50) (except paragraph
21 (c) through (h) of section 6 and the last para-
22 graph of section 9)” and inserting “the Federal
23 Trade Commission Act (15 U.S.C. 46, 48, 49,
24 50) (except subsections (c) through (h) of sec-
25 tion 6 of that Act)”;

1 (B) in the second sentence, by striking
2 “his duties” and inserting “the duties of the
3 Secretary”;

4 (C) in the third sentence, by striking “the
5 Act of September 26, 1914, as amended,” and
6 inserting “the Federal Trade Commission Act
7 (15 U.S.C. 49, 50)”; and

8 (D) in the last sentence, by striking “of
9 this Act”.

10 (7) Section 19(a) of the Animal Welfare Act (7
11 U.S.C. 2149(a)) is amended by striking “he may”
12 and inserting “the Secretary may”.

13 (8) Section 24 of the Animal Welfare Act (7
14 U.S.C. 2154) (as amended by paragraph (1)(F)) is
15 amended, in the fifth sentence, by striking “para-
16 graphs (b), (c) and (d) of section 13 and with sec-
17 tion 26, as so amended” and inserting “subsections
18 (b), (c), and (d) of section 13, and with section 26”.

19 (9) Section 25 of the Animal Welfare Act (7
20 U.S.C. 2155) is amended—

21 (A) in the undesignated matter following
22 paragraph (5), by striking “This report as well
23 as” and inserting the following:

24 “(b) LIMITATION.—The report under subsection (a)
25 and”;

1 (B) in the matter preceding paragraph (1),
2 by striking “Not later” and all that follows
3 through “the Secretary” and inserting the fol-
4 lowing:

5 “(a) IN GENERAL.—Not later than March 31 of each
6 year beginning after the date of enactment of this section,
7 the Secretary”; and

8 (C) in subsection (a) (as so designated)—

9 (i) in paragraph (2), by striking “sec-
10 tion 16 of this Act” and inserting “section
11 16”;

12 (ii) in paragraph (3), by adding “and”
13 after the semicolon at the end;

14 (iii) in paragraph (4), by striking “;
15 and” at the end and inserting a period;
16 and

17 (iv) by striking paragraph (5).

18 (10) Section 26 of the Animal Welfare Act (7
19 U.S.C. 2156) is amended—

20 (A) in subsection (e), by inserting “or” be-
21 fore “promoting”; and

22 (B) in subsection (f)(3), by adding “and”
23 after the semicolon at the end.

1 **SEC. 3. RULE OF CONSTRUCTION.**

2 Nothing in this Act or the amendments made by this
3 Act amends, modifies, or limits the definition of the term
4 “animal” in section 2 of the Animal Welfare Act (7 U.S.C.
5 2132) for purposes of that Act.

○