

116TH CONGRESS
1ST SESSION

H. R. 4211

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

IN THE HOUSE OF REPRESENTATIVES

AUGUST 27, 2019

Mr. KRISHNAMOORTHY 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,*

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 subject to paragraph (2), the Secretary may
10 not issue a license (including a renewal of such a li-
11 cense) under such subsection to a dealer or exhibitor
12 until the dealer or exhibitor shall have demonstrated,
13 through full, unannounced inspections, that the fa-
14 cilities of such dealer or exhibitor at the time of in-
15 spection—

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

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

23 “(2) NEW APPLICANTS.—In the case of an ap-
24 plicant seeking to be licensed as a dealer or exhibitor
25 under subsection (a) who has not previously been so

1 licensed, the applicant shall not be subject to more
2 than 2 inspections conducted pursuant to paragraph
3 (1). If, upon the second inspection, the applicant is
4 found to have failed to meet any standard promul-
5 gated by the Secretary pursuant to section 13, the
6 Secretary shall deny the application for such license
7 and such applicant may not submit an application
8 for such a license for a one-year period beginning on
9 the date on which the application is so denied.

10 “(e) EXCEPTION.—Notwithstanding subsection (a), a
11 dealer or exhibitor shall not be required to obtain a license
12 as a dealer or exhibitor under this Act if the size of the
13 business is determined by the Secretary to be de mini-
14 mis.”.

15 **SEC. 3. LICENSE SUSPENSIONS AND REVOCATIONS.**

16 Section 19 of the Animal Welfare Act (7 U.S.C.
17 2149) is amended—

18 (1) in subsection (a)—

19 (A) by striking “hereunder, he may sus-
20 pend” and inserting the following: “here-
21 under—

22 “(1) in the case of any such violation that is
23 not described in paragraph (2), the Secretary may
24 suspend”;

1 (B) by striking the period at the end and
2 inserting “; and”; and

3 (C) by adding at the end the following new
4 paragraph:

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

8 (A) suspend such person’s license tempo-
9 rarily, but for a period not to exceed 21 days;
10 and

11 (B) after notice and opportunity for an
12 informal hearing, permanently revoke such li-
13 cense if the Secretary determines that—

14 (i) the violation occurred;

15 (ii) the violation presents or has pre-
16 sented a risk to animal welfare; and

17 (iii) the violation has persisted past
18 the initial period of license suspension
19 under subparagraph (A) or the person has
20 been found to have committed one or more
21 other such violations (including by entering
22 a nolo contendere or no contest plea with
23 respect to any such violation) affecting ani-
24 mal welfare.”; and

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

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

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

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

1 **SEC. 4. CITIZEN SUITS.**

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

5 “(f)(1) Except as provided in paragraph (2), any per-
6 son may commence a civil suit on his own behalf to enjoin
7 any person, including the United States and any other
8 governmental instrumentality or agency (to the extent per-
9 mitted by the eleventh amendment to the Constitution),
10 who is alleged to be in violation of any provision of this
11 Act or regulation issued under the authority thereof. The
12 district courts shall have jurisdiction, without regard to
13 the amount in controversy or the citizenship of the parties,
14 to enforce any such provision or regulation or to order the
15 Secretary to perform such act or duty, as the case may
16 be.

17 “(2) No action may be commenced under paragraph
18 (1)—

19 “(A) prior to sixty days after written notice of
20 the violation has been given to the Secretary, and to
21 any alleged violator of any such provision or regula-
22 tion; and

23 “(B) if the United States has commenced and
24 is diligently prosecuting a criminal action in a court
25 of the United States to redress a violation of any
26 such provision or regulation.

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

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

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

13 “(5) The injunctive relief provided by this subsection
14 shall not restrict any right which any person (or class of
15 persons) may have under any statute or common law to
16 seek enforcement of any standard or limitation or to seek
17 any other relief (including relief against the Secretary or
18 a State agency).”.

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

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

22 **“SEC. 25A. PUBLICATION OF INFORMATION ON ENFORCE-**
23 **MENT.**

24 “The Secretary shall publish, in a searchable format
25 on a public website of the Department of Agriculture, in-

1 formation and reports (in their entirety and without redac-
2 tion) on the nature and place of all investigations and in-
3 spections conducted by the Secretary under section 16 (in-
4 cluding all reports documenting all instances of non-
5 compliance with this Act observed during any such inspec-
6 tion), enforcement records, and animal inventories.”.

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