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# Legislative History of the Animal Welfare Act: In Brief

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## Contents

Original Law.....	1
Animal Welfare Act of 1970.....	1
Animal Welfare Act Amendments of 1976.....	2
1985 Farm Bill: Improved Standards for Laboratory Animals Act.....	2
1990 Farm Bill: Protection of Pets.....	2
2002 Farm Bill: Animal Welfare Amendments.....	3
Animal Fighting Prohibition Enforcement Act of 2007.....	3
2008 Farm Bill: Animal Welfare Amendments.....	4
2014 Farm Bill: Animal Welfare Amendments.....	4
2018 Farm Bill: Animal Welfare Amendments.....	5

## Contacts

Author Information.....	5
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The Animal Welfare Act, as amended (AWA, 7 U.S.C. §§2131-2156), addresses the humane treatment of animals intended for research, bred for commercial sale, exhibited to the public, or commercially transported. Although Congress also addresses animal welfare issues through other legislation, the AWA remains the central federal statute governing the humane care and handling of mammals, including marine mammals and certain other animals.<sup>1</sup> The law provides a broad set of statutory protections for covered animals. For example, businesses and other entities that deal with covered animals must be licensed or registered, and they must adhere to minimum standards of care. Certain animals—for example, horses and farm animals—are excluded from the law. The U.S. Department of Agriculture (USDA)—specifically the USDA Animal and Plant Health Inspection Service (APHIS)—administers the AWA.

Congress first passed the law that later became the AWA (P.L. 89-544) in 1966, following years of lobbying by animal welfare organizations and two investigative articles in the popular press that generated intense public response. One of the articles documented the abduction of a family dog that later was found to have been euthanized in a medical research facility, and the other documented the abuse of dogs—some of which had been family pets—by dealers selling animals to medical research laboratories.<sup>2</sup> Over the decades, Congress has amended the original law many times, expanding its scope and clarifying various provisions. This report summarizes the original law and selected amendments. For additional information on the AWA, see CRS Report R47179, *The Animal Welfare Act: Background and Selected Issues*, by Genevieve K. Croft.

## Original Law

Although long known as the Animal Welfare Act, the original law was passed as P.L. 89-544 and referred to as the Laboratory Animal Welfare Act of August 24, 1966. The law required dealers in dogs and cats for research purposes to obtain a USDA license and to abide by USDA’s humane treatment requirements. It also required research facilities to register with USDA if they used dogs or cats and either (1) purchased them in interstate commerce or (2) received federal research money. The law authorized USDA to set humane handling standards for guinea pigs, nonhuman primates (e.g., monkeys, lemurs), rabbits, and hamsters as well as dogs and cats—but only dealers and research facilities with dogs and cats were subject to these standards. Other provisions identified recordkeeping requirements, enforcement authorities, and noncompliance penalties.

## Animal Welfare Act of 1970

The Animal Welfare Act of 1970 (P.L. 91-579) provided the AWA with its name and expanded animal coverage to include all warm-blooded animals determined by USDA to be used for

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<sup>1</sup> Other legislation addressing domesticated and research animals include the Horse Protection Act, as amended (15 U.S.C. §§1821-1831), and the Public Health Services Act, as amended (42 U.S.C. §§201 et seq.; see, for example, 42 U.S.C. §289d). Numerous other federal laws seek to protect other classes of animals, often those from the wild, including the Marine Mammal Protection Act, the Lacey Act, as amended, and the Wild Free-Roaming Horses and Burros Act. These and others laws are described in CRS Report R46672, *Federal Statutes Protecting Domesticated and Captive Animals*, by Erin H. Ward.

<sup>2</sup> These articles are Stan Wayman, “Concentration Camps for Dogs,” *Life Magazine*, vol. 60, no. 5, February 3, 1966, pp. 22-29; and Coles Phinzy, “The Lost Pets that Stray to the Labs,” *Sports Illustrated*, November 29, 1965. For more information, see Christine Stevens, “Laboratory Animal Welfare,” in *Animals and Their Legal Rights*, 1990, Animal Welfare Institute, Washington, DC, pp. 66-111. According to Stevens, “More mail was received by *Life* on this article than on any other in the history of the magazine, and Congress received more mail on the pending bills than on civil rights or Vietnam” (p. 74). More generally, *Animals and Their Legal Rights* provides a history of animal welfare legislation through 1990.

experimentation or exhibition, except for horses not used in research and other farm animals. This law also added exhibitors to covered entities; defined research facilities; and exempted from coverage retail pet stores, agricultural fairs, rodeos, and purebred dog and cat shows.

## Animal Welfare Act Amendments of 1976

The 1976 amendments (P.L. 94-279) added Section 26 to the AWA. Section 26 is directed at animal fighting and made the following illegal:

1. sponsoring or exhibiting an animal in an animal fighting venture;
2. interstate shipment of animals to be used in animal fighting ventures; and
3. use of U.S. mail or communication systems to advertise or promote animal fighting ventures.

Section 26 contained its own definitions, authority for investigations, and penalty provisions. The 1976 amendments also clarified and expanded previous regulations covering animal transport and commerce. Hunting animals are generally exempt from AWA provisions. The amendments passed over the objections of Members of Congress who opposed dogfighting but supported cockfighting.<sup>3</sup>

## 1985 Farm Bill: Improved Standards for Laboratory Animals Act

Title XVII, Subtitle F, of the 1985 farm bill (P.L. 99-198, Food Security Act of 1985) directed USDA to set new minimum standards of care for handling, housing, feeding, water, sanitation, ventilation, and other aspects of animal care. A new provision that was highly contentious at the time singled out two types of animals by requiring standards for the exercise of dogs and the psychological wellbeing of primates. The law required research facilities to use procedures that minimize pain and distress in research animals, and the law described practices considered to be painful. It required each research facility to establish an Animal Care Committee (identified in regulations as the Institutional Animal Care and Use Committee [IACUC]) to review research proposals involving animal experimentation and to provide laboratory oversight. These amendments also increased civil and criminal penalties for AWA violations and established an Animal Welfare Information Center at USDA's National Agricultural Library.<sup>4</sup>

## 1990 Farm Bill: Protection of Pets

Section 2503 of the 1990 farm bill (P.L. 101-624, Food Agriculture, Conservation, and Trade Act of 1990) extended pet protections. It required public and private animal shelters and research facilities that acquire dogs and cats to hold them for at least five days to allow time for either adoption or recovery by the original owner before they could be sold to a dealer. It prohibited dealers from selling dogs and cats they did not breed unless they provided certified records on,

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<sup>3</sup> For more information on the legislative history of animal fighting, see Wayne Pacelle and Richard L. Pacelle Jr., "A Legislative History of Nonhuman Animal Fighting in the U.S. and Its Territories," *Society and Animals*, vol. 29 (2021), pp. 87-107.

<sup>4</sup> These resources are available at USDA National Agricultural Library, "Animal Welfare Information Center," at <https://www.nal.usda.gov/awic>.

among other things, the animals' origin. Other new recordkeeping requirements also were specified.

## 2002 Farm Bill: Animal Welfare Amendments

Provisions of the 2002 farm bill (P.L. 107-171, Farm Security and Rural Investment Act of 2002) addressed penalties for bird fighting and the definition of *animal* in the AWA. At the time, bird fighting was legal in some U.S. states and territories. Title X, Subtitle D, of the 2002 farm bill made it a misdemeanor to ship a bird in interstate commerce for fighting purposes or to sponsor or exhibit any bird in a fight with the knowledge that the bird was so shipped (even in fights within a state where cockfighting was permitted). The law also increased the maximum financial penalty, from \$5,000 to \$15,000, for violations (misdemeanors) of the AWA anti-fighting provisions.

The 2002 law explicitly excluded birds, rats, and mice bred for research from the AWA. USDA had previously published regulations excluding these animals from coverage under the AWA, which the Alternatives Research and Development Foundation challenged in federal court.<sup>5</sup> When USDA agreed to settle that case by essentially reversing its regulations, Congress (in P.L. 106-387, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001) blocked the action by prohibiting the use of appropriations for such a rule change. The 2002 farm bill codified the exclusion of birds, rats, and mice bred for research from the AWA. The new definition of animal did not exclude birds *not* used in research (and as such, birds not used in research would be *included* in the definition of animal)—a departure from USDA's AWA regulations at the time. As of July 2022, APHIS has not finalized its regulations for birds not used in research.

## Animal Fighting Prohibition Enforcement Act of 2007

The Animal Fighting Prohibition Enforcement Act of 2007 (P.L. 110-22) made violations of AWA animal fighting provisions felonies punishable by up to three years in prison, under Title 18 of the *U.S. Code*. The law also made it a felony to engage in interstate and foreign commerce of specific implements used for animal fighting or to use the U.S. Postal Service or other interstate instrumentality to trade in these implements or promote an animal fighting venture.

Proponents of various animal fighting bills had observed that in 2001, the House and Senate approved felony animal fighting penalties in their respective farm bills but that conferees removed the felony language in the final 2002 farm bill (P.L. 107-171). Congressional debate over felony penalties continued following enactment of the 2002 farm bill. Proponents argued that stronger deterrents were needed because animal fighting is a brutal, inhumane practice closely associated with criminal activity; it endangers children where aggressive dogs are being reared; and it may contribute to the spread of avian influenza in the case of bird fighting.<sup>6</sup> Opponents countered with arguments that felony penalties for animal fighting would violate provisions in the U.S. Constitution that protect states' rights—including the Commerce Clause

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<sup>5</sup> Alternatives Research & Development Foundation v. Glickman, 101 F. Supp. 2d 7 (D.D.C. 2000).

<sup>6</sup> See U.S. Congress, House Committee on the Judiciary, Subcommittee on Crime, Terrorism, and Homeland Security, *Animal Fighting Prohibition Enforcement Act of 2005*, hearing on H.R. 817, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., May 18, 2006.

(Article 1, §8, Clause 3)—that recognize private citizens’ right to travel for economic reasons.<sup>7</sup> Other opponents argued that completely banning or stiffening penalties for all animal fighting activities would drive these ventures further underground, undermining efforts to protect animals and the public from any public health or other consequences of these activities.<sup>8</sup>

## 2008 Farm Bill: Animal Welfare Amendments

The 2008 farm bill (P.L. 110-246, Food, Conservation, and Energy Act of 2008) included AWA amendments focused on animal fighting and dog importation. Section 14207 strengthened the definitions of, and penalties for, animal fighting activities. This provision increased the maximum imprisonment for violations from three years to five years. This change was based on language in the Dog Fighting Prohibition Act (H.R. 3219) and its companion bill (S. 1880)—bills introduced shortly after the 2007 indictment of National Football League quarterback Michael Vick on charges related to dogfighting. These bills proposed a definition for a *dog fighting venture* and more explicit bans on various dogfighting activities.<sup>9</sup>

The 2008 farm bill also required USDA to develop regulations prohibiting the importation for resale of dogs unless they were at least six months of age, in good health, and had all necessary vaccinations. It allowed exemptions for research, veterinary treatment, or imports into Hawaii from certain countries. APHIS finalized regulations in 2014 requiring an APHIS-issued permit for importing live dogs into the United States for resale, research, or veterinary treatment.<sup>10</sup> Section 14214 of the 2008 farm bill increased the maximum penalty from \$2,500 to \$10,000 for each general AWA violation.

## 2014 Farm Bill: Animal Welfare Amendments

Prior to enactment of the 2014 farm bill (P.L. 113-79, Agricultural Act of 2014), animal fighting or hosting an animal fighting exhibition was prohibited but attending an animal fighting exhibition was not. The Animal Fighting Spectator Prohibition Act (H.R. 366/S. 666), reintroduced in the 113<sup>th</sup> Congress, would have imposed criminal penalties for attending animal fighting exhibitions or for causing a minor individual to attend. This measure was included as Section 12308(b) of the 2014 farm bill.

Section 12308(a) of the 2014 farm bill established a new *de minimis* standard for the AWA. The *de minimis* provision applies to the entire AWA and gives APHIS new discretionary authority to exclude licensing and registration requirements for animal dealers and exhibitors “if the size of the business is determined by the Secretary to be ‘*de minimis*.’” APHIS published the final rule in June 2018, remarking that this change allows APHIS “to focus its limited resources on situations that pose a higher risk to animal welfare and public safety.”<sup>11</sup>

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<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> For information on Michael Vick’s indictment, see ESPN.com News Service, “Falcons’ Vick Indicted by Grand Jury in Dogfighting Probe,” July 17, 2007, at <https://www.espn.com/nfl/news/story?id=2940065>.

<sup>10</sup> USDA APHIS, “Animal Welfare; Importation of Live Dogs,” 79 *Federal Register* 48653, August 18, 2014.

<sup>11</sup> APHIS, “Thresholds for De Minimis Activity and Exemptions From Licensing Under the Animal Welfare Act,” 83 *Federal Register* 25549, June 4, 2018.

## **2018 Farm Bill: Animal Welfare Amendments**

The 2018 farm bill (P.L. 115-334, Agriculture Improvement Act of 2018) includes animal welfare provisions deriving from legislation proposed in the 115<sup>th</sup> Congress, such as the Parity in Animal Cruelty Enforcement Act (H.R. 4202, PACE Act), the Dog and Cat Meat Trade Prohibition Act (H.R. 6720), and the Pet and Women Safety Act of 2017 (H.R. 909/S. 322, PAWS Act).

The PACE Act, included as Section 12616 of the 2018 farm bill, extends the federal ban on animal fighting to U.S. territories, in addition to U.S. states (7 U.S.C. §2156). The Dog and Cat Meat Trade Prohibition Act, included as Section 12515 (7 U.S.C. §2160), prohibits the slaughter of dogs and cats for human consumption and sets a \$5,000 fine for each violation. The PAWS Act, included as Section 12502 (34 U.S.C. §20127), expands domestic violence protections to include pets and directs USDA to make grants to provide temporary housing opportunities for domestic violence victims to shelter with their pets.

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