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# The Animal Welfare Act: Background and Selected Issues

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SUMMARY

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# The Animal Welfare Act: Background and Selected Issues

In 1966, Congress passed legislation that later became known as the Animal Welfare Act (P.L. 89-544) with goals of preventing the theft and sale of pets to research laboratories and regulating the humane care and handling of dogs, cats, and other laboratory animals. The Animal Welfare Act as amended (AWA, 7 U.S.C. §§2131-2156) is the central federal statute governing the humane care and handling of mammals and certain other animals. Since its enactment, Congress has amended the law to expand the types of animals it covers and activities it regulates and to clarify various provisions. These amendments have strengthened enforcement, expanded coverage to more animals and activities, and curtailed cruel practices (e.g., animal fighting), among other things.

The AWA covers any live or dead warm-blooded animal determined by the U.S. Department of Agriculture (USDA) to be used for research, exhibition, or as a pet. In addition, the AWA addresses animal fighting and the importation of certain dogs into the United States. The AWA's statutory definition of animal excludes birds, rats, and mice bred for research; horses not used for research; and other farm animals used in the production of food and fiber. The act applies to animal dealers (e.g., pet breeders, medical research suppliers), exhibitors (e.g., zoos, circuses), research facilities (e.g., private and federal laboratories that use animals in research), and transporters (e.g., airlines, railroads, truckers). Covered entities must meet certain standards described in law and regulation and keep certain records. The AWA establishes penalties for noncompliance.

USDA's Animal and Plant Health Inspection Service (APHIS) administers the AWA. In carrying out this responsibility, APHIS promulgates and updates AWA regulations; licenses and registers entities subject to the AWA; inspects the premises of licensed and registered entities; investigates potential violations; and enforces AWA provisions.

Animal welfare issues continue to generate significant attention from stakeholder groups. For example, animal welfare advocates have called on Congress to define specific standards for animal care within AWA legislation, increase AWA enforcement, and expand AWA coverage to even more covered animals, entities, and activities. Other stakeholders, including entities regulated under the AWA, have called on Congress to streamline USDA's AWA oversight and enforcement. Additional issues debated in recent years include the role and care of research animals and federal oversight of pet breeding operations, circuses, and animal shelters.

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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.[1] 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.

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.[2] Over the decades, Congress has amended the original law many times, expanding its scope and clarifying various provisions.

The House and Senate agriculture committees exercise primary legislative jurisdiction over the AWA and its amendments. The U.S. Department of Agriculture's (USDA's) Animal and Plant Health Inspection Service (APHIS) administers the AWA. In carrying out these responsibilities, APHIS

- promulgates and updates AWA regulations;
- licenses and registers entities subject to the AWA;
- conducts inspections of licensed and registered entities;
- investigates potential violations; and
- enforces AWA provisions.

This report provides an overview of key AWA provisions and regulations. It also provides issues for congressional consideration. For a history of the AWA and its amendments, see CRS Report R47180, *Legislative History of the Animal Welfare Act: In Brief*, by Genevieve K. Croft.

# Key AWA Provisions and Regulations

The AWA provides a broad set of statutory protections for covered animals held, transported, and sold by covered businesses, and used in covered activities (covered animals, businesses, and

[1] 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 other laws are described in CRS Report R46672, *Federal Statutes Protecting Domesticated and Captive Animals*, by Erin H. Ward.

[2] These articles are Stan Wayman, "Concentration Camps for Dogs," *Life Magazine*, vol. 60, no. 5, February 3, 1966, pp. 22-29; and Coles Phinizy, "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.

activities are those regulated by AWA provisions). APHIS's Animal Care unit develops, updates, and enforces AWA regulations (9 C.F.R. Chapter 1, Subchapter A, Parts 1-4).[3] The scope, applicability, and key provisions of the AWA and its regulations are discussed below.

## Scope of Federal Jurisdiction

The AWA focuses on aspects of animal welfare that meet federal interests. Under the AWA, covered animals, businesses, and activities generally have a connection to or impact on interstate or foreign commerce.[4] According to AWA's congressional statement of policy (7 U.S.C. §2131),

> Animals and activities which are regulated under this chapter are either in interstate or foreign commerce or substantially affect such commerce or the free flow thereof, and that regulation of animals and activities as provided in this chapter is necessary to prevent and eliminate burdens upon such commerce and to effectively regulate such commerce.

Many aspects of animal welfare do not meet these criteria and are addressed through state and local laws rather than through the AWA or other federal statutes.[5] For example, every state has its own animal cruelty laws, and state and local jurisdictions may set standards for animal shelters, retail pet stores, and the treatment of pets by their owners.[6]

## Covered Animals and Animal Uses

The AWA applies to any live or dead warm-blooded animal, including dogs, cats, nonhuman primates (e.g., lemurs, monkeys, apes), guinea pigs, hamsters, and rabbits determined by USDA to be used for research, exhibition, or as a pet. Covered animals include warm-blooded zoo animals (e.g., tigers, red pandas, gorillas) and captive marine mammals (e.g., orcas, narwhals, polar bears). The AWA covers birds not used for research, but as of July 2022, USDA has not finalized its proposed rule to establish regulatory standards for birds.[7] The AWA's statutory definition of *animal* excludes birds, rats, and mice bred for research; horses not used for research; and other farm animals used in the production of food and fiber.[8] Cold-blooded animals (e.g., fish, reptiles, crustaceans) are not covered under the AWA.

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[3] The Animal and Plant Health Inspection Service (APHIS) publishes a compilation of the Animal Welfare Act (AWA) and associated regulations, *Animal Welfare Act and its Regulations*, also known as the "Blue Book." For the current version of this document, see APHIS, "Animal Welfare Act," at https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/awa/ct_awa_program_information. APHIS Animal Care had an annual budget of approximately $35.3 million in FY2022. Of these funds, $32.3 million is for AWA implementation and $3.0 million is for the Horse Protection Act implementation. For details, see Consolidated Appropriations Act, FY2022 (P.L. 117-103), Division A—Agriculture.

[4] The AWA as amended defines *commerce* as including "trade, traffic, transportation, or other commerce" (7 U.S.C. §2132(c)).

[5] The AWA expressly provides that it does not prevent state and local governments from promulgating animal welfare standards in addition to the federal AWA standards (7 U.S.C. §2143(a)(8)).

[6] For a state-by-state listing of animal cruelty laws, see National Agricultural Law Center, "States' Animal Cruelty Laws," at https://nationalaglawcenter.org/state-compilations/animal-cruelty.

[7] In 2020, following a successful lawsuit challenging USDA's failure to develop AWA regulations for birds not used in research, APHIS initiated the process of developing such regulations. See Animal Welfare Institute, "Birds Poised to Finally Get Animal Welfare Act Protections," *AWI Quarterly*, Winter 2020. APHIS issued a proposed rule in February 2022: USDA APHIS, "Standards for Birds not Bred for Use in Research under the Animal Welfare Act," 87 *Federal Register* 9880, February 22, 2022.

[8] For example, rabbits raised for pets or for use in research are covered under the AWA, but rabbits raised for food or fiber are not covered.

The original 1966 law focused on only six types of live animals used for research: dogs, cats, nonhuman primates, guinea pigs, hamsters, and rabbits. Amendments in 1970 expanded covered animals to include dead animals. Without this amendment, conceivably an animal could be killed prior to transport (e.g., to a research facility) to avoid AWA regulation. The 1970 amendments also revised the definition of *animal* to include all warm-blooded animals—as determined by USDA—used in research, for exhibition, or as pets, excluding farm animals and certain research animals. Following that definition change, USDA promulgated regulations that administratively excluded mice, rats, and birds.[9] Animal welfare advocates legally challenged this exclusion, with mixed results.[10] In 2002, an amendment to the AWA (P.L. 107-171, §10301) codified USDA's administrative exclusion by changing the statutory definition of *animal* to exclude birds, rats, and mice bred for research.[11]

### Animal Fighting

In addition to regulations covering animals used for research, exhibition, or as pets, the AWA prohibits animal fighting (e.g., dogfighting, cockfighting; 7 U.S.C. §2156). The scope and penalties for animal fighting have changed in the years since the Animal Welfare Act Amendments of 1976 (P.L. 94-279) first added animal fighting provisions to the AWA. Animal fighting is now illegal in all U.S. states and territories, and certain violations carry felony penalties. Animal fighting sponsors, exhibitors, and spectators—as well as those who cause individuals under the age of 16 to attend or who are involved in procuring sharp instruments for use in animal fights—are in violation of this provision and are subject to criminal penalties.

### Importing Dogs for Resale

The AWA establishes specific requirements for the importation of dogs intended for resale in the United States (7 U.S.C. §2148), except for dogs intended for research or veterinary treatment. Dogs imported for resale must be vaccinated and healthy. They also must be at least six months old, except in the case of importation from certain countries into Hawaii.

## Covered Entities

AWA-covered entities include animal dealers, exhibitors, research facilities, and carriers and intermediate handlers (i.e., transporters; see **text box** for information on covered entities). The AWA requires dealers and exhibitors to have a license to operate, and research facilities, carriers, and intermediate handlers require registration.[12] Both licensees and registrants must adhere to the

[9] These animals, and all vertebrate animals used for certain federally funded research, are covered under the Public Health Service (PHS) *Policy on Humane Care and Use of Laboratory Animals*, at National Institutes of Health (NIH), Office of Laboratory Animal Welfare, "PHS Policy on Humane Care and Use of Laboratory Animals," revised in 2015, at https://olaw.nih.gov/policies-laws/phs-policy.htm. See also CRS In Focus IF12002, *Animal Use in Federal Biomedical Research: A Policy Overview*.

[10] For additional details, see Henry Cohen, "The Animal Welfare Act," Michigan State University Animal Legal and Historical Center, 2006, at https://www.animallaw.info/article/animal-welfare-act (hereinafter, Cohen 2006).

[11] The 2002 farm bill also required the National Research Council (NRC) to issue a report to Congress on the implications of including rats, mice, and birds as animals covered by the AWA. NRC, now part of the National Academies of Sciences, Engineering and Medicine (NASEM), did not prepare this report, potentially because it did not receive federal funding to conduct the report. See Cohen 2006, footnote 86.

[12] The AWA identifies entities with a licensing requirement at 7 U.S.C. §2133 and those with a registration requirement at 7 U.S.C. §2136.

same standards for animal handling, care, treatment, and transportation. As of June 2022, APHIS licenses or registers more than 12,400 entities.[13]

To comply with AWA licensing requirements, applicants must pass an APHIS pre-license inspection of the facility where animals are to be held. Applicants must pay a licensing fee, and—since 2020, licenses are valid for three years.[14] USDA provides three types of AWA licenses: (1) Class A licenses are for dealers that only sell animals they breed and raise themselves; (2) Class B licenses are for all other dealers; and (3) Class C licenses are for exhibitors. A facility that loses its license cannot continue its regulated activity.

To comply with AWA registration requirements, applicants must register with APHIS and may request a voluntary pre-registration inspection. There is no registration fee. Since 2021, registration for research facilities is of indefinite duration.[15] Transporters and exhibitors that are not required to be licensed must register with APHIS and renew their registration every three years.

**Covered Entities Requiring AWA Licensing and Registration**

Licensing (9 C.F.R. §§2.1-2.13)

***Dealers***—including pet and laboratory animal breeders and brokers, auction operators, and anyone who sells exotic or wild animals, or dead animals or their parts—must be licensed by APHIS. Exemptions include retail pet stores, those who sell pets directly to pet owners, hobby breeders, animal shelters, and boarding kennels.

- *Class A licensees* are breeders who deal only in animals they breed and raise.
- *Class B licensees* are all other dealers.

***Exhibitors*** must also be licensed by APHIS. Exemptions include agricultural shows and fairs, horse shows, rodeos, pet shows, game preserves, hunting events, and private collectors who do not exhibit.

- *Class C licensees* include zoos, marine mammal shows, circuses, carnivals, and promotional and educational exhibits.

Registration (9 C.F.R. §§2.25-2.38)

***Research facilities*** must be registered. They include state and local government-run research institutions, drug firms, universities, diagnostic laboratories, and facilities that study marine mammals. Elementary and secondary schools are exempt, and AWA regulations do not require agricultural research institutions or federal facilities to register. Registration for research facilities does not require renewal.

***Carriers and intermediate handlers*** (i.e., transporters) must be registered, including general carriers (e.g., airlines, railroads, and truckers). Businesses that contract to transport animals for compensation are considered dealers and must have licenses. AWA transporter registration must be renewed every three years.

***Exhibitors not required to be licensed*** under 7 U.S.C. §2133 must be registered (7 U.S.C. §2136). See "exhibitors," above, for examples of exhibitors that require registration.

[13] APHIS maintains a public database of AWA licensees and registrants, accessible at APHIS, "Animal Care Public Search Tool," at https://aphis-efile.force.com/PublicSearchTool/s.

[14] Prior to 2020, AWA licenses were valid for one year, renewable. Effective November 9, 2020, APHIS updated the regulations to issue three-year licenses; licensees may apply for a new license at the end of the license's term. USDA APHIS, "Animal Welfare; Amendments to Licensing Provisions and to Requirements for Dogs," 85 *Federal Register* 28772, May 13, 2020.

[15] APHIS updated 9 C.F.R. §2.30 to clarify the duration of registration in APHIS, "AWA Research Facility Registration Updates, Reviews, and Reports," 86 *Federal Register* 66919, November 24, 2021. APHIS provides information about this and additional changes in this final rule at APHIS, "FAQs: AWA Research Facility Registration Updates, Reviews, and Reports," updated January 12, 2022, at https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/awa/new-research-rule/faqs.

### Retail Pet Store Exemption

Retail pet stores—which in other respects would be considered animal dealers—are exempt from AWA licensing and inspection requirements.[16] This exemption is in place largely because at a retail pet store, buyers have the opportunity to examine potential pets before purchasing them.[17] Prior to 2013, a growing number of internet sales that did not provide this opportunity occurred under the retail pet store exemption. This raised concerns about the humane treatment of those animals. A 2010 USDA Office of Inspector General (OIG) report found that internet dealers should not be categorized as retail pet stores, and it recommended that USDA seek a legislative change to exclude these dealers from the *retail pet store* definition.[18] In 2013, APHIS issued new regulations that defined retail pet store as a place where a buyer could personally observe the animal prior to purchase.[19] Retail outlets not meeting this criterion require a dealer's licensing and inspection. Retail pet stores selling animals in face-to-face transactions remain exempt.

## AWA Standards

The AWA requires USDA to develop standards for the humane handling, care, treatment, and transportation of covered animals by licensees and registrants. APHIS develops and updates standards that specify requirements for animal handling, shelter, feeding, watering, sanitation, ventilation, veterinary care, and transportation.[20] These published standards (9 C.F.R. Part 3) are specific to the needs of various types of covered animals:

- Subpart A—dogs and cats,
- Subpart B—guinea pigs and hamsters,
- Subpart C—rabbits,
- Subpart D—nonhuman primates,
- Subpart E—marine mammals, and
- Subpart F—other covered animals.

In an example, AWA standards for marine mammals (Subpart E) include facilities and operating standards that address such concerns as construction, lighting, drainage and waste facilities; ambient temperature and ventilation; and space requirements for various specified classes of marine mammal. Animal health and husbandry standards address water quality, sanitation, social conditions, veterinary care, and other issues specific to marine mammals. Transportation standards address such issues as when carriers can accept marine mammals for shipment, and what documents are required; minimum standards for primary enclosures for transportation; and proper handling of marine mammals. Standards for the other types of covered animals address their specific needs across general categories of standards.

[16] "Retail pet stores" are explicitly excluded from the definitions of *dealers* and *exhibitors* at 7 U.S.C. §2132.

[17] See APHIS, "Animal Welfare; Retail Pet Stores and Licensing Exemptions," 78 *Federal Register* 57227, September 18, 2013.

[18] USDA OIG, *APHIS Animal Care Program Inspections of Problematic Dealers*, Audit Report 33002-4-SF, May 2010.

[19] Ibid.

[20] AWA standards are found at 9 C.F.R. §§3.1-3.142.

## Research Facility Requirements

The AWA includes additional requirements for research facilities, such as establishing an internal oversight body and overseeing potentially painful experiments.[21] Each research facility must establish an Animal Care Committee to assess the facility's animal care, use, and research practices. For nonfederal facilities, this committee is required to report any AWA violations to USDA. For federal facilities, this committee must report AWA violations to the head of the federal agency. The act also requires that facilities and researchers take steps to minimize pain and distress in research animals; consider alternatives to research procedures likely to produce pain or distress; plan potentially painful or distressful practices in consultation with a veterinarian; and curtail an animal's use to one major operative experiment unless scientifically necessary (7 U.S.C. §2143(a)(3)).

Other federal agencies also administer laws and policies addressing animal welfare in research conducted with federal funds.[22] For example, the Public Health Service (PHS) Policy on Humane Care and Use of Laboratory Animals (PHS Policy) requires an oversight committee for animal research. The PHS Policy applies to research funded by Public Health Service agencies (e.g., the National Institutes of Health [NIH], Centers for Disease Control and Prevention) as well as other agencies (e.g., National Science Foundation, Department of Veterans Affairs) through interagency agreements. Institutions often have one Institutional Animal Care and Use Committee (IACUC) to meet both requirements.

Private entities also can play a role in the animal welfare practices of research facilities subject to the AWA. Some research facilities seek voluntary accreditation from the Association for Assessment and Accreditation of Laboratory Animal Care International (AAALAC), a private nonprofit entity that promotes the humane treatment of research animals. According to AAALAC, participants in its voluntary accreditation program demonstrate that they meet the minimum legal standards and "are *also* going the extra step to achieve excellence in animal care and use."[23] AAALAC accreditation builds on three primary animal welfare standards: (1) the *Guide for the Care and Use of Laboratory Animals*; (2) the *Guide for the Care and Use of Agricultural Animals in Research and Teaching*; and (3) the *European Convention for the Protection of Vertebrate Animals Used for Experimental and Other Scientific Purposes*.[24]

## Recordkeeping Requirements

The AWA requires all covered entities to keep certain records for covered animals (7 U.S.C. §2140). In many cases, the AWA and its regulations specify recordkeeping requirements for dogs and cats apart from other covered animals.

- **For dealers and exhibitors**, the AWA requires recordkeeping for any animal as prescribed by USDA. AWA regulations identify specific requirements for dogs and cats and separate requirements for other animals (9 C.F.R. §§2.75-2.76).

[21] Many of these provisions are included at 7 U.S.C. §2143.

[22] For more information, see CRS In Focus IF12002, *Animal Use in Federal Biomedical Research: A Policy Overview*.

[23] For more information, see AAALAC, "About," at https://www.aaalac.org/about/what-is-aaalac.

[24] National Research Council, *Guide for the Care and Use of Laboratory Animals* (Washington, DC: National Academies Press, 2011); American Dairy Science Association, American Society of Animal Science, and Poultry Science Association, *Guide for the Care and Use of Agricultural Animals in Research and Teaching*, 4th Edition, 2020; and Council of Europe, *European Convention for the Protection of Vertebrate Animals Used for Experimental and Other Scientific Purposes*, ETS 123, 1986.

- **For research facilities**, the AWA requires, and the regulations identify, specific recordkeeping only for live dogs and cats. The AWA regulations require that these records include information such as name, address, and AWA registration number of the seller (as applicable); sex, approximate age, and general description of the animal; and date of acquisition or disposal (9 C.F.R. §2.35). The AWA regulations also require recordkeeping for each research facility's IACUC (see "Research Facility Requirements").
- **For carriers and intermediate handlers**, the AWA requires such recordkeeping as USDA may prescribe. AWA regulations include specific recordkeeping requirements for live dogs, cats, and nonhuman primates, as well as all live animals accepted for shipment on a *cash on delivery*, or similar, basis (9 C.F.R. §2.77).

# Oversight and Enforcement

APHIS Animal Care is responsible for AWA oversight and enforcement. Inspections are the primary enforcement tool, and the AWA provides for financial and other penalties when certain criteria are met. In 2021, APHIS Animal Care oversaw 11,785 licensees and registrants that were responsible for more than 1.4 million AWA-covered animals.[25] As of November 2021, Animal Care employed 122 animal welfare operations inspectors, consisting of 84 veterinary medical officers and 38 animal care inspectors.[26]

## Inspections

APHIS Animal Care conducts both scheduled and unannounced compliance inspections. In 2021, it conducted 7,670 AWA inspections; of these, 1,277 were unannounced research facility inspections.[27] When violations are identified, APHIS conducts follow-up inspections until all identified violations are resolved.[28]

### Scheduled Inspections

APHIS Animal Care conducts scheduled inspections of facilities seeking AWA licenses and registrations. A facility must pass a pre-license inspection before it is licensed. A facility seeking registration may request a voluntary pre-registration inspection. If the facility fails the pre-inspection, it may request up to two reinspections to demonstrate compliance with AWA regulations.

### Unannounced Inspections

APHIS Animal Care conducts unannounced inspections of registered and licensed facilities to ensure ongoing compliance with AWA regulations. The AWA requires APHIS to inspect research

[25] APHIS, *2021 Impact Report*, April 2022, at https://www.aphis.usda.gov/publications/aphis_general/2021-impact-report.pdf.

[26] APHIS communication with the Congressional Research Service (CRS) on November 17, 2021.

[27] APHIS, *2021 Impact Report*, April 2022.

[28] For more information on APHIS inspections, see APHIS, *Animal Welfare Inspection Guide*, revised November 2021, at https://www.aphis.usda.gov/animal_welfare/downloads/Animal-Care-Inspection-Guide.pdf.

facilities at least annually (7 U.S.C. §2146).[29] A 2022 lawsuit filed by the Harvard Law School Animal Law & Policy Clinic against USDA alleges that APHIS does not meet this requirement (see also "AWA Enforcement").[30] APHIS bases inspection frequency for other AWA-regulated facilities on their risk of animal welfare concerns.[31] Under this risk-based inspection system, APHIS inspects low-risk facilities every few years or when it receives a complaint; moderate-risk facilities once a year; and high-risk facilities as often as four times a year. APHIS determines risk based on past compliance history and other criteria. In addition to inspecting licensed and registered facilities, APHIS inspectors conduct searches to identify unlicensed or unregistered facilities.

### Penalties

Depending on the circumstances, failure to correct deficiencies identified during inspections can result in warnings, animal confiscation, fines, cease-and-desist orders, license suspension, and license revocation (7 U.S.C. §2149). Licensees and registrants can appeal USDA's final orders to the appropriate U.S. Court of Appeals. Dealers, exhibitors, and auction-sale operators may be subject to criminal penalties for knowing violations of the AWA. In 2021, APHIS took civil or administrative action against violators: it opened 118 cases, issued 58 warnings, suspended one facility's license for five years, and permanently revoked two licenses.[32]

### Public Database

Prior to 2017, USDA voluntarily provided public access to a searchable database containing AWA records, including inspection reports and enforcement actions. In February 2017, USDA ended public access to this database.[33] Stakeholders criticized a lack of transparency in the decision to end public access and expressed concerns that limiting public access to this information would prevent public awareness of AWA violators and allow animal abuse to occur without public review.[34] The Further Consolidated Appropriations Act, 2020 (P.L. 116-94) amended the *U.S. Code* (7 U.S.C. §2146a) to require APHIS to host a publicly searchable database of AWA inspection reports, enforcement records, and final research facility annual reports. APHIS launched the database in September 2020.[35]

## Issues for Congress

Animal welfare issues have generated significant attention from stakeholder groups. As mentioned, the AWA originated in part due to overwhelming public interest in the ethical sourcing

[29] The AWA does not require federal research institutions to register with APHIS, and they are not required to undergo AWA inspections.

[30] Dan Robitzski, "Lawsuit Alleges USDA Secretly Relaxed Animal Welfare Inspections," *The Scientist*, April 7, 2022.

[31] APHIS, "Risk Based Inspection System," at https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/SA_AWA/CT_AWA_Risk_Based_Inspection_System.

[32] APHIS, *2021 Impact Report*, April 2022.

[33] For more information, see Karin Brulliard, "USDA Abruptly Purges Animal Welfare Information from its Website," *Washington Post*, February 2, 2017; and Meredith Wadman, "Updated: USDA Responds to Outcry over Removal of Animal Welfare Documents, Lawsuit Threats," *Science Insider*, February 7, 2017.

[34] Ibid.

[35] This information is available at APHIS, "USDA Animal Care Public Search Tool," at https://aphis-efile.force.com/PublicSearchTool/s.

and humane treatment of animals intended for biomedical research.[36] Congress may choose to consider the following selected issues.

## AWA Standards

The AWA calls on USDA to promulgate standards for the humane care, treatment, and transportation of covered animals. Some observers have criticized USDA's regulatory standards as permissive and outdated.[37] For example, the Humane Society of the United States (HSUS) argues that the long-standing minimum standards for dogs and cats established in AWA regulations permit conditions that today's public would consider inhumane, such as wire flooring in the animals' primary enclosures, extreme temperature protection that applies only if the extreme temperature persists for more than four hours, and no socialization and exercise requirement.[38] If Congress chooses to address AWA standards, it could do so by directing USDA to update or strengthen existing AWA standards for all covered animals, or certain types of covered animals, through regulation. For example, Congress could call on USDA to update AWA standards in appropriations report language for APHIS. Alternatively, Congress could pass legislation that codifies specific standards for different types of covered animals. For example, the Puppy Protection Act (H.R. 2840/S. 1385)—introduced in the 117th Congress—would amend the AWA to specify certain standards for dogs that meet or exceed those standards specified in AWA regulations.

## AWA Enforcement

Stakeholders including HSUS, the American Society for the Prevention of Cruelty to Animals (ASPCA), and People for the Ethical Treatment of Animals (PETA) have asserted that AWA enforcement is insufficient.[39] Members of Congress also have expressed similar concerns. The explanatory statement accompanying the Consolidated Appropriations Act, 2022 (P.L. 117-103) includes the following:

> Committees are concerned about the ongoing mismanagement of APHIS's Animal Care program. News reports have repeatedly documented long and inexplicable delays by APHIS in acting against blatant violations of the Animal Welfare Act that resulted in the illness and death of many animals under APHIS's jurisdiction.[40]

Several Members of Congress have written letters to APHIS calling for increased oversight and enforcement for licensees and registrants.[41] Should Congress choose to address AWA enforcement, it could do so through oversight, appropriations, or legislation.

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[36] See footnote 2.

[37] See, for example, HSUS, *Puppy Mills and the Animal Welfare Act*, 2020, at https://www.humanesociety.org/sites/default/files/docs/puppy-mills-awa-booklet-lores_0.pdf; ASPCA, "USDA Enforcement of Animal Welfare Act Continues to Plummet," March 11, 2020; and PETA, "U.S. Department of Agriculture," at https://www.peta.org/issues/animals-used-for-experimentation/us-government-animal-testing-programs/usda.

[38] Ibid.; see also Latham and Watkins, LLP, HSUS et al. "Petition to the United States Department of Agriculture for Rulemaking Under the Animal Welfare Act to Increase Minimum Standards at Commercial Breeding Facilities," September 21, 2015, at https://blog.humanesociety.org/2015/09/hsus-usda-puppy-mills-petition.html.

[39] For stakeholder views, see, for example, HSUS, *Puppy Mills and the Animal Welfare Act*, 2020, at https://www.humanesociety.org/sites/default/files/docs/puppy-mills-awa-booklet-lores_0.pdf.

[40] Explanatory statement, *Congressional Record*, vol. 168, no. 42 (March 9, 2022), p. 1712.

[41] See, for example, Sen. Tim Kaine, "Warner & Kaine Demand Immediate Action in Light of "Continued, Horrific Mistreatment" of Dogs and Puppies at Va. Facility," press release, March 31, 2022; and Rep. Mike Quigley, "Quigley Leads Letter to USDA on USDA Animal Welfare Enforcement," press release, April 27, 2020.

Congress could increase appropriations for APHIS Animal Care. As noted in "Oversight and Enforcement," in 2021, 122 APHIS animal welfare inspectors oversaw nearly 12,000 AWA licensees and registrants. The number of inspections reported by USDA (7,670) equates to about 65% of all AWA licensees and registrants and indicates that APHIS does not inspect every licensee and registrant every year (see also "APHIS Inspections of Research Facilities"). Additional funds could allow APHIS to hire more staff to conduct AWA inspections and engage in AWA enforcement.

Legislation introduced in the 117th Congress—including H.R. 3277, the Animal Welfare Enforcement Improvement Act, and H.R. 6100—would address animal welfare enforcement. H.R. 3277 would support increased AWA enforcement via various means. Among these, it would (1) require dealers and exhibitors to renew their licenses annually (as opposed to every three years), with new conditions regarding the allowable number, type, and recency of past animal welfare violations; (2) prohibit dealers and exhibitors who lose their licenses from obtaining new licenses under other business names or via family members or business partners; and (3) allow for individual citizens to initiate civil lawsuits against individuals or entities who they allege are violating the AWA. H.R. 6100 would (1) require annual inspections of all exhibitors' and dealers' premises, in addition to the existing requirement of annual inspections of research facilities; (2) require USDA to promulgate regulations for USDA's prompt confiscation or humane destruction of animals found to be suffering harm due to AWA violations; and (3) specify conditions and processes for revoking an AWA license, appeals, fines, and imprisonment for AWA violations.

## Dealers: Dog Breeders

Dog breeders have been the subject of USDA and congressional oversight for years. A 2010 USDA OIG report audited APHIS Animal Care's investigations of large-scale dog dealers (i.e., breeders and brokers) that failed to provide humane treatment for animals under their care.[42] The audit determined that APHIS Animal Care's enforcement process was ineffective against dealers with repeated violations; APHIS misused its guidelines to lower penalties for AWA violators; and some large breeders circumvented the AWA by selling animals over the internet. APHIS concurred with the OIG's findings and implemented 13 of the 14 recommendations, including amending the definition of *retail pet store* to exclude sales that are not face-to-face transactions.[43] In a 2021 follow-up report, USDA OIG identified concerns and made three recommendations for APHIS Animal Care:

1. resolve issues with data consistency and security in its Animal Care database;
2. develop and implement guidance, policies, and procedures to improve its responses to animal welfare complaints and its documentation of agency responses to complaints; and
3. improve the training of AWA inspectors.[44]

[42] USDA OIG, *APHIS Animal Care Program Inspections of Problematic Dealers*, Audit Report 33002-4-SF, May 2010.

[43] The OIG audit found that more than 80% of sampled breeders were not licensed under AWA because they sold animals over the internet and claimed the "retail pet store" exemption. Such "puppy mill breeders" were not being monitored or inspected to ensure the health and humane treatment of the animals. USDA partially agreed with the audit recommendation to "Include instructions in 'Determining Penalties Under the Animal Welfare Act' to count each animal as a separate violation in cases involving animal deaths and unlicensed wholesale activities." USDA determined that this recommendation may be impractical to implement for unlicensed wholesale activities.

[44] USDA OIG, *Animal Care Program Oversight of Dog Breeders*, June 2021, Audit Report 33601-0002-31.

Members of Congress also have questioned APHIS's oversight of dog breeding facilities. In March 2022, two Senators wrote to APHIS requesting follow-up information about its enforcement policies and actions in response to repeated AWA violations at a particular dog breeding facility.[45] The Senators charged that APHIS did not use available enforcement tools, including fines, license suspension, and animal confiscation, to correct "continued, horrific mistreatment" of animals at a licensed breeding facility. The U.S. Department of Justice filed a civil complaint against the operator of the facility for AWA violations, and in June 2022, the facility announced it would close.[46]

If Congress chooses to address AWA compliance of dog breeders, Congress could do so through hearings or new legislation. For example, in April 2022, the State of Virginia enacted legislation to bar dog and cat breeding facilities from selling their animals for two years following a USDA citation for any single serious AWA violation or any three lesser AWA violations.[47]

## Exhibitors: Roadside Zoos

Members of Congress have questioned APHIS oversight of roadside zoos and other exhibitors. In April 2020, 53 Members of Congress wrote to APHIS in response to open and notorious AWA violations at AWA-licensed animal exhibition facilities that were the subject of the documentary series *Tiger King*.[48] Among other requests, these Members called on APHIS to finalize a proposed rule to end the automatic renewal of AWA licenses. In May 2020, APHIS finalized the rule, and in August 2020, it suspended the featured zoo's license.[49]

## Enforcement During the COVID-19 Pandemic

AWA implementation relies in large part on APHIS staff conducting in-person facilities inspections. Mitigation measures (i.e., social distancing policies and practices) associated with the public health emergency declared in March 2020—namely the Coronavirus Disease 2019 (COVID-19) pandemic—challenged existing standard operating procedures (SOPs) for AWA pre-license and routine inspections. As a result, APHIS developed new, temporary SOPs to allow for the continuation of AWA inspections under these new and evolving circumstances.[50] In some cases, these SOPs allowed for advanced scheduling of the typically unannounced compliance inspections, and they allowed inspections via live-video streaming rather than in-person. As pandemic conditions improved, APHIS issued additional guidance about both social distancing and the resumption of in-person inspections.[51]

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[45] Sen. Tim Kaine, "Warner & Kaine Demand Immediate Action in Light of "Continued, Horrific Mistreatment" of Dogs and Puppies at Va. Facility," press release, March 31, 2022.

[46] Science News Staff, "Troubled Beagle Facility to Close," *Science News*, June 16, 2022.

[47] Meredith Wadman, "In a First, State Bill Would Require Nearly Perfect Welfare Record for Research Dog and Cat Suppliers," *Science Insider*, March 9, 2022 (updated April 7, 2022).

[48] Letter from 53 Members of Congress to the APHIS Administrator regarding AWA enforcement, April 27, 2020, at https://quigley.house.gov/media-center/press-releases/quigley-leads-letter-usda-animal-welfare-enforcement.

[49] APHIS, "Animal Welfare; Amendments to Licensing Provisions and to Requirements for Dogs," 85 *Federal Register* 28772, May 13, 2020; Kaelan Deese, "Zoo Featured on 'Tiger King' Closes Permanently after USDA Suspends License," *The Hill*, August 19, 2020.

[50] USDA APHIS Animal Care, *SOP for Remote Pre-License Inspections*, October 21, 2020, at https://www.aphis.usda.gov/publications/animal_welfare/sop-for-remote-pre-license-inspections.pdf; and USDA APHIS Animal Care, *SOP for Remote Routine Inspections*, December 16, 2020, at https://www.aphis.usda.gov/publications/animal_welfare/sop-for-remote-routine-inspections.pdf.

[51] USDA, APHIS Animal Care, *Social Distancing Guidelines on AWA Inspections*, version of June 3, 2021, with

Stakeholders including the ASPCA and the Humane Society Legislative Fund (HSLF) expressed concerns that pandemic measures such as limiting, scheduling, and conducting by video routine inspections resulted in poor AWA oversight.[52] The ASPCA called on Congress to investigate USDA's AWA administration during the COVID-19 pandemic. If Congress chooses to review how USDA adapted to changing conditions, it could do so via a congressional hearing or by requesting a USDA OIG or Government Accountability Office audit.

## Animals Used in Research

Animal welfare advocates and Members of Congress have raised concerns about the welfare of animals intended for use in research.[53] Among stakeholder groups, Speaking of Research advocates for the importance of animals in research whereas the White Coat Waste Project advocates for an end to federal funding of animal research.[54] The National Academies of Sciences, Engineering, and Medicine's (NASEM's) Institute for Laboratory Animal Research has published reports and held public meetings over the years evaluating the need to use animals in research and potential alternatives to animal research models.[55] Both USDA and NIH play roles in federal oversight of animals used in research.[56] Certain legislation introduced in the 117th Congress would address USDA's role in laboratory animal welfare through AWA amendments. Examples of these proposals are provided, below.

### APHIS Inspections of Research Facilities

The AWA requires that USDA inspect registered research facilities at least annually. In 2022, the Harvard Law School Animal Law & Policy Clinic filed a lawsuit against USDA alleging that USDA does not meet this obligation.[57] This lawsuit—filed on behalf of two animal welfare organizations—alleged that in 2019, USDA began a publicly undisclosed policy of not fully inspecting research facilities that were accredited by AAALAC. In response to reporting on the lawsuit, USDA stated that APHIS, "is not using AAALAC inspections. [It] is conducting focused inspections of research facilities because facilities that are AAALAC accredited generally have better compliance records, and we can expend less resources on said facilities."[58] Research

updated version at https://www.aphis.usda.gov/publications/animal_welfare/social-distancing-guidelines-on-inspection.pdf; and USDA, APHIS Animal Care, *Standard Operating Procedures for Resuming Facility Inspections During the COVID-19 Pandemic*, version of June 3, 2021, with updated version at https://www.aphis.usda.gov/publications/animal_welfare/sop-for-resuming-inspections-during-covid19.pdf.

[52] Matt Bershadker (ASPCA), "Congress: It's Time to Fix the Systems that Failed Animals During the Pandemic," *The Hill*, June 29, 2021; and Sara Amundson and Kitty Block, "Slow Pace of State and Federal Inspections During Pandemic Makes Things Worse for Dogs in Puppy Mills," HSLF blog, April 12, 2021, at https://hslf.org/blog/2021/04/slow-pace-state-and-federal-inspections-during-pandemic-makes-things-worse-dogs-puppy.

[53] For more information on federal laws, regulations, and policies regarding animals used in federally funded biomedical research, see CRS In Focus IF12002, *Animal Use in Federal Biomedical Research: A Policy Overview*.

[54] For more information, see Speaking of Research, at https://speakingofresearch.com, and White Coat Waste Project, at https://www.whitecoatwaste.org.

[55] NASEM, "Institute for Laboratory Animal Research," at https://www.nationalacademies.org/ilar/institute-for-laboratory-animal-research.

[56] National Institute of Health's (NIH's) Office of Laboratory Animal Welfare (OLAW) implements the PHS Policy. Federal scientific funding agencies also develop their own agency-specific animal welfare policies in addition to those of the AWA and PHS Policy. For additional information, see "Research Facility Requirements."

[57] Dan Robitzski, "Lawsuit Alleges USDA Secretly Relaxed Animal Welfare Inspections," *The Scientist*, April 7, 2022.

[58] David Grimm, "USDA Now only Partially Inspects Some Lab Animal Facilities, Internal Documents Reveal," *Science Insider*, May 5, 2021 (hereinafter Grimm 2021).

published in 2015 suggests that on a per-animal basis, in FY2009 and FY2010, facilities with AAALAC accreditation received more AWA noncompliance citations from APHIS than facilities without AAALAC accreditation.[59] AAALAC disputes these findings.[60]

Congress may choose to monitor whether USDA is meeting its congressionally mandated requirement to inspect research facilities at least annually and may consider whether additional inspection requirements are necessary. Congress may choose to review the role of AAALAC—a private organization—in assuring research facilities' compliance with the AWA.

## Retirement and Adoption of Research Animals

Most laboratory animals are euthanized when they are no longer needed for research.[61] Some laboratory animals may be unsuitable for adoption due to the nature of the research in which they have been used; for example, if they have been exposed to dangerous pathogens. In some cases, research institutions decide whether to permit the adoption of their research animals. NIH notes that the PHS Policy is silent on the issue of research animal adoption and states that the PHS will not assume responsibility for any research animal adoption program.[62] In other cases, federal agency policy may prohibit animal adoptions, but allow for the sale of the animals. For example, USDA has determined that USDA's laboratory animals are federal property and cannot be given away, but they can be sold, and any profits offset the cost of caring for other research animals.[63] The Animal Freedom from Testing, Experiments, and Research Act of 2021 (H.R. 5244/S. 1378, AFTER Act of 2021) would require USDA to develop regulations that facilitate the adoption or retirement of federal research animals no longer needed for research.

## Sourcing of Dogs and Cats Used for Research

Dogs and cats used for research are sourced from dealers with Class A and Class B licenses. Class A dealers are the most common, and they sell animals that they breed and raise themselves. Class B dealers, also known as random-source dealers, sell animals that they obtain from other sources, including animal shelters and other dealers.

Critics have asserted that Class B dealers often fail to provide adequate care for animals and that it has been a challenge to ensure proper documentation of the origins of random-sourced dogs and cats.[64] Others have contended that most Class B dealers comply with the AWA, and random-source dogs and cats provide genetic and age diversity not available from Class A dealers.[65] Critics' views were epitomized in the 2006 documentary series, *Dealing Dogs*, which used

[59] Justin R. Goodman, Alka Chandna, and Casey Borch, Does Accreditation by the Association for Assessment and Accreditation of Laboratory Animal Care International (AAALAC) Ensure Greater Compliance With Animal Welfare Laws?," *Journal of Applied Animal Welfare Science*, vol. 18, no. 1, 2015.

[60] For further discussion, see also David Grimm, "Animal Welfare Accreditation Called into Question," *Science*, August 29, 2014, vol. 345, no. 6200, p. 988.

[61] Speaking of Research, "FAQ about Animal Research," at https://speakingofresearch.com/facts/faq-about-animal-research/#after-experiment.

[62] NIH, OLAW, "Frequently Asked Questions (FAQs): PHS Policy on Humane Care and Use of Laboratory Animals," at https://olaw.nih.gov/faqs/#/guidance/faqs.

[63] USDA communication with CRS on June 28, 2021.

[64] Among other perspectives described, this view is documented in National Research Council (NRC), *Scientific and Humane Issues in the Use of Random Source Dogs and Cats in Research*, National Academies Press, May 2009.

[65] Ibid.

undercover video footage to document poor conditions for animals at Class B facilities.[66] A 2009 NASEM report concluded that random-source dogs and cats may be useful and needed for certain types of biomedical research, but that Class B dealers were not necessary to obtain them.[67] At that time, only 11 of the more than 1,000 licensed Class B dealers sold live dogs and cats for research and teaching.

Since at least FY2016, congressional direction in annual appropriations bills has prohibited the licensing of Class B dealers who sell random-source dogs and cats for use in research, experiments, teaching, or testing.[68] If Congress chooses to address stakeholder interest in prohibiting Class B dealers from selling animals for use in research, it could do so by continuing to include similar language in annual appropriations legislation. Congress could also consider legislation to codify this prohibition. The Pet Safety and Protection Act (H.R. 3187), first introduced in 2007 (S. 714/H.R. 1280), has been reintroduced over the years, including in the 117th Congress (H.R. 3187). The bill would amend the AWA to prohibit AWA-registered research facilities from purchasing dogs and cats from Class B dealers. The bill also would establish a $1,000 fine per violation, in addition to any other applicable penalties.

## Animals Not Covered Under the AWA

As discussed in "Covered Animals and Animal Uses," the welfare concerns for some animals that are not covered by the AWA are covered by other federal laws. For example, while the AWA does not cover horses, USDA administers the Horse Protection Act (HPA; P.L. 91-540, 15 U.S.C. §§1821 et seq.), which addresses the intentional soring of horses to alter their gait. Certain other animals are not covered by federal laws at all. The exclusion of some of these animals from the AWA has been the subject of public debate.

### Mice, Rats, and Birds Used for Research

Mice and rats used for research are not covered under the AWA, and some advocates have called on Congress to include them as covered animals.[69] Mice and rats are among the most common research animals: the National Association for Biomedical Research estimates that they comprise 95% of all lab animals.[70] The precise number of mice and rats used in U.S. research is unknown, and it is the subject of some debate. A 2021 research study estimated the number of mice and rats used in U.S. research to be about 111 million.[71] Advocates for animal research estimate this

[66] Last Chance for Animals, "Dealing Dogs," 2006, released on HBO. Members of Congress who introduced legislation on Class B dealers cite this series: Rep. Mike Doyle, "Congressman Doyle and Smith Reintroduce Legislation to Protect Family Pets," press release, May 13, 2021.

[67] NRC, *Scientific and Humane Issues in the Use of Random Source Dogs and Cats in Research*, 2009.

[68] See, for example, Consolidated Appropriations Act, 2016 (P.L. 114-113), Division A, §753; and Consolidated Appropriations Act, 2022 (P.L. 117-103), Division A, §733.

[69] See, for example, Justin Goodman, Alka Chandna, and Katherine Roe, "Trends in Animal Use at U.S. Research Facilities," *Journal of Medical Ethics*, 2015, vol. 41, pp. 563-566; Hal Herzog, "Congress Should Declare Mice are Animals – Now!," *Huffpost*, April 22, 2015, at https://www.huffpost.com/entry/congress-should-declare-mice-are-animals-now_b_7103092.

[70] National Association for Biomedical Research, "The Importance of Animal Research," at https://www.nabr.org/biomedical-research/importance-biomedical-research.

[71] Larry Carbone, "Estimating Mouse and Rat Use in American Laboratories by Extrapolation from Animal Welfare Act-Regulated Species," *Scientific Reports*, 2021, 11:493, at https://www.nature.com/articles/s41598-020-79961-0 (estimated using 2017 and 2018 data).

number to be between 11 million and 24 million.[72] Because they are excluded from the AWA, there is no legal requirement to count or report on these animals to USDA. NIH and AAALAC collect some information on mice and rats used in research, but this information is not aggregated across research institutions, and it is not publicly available. NIH collects data only from research institutions that receive federal funding from agencies subject to the PHS Policy, and AAALAC collects information only from research institutions that voluntarily seek AAALAC accreditation.

In practice, the AWA has never covered rats, mice, or birds used in research. In 1970, Congress expanded the scope of AWA (P.L. 91-579) to include all warm-blooded animals determined by USDA to be used for experimentation or exhibition, except horses not used in research and farm animals used in food and fiber research. Following this change, USDA developed regulations that administratively excluded mice, rats, and birds for enforcement purposes. In the 2002 farm bill (P.L. 107-171, Farm Security and Rural Investment Act of 2002), Congress amended the statutory definition of animal to exclude mice, rats, and birds bred for research (§10301), and it required NASEM to produce a report studying the implications of redefining *animal* to include these animals in AWA regulations (§10304).[73] This study was never conducted.

If Congress chooses to address the issue of covering mice, rats, and birds used for research under the AWA, it could do so by (1) again requiring a study of the potential implications of their inclusion and providing appropriations for the study; (2) enacting legislation to change the statutory definition of animal to include these animals; or (3) calling on USDA to include these animals through regulation. Congress may choose to exercise oversight of USDA's development of AWA regulations for birds not used in research and USDA's enforcement of the AWA for such birds.

## Covered, but Unregulated, Animals: Birds Not Used for Research

The statutory definition of animal enacted in 2002 did not exclude birds bred for purposes other than research. Prior to 2002, AWA regulations had not covered any bird, and USDA did not have AWA standards for birds. As of July 2022, USDA has not yet finalized AWA standards for birds not bred for research, and it has not initiated AWA enforcement for such birds. In February 2022, USDA published a proposed rule to establish AWA standards for birds not used in research.[74]

## Circus Animals

The AWA applies to circuses and traveling animal acts. As exhibitors, circuses and similar acts must have a license to operate, maintain standards of animal care, and undergo unannounced inspections. Federal law does not restrict the use of certain types of animals in circuses or other traveling animal acts. Animal welfare advocates have long called for a ban on the use of animals in circuses and other traveling animal acts.[75] As of June 2022, at least six U.S. states and more than 130 counties and municipalities have enacted bans on the use of certain animals in circuses and traveling shows.[76] In 2015, the historic Ringling Bros. and Barnum & Bailey Circus

[72] Speaking of Research, "Worldwide Animal Research Statistics," at https://speakingofresearch.com/facts/animal-research-statistics (estimates extrapolated from 2019 AWA reporting data).

[73] The legislation specifically calls for an NRC study. The NRC became part of the new NASEM in 2015.

[74] APHIS, "Standards for Birds Not Bred for Use in Research Under the Animal Welfare Act," 87 *Federal Register* 9880, February 22, 2022.

[75] See, for example, PETA, "Circuses," at https://www.peta.org/issues/animals-in-entertainment/circuses; and HSUS, *The Truth Behind the Big Top*, at https://www.humanesociety.org/sites/default/files/docs/truth-behind-the-big-top.pdf.

[76] For more information, see Animal Legal Defense Fund, "Prohibiting Circuses and Traveling Shows that Use Wild

announced that it would end the use of elephants in its shows by 2017. In May 2017, Feld Entertainment shuttered the circus after 146 years in business.[77]

If Congress chooses to address the use of exotic and wild animals in traveling shows, it could do so through legislation. For example, the Traveling Exotic Animal and Public Safety Protection Act of 2021 (H.R. 5999/S. 3220) would amend the AWA to prohibit the use of exotic and wild animals in traveling performances.

## Animals in Shelters

In general, the AWA does not address animal shelters, which are governed in most aspects by state and local laws and regulations. An AWA provision that does apply to animal shelters is a required five-day holding period for dogs or cats newly acquired by animal shelters, pounds, and research facilities, before they can be sold to animal dealers (7 U.S.C. §2158). This waiting period allows for the dog's or cat's recovery by its original owner or adoption by a new individual. Concerns have been raised regarding missed opportunities to reunite shelter animals with their owners and the possibility of these random-sourced dogs and cats ending up in research facilities. The American Veterinary Medical Association asserts that microchipping a pet improves the chances of recovering a lost or stolen pet.[78] The Keeping Pets and Families Together Act (H.R. 4180) would amend this section of the AWA to create a grant program for animal shelters to label dogs and cats with microchips.

Animals," at https://aldf.org/wp-content/uploads/2020/05/Circus-Ban-Factsheet.pdf; and PETA, "Charlotte, New York City, and Others Ban Wild-Animal Acts in Circuses" (updated May 17, 2021), at https://www.peta.org/features/animals-in-circuses-banned-cities-states-countries.

[77] In October 2021, Feld Entertainment, the owners of Ringling Brothers and Barnum and Bailey Circus, announced that it plans to reopen the circus without animals in 2023. James Zoltack, "Feld Entertainment Is Bringing Ringling Bros. and Barnum & Bailey Circus Back," October 21, 2021, at https://venuesnow.com/feld-entertainment-is-bringing-the-circus-back.

[78] American Veterinary Medical Association, "Microchipping FAQ," at https://www.avma.org/resources-tools/pet-owners/petcare/microchips-reunite-pets-families/microchipping-faq.

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