

118TH CONGRESS
1ST SESSION

H. R. 5041

To amend the Animal Welfare Act to expand and improve the enforcement capabilities of the Attorney General, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2023

Mr. RESCENTIALER (for himself and Mr. QUIGLEY) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Animal Welfare Act to expand and improve the enforcement capabilities of the Attorney General, 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 “Better Collaboration,
5 Accountability, and Regulatory Enforcement for Animals
6 Act of 2023” or the “Better CARE for Animals Act of
7 2023”.

1 **SEC. 2. STRENGTHENING ANIMAL WELFARE ENFORCE-**
2 **MENT.**

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

5 (1) in subsection (b), by striking “of the United
6 States or his representative who shall be an em-
7 ployee of the United States” and inserting “or a
8 representative of the Secretary of Agriculture, who
9 shall be an employee of the”;

10 (2) in subsection (c)(1), by adding “or” at the
11 end after the semicolon; and

12 (3) in each of subsections (a) through (o)—

13 (A) by inserting a subsection heading, the
14 text of which comprises the term defined in the
15 subsection;

16 (B) by reordering the subsections so as to
17 appear in alphabetical order based on the sub-
18 section headings (as so added); and

19 (C) by redesignating the subsections (as so
20 reordered) appropriately.

21 (b) SALE OR TRANSPORTATION WITHOUT LI-
22 CENSE.—Section 4 of the Animal Welfare Act (7 U.S.C.
23 2134) is amended to read as follows:

24 **“SEC. 4. SALE OR TRANSPORTATION WITHOUT LICENSE.**

25 “No dealer or exhibitor shall do any of the following
26 in commerce: exhibit, purchase, offer to purchase, sell,

1 offer to sell, transport, or offer for transportation any ani-
2 mal, unless the dealer or exhibitor has a valid license from
3 the Secretary that has not been suspended.”.

4 (c) INVESTIGATIONS AND INSPECTIONS.—Section
5 16(c) of the Animal Welfare Act (7 U.S.C. 2146(c)) is
6 amended in the fourth sentence by striking “enforce, and
7 to prevent and restrain violations of this Act,” and insert-
8 ing “enforce, prevent, and restrain violations of this Act,
9 or any rule, standard, or regulation promulgated pursuant
10 to this Act,”.

11 (d) CIVIL PENALTY.—Section 19 of the Animal Wel-
12 fare Act (7 U.S.C. 2149) is amended—

13 (1) in subsection (d), in the first sentence, by
14 inserting “, or any rule, standard, or regulation pro-
15 mulgated thereunder,” before “shall”; and

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

17 “(e) REWARDS AND CERTAIN INCIDENTAL EX-
18 PENSES.—With respect to the sums received by the Sec-
19 retary or the Attorney General as penalties or fines for
20 any violation of this Act or any rule, standard, or regula-
21 tion promulgated thereunder, the Secretary or the Attor-
22 ney General, as applicable, shall use those sums to pay
23 the reasonable and necessary costs incurred by any person
24 in providing temporary care for any animal pending the

1 disposition of any civil or criminal proceeding alleging a
2 violation of this Act with respect to that animal.”.

3 (e) ENFORCEMENT BY ATTORNEY GENERAL.—The
4 Animal Welfare Act is amended by inserting after section
5 19 (7 U.S.C. 2149) the following:

6 **“SEC. 20. ENFORCEMENT BY ATTORNEY GENERAL.**

7 “(a) IN GENERAL.—The Attorney General may bring
8 a civil action in the appropriate district court of the
9 United States for appropriate relief, including a temporary
10 restraining order, preliminary or permanent injunction
11 (including for removal or relocation of animals), license
12 revocation, and civil penalties of up to \$10,000 for each
13 violation for each day during which the violation con-
14 tinues, against any person who violates any provision of
15 this Act or any rule, standard, or regulation promulgated
16 thereunder.

17 “(b) SEIZURE AND FORFEITURE OF ANIMALS.—

18 “(1) IN GENERAL.—Any animal that is sub-
19 jected to conduct that constitutes a violation of this
20 Act, or any rule, standard, or regulation promul-
21 gated thereunder, shall be subject to seizure and for-
22 feiture to the United States in accordance with
23 chapter 46 of title 18, United States Code.

24 “(2) COSTS.—Any person whose act or omis-
25 sion is the basis for a seizure authorized by subpara-

1 graph (1) may be charged a reasonable fee for ex-
2 penses to the United States relating to the transfer
3 and care of the seized animal.

4 “(c) WARRANTS.—The judges of the district courts
5 of the United States and United States magistrate judges
6 may, within their respective jurisdictions, on proper oath
7 or affirmation showing probable cause, issue such war-
8 rants or other processes as may be required for enforce-
9 ment of this Act and any rule, standard, or regulation pro-
10 mulgated thereunder.

11 “(d) SAVINGS CLAUSE.—

12 “(1) ATTORNEY GENERAL.—No action taken by
13 the Attorney General pursuant to this section shall
14 affect or limit the authority of the Secretary to en-
15 force any provision of this Act or any rule, standard,
16 or regulation thereunder.

17 “(2) SECRETARY.—No action taken by the Sec-
18 retary shall affect or limit the authority of the At-
19 torney General under this Act.”.

20 (f) AUTHORITY TO APPLY FOR INJUNCTIONS.—Sec-
21 tion 29(b) of the Animal Welfare Act (7 U.S.C. 2159(b))
22 is amended by striking the second sentence.

23 (g) SEVERABILITY.—The Animal Welfare Act (7
24 U.S.C. 2131 et seq.) is amended by adding at the end
25 the following:

1 **“SEC. 30. SEVERABILITY.**

2 “If any provision of this Act, or the application there-
3 of, is held invalid, the validity of the remainder of this
4 Act and the application of such provision to other persons
5 and circumstances shall not be affected.”.

6 (h) MEMORANDUM OF UNDERSTANDING.—Not later
7 than 180 days after the date of enactment of this Act,
8 the Secretary of Agriculture shall enter into a memo-
9 randum of understanding with the Attorney General to
10 carry out the authorities granted by the amendments
11 made by this section, including an agreement to provide
12 the Attorney General with timely information about viola-
13 tors who have multiple citations that seriously or adversely
14 affect the health or well-being of an animal.

15 **SEC. 3. SENSE OF CONGRESS.**

16 It is the sense of Congress that—

17 (1) section 16(c) of the Animal Welfare Act (7
18 U.S.C. 2146(c)) establishes the jurisdiction of Fed-
19 eral courts to address violations of, and cases arising
20 from violations of, that Act and provides the Attor-
21 ney General with the authority to bring such cases
22 in Federal court; and

23 (2) the enforcement jurisdiction of the Federal
24 courts, and the corresponding enforcement authority
25 of the Attorney General, include violations of the

1 rules, standards, and regulations promulgated under
2 that Act.

