

117TH CONGRESS
1ST SESSION

S. 1378

To amend the Animal Welfare Act to allow for the retirement of certain animals used in Federal research, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2021

Ms. COLLINS (for herself, Mr. PETERS, and Mrs. SHAHEEN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Animal Welfare Act to allow for the retirement of certain animals used in Federal research, 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 Freedom from
5 Testing, Experiments, and Research Act of 2021” or the
6 “AFTER Act of 2021”.

1 **SEC. 2. PLACEMENT OF ANIMALS USED IN FEDERAL RE-**
2 **SEARCH.**

3 (a) IN GENERAL.—Section 14 of the Animal Welfare
4 Act (7 U.S.C. 2144) is amended to read as follows:

5 **“SEC. 14. STANDARDS FOR FEDERAL FACILITIES.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) ANIMAL RESCUE ORGANIZATION.—The
8 term ‘animal rescue organization’ means a nonprofit
9 organization the purpose of which is to rescue cov-
10 ered animals and find permanent adoptive homes for
11 those animals.

12 “(2) ANIMAL SANCTUARY.—The term ‘animal
13 sanctuary’ means a nonprofit organization that—

14 “(A) is registered with the Secretary;

15 “(B) operates a place of refuge in which—

16 “(i) a covered animal is provided care
17 for the lifetime of the animal; and

18 “(ii) an unescorted public visitation of
19 that animal is not permitted;

20 “(C) does not engage in commercial trade
21 of covered animals;

22 “(D) does not breed covered animals;

23 “(E) does not permit direct contact be-
24 tween the public and covered animals;

1 “(F) does not allow the use of a covered
2 animal for performance or exhibition purposes;
3 and

4 “(G) does not conduct or permit research
5 on a covered animal other than noninvasive be-
6 havioral research.

7 “(3) ANIMAL SHELTER.—The term ‘animal
8 shelter’ means a facility that—

9 “(A) accepts or seizes covered animals—

10 “(i) to care for the animals;

11 “(ii) to place those animals in a per-
12 manent adoptive home; or

13 “(iii) for purposes of law enforcement;

14 and

15 “(B) does not—

16 “(i) engage in commercial trade of
17 covered animals;

18 “(ii) breed covered animals;

19 “(iii) allow the use of a covered ani-
20 mal for performance or exhibition pur-
21 poses; or

22 “(iv) conduct or permit research on a
23 covered animal other than noninvasive be-
24 havioral research.

25 “(4) COVERED ANIMAL.—

1 “(A) IN GENERAL.—The term ‘covered
2 animal’ means an animal that is unwanted,
3 abandoned, or otherwise in need of placement
4 in a home.

5 “(B) EXCLUSIONS.—The term ‘covered
6 animal’ does not include—

7 “(i) a rat of the genus *Rattus*; or

8 “(ii) a mouse of the genus *Mus*.

9 “(5) NONPROFIT ORGANIZATION.—The term
10 ‘nonprofit organization’ means an organization de-
11 scribed in section 501(c)(3) of the Internal Revenue
12 Code of 1986 and exempt from taxation under sec-
13 tion 501(a) of that Code.

14 “(6) SUITABLE FOR RETIREMENT.—The term
15 ‘suitable for retirement’ means, with respect to an
16 animal, that the animal has been evaluated by a li-
17 censed veterinarian and is determined to be mentally
18 and physically healthy.

19 “(b) LABORATORY ANIMAL FACILITIES AND EXHIBI-
20 TORS.—

21 “(1) IN GENERAL.—Except as provided in para-
22 graph (2), any department, agency, or instrumen-
23 tality of the United States that operates laboratory
24 animal facilities or exhibits animals shall comply
25 with the standards and other requirements promul-

1 gated by the Secretary under subsections (a), (g),
2 (h), and (i) of section 13.

3 “(2) EXCEPTION.—A department, agency, or
4 instrumentality of the United States that operates
5 laboratory animal facilities shall not be required to
6 comply with the standards and other requirements
7 promulgated by the Secretary under section 13(g) in
8 the case of transporting a chimpanzee that has been
9 used, or was bred or purchased for use, in research
10 conducted or supported by a Federal agency to an
11 animal sanctuary or into the sanctuary system es-
12 tablished under section 404K of the Public Health
13 Service Act (42 U.S.C. 283m).

14 “(c) RETIREMENT.—

15 “(1) IN GENERAL.—Not later than 90 days
16 after the date of enactment of the AFTER Act of
17 2021, any department, agency, or instrumentality of
18 the United States operating a Federal research facil-
19 ity shall, after public notice and comment, promul-
20 gate regulations that, with respect to any animal of
21 the facility that is no longer needed for research and
22 determined to be suitable for retirement—

23 “(A) facilitate and encourage the adoption
24 of the animal by, or placement of the animal
25 with—

1 “(i) an animal rescue organization,
2 animal sanctuary, animal shelter, or indi-
3 vidual who intends to keep the animal as
4 a pet; or

5 “(ii) in the case of a nonhuman pri-
6 mate, an animal sanctuary; and

7 “(B) to the maximum extent practicable,
8 collaborate with appropriate nonprofit organiza-
9 tions to carry out subparagraph (A).

10 “(2) NATIONAL PLACEMENT.—The regulations
11 promulgated to carry out paragraph (1)(A) shall in-
12 clude consideration of placing animals with the enti-
13 ties described in that subparagraph that are located
14 beyond the immediate geographic vicinity of the
15 Federal research facility at which the animal being
16 retired is located.

17 “(3) TRANSPORT OF CHIMPANZEES.—The regu-
18 lations promulgated to carry out paragraph (1)(A)
19 shall not prohibit or otherwise prevent the transport
20 of a chimpanzee that has been used, or was bred or
21 purchased for use, in research conducted or sup-
22 ported by a Federal agency to an animal sanctuary
23 or into the sanctuary system established under sec-
24 tion 404K of the Public Health Service Act (42
25 U.S.C. 283m).

1 “(d) EFFECT ON OTHER LAWS.—Nothing in this sec-
2 tion shall—

3 “(1) preempt any State or local law relating to
4 the adoption or placement of animals used in re-
5 search that is more stringent than the requirements
6 of this section;

7 “(2) prohibit the transport of a chimpanzee
8 that has been used, or was bred or purchased for
9 use, in research conducted or supported by a Fed-
10 eral agency to an animal sanctuary or into the sanc-
11 tuary system established under section 404K of the
12 Public Health Service Act (42 U.S.C. 283m); or

13 “(3) prevent a State or unit of local government
14 from adopting or enforcing an animal welfare law
15 that is more stringent than this section.”.

16 (b) TECHNICAL AMENDMENTS.—Section 13 of the
17 Animal Welfare Act (7 U.S.C. 2143) is amended—

18 (1) by redesignating subsections (g) and (h) as
19 subsections (h) and (i), respectively; and

20 (2) by redesignating the second subsection (f)
21 (relating to the certification requirement for the de-
22 livery of any animal) as subsection (g).

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