

118TH CONGRESS
1ST SESSION

H. R. 2939

To amend the Animal Welfare Act to prohibit the confinement of pregnant pigs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2023

Ms. ESCOBAR (for herself, Ms. BARRAGÁN, Ms. NORTON, and Mr. NEGUSE) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Animal Welfare Act to prohibit the confinement of pregnant pigs, 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 “Pigs In Gestation
5 Stalls Act of 2023” or the “PIGS Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Intensive confinement of pigs is a signifi-
9 cant animal welfare issue, causing physical problems
10 and psychological anguish for the animals.

1 (2) Dozens of major food retailers and more
2 than 10 States have taken action to phase out the
3 use of intensive confinement for pigs, reflecting the
4 will and concerns of the public.

5 (3) At least two States have adopted policies to
6 forbid the sale of pork from factory farms that use
7 gestation crates, with that policy predicated on
8 human health and animal welfare concerns.

9 (4) As more consumers turn away from pur-
10 chasing pork products derived from intensive con-
11 finement practices, the pork industry will be better
12 aligned with its customers by ending these unpopu-
13 lar and inhumane housing methods.

14 **SEC. 3. PROHIBITION ON CONFINING BREEDING PIGS.**

15 (a) IN GENERAL.—The Animal Welfare Act (7
16 U.S.C. 2131 et seq.) is amended by adding at the end
17 the following:

18 **“SEC. 30. PROHIBITION ON CONFINING BREEDING PIGS.**

19 “(a) PROHIBITION.—

20 “(1) IN GENERAL.—It shall be unlawful for a
21 person to cause any breeding pig to be confined in—

22 “(A) such a manner that prevents the pig
23 from lying down, standing up, or turning
24 around—

1 “(i) in a complete circle without any
2 impediment, including a tether; and

3 “(ii) without touching the side of an
4 enclosure or another animal; and

5 “(B) beginning on December 31, 2023, a
6 space with less than 24 square feet of usable
7 floorspace per pig, as calculated under para-
8 graph (3).

9 “(2) EXCEPTIONS.—The Secretary shall not, in
10 applying paragraph (1), consider a breeding pig to
11 be confined in a cruel manner if such confinement
12 occurs during—

13 “(A) transportation;

14 “(B) examination, testing, treatment, or
15 an operation conducted for veterinary purposes,
16 but only if performed by or under the direct su-
17 pervision of a licensed veterinarian;

18 “(C) the five-day period before the pig’s
19 expected date of farrowing; and

20 “(D) slaughter conducted in accordance
21 with the Humane Methods of Slaughter Act (7
22 U.S.C. 1901 et seq.).

23 “(3) CALCULATION OF USABLE FLOORSPACE.—
24 For purposes of paragraph (1)(B), the total square

1 footage of floorspace provided to each breeding pig
2 in an enclosure shall be determined by dividing—

3 “(A) the total square footage of floorspace
4 provided to all the animals in such enclosure; by

5 “(B) the number of animals in that enco-
6 sure.

7 “(b) PENALTIES.—For the purpose of administering
8 and enforcing this section, the authorities provided under
9 sections 10414 and 10415 of the Animal Health Protec-
10 tion Act (7 U.S.C. 8313 and 8314) shall apply to this sec-
11 tion in a similar manner as those sections apply to the
12 Animal Health Protection Act (7 U.S.C. 8301 et seq.).
13 Any person that violates the prohibition under subsection
14 (a) shall be subject to penalties provided in such section
15 10414.

16 “(c) NO PREEMPTION.—Nothing in this section pre-
17 empts any State or local laws, regulations, orders, or other
18 requirements with respect to animal welfare that are iden-
19 tical to or are in addition to the requirements of this sec-
20 tion.

21 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed as limiting the authority of the Sec-
23 retary under this Act or another Federal law to protect
24 animal welfare.

1 “(e) SEVERABILITY.—If this section is held unconsti-
2 tutional as to some provisions or circumstances, it shall
3 remain in force as to the remaining provisions and other
4 circumstances.

5 “(f) FINANCIAL ASSISTANCE.—

6 “(1) IN GENERAL.—The Secretary shall estab-
7 lish a program under which the Secretary will pro-
8 vide financial assistance to pig producers to assist
9 such producers in complying with the requirements
10 of this section.

11 “(2) PRIORITY.—The Secretary shall allocate
12 funds made available under paragraph (3) among
13 pig producers in a manner that prioritizes inde-
14 pendent pig producers.

15 “(3) FUNDING.—The Secretary shall amend the
16 order in effect as of the date of the enactment of
17 this section under section 1616(c) of the Pork Pro-
18 motion, Research, and Consumer Information Act of
19 1985 (7 U.S.C. 4805(c)), to direct the National
20 Pork Board, notwithstanding section 1620(c) of
21 such Act (7 U.S.C. 4809(c)), to set aside not less
22 than \$10,000,000 of the funds collected from assess-
23 ments made under such Act for the first fiscal year
24 that begins after the date of the enactment of this
25 section and the following fiscal year to provide as-

1 sistance to pig producers, as described in paragraph
2 (1).

3 “(g) DEFINITIONS.—In this section:

4 “(1) The term ‘breeding pig’ means any female
5 pig that is—

6 “(A) kept for the purpose of commercial
7 breeding who is six months of age or older; or

8 “(B) pregnant.

9 “(2) The term ‘enclosure’ means any cage,
10 crate or other enclosure in which a pig is kept, in-
11 cluding, a gestation crate.

12 “(3) The term ‘pig’ means any animal of the
13 porcine species.

14 “(4) The term ‘independent pig producer’
15 means a pig producer who owns their own pigs and
16 is not contracted to raise pigs that belong to another
17 entity.”.

18 (b) APPLICABILITY.—The amendment made by this
19 section shall apply beginning on the date that is one year
20 after the date of the enactment of this Act.

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