

118TH CONGRESS  
1ST SESSION

# S. 707

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 8, 2023

Ms. COLLINS (for herself, Mr. PETERS, Mr. WHITEHOUSE, Mr. HICKENLOOPER, Ms. HASSAN, Ms. WARREN, Ms. SMITH, Mr. BOOKER, Mr. WARNOCK, Ms. ROSEN, Ms. DUCKWORTH, Mr. KING, Mr. PADILLA, Mrs. FEINSTEIN, Mr. VAN HOLLEN, Mrs. SHAHEEN, Mr. CARPER, and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## 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 2023” or the  
6 “AFTER Act of 2023”.

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.—Any department, agency, or instrumentality of the  
21          United States that operates laboratory animal facilities or  
22          exhibits animals shall comply with the standards and other  
23          requirements promulgated by the Secretary under sub-  
24          sections (a), (g), (h), and (i) of section 13.

25          “(c) RETIREMENT.—

1           “(1) IN GENERAL.—Not later than 90 days  
2           after the date of enactment of the AFTER Act of  
3           2023, any department, agency, or instrumentality of  
4           the United States operating a Federal research facil-  
5           ity shall, after public notice and comment, promul-  
6           gate regulations that, with respect to any animal of  
7           the facility that is no longer needed for research and  
8           determined to be suitable for retirement—

9                   “(A) facilitate and encourage the adoption  
10           of the animal by, or placement of the animal  
11           with—

12                   “(i) an animal rescue organization,  
13           animal sanctuary, animal shelter, or indi-  
14           vidual who intends to keep the animal as  
15           a pet; or

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

18                   “(B) to the maximum extent practicable,  
19           collaborate with appropriate nonprofit organiza-  
20           tions to carry out subparagraph (A).

21           “(2) NATIONAL PLACEMENT.—The regulations  
22           promulgated to carry out paragraph (1)(A) shall in-  
23           clude consideration of placing animals with the enti-  
24           ties described in that subparagraph that are located  
25           beyond the immediate geographic vicinity of the

1 Federal research facility at which the animal being  
2 retired is located.

3 “(d) EFFECT ON OTHER LAWS.—Nothing in this sec-  
4 tion, including regulations promulgated under subsection  
5 (c)(1), shall—

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

10 “(2) prohibit, prevent, forestall, or otherwise  
11 impede the placement of any chimpanzee that has  
12 been used, or was bred or purchased for use, in re-  
13 search conducted or supported by a Federal agency  
14 into the sanctuary system established under section  
15 404K of the Public Health Service Act (42 U.S.C.  
16 283m); or

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

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

22 (1) by redesignating subsections (g) and (h) as  
23 subsections (h) and (i), respectively; and

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

