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Oversight and Enforcement of the Animal Welfare Act

Background

Federal oversight of animal welfare includes inspections, licensing, and enforcement actions to ensure compliance with the Animal Welfare Act (AWA; [7 U.S.C. §§2131-2159](#)) provisions and associated regulations. The U.S. Department of Agriculture’s (USDA’s) Animal and Plant Health Inspection Service (APHIS) administers these [regulations](#).

A recent USDA Office of Inspector General (OIG) [report](#) found significant gaps in APHIS’s enforcement of animal welfare standards for dog breeders, including failures to consistently document violations and impose meaningful penalties, due in part to “human capital resource limitations.” Recent efforts to reduce USDA staff may further affect APHIS’s ability to carry out its oversight functions. APHIS informed CRS that, as of March 24, 2025, Animal Care employed 191 staff, including 115 inspectors and inspector supervisors. This reflects a decrease from FY2024, when staffing levels were at 221 total employees, with 130 inspectors and inspector supervisors.

Congress plays a central role in shaping AWA enforcement and has policy options available to address inspection frequency, penalty effectiveness, transparency, and agency resources. Recent efforts by the Administration to reduce USDA staffing and consolidate certain functions present additional options of potential interest to Congress. Congress may consider supporting the Administration’s efforts or other means to improve AWA enforcement activities. Potential options include increasing congressional oversight through hearings, requiring regular reporting on inspection outcomes, adjusting penalty structures for repeat violations, and evaluating whether APHIS’s inspection and enforcement activities are appropriately resourced and based on risk. Alternatively, Congress may consider the agency’s current performance sufficient and take no action.

The Animal Welfare Act

AWA is the primary federal law regulating the treatment of certain animals used in research, exhibition, transport, and commercial breeding. Enacted in 1966 (P.L. 89-544), AWA was [originally introduced to address pet theft](#) and the sale of pets for use in research laboratories—seeking to ensure the humane care and handling of dogs, cats, and other animals used for scientific purposes.

Covered Animals

Initially, AWA applied only to dogs, cats, primates, and a few other species [used in research settings](#). Subsequent amendments have expanded its coverage to include additional warm-blooded animals such as guinea pigs,

hamsters, and rabbits used in laboratory research, as well as animals exhibited to the public, including those in zoos, aquariums, circuses, and marine mammal parks. AWA also regulates the treatment of animals used for commercial purposes, such as those bred for sale by [dealers](#) or transported in commerce. Animals that are not covered under AWA include farm animals not used for research, as well as birds and mice bred for use in research and rats. Cold-blooded species, such as reptiles, amphibians, and fish, also are not covered by AWA.

Covered Entities

Under AWA, covered animals, businesses, and activities generally have a connection to or impact on interstate or foreign commerce ([7 U.S.C. §2131](#)). Covered entities are individuals and businesses, such as research facilities, animal exhibitors, dealers, transporters, and certain breeders that handle animals covered under AWA. APHIS enforces the law primarily through a licensing ([7 U.S.C. §2133](#)) and registration system ([7 U.S.C. §2136](#)) and requires entities that buy, sell, transport, or exhibit animals to obtain and maintain a valid license (animal dealers, exhibitors, petting zoos, and transporters) or registration (research institutions and commercial breeders). These licenses and registrations are contingent on compliance with AWA standards for animal care, housing, feeding, sanitation, and veterinary treatment.

Inspections

Inspections are APHIS’s primary tool for overseeing and enforcing AWA. Inspectors conduct both scheduled and unannounced inspections of regulated facilities. *Scheduled inspections* are required for facilities applying for an AWA license; these facilities must pass a prelicense inspection to be approved. If a facility fails the initial inspection, it may request up to two reinspections to demonstrate compliance. Facilities seeking registration, may request a voluntary preregistration inspection, though they are not required to do so. APHIS also conducts *unannounced inspections* of licensed and registered facilities to ensure ongoing compliance with AWA regulations. APHIS asserts that it allocates inspection resources using its Risk-Based Inspection System, which considers a facility’s past compliance history, the number and severity of prior violations, and other risk factors to determine inspection frequency. APHIS inspectors assess animal housing conditions, veterinary care, recordkeeping, and other welfare-related requirements. When violations are identified, APHIS typically conducts follow-up inspections. If all violations are not resolved, APHIS can take enforcement actions ([7 U.S.C. §2149](#) and [9 C.F.R. §2.10](#)), including issuing warning letters and citations, imposing fines, suspending or revoking licenses and registrations, referring serious cases for civil or criminal prosecution, and

confiscating animals in cases of extreme mistreatment or neglect.

In addition to inspecting licensed and registered facilities, APHIS inspectors conduct searches to identify unlicensed or unregistered facilities. In FY2024, [APHIS Animal Care oversaw](#) approximately 17,500 licensees and registrants responsible for more than 1 million AWA-covered animals. The agency conducted approximately 9,700 inspections, including more than 1,200 unannounced inspections at research facilities.

Issues and Options for Congress

APHIS has faced criticism over the adequacy of its oversight under AWA, with concerns raised about the frequency and effectiveness of inspections, the frequency and severity of penalties, the delegation of enforcement responsibilities to third parties, and for imposing inconsistent and/or ineffective penalties against repeat offenders.

Effectiveness of Current Inspections and Penalties

APHIS can impose a range of penalties for a facility's failure to correct violations identified during inspections, and covered entities may be subject to criminal penalties for knowingly violating AWA. According to [APHIS data](#), the agency initiated 209 enforcement actions in FY2024 involving alleged AWA violations. As part of these actions, the agency issued 134 official warnings, negotiated 39 pre-litigation settlements that generated \$461,675 in stipulated penalties, obtained 19 administrative orders resulting in \$606,583 in civil penalties, and suspended or revoked 16 licenses.

[Some animal welfare stakeholders](#) and some [Members of Congress](#) have raised questions about whether these enforcement actions are sufficient to ensure compliance, particularly in cases involving [repeat violators, who often continue operating](#). A 2010 [Government Accountability Office \(GAO\) report](#) recommended that APHIS develop a methodology to collect and track the costs of oversight activities by type of regulated entity. The report noted that the lack of such data restricted APHIS's ability to appropriately improve efficiency and resource allocation. GAO recorded this recommendation as not implemented, and more recent audit reports have not indicated progress on collecting or tracking these costs as previously recommended. In light of recent executive branch initiatives to reduce federal spending and streamline agency operations, it is not clear whether APHIS has access to such data to inform its program planning and resource allocation decisions. Policy options of potential interest to Congress include directing APHIS to improve cost-tracking mechanisms by facility type and enforcement activity to better inform oversight activities, to increase inspection frequency for high-priority facilities, or to enhance compliance reporting for chronic violators. Congress may also consider introducing legislation revising AWA civil and criminal penalties to strengthen deterrence and encourage timely correction of violations.

Research Facilities

AWA mandates that APHIS inspects registered research facilities at [least annually](#). In 2022, two animal protection organizations [sued](#) USDA, claiming it had not been meeting this statutory requirement. The lawsuit alleges that since 2019, USDA has not fully inspected research facilities voluntarily accredited by the private nonprofit [Association for Assessment and Accreditation of Laboratory Animal Care \(AAALAC\)](#). USDA responded that it conducts focused inspections for AAALAC-accredited facilities. The plaintiffs are appealing the dismissal of this lawsuit.

In 2021, APHIS [exempted](#) research facilities from renewing their AWA registration. Some stakeholders assert that this effectively reduces opportunities for APHIS to find violations. Policy options of potential interest include explicitly endorsing or forbidding the use of third-party certifiers and directing APHIS to change or maintain its current policy of treating research facilities differently than other regulated entities.

Dog Breeders

As previously discussed, the [2010 GAO report](#) identified long-standing weaknesses in APHIS's oversight of dog dealers, including its failure to analyze traceback data and track enforcement costs. Audits conducted more recently by USDA's OIG, including [2021](#) and [2025](#) audit reports, found that APHIS continued to lack a documented process for responding to complaints and did not consistently follow up on known violations. The 2025 audit reported that 80% of the dog breeders reviewed had at least one AWA noncompliance and that 95% were not inspected in accordance with APHIS's Risk-Based Inspection System. Some breeders were not inspected annually as required by law. Potential policy options to address such issues include requiring APHIS to adhere more strictly to its inspection protocols, improve complaint tracking and data collection, and undergo additional independent audits. Such efforts are seen as potentially resulting in more consistent enforcement and improving animal welfare. These improvements may require increased resources to expand and train inspection staff and upgrade digital systems for reporting and data management.

Public Access to Enforcement and Funding

APHIS maintains an [online database](#) of inspection reports and enforcement actions. [Some stakeholders](#) assert that the platform lacks full accessibility, completeness, and timeliness and that accurate, up-to-date compliance data are essential for transparency and accountability in enforcing AWA. Policy options to address these concerns include requiring APHIS to enhance the database's functionality and ensure more timely publication of enforcement actions. Improved access to enforcement data could strengthen transparency, support public and congressional oversight, and encourage better compliance by regulated entities. Implementing such changes may require additional funding and coordination across APHIS's enforcement, legal, and IT teams to ensure data accuracy. Input from external stakeholders may also be required to ensure the platform meets user needs and improves usability.

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