



ANIMAL WELFARE INSTITUTE

Working for the passage of animal welfare laws since 1951



Photo: Kerri Perez; Cover: Capital/Serda Ozbenian, AWI

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Founded in 1951, the Animal Welfare Institute (AWI) is a non-profit organization dedicated to reducing the sum total of pain and fear inflicted on animals by humans. Before AWI was established, only two laws to protect animals existed: the 1906 “28-hour Law” to protect livestock shipped by rail, and a 1948 law authorizing US Customs to prosecute those who fail to maintain modest standards when shipping animals.

Working diligently for the adoption of the Humane Slaughter Act in 1958, AWI has since aided the successful passage of the vast majority of federal laws and strengthening amendments passed to protect animals, including the Animal Welfare Act, the Endangered Species Act, and the Marine Mammal Protection Act. While passing federal legislation is one of our primary goals, our work also includes combating measures detrimental to animal welfare, and pushing for sound regulations to implement existing laws, as well as strong funding to enforce beneficial government programs.

In 2006, AWI established the Compassion Index (CI), an online legislative action center that tracks the positions of Members of Congress on Animal Protection measures. The CI gives the public access to current alerts and allows constituents to contact elected officials on key bills, sign up for eAlerts, contact the media, review US Congressional schedules and learn Capitol Hill basics. With all these features and more, the CI’s Legislative Action Center is a great place for compassionate activists to start taking action on behalf of animals.

As the unsurpassed leader in obtaining laws to benefit animals in need, AWI’s Government and Legal Affairs division provides information to Members of Congress and their staffs. We send action alerts to individuals and organizations interested in animal protective legislation, informing them of ways in which they may help—often by writing to Members of Congress or other government officials and to the editors of newspapers. You can help our efforts by joining AWI and pledging to contact your legislators about important animal protection issues.



IMPORTANT LEGISLATIVE INITIATIVES ADVANCED BY AWI


1958

The first federal Humane Methods of Slaughter Act (P.L. 85-765) is signed into law by President Dwight D. Eisenhower on August 27. The Act requires all packers selling to the US government to provide anesthetization or instant stunning by mechanical or electrical means prior to the killing of cattle, calves, horses, mules, sheep, swine and other livestock, except in the case of kosher slaughter. The law covers 80 percent of the livestock slaughtered (*see 1978 amendments*).

1959

On September 8, the Wild Horse Annie Act (P.L. 86-234), having been approved by the US Congress unanimously, is signed into law. The Act prohibits the poisoning of wild horse and burro waterholes, as well as the use of motorized vehicles to round the horses up for sale to slaughterhouses.

1966



On August 24, the Laboratory Animal Welfare Act (P.L. 89-544) is signed into law. The Act sets minimum standards of care and housing for dogs, cats, primates, rabbits, hamsters and guinea pigs in the premises of animal dealers and laboratories, and it requires identification of

dogs and cats to prevent theft. Dealers must be licensed and laboratories must be registered (see 1970, 1976, 1985 and 1990 for broadening and strengthening of the law).

On October 15, the Endangered Species Preservation Act (P.L. 89-669) is signed into law. The Act provides for the listing of native threatened and endangered species by the Secretary of the Interior (*additional protection for endangered species is granted with the enactment of the Endangered Species Conservation Act of 1969 and the Endangered Species Act of 1973*).

1970

On December 9, the Horse Protection Act (P. L. 91-540) is signed into law. The Act prohibits soring Tennessee Walking Horses for show purposes (see 1976 for amendments).

On December 24, the US Congress amends the Laboratory Animal Welfare Act (P.L. 91-579), renamed the Animal Welfare Act, extending protection to all warm-blooded animals in laboratories and the wholesale pet and exhibition trades.

Note: The US Department of Agriculture (USDA) does not include protections for rats, mice and birds under its regulation. A 2000 federal court ruling mandated they do so. However, in





2002, before the USDA finalized new regulations, Senator Jessie Helms (R-NC) inserted a rider on a spending bill at the behest of the National Association for Biomedical Research to specifically exclude these species, denying 95 percent of research animals basic protections.

1971

The US Congress passes resolutions asking the Secretary of State to call for a 10-year international moratorium on commercial whaling.

A new law provides a criminal penalty for shooting animals, including birds from aircraft.

On December 15, President Richard Nixon signed the Wild Free-Roaming Horses and Burros Act into law (P.L. 92-195). The Act is intended to protect, manage and control wild horses and burros.

Note: While the Wild Free-Roaming Horses and Burros Act aims to protect these animals, it was undermined when Senator Conrad Burns (R-MT) attached a controversial rider to the massive Omnibus Appropriations bill in 2004, eliminating the prohibition on killing wild horses. AWI is pushing to restore the Act (see 2005, 2006, 2007 for legislation aimed at re-establishing these wild horse protections).



1972

The US delegation to the Stockholm Conference on the Human Environment proposes a moratorium on commercial whaling, based on the adoption of the 1971 resolutions; it passes with no opposition.

On October 21, the Marine Mammal Protection Act (P.L. 92-522) is signed into law. The Act prohibits killing, taking or harassing any marine mammal without a permit and bans the importation of any part or product of a nursing marine mammal, or his or her mother. It sets the goal of zero mortality or serious injury rate for dolphins caught incidental to tuna purse seining (see 1976 and 1992 for extension of the law's jurisdiction).

Resolutions calling for international protection of polar bears (H. J. Res. 1268) pass in the US Congress.

A new amendment gives the Department of the Interior power to enforce the 1971 law providing a criminal penalty for shooting at animals from aircraft.

The US House of Representatives passes a prohibition on poisoning predators on public lands (H.R. 13152); it does not progress to the US Senate.

1973

The Endangered Species Act (P.L. 93-522) is adopted to enhance US action to defend endangered species. Endangered species protection is broadened and strengthened





by bringing the United States into conformity with the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The convention, a 3-week event, concludes in Washington, D.C. with over 80 participating countries.

Hearings against the poisoning of predators on public lands are held in both the US House of Representatives and the US Senate.

1974

The US Congress approves a bill that includes authorization of funds for research on methods of animal birth control, but the president vetoes it.

Nine days of hearings on legislation to regulate air shipment of animals take place.

Efforts to enact legislation against the poisoning of predators continue; President Nixon's Executive Order banning predator poisoning on public lands is threatened.

1975

President Gerald Ford modifies the Executive Order on predator poisoning to provide for the experimental use of cyanide with the aim of developing a cyanide collar for sheep to ensure only predators attacking sheep are killed.



On November 17 and 18, Representative Robert Leggett (D-CA) holds the first ever hearings on legislation to restrict the cruel steel jaw leghold trap (H.R. 66) in the Subcommittee on Fisheries and Wildlife Conservation and the Environment of the House Committee on Merchant Marine and Fisheries.

A US House of Representatives Committee holds a hearing on a bill to invoke economic sanctions against whalers.

1976

The US Congress passes an amendment to broaden the Animal Welfare Act (P.L. 94-279), signed into law on April 22, to:

- (1) regulate carriers, intermediate handlers and animal brokers, requiring adherence to humane standards;
- (2) specify that all dogs—including dogs for hunting, security or breeding purposes—be protected;
- (3) prohibit Collect on Delivery (COD) transportation of animals, unless the shipper guarantees payment of the round-trip fare and costs for care of the animals not claimed at destination. Additionally, animals cannot be transported at an age less than permitted by the Secretary of Agriculture, and dealers, exhibitors, auction sale operators and all governmental agencies are required to





obtain a veterinarian's certificate before delivering animals for transportation affecting commerce;

(4) extend the Secretary's investigative authority to intermediate handlers and carriers, and authorize a civil penalty of up to \$1,000 for each violation of the humane standards;

(5) impose a uniform civil penalty of up to \$1,000 on all persons regulated under the statute, and eliminate the requirement that the Secretary issue a cease-and-desist order before imposing a civil penalty on research facilities;

(6) make it a crime punishable by fine and imprisonment to knowingly sponsor, participate in, transport in interstate commerce or use the mail to promote fights between dogs, other mammals or cocks, except where state law permits this;

(7) require all government agencies—including the Army, Air Force and National Institutes of Health—using laboratory animals to show they fully comply with the Act.

On July 13, President Gerald Ford signs into law an amendment (P.L. 94-360) to the Horse Protection Act of 1970, increasing civil fines and raising criminal penalties. Other sections provide authority for the USDA to seize illegal equipment as evidence for trial; detain a horse for 24 hours for further examination; subpoena

non-government witnesses in civil cases; and give penalties for assaulting, intimidating or interfering with federal agents, and for knowingly making false reports or entering a horse in a show under a false name. The amendment includes authorization for a funding increase.

On August 14, the Tule Elk Preservation Act (P.L. 94-389) is signed into law. The Act provides protection for a species found only in parts of California.

The US Congress amends the Marine Mammal Protection Act of 1972 to increase its coverage from 12 to 200 miles, consistent with the new 200-mile-limit law extending US jurisdiction.

1978

The US Senate amends the Agriculture Appropriations bill to authorize use of funds for research on animal birth control, but the USDA fails to make use of the funds.

The Humane Methods of Slaughter Act is expanded by an amendment requiring that livestock (poultry are specifically excluded) imported into the United States for meat be slaughtered humanely. Foreign packers exporting to this country must meet standards equal to those required of US packers. USDA





inspectors are empowered to stop the slaughtering line on the spot if they observe any cruelty. Slaughter may not recommence until deficiencies, whether of equipment or of abuses by personnel, are corrected.

Note: Although the US Congress has never repealed the humane slaughter laws of 1958 and 1978, the laws are blatantly disregarded. The large-scale plants move animals so rapidly through the slaughter lines that it is impossible to stun and kill them humanely. Animals may be dismembered or scalded while still alive and conscious, their cries echoing through the plants. Succumbing to industry pressure, the USDA is failing to enforce the law as mandated by the US Congress.

1979

The US Congress passes the Packwood-Magnuson Amendment to the International Fishery Conservation and Management Act to provide important protection for whales and other sea creatures. The amendment cuts a nation's fish allocation by 50 percent, upon certification by the Secretary of Commerce that a nation has not lived up to the Act. All allocations would be stopped in a year if such nation persists in its violation, providing incentive for whaling nations to adhere to the International Whaling Commission rulings.

Terrestrial and marine animals are included in the embargo sanctions of the Pelly Amendment to the 1967 Fisherman's Protective Act. The new amendment covers all threatened or endangered species, enabling the president to embargo all

products from any nation diminishing the effectiveness of an international wildlife conservation agreement.

The US House of Representatives passes the Elephant Protection Act (H.R. 4685).

1980

The US House of Representatives passes amendments to the Lacey Act to make this statute enforceable and increase penalties for willful importation of wildlife obtained illegally in a foreign country or transported illegally across state lines, but the objection of individual Senators prevents their enactment.

Hearings on an International Wildlife Protection Bill introduced as an amendment to the Elephant Protection Act take place; despite support from every organization except the ivory dealers' lobby, the bill is blocked. The Elephant Protection Act dies without action by the US Senate.

1981

Chair Doug Walgren (D-PA) holds a hearing before the US House of Representatives Subcommittee on Science, Research and Technology of the Committee on Science and Technology on seven bills on the regulation of animal experiments and/or alternatives to the use of animals.





The US Congress strengthens provisions of the Lacey Act substantially. Each violation now carries penalties of a maximum fine of \$20,000 and/or five years imprisonment.

The Endangered Species Act is reauthorized by the US Congress after a vigorous battle with special interest groups who tried unsuccessfully, for the most part, to weaken it.

1982

The Marine Mammal Protection Act is reauthorized.

1983

The US Senate Committee on Agriculture, Nutrition and Forestry holds hearings, chaired by Senator Robert Dole (R-KS), on the Improved Standards for Laboratory Animals Act.

Chair Henry Waxman (D-CA) of the US House of Representatives Subcommittee on Health and the Environment of the Committee on Energy and Commerce holds a hearing on a bill to end the use of steel jaw leghold traps in the United States and abroad.

1984

The US House of Representatives Agriculture Subcommittee on Department Operations, Research and Foreign Agriculture holds hearings, chaired by Representative George Brown (D-CA), on the Improved Standards for Laboratory Animals Act.



1985

On December 23, the Improved Standards for Laboratory Animals Act is included as an amendment to the FARM Bill (H.R. 2100/P.L. 99-198). The Act is an amendment to the Animal Welfare Act, intended to minimize laboratory animal pain and distress. It establishes an information service in the National Agricultural Library in cooperation with the National Library of Medicine to provide data on alternatives to laboratory animals, help prevent unintended duplication of experiments and tests, and to supply information to institutions for training scientists and other personnel in humane practices, as required by the new law.

Each registered research facility must appoint an institutional animal committee, including a veterinarian and an unaffiliated person, to represent the general community interest in the proper care and treatment of animals. The committee must inspect the animal laboratories twice a year and report deficiencies to the institution for correction. If not corrected promptly, the USDA must be notified for enforcement action, and any funding agency involved must be informed for a decision on whether the grant should be suspended or revoked.





Furthermore, investigators are required to consider alternatives and to consult with a veterinarian before beginning any experiment that could cause pain. They must adhere to standards set by the Secretary of Agriculture for pre- and post-surgical care, the use of pain relieving drugs or euthanasia, against the use of paralytics without anesthesia and the unnecessary use of the same animal for more than one major operation. Exceptions to the standards may be made only when specified by a research protocol and an explanation is given for any deviation. Fines for violations rise from \$1,000 to \$2,500 and from \$500 to \$1,500.

1990

On November 28, the Pet Theft Act is included as an amendment to the FARM Bill (S. 2830/P.L. 101-624). The Act is an amendment to the Animal Welfare Act, requiring pounds to hold dogs and cats for five days before releasing them to dealers. The amended Act also allows the USDA to seek injunctions against any licensed facility found dealing in stolen animals or placing the health of any animal in serious danger in violation of the Animal Welfare Act.

On the same day, provisions of the Dolphin Protection Consumer Information Act (H.R. 2926) are signed into law (P.L. 101-627). They set standards for labeling canned tuna, ensuring “dolphin-safe” only applies to tuna caught using methods that are not harmful to dolphins.



Regulations for the Improved Standards for Laboratory Animals Act are finalized. However, AWI's legislative division and the Animal Legal Defense Fund have to go to court because the US Congressional mandate for a "physical environment adequate to promote the psychological well-being of nonhuman primates" and for exercise for laboratory dogs is not met. US District Court Judge Charles Richey rules in favor of animal welfare, but the Government and the National Association for Biomedical Research appeal his decision, and ultimately, it is reversed.

1992

On October 23, the Wild Bird Conservation Act (H.R.5013) is signed into law (P.L. 102-440). The Act bans the import of the 10 bird species whose survival is most threatened by capture for the commercial pet trade. It requires that, after one year, importation of all species of birds listed by CITES be prohibited, unless the species is specifically exempted. The Secretary of the Interior is directed to enforce the conservation and humane treatment standards of CITES, saving hundreds of thousands of exotic birds from terrible suffering and death.





On October 26, the International Dolphin Conservation Act (H.R.5419) is signed into law (P.L. 102-523). The Act institutes a global moratorium on tuna fishing that kills dolphins, beginning March 1, 1994. It imposes strict, nondiscretionary embargoes and sanctions against countries failing to abide by the global moratorium, and it establishes the United States as a dolphin-safe zone by June 1, 1994. The Act prohibits the sale, purchase and transport of tuna and tuna products that are not dolphin-safe and provides \$3 million a year for research on fishing techniques that do not kill dolphins.

On November 2, the Driftnet Fishery Conservation Act (H.R.2152) is signed into law (P.L. 102-582). The Act provides the United States with sanctions to enforce the driftnet ban agreed by the United Nations that went into effect on December 31, 1992. Nations that continue to put out 30-mile driftnets, entangling whales, dolphins, seals, sea birds and every other living creature who falls into their toils, can no longer sell fish to US markets, and their vessels are denied US port privileges.

Note: A 1997 amendment weakened the definition of dolphin-safe and ended embargoes against non-abiding countries. As a co-plaintiff with the Earth Island Institute and other groups, AWI won a lawsuit against the Secretary of Commerce in 1999 over the weakening of the dolphin-safe label. A further suit was filed in 2002 after the Secretary of Commerce deemed that Eastern tropical pacific tuna that was erroneously labeled as dolphin-safe was permitted to be sold in the United States. After eight years of litigation, AWI and other plaintiffs finally prevailed in 2007, and the dolphin-safe label remains truly dolphin-safe.

1996

The US House of Representatives Agriculture Committee's Subcommittee on Livestock, Dairy and Poultry holds a hearing (H. Rpt. 104-37) on the AWI-supported Pet Safety and Protection Act (H.R.3398). The Pet Protection Act is also considered.

1999

Legislation banning the creation, sale and possession with intent to sell of animal crushing or stomping films (H.R.1887) was signed into law (P.L. 106-152) on December 9. These videos, which sell for as much as \$100 each worldwide, inexplicably appeal to some foot fetishists who want to see animals such as hamsters, guinea pigs, cats, dogs or monkeys tortured and then stomped to death by women, usually in high-heeled shoes.

2000

On October 19, the US Congress passes the Great Ape Conservation Act (H.R. 4320). The law (P.L. 106-411) establishes a \$5 million conservation fund to assist in global projects to conserve great ape populations including gorillas, orangutans, bonobos, chimpanzees and gibbons.

On October 25, the US Senate passes the Bear Protection Act (S. 1109) by unanimous consent;





the bill eliminates the incentive to kill bears for their gallbladders by making it illegal to sell, import or export the internal organs of a bear, as well as products containing bear parts. The US House of Representatives does not act on the bill.

On October 26, the US Congress passes legislation requiring the immediate termination of the Department of Defense practice of euthanizing military working dogs at the end of their useful working life and facilitates the adoption of the dogs (H.R. 5314). The Act is signed into law (P.L. 106-446) on November 6.

On December 6, the US Congress passes the Chimpanzee Health Improvement, Maintenance and Protection Act (H.R. 3514) by unanimous consent. The law (P.L. 106-551) provides a national sanctuary system for chimpanzees no longer used in experimentation (*see 2008 for strengthening amendment*).

On December 7, the US Congress passes the Shark Finning Prohibition Act (H.R. 5461) by unanimous consent. Signed into law (P.L. 106-557) on December 21, the Act amends the Magnuson-Stevens Fishery Conservation and Management Act to make it unlawful to: (1) remove any of the fins of a shark, including the tail, and discard the carcass of the shark at sea; (2) have control or possession of such a fin aboard a fishing vessel without the corresponding carcass; or (3) land such a fin without the corresponding carcass.



2002

The 2002 Farm Bill (P.L. 107-171) includes a resolution dictating that the Humane Methods of Slaughter Act of 1958 should be fully enforced, preventing the needless suffering of animals. It further calls on the Secretary of Agriculture to track violations of the Act and “report the results and relevant trends annually to the US Congress.”

The Rhinoceros and Tiger Conservation Act, the African Elephant Conservation Act, and the Asian Elephant Conservation Act are all reauthorized.

2003

On November 19 and 24, the US House of Representatives and the US Senate respectively pass the Captive Wildlife Safety Act (H.R.1006) unanimously. The Act, signed into law (P.L. 108-191) on December 19, prohibits the interstate transport of exotic big cats for private ownership as pets. Keeping these animals poses a serious risk to people, their companion dogs and cats, and the wild animals themselves.





2005

On May 19, by a vote of 249 to 159, the US House of Representatives passes an amendment to the 2006 Interior Appropriations bill that prohibits taxpayer funds from being used to commercially sell or slaughter federally protected wild horses and burros for one fiscal year. In addition, a bill (H.R. 297) was introduced by Representative Nick Rahall (D-WV) to permanently restore the protections removed from the 1971 Wild Free Roaming Horses and Burros Act. Both actions are taken to undo a rider to the 2004 Omnibus Appropriations bill by Senator Conrad Burns (R-MT) that removed a prohibition on the commercial exploitation of wild horses and burros (*see 2006 and 2007 for further actions*).



On October 26, the US Congress passes an amendment to the 2006 Agriculture Appropriations bill to stop the use of taxpayer dollars to fund horse slaughterhouse inspections as required by law, effectively banning horse slaughter for one fiscal year. President George W. Bush signed this bill into law on November 11. The amendment stays in effect for an extra year because a 2007 Agriculture Appropriations bill is not adopted (*see 2007 for similar provision*).

Note: Immediately upon the enactment of the 2006 Agriculture Appropriations bill, the USDA provided slaughterhouse operators with means to bypass the law by reimbursing the USDA for providing inspectors.

2006

On May 18, the US House of Representatives passes by unanimous consent an amendment to the 2007 Interior Appropriations bill that prohibits taxpayer funds from being used to sell or slaughter America's wild horses. Legislation by Representative Rahall to permanently restore protections to the Wild Free Roaming Horses and Burros Act dies when Congress adjourns without acting.

On September 7, the US House of Representatives passes H.R. 503, the American Horse Slaughter Prevention Act, by a margin of 263 to 146. The US Senate fails to act on the measure before the end of the 110th US Congress.

2007

On April 25, the US Senate Commerce, Science and Transportation Committee holds a mark-up for S. 311, the American Horse Slaughter Prevention Act, voting 15 to 7 in favor of sending the bill to be considered before the full US Senate.





On April 26, the US House of Representatives votes 277 to 137 in support of H.R. 249, legislation to permanently restore protections to the 1971 Wild Free Roaming Horses and Burros Act (see 2005).

On July 27, the US House of Representatives passes the 2007 FARM Bill (H.R. 6124), which includes language sponsored by Representatives Steve Israel (D-NY) and Michael Doyle (D-PA) to prevent Class B dealers and unlicensed individuals from selling dogs and cats to laboratories, as well as the sale of stray animals for this purpose. The US Senate version includes ambiguous language not supported by AWI; the final version of the FARM Bill passed by the US Congress removes the Pet Safety and Protection Act and inserts language calling for a “study” of the issue.

On August 22, the US Congress again passes an amendment to the 2008 Agriculture Appropriations bill to stop the use of taxpayer dollars to fund horse slaughterhouse inspection, effectively banning horse slaughter for one fiscal year.

On December 19, the US Congress passes a bill (S. 1916) to amend the Public Health Service Act, modifying the program regarding the sanctuary system for surplus chimpanzees

by terminating the authority for the removal of chimpanzees from the system for research purposes. The Act is signed into law (P.L. 110-170) on December 26.

2008

On June 10, the House Natural Resources Committee, Subcommittee on Fisheries, Wildlife and Oceans, led by Subcommittee Chair Madeleine Bordallo (D-GU), holds an oversight hearing on the 60th annual International Whaling Commission (IWC) meeting in Santiago, Chile from June 23 to June 27, 2008.

On June 11, the US House of Representatives Natural Resources Committee votes in favor of the Shark Conservation Act of 2008 (H.R. 5741). Introduced by Subcommittee Chair Bordallo, the measure includes improvements to the Shark Finning Prohibition Act, which was signed into law in 2000. An additional amendment is adopted by the Committee to require that all sharks be landed with their fins naturally attached. The Bill passes the House on July 8.

On June 18, the House of Representatives unanimously passes H. Con. Res. 350, a resolution calling on the US delegation to the





International Whaling Commission to resume its leadership role and defend the ban on commercial whaling.

Note: Just days after the hearing and the passage of the resolution, the US delegation to the International Whaling Commission, led by William Hogarth, also chair of the Commission, disregarded the resolution and voted in favor of additional whales to be killed by Greenland natives, despite a failure to document a subsistence need. Hogarth also initiated the formation of a working group to decide the future of the body through closed-door meetings involving a compromise to appease all member nations, which must include a resumption of some measure of commercial whaling to satisfy the pro-whaling countries. Unfortunately, the US delegation also supported this pro-whaling initiative.

Ongoing

AWI continues to push for strong enforcement and funding of existing laws, and for the passage of legislation addressing a range of animal protection issues, including bans on the use of steel jaw leghold traps, the slaughter of horses for human consumption, and the sale of dogs and cats to laboratories by random source Class B dealers.





TAKE ACTION

visit www.awionline.org or www.compassionindex.org



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900 Pennsylvania Avenue, SE, Washington, DC 20003