

116TH CONGRESS  
1ST SESSION

# H. R. 1042

To amend the Animal Welfare Act to require that covered persons develop and implement emergency contingency plans.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2019

Ms. TITUS (for herself, Mr. KING of New York, Miss RICE of New York, Mr. FITZPATRICK, Ms. JAYAPAL, Ms. NORTON, Mr. WELCH, Mr. SEAN PATRICK MALONEY of New York, Ms. WILSON of Florida, Mr. BLUMENAUER, Mr. CRIST, Mr. PASCRELL, Mr. SUOZZI, Mr. KILMER, Mr. KATKO, Mr. SMITH of Washington, Mr. LANGEVIN, Mr. CÁRDENAS, Mr. GRIJALVA, Mr. SCHIFF, Ms. WASSERMAN SCHULTZ, Mr. QUIGLEY, Mr. BUCHANAN, Ms. JACKSON LEE, Ms. WILD, Mr. TED LIEU of California, Mr. GREEN of Texas, Mr. HIMES, Ms. ROYBAL-ALLARD, Mr. LAWSON of Florida, Mr. MCGOVERN, Mr. POCAN, Ms. KUSTER of New Hampshire, Mr. DEUTCH, Mr. HASTINGS, and Mr. NEGUSE) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Animal Welfare Act to require that covered persons develop and implement emergency contingency plans.

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 “Providing Responsible  
5 Emergency Plans for Animals at Risk of Emerging Disas-  
6 ters Act” or the “PREPARED Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Recent natural and man-made disasters  
4 have highlighted the need for planning to minimize  
5 the impact of disasters.

6 (2) Lack of preparedness in times of disaster  
7 can have especially devastating effects on animals  
8 and the people who risk their lives to protect them.

9 (3) Local first-responders, nongovernmental  
10 agencies, and private individuals most often shoulder  
11 the cost and responsibility of animals affected by  
12 disasters.

13 (4) It is reasonable to ask those who use ani-  
14 mals commercially to demonstrate a level of readi-  
15 ness to protect the animals under their care.

16 **SEC. 3. REQUIREMENT THAT COVERED ENTITIES DEVELOP**  
17 **AND IMPLEMENT EMERGENCY CONTINGENCY**  
18 **PLANS.**

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

22 **“SEC. 30. ANIMAL EMERGENCY PLANNING.**

23 “(a) COVERED PERSON.—For purposes of this sec-  
24 tion, the term ‘covered person’ means a research facility,  
25 dealer, exhibitor, intermediate handler, carrier, or Federal  
26 research facility.

1       “(b) CONTINGENCY PLAN.—Each covered person  
2 shall develop, document, and follow a contingency plan to  
3 provide for the humane handling, treatment, transpor-  
4 tation, housing, and care of its animals in the event of  
5 an emergency or disaster. Such a contingency plan shall—

6               “(1) identify situations that the covered person  
7 might experience, including natural disasters and  
8 emergencies such as electrical outages, faulty HVAC  
9 systems, fires, mechanical breakdowns, and animal  
10 escapes, that would trigger the need for the meas-  
11 ures identified in the contingency plan to be put into  
12 action;

13               “(2) outline specific tasks to be carried out in  
14 response to the identified emergencies or disasters,  
15 including detailed animal evacuation or shelter-in-  
16 place instructions and provisions for providing  
17 backup sources of food and water as well as sanita-  
18 tion, ventilation, bedding, and veterinary care;

19               “(3) establish a chain of command and identify  
20 the individuals responsible for fulfilling the tasks de-  
21 scribed in paragraph (2); and

22               “(4) address how response and recovery will be  
23 handled in terms of materials, resources, and train-  
24 ing needed.

25       “(c) ANNUAL REVIEW.—Each covered person shall—

1           “(1) review its contingency plan on at least an  
2           annual basis to ensure that it adequately addresses  
3           the criteria described in subsection (b); and

4           “(2) maintain documentation of the annual re-  
5           views and any amendments or changes made to its  
6           contingency plan since the previous year’s review.

7           “(d) TRAINING.—Each covered person shall—

8           “(1) train its personnel in their roles and re-  
9           sponsibilities as outlined in the contingency plan;

10           “(2) communicate any changes in the contin-  
11           gency plan to personnel through training within 30  
12           days after making the changes; and

13           “(3) maintain documentation of its personnel’s  
14           participation in and successful completion of the  
15           training required by this subsection.

16           “(e) AVAILABILITY OF DOCUMENTATION.—

17           “(1) IN GENERAL.—Each covered person shall  
18           submit its contingency plan, as well as any docu-  
19           mentation described in subsections (c)(2) and (d)(3),  
20           to the Secretary annually.

21           “(2) WHILE TRAVELING.—A covered person en-  
22           gaged in travel must carry a copy of its contingency  
23           plan with it at all times and make it available for  
24           inspection by the Secretary while in travel status.”.

25           (b) REGULATIONS.—

1           (1) Not later than 30 days after the date of en-  
2           actment of this Act, the Secretary of Agriculture of  
3           the United States shall promulgate such regulations  
4           as the Secretary determines to be necessary to carry  
5           out section 30 of the Animal Welfare Act, as added  
6           by subsection (a) of this Act.

7           (2) The regulations described in paragraph (1)  
8           shall be made without regard to the rulemaking pro-  
9           cedures under section 553 of title 5, United States  
10          Code.

11          (c) NO PREEMPTION.—Nothing in this Act or the  
12          amendments made by this Act preempts any law (includ-  
13          ing a regulation) of a State, or a political subdivision of  
14          a State, containing requirements that provide equivalent  
15          or greater protection for animals than the requirements  
16          of this Act or the amendments made by this Act.

17          (d) EFFECTIVE DATE.—The amendments made by  
18          subsection (a) shall apply to covered persons (as defined  
19          in such subsection) beginning on the date that is 30 days  
20          after the date of enactment of this Act.

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