



AMERICAN
KENNEL CLUB®

Oppose Amendment #135 – Goldies Act

Amendment #135, also known as “Goldies Act”, replaces the current USDA inspection system with a punitive approach that significantly alters and reduces the legal due process protections that currently apply to licensees subject to Animal Welfare Act (AWA). The proposed amendment:

- **Redefines violations of the AWA to remove the distinction between minor non-compliances such as paperwork errors and animal care violations by recasting any noncompliance or deviation from any regulation, standard or guidance put in place by USDA as an automatic violation of the AWA.**
- Amends the AWA to, among other things, allow USDA Animal Plant & Health Inspection Service (APHIS) inspectors to unilaterally determine that a licensee has violated the AWA.
- Allows for immediate seizure or euthanasia without due process of any animal an inspector perceives to be suffering from, among other things, “psychological harm” -- a term it does not define. It could be construed by some that a dog is exhibiting “psychological harm” when visiting a veterinarian, getting groomed, or encountering unfamiliar objects or environments.
- On solely the basis of an inspector’s findings a licensee would be subject to all the penalties available under the AWA, including monetary fines, seizure of animals and suspension or revocation of their license.
- Requires that every alleged violation be reported to state and local authorities within 24 hours of an inspection, including minor non-compliances, that do not impact the care and conditions of covered animals, without any chance to appeal or correct.
- Such a reporting requirement would place a heavy burden on APHIS inspectors and state and local law enforcement, possibly causing them to miss extreme situations of animals in immediate need of assistance.
- A better approach would be to mandate notification of state and local law enforcement and veterinary health authorities within 24 hours in instances where covered animals are found in situations of animal cruelty or are suffering and in immediate danger.

Background: Current Requirements for Pet Breeders/dealers under the AWA

Under current law, the AWA requires all facilities that use AWA-covered animals to obtain authorization from APHIS to engage in regulated activities. APHIS works with applicants to ensure they understand the requirements for a license and **each applicant must demonstrate full compliance with the AWA regulations prior to obtaining a license.** Applicants are allowed three inspections to become compliant.

At the end of this three-year period, the licensee must apply for a new license **and again demonstrate full compliance during an announced inspection before APHIS will issue a new license for the facility.**

If potential violations are discovered by inspectors, licensees are allowed time to review the findings of the inspection, correct minor non-compliant items and appeal those items they may dispute. USDA APHIS inspection reports distinguish between minor infractions and those that are more serious or place animal health or well-being in jeopardy. Inspectors currently have the option of reporting animal cruelty or animals in danger or immediate need of care to state & local authorities or to bring in the Department of Justice for additional enforcement actions.