

**Congress of the United States**  
**Washington, DC 20515**

February 14, 2017

The Honorable Donald J. Trump  
President of the United States  
1600 Pennsylvania Ave NW  
Washington, DC 20500

Dear Mr. President,

We are writing today in response to the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service's (APHIS) decision to remove from its website key documents regarding enforcement and oversight of the Animal Welfare Act (AWA) and Horse Protection Act (HPA), including inspection reports for all regulated entities and annual reports submitted by research laboratories.

We join a broad coalition of organizations – from animal welfare groups to pet store chains, biomedical research groups, and accredited zoos and aquariums – in urging the agency to restore comprehensive online, searchable access to these documents immediately in order to maintain ongoing transparency.

Congress passed the Animal Welfare Act and the Horse Protection Act decades ago, and in recent years Congress has provided tens of millions of dollars for enforcement of these laws. USDA annually inspects approximately 9,000 licensed facilities including commercial dog and cat breeding facilities, laboratories, zoos, circuses, airlines, Tennessee walking horse shows, and other operations. The work product of USDA employees executing these enforcement programs – invaluable information about both compliant and non-compliant licensees – is valued by lawmakers; the media; a variety of industries that use animals in commerce, exhibition, and research; the animal welfare community; and the general public. These are two of our nation's most important and broadly supported animal welfare programs.

The public has a right to know if regulated entities have subjected animals in their care to abuse or otherwise failed to meet basic welfare standards. Public access to information can guide consumer decision-making and plays an important role in deterring regulated entities from violating the law. Public release of inspection reports and laboratory annual reports increases pressure on entities to abide by the rules.

Access to these records has enabled the public to learn about many animal-care violations including by puppy mills, roadside zoos, and training barns engaged in cruel horse soring. It has also provided accountability for research facilities that violate the law, and allowed assessment of how many animals are used (often with taxpayer funding) for research that causes unrelieved pain.

Lack of access to AWA and HPA documents not only undermines these federal laws, but also interferes with state and local laws meant to protect animals and consumers. For example, seven states currently prohibit the sale of dogs from breeding operations with a history of serious AWA violations. Without ready access to inspection reports, dog sellers in those states will have no practical way to comply with these laws, and state and local law enforcement efforts will be severely impeded.

While the agency has indicated that the public can access these documents by submitting a request under the Freedom of Information Act, history has shown that such requests can take months, and even years, to fulfill. We should be increasing government transparency, not diminishing it and shielding those cited for violations of these key animal welfare laws. We hope you will immediately restore what was removed from USDA's website regarding the Animal Welfare Act and Horse Protection Act, and resume posting inspection reports, annual reports, and other animal welfare related documents so that the public can access them in an efficient and timely way.

Sincerely,



**Martha McSally**  
Member of Congress



**Lou Barletta**  
Member of Congress



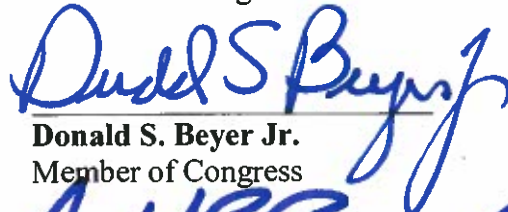
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**Earl Blumenauer**  
Member of Congress



**Donald S. Beyer Jr.**  
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**William R. Keating**  
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**Barbara Lee**  
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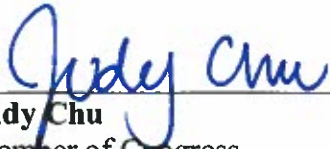




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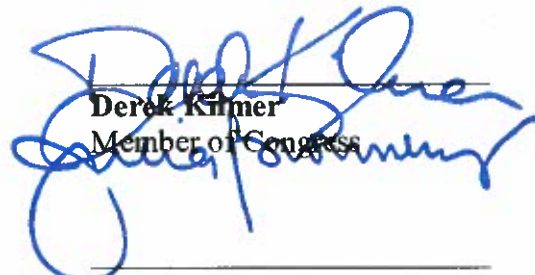
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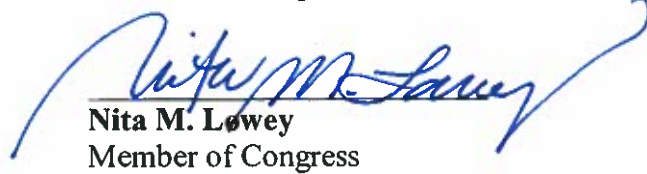
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Member of Congress



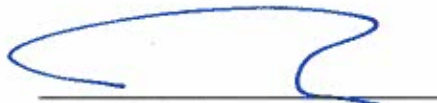
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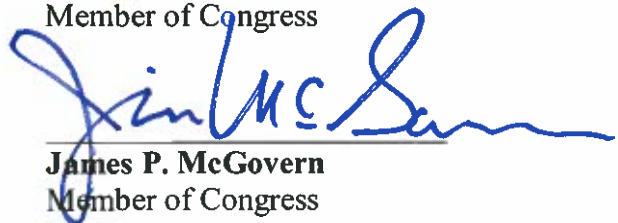
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*John Katko*

**John Katko**  
Member of Congress



KEN CALVERT  
42ND DISTRICT, CALIFORNIA



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UNITED STATES  
HOUSE OF REPRESENTATIVES

February 16, 2017

Michael Young  
Acting Secretary  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, DC 20250

Dear Acting Secretary Young,

I am writing today in response to the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service's (APHIS) announcement on February 3, 2017, regarding the removal of previously publicly available animal welfare reports from its website.

It is my understanding that the removal of the documentation related to the administration of the Animal Welfare Act (AWA) and Horse Protection Act (HPA), including inspection reports, research facility annual reports, and lists of persons licensed and registered under the AWA, came in response to the pending court case, *Contender Farms, L.L.P., Lee Mcgartland, Mike Mcgartland and Show, Inc. v. United States Department of Agriculture*, and liability concerns related to the violation of due process rights and the privacy of individuals involved in inspections conducted by APHIS. As the USDA explained in the Editor's Note to the announcement, dated February 7, 2017, the decision to remove this information has been in motion for a number of months, and had been under consideration by the previous Administration.

While I understand that these concerns must be addressed by the USDA, as an advocate for animal welfare and transparency in the federal government, I found the removal of this vital information troubling. As you are aware, APHIS's online database provided a rare look into animal use data and was a widely used resource that provided information to entities concerned with monitoring trends in animal research.

For many years I have advocated for transparency in the federal government as it relates to the welfare of animals. In 2000, my legislation, the ICCVAM Authorization Act, was signed into law and created the interagency government committee charged with promoting the use of more accurate and cost-efficient alternatives to animal use for toxicity testing by federal agencies.

More recently, I introduced H.R. 816, the Federal Accountability in Chemical Testing Act, which specifies that biennial progress reports already required under the ICCVAM Authorization Act include details on the number and type of animals used by each agency as well as what tests



they conducted. This legislation would allow the federal government to effectively measure the progress of ICCVAM in two year increments, while providing important information on the development, validation, acceptance, and utilization of alternative test methods.

I understand the perspective of the USDA that it is difficult to ensure that posted documentation follows the Privacy Act of 1974. However, I do believe there is a way to address these concerns while still making this information available. I hope the USDA will put forward every effort to continue to provide this vital information to the public and I would welcome your feedback on how the Department could do so.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ken Calvert", with a large, sweeping flourish extending to the right.

KEN CALVERT  
Member of Congress

# United States Senate

WASHINGTON, DC 20510

February 13, 2017

Michael Young  
Acting Deputy Secretary of Agriculture  
United States Department of Agriculture  
1400 Independence Avenue, SW  
Washington, D.C. 20250

Dear Acting Deputy Secretary Young,

We are writing to express our concern regarding the recent decision by the United States Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) to remove information from its website related to oversight and enforcement of the Animal Welfare Act (AWA) and the Horse Protection Act (HPA), including inspection reports for all regulated entities and annual reports submitted by research laboratories. We are urging the USDA to restore access to this information on its website immediately. For multiple years, APHIS has provided this information to the public, which created an atmosphere of transparency surrounding the accountability and enforcement of animal cruelty laws. The removal of this information could have profound consequences going forward regarding the enforcement of animal cruelty laws nationwide.

Congress passed the AWA and the HPA decades ago and has appropriated tens of millions of dollars to the USDA for enforcement of these laws in recent years. The USDA annually inspects approximately 9,000 licensed facilities including commercial dog and cat breeding facilities, laboratories, zoos, circuses, airlines, Tennessee walking horse shows, and other operations. The work product that USDA employees create through these enforcement programs provides critical information about both compliant and non-compliant licensees. This information is valued by lawmakers; the media; a variety of industries that use animals in commerce, exhibition, and research; the animal welfare community; and the general public.

The public has a right to know if regulated entities have subjected animals in their care to abuse or otherwise failed to meet basic welfare standards. Public access to information can guide consumer decision making and plays an important role in deterring regulated entities from violating the law. For instance, a family will now have difficulty knowing that their family puppy did not come from puppy mill with a long track record of AWA violations. In addition, spectators at horse shows will no longer know if a specific horse trainer has a history of HPA violations. Also, a consumer purchasing cosmetics products will no longer have the certainty of knowing that the product being purchased comes from a company that is fully compliant with the AWA. Furthermore, scientific laboratories, circuses, aquariums, zoos and other for-profit animal businesses will no longer feel the pressure to fully comply with the AWA now that their

violations will no longer be publicly available. These are just a few examples of the impact, intended or unintended, from the USDA's retreat from transparency.

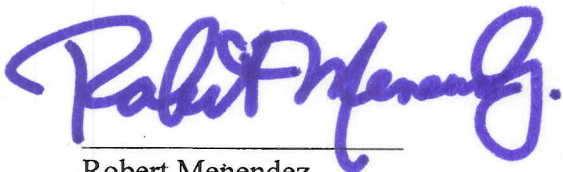
Lack of access to AWA and HPA documents not only undermines the effectiveness of these federal laws, but also interferes with state and local laws meant to protect animals and consumers. For example, seven states currently prohibit the sale of dogs from breeding operations with a history of serious AWA violations. Without ready access to inspection reports, dog sellers in those states will have no practical way to comply with these laws, and state and local law enforcement efforts will be severely impeded.

We would like to know the following:

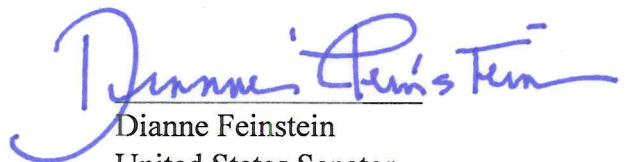
1. What led to the decision to remove this critical information from the USDA's APHIS website and who, specifically within the USDA and elsewhere, was involved with and authorized this decision?
2. The USDA states that courts are continually issuing decisions regarding privacy and this is a reason for the removal of this online information. What court cases, decisions and legal precedent, specifically, is the USDA using to base this decision upon?
3. Freedom of Information Act (FOIA) requests routinely take months and even years to be fulfilled. Why does the USDA believe that a FOIA request is now the best and most transparent method for obtaining information related to violations of the AWA and the HPA; information that was previously readily available?
4. The USDA's Office of Inspector General (OIG) has previously described APHIS's enforcement of the AWA and HPA as "ineffective" and USDA OIG initiated audits of AWA and HPA enforcement, in part, because the public had access to APHIS's inspection reports and demanded action. With this in mind, does the USDA believe that providing the public with less information will help the USDA to enforce these critical federal animal protection laws?

Again, we hope that the USDA will rethink this decision and immediately restore public access to this information. Thank you and we look forward to hearing from the USDA in a timely fashion.

Sincerely,



Robert Menendez  
United States Senator

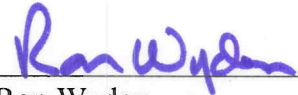


Dianne Feinstein  
United States Senator

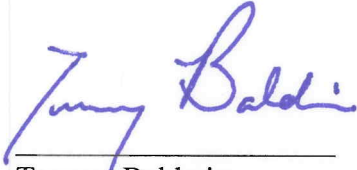




Richard Durbin  
United States Senator



Ron Wyden  
United States Senator



Tammy Baldwin  
United States Senator



Tom Udall  
United States Senator



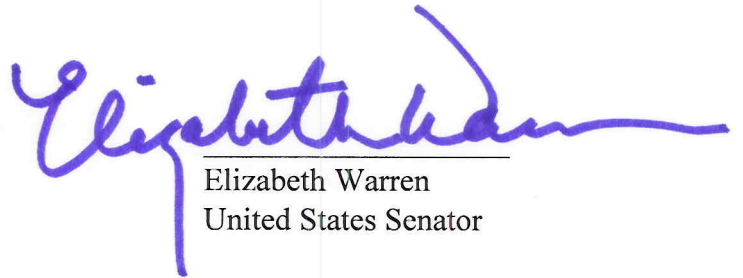
Kirsten Gillibrand  
United States Senator



Charles E. Schumer  
United States Senator



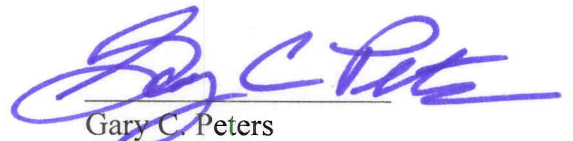
Richard Blumenthal  
United States Senator



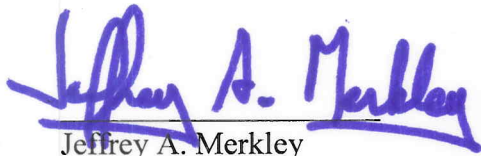
Elizabeth Warren  
United States Senator



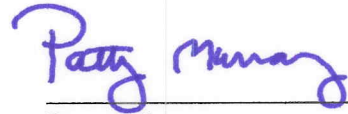
Chris Van Hollen  
United States Senator



Gary C. Peters  
United States Senator



Jeffrey A. Merkley  
United States Senator



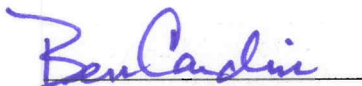
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