H.R. 5780
“Kittens in Traumatic Testing Ends Now (KITTEN) Act of 2018”

“A bill to direct the Secretary of Agriculture to end the use of cats in experiments that cause pain or stress.”

INTRODUCTION

- Introduced on 5/11/2018 by Representatives Mike Bishop (R-MI) and Jimmy Panetta (D-CA)
- Referred to House Committee on Agriculture on 5/11/2018.
- Referred to Subcommittee on Livestock and Foreign Agriculture on 6/22/2018.
- Cosponsors: Representatives Jared Polis (D-CO), Mike Quigley (D-IL), Lou Barletta (R-PA), David Trott (R-MI), Peter DeFazio (D-OR), Theodore Deutch (D-FL), John Katko (R-NY), Michelle Lujan Grisham (D-NM), Nydia Velazquez (D-NY), Debbie Wasserman Schultz (D-FL), Suzanne Bonamici (D-OR), Zoe Lofgren (D-CA), Gwen Moore (D-WI), Eric Swalwell (D-CA), Frederica Wilson (D-FL), Erik Paulsen (R-MN), Rick Allen (R-GA), Earl Blumenauer (D-OR), Brendan Boyle (D-PA), Ted Lieu (D-CA), Alan Lowenthal (D-CA), Sean Patrick Maloney (D-NY), Dutch Ruppersberger (D-MD), Carol Shea-Porter (D-NH), Jimmy Gomez (D-CA), Paul Mitchell (R-MI), Eleanor Holmes Norton (D-DC), Alcee Hastings (D-FL), Derek Kilmer (D-WA), Daniel Donovan Jr. (R-NY), Matt Gaetz (R-FL), Walter Jones Jr. (R-NC), Marcy Kaptur (D-OH), Dina Titus (D-NV)
- 26 Democrats; 9 Republicans

BILL SUMMARY

- The KITTEN Act would amend Section 14 of the Animal Welfare Act, replacing the section that reads, “Any department, agency, or instrumentality of the United States having laboratory animal facilities shall comply with the standards and other requirements promulgated by the Secretary for a research facility under sections 2143(a), (f), (g), and (h) of this title. Any department, agency, or instrumentality of the United States exhibiting animals shall comply with the standards promulgated by the Secretary under sections 2143(a), (f), (g), and (h)”
- H.R. 5780 then inserts the following language, “(a) In General.—Except as provided in subsection (b), any department, agency, or instrumentality of the United States having laboratory animal facilities shall comply with the standards and other requirements
promulgated by the Secretary for a research facility under subsections (a), (f), (g), and (h) of section 13”

- This section mirrors existing language and authority, while inserting a new subsection that restricts research with feline models.
- This language removes and does not replace U.S. Department of Agriculture (USDA) oversight of exhibitors.

- A new subsection to Section 14 is added as well, stating: “(b) Beginning not later than 90 days after the date of enactment of this subsection, in carrying out research, the Secretary may not purchase, breed, transport, house, feed, maintain, dispose of, or conduct experiments on cats as part of the conduct of any study that would subject cats to potentially painful or stressful procedures, including pain or stress that may be mitigated by anesthetics, analgesics, or tranquilizer drugs, except when such pain or stress is a result of a physical exam or training program.”

- The bill does not define “pain” or “stress.”
- Federal Agencies that would be required to comply with the Act:
  - The bill specifically names the Secretary of Agriculture and no language change affects or expands authority beyond the USDA.
- No companion bill has been filed with the U.S. Senate at this time but NABR Government Affairs staff had received intelligence that language of some sort may be included in the Senate’s version of the 2018 farm bill. It was not included in what was passed by either the House or Senate.
- The new subsection is identical to the prohibition on canine research at the Department of Veterans Affairs (VA) found in the PUPPERS Act, H.R. 3197, introduced in July of 2017.

**IMPLICATIONS**

- Within 90 days of the enactment of the subsection referenced above the Secretary may not purchase, breed, transport, house, feed, maintain, dispose of, or conduct experiments on cats as part of the conduct of any study that would subject cats to potentially painful or stressful procedures, including pain or stress that may be mitigated by anesthetics, analgesics, or tranquilizer drugs, except when such pain or stress is a result of a physical exam or training program.
  - This would effectively stop the majority, if not all, cat research at the USDA permanently.
  - This would also set a dangerous precedent for sweeping federal bans on species-specific animal research.
• According to USDA, only 156 cats were used in research by the federal government in 2016, with the majority being used by the USDA themselves. This bill targets a small, but critical component of research and sets the benchmark for further bans or restrictions.
• Whether through intention, or by accident, this bill removes the requirement for exhibitors to comply with the standards promulgated by the Secretary under sections 2143(a), (f), (g), and (h) of the Animal Welfare Act (AWA).
  o Section 2143, referenced above covers, “Standards and certification process for humane handling, care, treatment, and transportation of animals.”
  o In making further restrictions on research, this bill removes oversight from another regulated entity.
• The bill was sitting in the House Committee on Agriculture from May 11 until June 22. On June 22 it was referred to the Subcommittee on Livestock and Foreign Agriculture. This Subcommittee is chaired by Rep. David Rouzer (R-NC), a staunch supporter of science and biomedical research. No companion version of the bill has been filed in the Senate.
  o The likelihood of passage is low. However, if a Senate version is introduced, either as a standalone bill or as an amendment to another bill, then the odds may improve.