

115TH CONGRESS  
1ST SESSION

# S. 503

To require the Secretary of Agriculture to make publicly available certain regulatory records relating to the administration of the Animal Welfare Act and the Horse Protection Act, to amend the Internal Revenue Code of 1986 to provide for the use of an alternative depreciation system for taxpayers violating rules under the Animal Welfare Act and the Horse Protection Act, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 2, 2017

Mr. WYDEN (for himself, Mr. MENENDEZ, Mr. BOOKER, Ms. CANTWELL, Mr. BLUMENTHAL, and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To require the Secretary of Agriculture to make publicly available certain regulatory records relating to the administration of the Animal Welfare Act and the Horse Protection Act, to amend the Internal Revenue Code of 1986 to provide for the use of an alternative depreciation system for taxpayers violating rules under the Animal Welfare Act and the Horse Protection Act, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Animal Welfare Ac-  
3 countability and Transparency Act”.

4 **SEC. 2. PUBLIC AVAILABILITY OF REGULATORY RECORDS.**

5       Notwithstanding any other provision of law, not later  
6 than 90 days after the date of enactment of this Act, the  
7 Secretary of Agriculture (referred to in this section as the  
8 “Secretary”) shall maintain and promptly make available  
9 to the public in an online searchable database in a ma-  
10 chine-readable format on the website of the Department  
11 of Agriculture information relating to the administration  
12 of the Animal Welfare Act (7 U.S.C. 2131 et seq.) and  
13 the Horse Protection Act (15 U.S.C. 1821 et seq.), includ-  
14 ing—

15           (1) the entirety of each report of any inspection  
16       conducted, and record of any enforcement action  
17       taken, under—

18                   (A) either of those Acts; or

19                   (B) any regulation issued under those  
20       Acts;

21           (2) with respect to the Animal Welfare Act—

22                   (A) the entirety of each annual report sub-  
23       mitted by a research facility under section 13 of  
24       that Act (7 U.S.C. 2143); and

25                   (B) the name, address, and license or reg-  
26       istration number of each research facility, ex-

1           hibitor, dealer, and other person or establish-  
2           ment—

3                   (i) licensed by the Secretary under  
4                   section 3 or 12 of that Act (7 U.S.C.  
5                   2133, 2142); or

6                   (ii) registered with the Secretary  
7                   under section 6 of that Act (7 U.S.C.  
8                   2136); and

9           (3) with respect to the Horse Protection Act,  
10       the name and address of—

11                   (A) any person that is licensed to conduct  
12                   any inspection under section 4(c) of that Act  
13                   (15 U.S.C. 1823(c)); or

14                   (B) any organization or association that is  
15                   licensed by the Department of Agriculture to  
16                   promote horses through—

17                           (i) the showing, exhibiting, sale, auc-  
18                           tion, or registry of horses; or

19                           (ii) the conduct of any activity that  
20                           contributes to the advancement of horses.

21       **SEC. 3. USE OF ALTERNATIVE DEPRECIATION SYSTEM FOR**  
22                               **TAXPAYERS VIOLATING CERTAIN ANIMAL**  
23                               **PROTECTION RULES.**

24           (a) IN GENERAL.—Section 168(g)(1) of the Internal  
25       Revenue Code of 1986 is amended by striking “and” at

1 the end of subparagraph (D), by inserting “and” at the  
 2 end of subparagraph (E), and by inserting after subpara-  
 3 graph (E) the following new subparagraph:

4 “(F) any property placed in service by a  
 5 disqualified taxpayer during an applicable pe-  
 6 riod,”.

7 (b) DEFINITIONS.—Section 168(g) of the Internal  
 8 Revenue Code of 1986 is amended by adding at the end  
 9 the following new paragraph:

10 “(8) DISQUALIFIED TAXPAYER; APPLICABLE  
 11 PERIOD.—For purposes of paragraph (1)(F)—

12 “(A) DISQUALIFIED TAXPAYER.—

13 “(i) IN GENERAL.—The term ‘dis-  
 14 qualified taxpayer’ means any taxpayer if  
 15 such taxpayer—

16 “(I) has been assessed a civil  
 17 penalty under section 19(b) of the  
 18 Animal Welfare Act (7 U.S.C.  
 19 2149(b)) or section 6(b) of the Horse  
 20 Protection Act (15 U.S.C. 1825(b))  
 21 and either the period for seeking judi-  
 22 cial review of the final agency action  
 23 has lapsed or there has been a final  
 24 judgment with respect to an appeal of  
 25 such assessment, or

1 “(II) has been convicted under  
 2 section 19(d) of the Animal Welfare  
 3 Act (7 U.S.C. 2149(d)) or section  
 4 6(a) of the Horse Protection Act (15  
 5 U.S.C. 1825(a)) and there is a final  
 6 judgment with respect to such convic-  
 7 tion.

8 “(ii) AGGREGATION RULES.—All per-  
 9 sons treated as a single employer under  
 10 subsection (a) or (b) of section 52, or sub-  
 11 section (m) or (o) of section 414, shall be  
 12 treated as one taxpayer for purposes of  
 13 this subparagraph.

14 “(B) APPLICABLE PERIOD.—The term ‘ap-  
 15 plicable period’ means, with respect to any vio-  
 16 lation described in subparagraph (A), the 5-tax-  
 17 able-year period beginning with the taxable year  
 18 in which the period for seeking judicial review  
 19 of a civil penalty described in subparagraph  
 20 (A)(i) has lapsed or in which there has been a  
 21 final judgment entered with respect to the viola-  
 22 tion, whichever is earlier.”.

23 (c) CONFORMING AMENDMENT.—The last sentence  
 24 of section 179(d)(1) is amended by inserting “or any prop-  
 25 erty placed in service by a disqualified taxpayer (as de-

1    fined in section 168(g)(8)(A)) during an applicable period  
2    (as defined in section 168(g)(8)(B))” after “section  
3    50(b)”.

4       (d) EFFECTIVE DATE.—The amendments made by  
5    this section shall apply to property placed in service in  
6    taxable years beginning after the date of the enactment  
7    of this section.

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