



Public Law 91-579
 91st Congress, H. R. 19846
 December 24, 1970

An Act

84 STAT. 1560

To amend the Act of August 24, 1966, relating to the care of certain animals used for purposes of research, experimentation, exhibition, or held for sale as pets.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Animal Welfare Act of 1970".

Animal Welfare Act of 1970.

Sec. 2. The first section of the Act of August 24, 1966 (Public Law 89-544; 80 Stat. 350), as amended, is amended to read as follows: "That, in order to protect the owners of animals, from the theft of their animals, to prevent the sale or use of animals which have been stolen, and to insure that certain animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment, it is essential to regulate the transportation, purchase, sale, housing, care, handling, and treatment of such animals by persons or organizations engaged in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or in transporting, buying, or selling them for any such purpose or use."

7 USC 2131.

Sec. 3. Section 2 of such Act is amended—

7 USC 2132.

(1) in subsection (b) by striking the semicolon after the word "Agriculture" and inserting the following: "of the United States or his representative who shall be an employee of the United States Department of Agriculture;"

(2) in subsection (c) by striking the words "commerce between any State," and inserting in lieu thereof the words "trade, traffic, commerce, transportation among the several States, or between any State,";

(3) by striking subsections (d), (e), (f), (g), and (h) and inserting in lieu thereof the following:

"(d) The term 'affecting commerce' means in commerce or burdening or obstructing or substantially affecting commerce or the free flow of commerce, or having led or tending to lead to the inhumane care of animals used or intended for use for purposes of research, experimentation, exhibition, or held for sale as pets, by burdening or obstructing or substantially affecting commerce or the free flow of commerce;

"Affecting commerce."

"(e) The term 'research facility' means any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals affecting commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments: *Provided*, That the Secretary may exempt, by regulation, any such school, institution, organization, or person that does not use or intend to use live dogs or cats, except those schools, institutions, organizations, or persons, which use substantial numbers (as determined by the Secretary) of live animals the principal function of which schools, institutions, organizations, or persons, is biomedical research or testing, when in the judgment of the Secretary, any such exemption does not vitiate the purpose of this Act;

"Research facility."

"(f) The term 'dealer' means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells any animals whether alive or dead, affecting commerce, for research or teaching purposes or for exhibition purposes or for use as pets, but such term excludes any retail pet store except such

"Dealer."

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store which sells any animals to a research facility, an exhibitor, or a dealer;

"Animal."

"(g) The term 'animal' means any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet; but such term excludes horses not used for research purposes and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber; and

"Exhibitor."

"(h) The term 'exhibitor' means any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary, and such term includes carnivals, circuses, and zoos exhibiting such animals whether operated for profit or not; but such term excludes retail pet stores, organizations sponsoring and all persons participating in State and country fairs, livestock shows, rodeos, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences, as may be determined by the Secretary."

Licenses,
dealers and
exhibitors.
80 Stat. 351.
7 USC 2133.

SEC. 4. Section 3 of such Act is amended—

(1) in the first sentence thereof after the words "licenses to dealers" by inserting the words "and exhibitors";

(2) in the first proviso thereof after the words "until the dealer" by inserting the words "or exhibitor";

(3) in the second proviso thereof after the words "That any" by inserting the words "retail pet store or other";

(4) in the second proviso thereof after the words "as a dealer" insert the words "or exhibitor"; and

(5) in the last sentence thereof after the words "as dealers" each time such words appear, insert the words "or exhibitors".

7 USC 2134.

SEC. 5. Section 4 of such Act is amended to read as follows:

"SEC. 4. No dealer or exhibitor shall sell or offer to sell or transport or offer for transportation, affecting commerce, to any research facility or for exhibition or for use as a pet any animal, or buy, sell, offer to buy or sell, transport or offer for transportation, affecting commerce, to or from another dealer or exhibitor under this Act any animal, unless and until such dealer or exhibitor shall have obtained a license from the Secretary and such license shall not have been suspended or revoked."

7 USC 2135.

SEC. 6. Section 5 of such Act is amended—

(1) by inserting after the words "No dealer" the words "or exhibitor"; and

(2) by inserting before the period at the end thereof the proviso " : *Provided*, That operators of auction sales subject to section 12 of this Act shall not be required to comply with the provisions of this section".

Post, p. 1562.

SEC. 7. Section 6 of such Act is amended by inserting after the words "research facility" the words "and every exhibitor not licensed under section 3 of this Act".

Registration.
7 USC 2136.

Supra.
Purchase
restrictions.
7 USC 2137.

SEC. 8. Section 7 of such Act is amended—

(1) by inserting between the words "except" and "a person" the words "an operator of an auction sale subject to section 12 of this Act or"; and

(2) by inserting between the words "as a dealer" and "issued" the words "or exhibitor".

SEC. 9. Section 8 of such Act is amended—

(1) by inserting after the words "or experimentation" the words "or exhibition";

(2) by inserting between the words "except" and "a person" the words "an operator of an auction sale subject to section 12 of this Act or"; and

(3) by inserting between the words "as a dealer" and "issued" the words "or exhibitor".

SEC. 10. Section 9 of such Act is amended to read as follows:

"SEC. 9. When construing or enforcing the provisions of this Act, the act, omission, or failure of any person acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed as a dealer or an exhibitor pursuant to the second sentence of section 3, or an operator of an auction sale subject to section 12 of this Act, within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, exhibitor, licensee, or an operator of an auction sale as well as of such person."

SEC. 11. Section 10 of such Act is amended to read as follows:

"SEC. 10. Dealers and exhibitors shall make and retain for such reasonable period of time as the Secretary may prescribe, such records with respect to the purchase, sale, transportation, identification, and previous ownership of animals as the Secretary may prescribe, upon forms supplied by the Secretary. Research facilities shall make and retain such records only with respect to the purchase, sale, transportation, identification, and previous ownership of live dogs and cats. Such records shall be made available at all reasonable times for inspection and copying by the Secretary."

SEC. 12. Section 11 of such Act is amended—

(1) by striking the words "dogs and cats" and inserting in lieu thereof the word "animals";

(2) by striking the words "in commerce by any dealer" and inserting in lieu thereof the words ", affecting commerce, by a dealer or exhibitor"; and

(3) by striking the period at the end thereof and inserting the following: " : *Provided*. That only live dogs and cats need be so marked or identified by a research facility."

SEC. 13. Section 12 of such Act is amended to read as follows:

"SEC. 12. The Secretary is authorized to promulgate humane standards and recordkeeping requirements governing the purchase, handling, or sale of animals, affecting commerce, by dealers, research facilities, and exhibitors at auction sales and by the operators of such auction sales. The Secretary is also authorized to require the licensing of operators of auction sales where any dogs or cats are sold, affecting commerce, under such conditions as he may prescribe, and upon payment of such fee as prescribed by the Secretary under section 23 of this Act."

SEC. 14. Section 13 of such Act is amended to read as follows:

"SEC. 13. The Secretary shall promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors. Such standards shall include minimum requirements with respect to handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, including the appropriate use of anesthetic, analgesic or tranquilizing drugs, when such use would be proper in the opinion of the attending veterinarian

U. S. agencies,
transactions,
80 Stat. 351.
7 USC 2138.

Infra.

Enforcement.
7 USC 2139.

Ante, p. 1561.

Recordkeeping.
7 USC 2140.

Identification.
7 USC 2141.

Humane
standards,
auction sales.
7 USC 2142.

7 USC 2153.

Humane
standards,
promulgation.
7 USC 2143.

84 STAT. 1563

Experts and
consultants.

of such research facilities, and separation by species when the Secretary finds such separation necessary for the humane handling, care, or treatment of animals. In promulgating and enforcing standards established pursuant to this section, the Secretary is authorized and directed to consult experts, including outside consultants where indicated. Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, guidelines, or performance of actual research or experimentation by a research facility as determined by such research facility: *Provided*, That the Secretary shall require, at least annually, every research facility to show that professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs, during experimentation are being followed by the research facility during actual research or experimentation."

Annual
report.80 Stat. 352.
7 USC 2144.

Sec. 15. Section 14 of such Act is amended by adding at the end thereof the following new sentence: "Any department, agency, or instrumentality of the United States exhibiting animals shall comply with the standards promulgated by the Secretary under section 13."

Ante, p. 1562.
7 USC 2145.

Sec. 16. Section 15 of such Act is amended—

(1) in subsection (a) by striking the words "or experimentation" and inserting in lieu thereof the words ", experimentation or exhibition"; and

(2) in subsection (b) by striking the word "effectuating" and inserting in lieu thereof the words "carrying out".

Inspections.
7 USC 2146.

Sec. 17. Section 16 of such Act is amended to read as follows:

"Sec. 16. (a) The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer, exhibitor, research facility, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provision of this Act or any regulation or standard issued thereunder, and for such purposes, the Secretary shall, at all reasonable times, have access to the places of business and the facilities, animals, and those records required to be kept pursuant to section 10 of any such dealer, exhibitor, research facility, or operator of an auction sale. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confiscate or destroy in a humane manner any animal found to be suffering as a result of a failure to comply with any provision of this Act or any regulation or standard issued thereunder if (1) such animal is held by a dealer, (2) such animal is held by an exhibitor, (3) such animal is held by a research facility and is no longer required by such research facility to carry out the research, test, or experiment for which such animal has been utilized, or (4) such animal is held by an operator of an auction sale.

Penalties.

"(b) Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this Act shall be fined not more than \$5,000, or imprisoned not more than three years, or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this Act shall be punished as provided under sections 1111 and 1114 of title 18, United States Code.

62 Stat. 756.
65 Stat. 721;
76 Stat. 132.

"(c) For the efficient administration and enforcement of this Act, the provisions (including penalties) of sections 6, 8, 9, and 10 of the Act entitled "An Act to create a Federal Trade Commission, to define

its powers and duties, and for other purposes," approved September 26, 1914 (38 Stat. 721-723, as amended; 15 U.S.C. 46, 48, 49, and 50) (except paragraph (c) through (h) of section 6 and the last paragraph of section 9), and the provisions of Title II of the "Organized Crime Control Act of 1970" (62 Stat. 856; 18 U.S.C. 6001 et seq.), are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this Act and to any person, firm, or corporation with respect to whom such authority is exercised. The Secretary may prosecute any inquiry necessary to his duties under this Act in any part of the United States, including any territory, or possession thereof, the District of Columbia, or the Commonwealth of Puerto Rico. The powers conferred by said sections 9 and 10 of the Act of September 26, 1914, as amended, on the district courts of the United States may be exercised for the purposes of this Act by any district court of the United States. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this Act, and shall have jurisdiction in all other kinds of cases arising under this Act, except as provided in sections 19(b) and 20(b) of this Act."

Ante, p. 926.

Jurisdiction.

SEC. 18. Section 17 of such Act is amended by striking the phrase "issue rules and regulations requiring licensed dealers and research facilities" and inserting in lieu thereof the phrase "promulgate rules and regulations requiring dealers, exhibitors, research facilities, and operators of auction sales subject to section 12 of this Act".

Infra.

Post, p. 1565.

80 Stat. 352.

7 USC 2147.

SEC. 19. Section 18 of such Act is repealed.

Ante, p. 1562.

Repeal.

SEC. 20. Section 19 of such Act is amended to read as follows:

"SEC. 19. (a) If the Secretary has reason to believe that any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, has violated or is violating any provisions of this Act, or any of the rules or regulations or standards promulgated by the Secretary hereunder, he may make an order that such person shall cease and desist from continuing such violation, and if such person is licensed under this Act, the Secretary may also suspend such person's license temporarily, but not to exceed twenty-one days, and after notice and opportunity for hearing, may suspend for such additional period as he may specify, or revoke such license, if such violation is determined to have occurred. Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who knowingly fails to obey a cease and desist order made by the Secretary under this section, shall be subject to a civil penalty of \$500 for each offense, and each day during which such failure continues, shall be deemed a separate offense.

Dealer license

suspension.

7 USC 2149.

"(b) Any dealer, exhibitor, or operator of an auction sale aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this section may, within sixty days after entry of such an order, seek review of such order in the United States court of appeals for the circuit in which such person has his principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701-706 of title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based.

Judicial

review.

80 Stat. 392.

"(c) Any dealer, exhibitor, or operator of an auction sale subject to section 12 of this Act, who violates any provision of this Act shall, on

Penalty.

84 STAT. 1565

conviction thereof, be subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both."

Research facilities, violations. 80 Stat. 353. 7 USC 2150.

SEC. 21. Section 20 of such Act is amended—

(1) in subsection (a) by striking the words "rules or regulations" and inserting in lieu thereof the words "rules, regulations, or standards"; and

(2) by amending subsection (b) to read as follows:

Judicial review.

"(b) Any research facility aggrieved by a final order of the Secretary, issued pursuant to subsection (a) of this Act, may within sixty days after entry of such order, seek review of such order in the United States court of appeals for the circuit in which such research facility has its principal place of business, or in the United States Court of Appeals for the District of Columbia Circuit, in accordance with the provisions of sections 701-706 of title 5, United States Code. Judicial review of any such order shall be upon the record upon which the final determination and order of the Secretary were based."

80 Stat. 392.

SEC. 22. Such Act is further amended by adding at the end thereof the following new section:

Report to the Senate and Speaker of the House.

"SEC. 25. Not later than March of each year following the enactment of the "Animal Welfare Act of 1970", the Secretary shall submit to the President of the Senate and the Speaker of the House of Representatives a comprehensive and detailed written report with respect to—

Ante, pp. 1561, 1562.

"(1) the identification of all research facilities, exhibitors, and other persons and establishments licensed by the Secretary under section 3 and section 12 of this Act;

"(2) the nature and place of all investigations and inspections conducted by the Secretary under section 16 of this Act, and all reports received by the Secretary under section 13 of this Act; and

"(3) recommendations for legislation to improve the administration of this Act or any provisions thereof.

This report as well as any supporting documents, data, or findings shall not be released to any other persons, non-Federal agencies, or organizations unless and until it has been made public by an appropriate committee of the Senate or the House of Representatives."

Effective dates.

SEC. 23. The amendments made by this Act shall take effect one year after the date of enactment of this Act, except for the amendments to sections 16, 17, 19, and 20 of the Act of August 24, 1966, which shall become effective thirty days after the date of enactment of this Act.

Approved December 24, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-1651 (Comm. on Agriculture).

CONGRESSIONAL RECORD, Vol. 116 (1970):

Dec. 7, considered and passed House.

Dec. 8, considered and passed Senate.