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89TH CONGRESS  
2D SESSION

# H. R. 13881

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 1966

Mr. POAGE introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats, and other animals intended to be used for purposes of research or experimentation, 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,*  
3       That, in order to protect the owners of dogs and cats and  
4       other animals from theft of such pets and to prevent the sale  
5       or use of stolen dogs and cats and other animals for purposes  
6       of research and experimentation, it is essential to regulate  
7       the transportation, purchase, sale, or handling of dogs, cats,  
8       and other animals by persons or organizations engaged in

1 using them for research or experimental purposes or in trans-  
2 porting, buying, or selling them for use.

3 SEC. 2. When used in this Act—

4 (a) The term “person” includes any individual,  
5 partnership, firm, joint stock company, corporation, as-  
6 sociation, trust, estate, or other legal entity.

7 (b) The term “Secretary” means the Secretary of  
8 Agriculture.

9 (c) The term “commerce” means commerce be-  
10 tween any State, territory, or possession, or the District  
11 of Columbia, or Puerto Rico, and any place outside  
12 thereof; or between points within the same State, terri-  
13 tory, or possession, or the District of Columbia, but  
14 through any place outside thereof; or within any terri-  
15 tory or possession or the District of Columbia.

16 (d) The term “dog” means any live dog of the  
17 species (*Canis familiaris*) for use or intended to be used  
18 for research, tests, or experiments at research facilities.

19 (e) The term “cat” means any live domestic cat  
20 (*Felis catus*) for use or intended to be used for research,  
21 tests, or experiments at research facilities.

22 (f) The term “animal” means any vertebrate ani-  
23 mal for use or intended to be used for research, tests, or  
24 experiments at research facilities, except cattle, horses,  
25 mules, sheep, goats, or swine.

1 (g) The term "research facility" means any school,  
2 institution, organization, or person that uses or intends  
3 to use dogs, cats, or other animals in research, tests, or  
4 experiments, and that (1) purchases or transports any  
5 such animals in commerce, or (2) receives any funds  
6 from the United States or any agency or instrumentality  
7 thereof to finance its operations by means of grants,  
8 loans, or otherwise.

9 (h) The term "dealer" means any person who for  
10 compensation or profit delivers for transportation, or  
11 transports, except as a common carrier, buys, or sells  
12 dogs, cats, or other animals in commerce for research  
13 purposes.

14 SEC. 3. No research facility shall purchase or transport  
15 dogs, cats, or other animals in commerce unless and until  
16 such research facility shall have obtained a license from the  
17 Secretary, or acquire any dog, cat, or other animal from  
18 any person except a person holding a valid license as a  
19 dealer.

20 SEC. 4. No dealer shall sell or offer to sell or transport  
21 or offer for transportation to any research facility any dog,  
22 cat, or other animal, or buy, sell, offer to buy or sell, trans-  
23 port or offer for transportation in commerce to or from  
24 another dealer under this Act any such animal, unless and  
25 until such dealer shall have obtained a license from the Secre-

1 tary and such license shall not have been suspended or  
2 revoked.

3       SEC. 5. The Secretary is authorized to promulgate  
4 humane standards to govern the handling and transportation  
5 of dogs, cats, and other animals by dealers and research facili-  
6 ties, and to promote their health, well-being, and safety:  
7 *Provided, however,* That nothing in this Act shall be con-  
8 strued to authorize the Secretary to set standards for the  
9 handling of these animals during the actual research or  
10 experimentation.

11       SEC. 6. The Secretary shall issue licenses to research  
12 facilities and to dealers upon application therefor in such  
13 form and manner as he may prescribe and upon payment  
14 of such fee pursuant to section 17 of this Act: *Provided,*  
15 That no such license shall be issued until the applicant shall  
16 have demonstrated that his facilities comply with the stand-  
17 ards promulgated by the Secretary pursuant to section 5 of  
18 this Act. The Secretary is further authorized to license, as  
19 dealers, persons who do not qualify as dealers within the  
20 meaning of this Act upon such persons' complying with the  
21 requirements specified above and agreeing, in writing, to  
22 comply with all the requirements of this Act and the regu-  
23 lations promulgated by the Secretary hereunder.

24       SEC. 7. All dogs and cats delivered for transportation,  
25 transported, purchased, or sold in commerce to any dealer

1 or research facilities shall be marked or identified in such  
2 humane manner as the Secretary may prescribe.

3 SEC. 8. Research facilities and dealers shall make and  
4 keep such records with respect to their purchase, sale, trans-  
5 portation, and handling of dogs, cats, and other animals, as  
6 the Secretary may prescribe. Such records shall be kept  
7 open at all reasonable times to inspection by the Secretary  
8 or any person duly authorized by him.

9 SEC. 9. The Secretary is authorized to cooperate with  
10 the officials of the various States or political subdivisions  
11 thereof in effectuating the purposes of this Act and of any  
12 State, local, or municipal legislation or ordinance on the same  
13 subject.

14 SEC. 10. No dealer shall sell or otherwise dispose of  
15 any dog or cat within a period of five business days after  
16 the acquisition of such animal or within such other period  
17 as may be specified by the Secretary.

18 SEC. 11. The Secretary is authorized to promulgate  
19 such rules, regulations, and orders as he may deem necessary  
20 in order to effectuate the purposes of this Act.

21 SEC. 12. (a) If the Secretary has reason to believe  
22 that any research facility has violated or is violating any  
23 provision of this Act or any of the rules or regulations  
24 promulgated by the Secretary hereunder and if, after notice

1 and opportunity for hearing, he finds a violation, he may  
2 make an order that such research facility shall cease and de-  
3 sist from continuing such violation. If the Secretary deter-  
4 mines that such violation was willful, he shall also prepare a  
5 report in writing in which he shall state his findings as to the  
6 facts and shall certify such report to each agency of the Fed-  
7 eral Government furnishing funds to such research facility to  
8 finance research, tests, or experiments involving the use  
9 of dogs, cats, or other animals with a recommendation that  
10 such funds be withdrawn for such period as the Secretary  
11 may specify, and each such agency so notified shall suspend  
12 all such payments, loans, or grants to such research facility,  
13 all other laws or parts of law notwithstanding.

14 (b) If the Secretary has reason to believe that any  
15 person licensed as a dealer has violated or is violating any  
16 provision of this Act or any of the rules or regulations  
17 promulgated by the Secretary hereunder, the Secretary may  
18 suspend such person's license temporarily, but not to exceed  
19 twenty-one days, and, after notice and opportunity for hear-  
20 ing, may suspend for such additional period as he may  
21 specify, or revoke, such license if such violation is determined  
22 to have occurred and may make an order that such person  
23 shall cease and desist from continuing such violation.

24 (c) Any research facility, dealer, or other person  
25 aggrieved by a final order of the Secretary issued pursuant to



1 subdivisions (a) and (b) of this section may, within sixty  
2 days after entry of such order, file a petition to review such  
3 order in the United States Court of Appeals for the judicial  
4 circuit in which the party or any of the parties filing the peti-  
5 tion for review resides or has its principal office, or in the  
6 United States Court of Appeals for the District of Columbia.  
7 Upon the filing and service of a petition to review, the Court  
8 of Appeals shall have jurisdiction of the proceeding. For the  
9 purposes of this Act, the provisions of chapter 19A (Hobbs  
10 Act) of title 5, United States Code, shall be applicable to  
11 appeals pursuant to this section.

12 SEC. 13. When construing or enforcing the provisions of  
13 this Act, the act, omission, or failure of any individual acting  
14 for or employed by a research facility or a dealer, or a person  
15 licensed as a dealer pursuant to the second sentence of section  
16 6, within the scope of his employment or office, shall be  
17 deemed the act, omission, or failure of such research facility,  
18 dealer, or other person as well as of such individual.

19 SEC. 14. Any research facility or dealer who operates  
20 without a license from the Secretary issued pursuant to this  
21 Act or while such license is suspended or revoked, and any  
22 research facility, dealer, or person licensed as a dealer pur-  
23 suant to the second sentence of section 6 who knowingly  
24 fails to obey a cease-and-desist order made by the Secretary  
25 under the provisions of section 12 of this Act shall forfeit

1 to the United States the sum of \$500 for each offense. Such  
2 forfeiture shall be recoverable in a civil suit in the name of  
3 the United States. It shall be the duty of the various  
4 United States attorneys, under the direction of the Attorney  
5 General, to bring suit for the recovery of forfeitures.

6 SEC. 15. Whenever it shall appear to the Secretary that  
7 any person has engaged, is engaging, or is about to engage  
8 in any act or practice constituting a violation of any pro-  
9 vision of this Act, or any rule, regulation, or order there-  
10 under, the Secretary may notify the Attorney General, and  
11 the Attorney General may bring an action in the proper  
12 district court of the United States or the proper United  
13 States court of any territory or other place subject to the  
14 jurisdiction of the United States, to enjoin such act or prac-  
15 tice and to enforce compliance with this Act, or any rule,  
16 regulation, or order thereunder, and said courts shall have  
17 jurisdiction to entertain such actions. Any action under  
18 this section may be brought in the district wherein the  
19 defendant is found or is an inhabitant or transacts business  
20 or in the district where the act or practice in question  
21 occurred or is about to occur, and process in such cases  
22 may be served in any district where the defendant may  
23 be found.

24 SEC. 16. If any provision of this Act or the application  
25 of any such provision to any person or circumstances shall

1 be held invalid, the remainder of this Act and the applica-  
2 tion of any such provision to persons or circumstances other  
3 than those as to which it is held invalid shall not be affected  
4 thereby.

5       SEC. 17. In order to finance the administration of this  
6 Act, the Secretary shall charge, assess, and cause to be col-  
7 lected reasonable fees for licenses issued. Such fees shall  
8 be adjusted on an equitable basis taking into consideration  
9 the type and nature of the operations to be licensed and  
10 shall cover as nearly as practicable the costs of administering  
11 the provisions of this Act. All such fees shall be deposited  
12 in a fund which shall be available without fiscal year limita-  
13 tion for use in administering the provisions of this Act to-  
14 gether with such funds as may be appropriated thereto, and  
15 there are hereby authorized to be appropriated such funds as  
16 Congress may from time to time provide.

17       SEC. 18. This Act shall take effect one hundred and  
18 twenty days after enactment.

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## A BILL.

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By Mr. POAGE

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MARCH 22, 1966

Referred to the Committee on Agriculture