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89TH CONGRESS
2D SESSION

H. R. 13881

[Report No. 1418]

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 1966

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

APRIL 5, 1966

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

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~~ *dogs and cats* by persons or organizations

1 engaged in using them for research or experimental purposes
2 or in transporting, buying, or selling them for *such* 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 *the Commonwealth of Puerto Rico*, and
12 any place outside thereof; or between points within
13 the same State, territory, or possession, or the District
14 of Columbia, but through any place outside thereof;
15 or within any territory or possession or the District of
16 Columbia.

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

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

23 (f) The term “animal” means any vertebrate ani-
24 mal for use or intended to be used for research, tests, or

1 experiments at research facilities, except cattle, horses,
2 mules, sheep, goats, or swine.

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

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

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

22 SEC. 4. No dealer shall sell or offer to sell or transport
23 or offer for transportation to any research facility any ~~dog,~~
24 ~~cat, or other animal~~ *dog or cat*, or buy, sell, offer to buy or

1 sell, transport or offer for transportation in commerce
2 to or from another dealer under this Act any ~~such animal~~
3 *dog or cat*, unless and until such dealer shall have obtained
4 a license from the Secretary and such license shall not have
5 been suspended or revoked.

6 SEC. 5. The Secretary is authorized to promulgate
7 humane standards to govern the handling and transportation
8 of ~~dogs, cats, and other animals~~ *dogs and cats* by ~~dealers and~~
9 ~~research facilities,~~ *dealers*, and to promote their health, well-
10 being, and safety: *Provided, however,* That nothing in this
11 Act shall be construed to authorize the Secretary to set
12 standards for the handling of ~~these animals~~ *dogs and cats*
13 during the actual research or experimentation *or at any time*
14 *subsequent to the arrival of such animals at a research*
15 *facility.*

16 SEC. 6. The Secretary shall issue licenses to research
17 facilities and to dealers upon application therefor in such
18 form and manner as he may prescribe and upon payment of
19 such fee *established* pursuant to section 17 of this Act: *Pro-*
20 *vided,* that no such license shall be issued until the ~~applicant~~
21 *dealer* shall have demonstrated that his facilities comply with
22 the standards promulgated by the Secretary pursuant to sec-
23 tion 5 of this Act: *Provided, however,* That any person who
24 *derives less than a substantial portion of his income (as deter-*
25 *mined by the Secretary) from the breeding and raising of*

1 *dogs or cats on his own premises and sells such animals to*
2 *a dealer shall not be required to obtain a license as a dealer*
3 *under this Act.* The Secretary is further authorized to li-
4 cense, as dealers, persons who do not qualify as dealers
5 within the meaning of this Act upon such persons' complying
6 with the requirements specified above and agreeing, in writ-
7 ing, to comply with all the requirements of this Act and the
8 regulations promulgated by the Secretary hereunder.

9 SEC. 7. All dogs and cats delivered for transportation,
10 transported, purchased, or sold in commerce to any dealer
11 or research facilities shall be marked or identified in such
12 humane manner as the Secretary may prescribe.

13 SEC. 8. ~~Research facilities and dealers~~ *Dealers* shall make
14 and keep such records with respect to their purchase, sale,
15 transportation, and handling of ~~dogs, cats, and other animals,~~
16 *dogs and cats* as the Secretary may prescribe. *Research*
17 *facilities shall make and keep such records with respect to*
18 *their purchase, sale, and transportation of dogs and cats as*
19 *the Secretary may prescribe.* Such records shall be kept
20 open at all reasonable times to inspection by the Secretary
21 or any person duly authorized by him.

22 SEC. 9. The Secretary is authorized to cooperate with
23 the officials of the various States or political subdivisions
24 thereof in effectuating the purposes of this Act and of any

1 State, local, or municipal legislation or ordinance on the same
2 subject.

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

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

10 SEC. 12. (a) If the Secretary has reason to believe
11 that any research facility has violated or is violating any
12 provision of this Act or any of the rules or regulations
13 promulgated by the Secretary hereunder and if, after notice
14 and opportunity for hearing, he finds a violation, he may
15 make an order that such research facility shall cease and de-
16 sist from continuing such violation. If the Secretary deter-
17 mines that such violation was ~~willful~~, *willful and likely to*
18 *continue*, he shall also prepare a report in writing in which
19 he shall state his findings as to the facts and shall certify such
20 report to each agency of the Federal Government furnishing
21 funds to such research facility to finance research, tests, or
22 experiments involving the use of ~~dogs, cats, or other animals~~
23 *dogs or cats* with a recommendation that such funds be with-
24 drawn for such period as the Secretary may specify, and
25 each such agency so notified shall suspend all such payments,

1 loans, or grants to such research facility, *unless such agency*
2 *finds that such suspension would not be in the public interest,*
3 all other laws or parts of law notwithstanding.

4 (b) If the Secretary has reason to believe that any
5 person licensed as a dealer has violated or is violating any
6 provision of this Act or any of the rules or regulations
7 promulgated by the Secretary hereunder, the Secretary may
8 suspend such person's license temporarily, but not to exceed
9 twenty-one days, and, after notice and opportunity for hear-
10 ing, may suspend for such additional period as he may
11 specify, or revoke, such license if such violation is determined
12 to have occurred and may make an order that such person
13 shall cease and desist from continuing such violation.

14 (c) Any research facility, dealer, or other person
15 aggrieved by a final order of the Secretary issued pursuant to
16 ~~subdivisions~~ *subsections* (a) and (b) of this section may,
17 within sixty days after entry of such order, file a petition
18 to review such order in the United States Court of Appeals
19 for the judicial circuit in which the party or any of the
20 parties filing the petition for review resides or has its princi-
21 pal office, or in the United States Court of Appeals for the
22 District of Columbia. Upon the filing and service of a peti-
23 tion to review, the Court of Appeals shall have jurisdiction of
24 the proceeding. For the purposes of this Act, the provisions

1 of chapter 19A (Hobbs Act) of title 5, United States
2 Code, shall be applicable to appeals pursuant to this section.

3 SEC. 13. When construing or enforcing the provisions of
4 this Act, the act, omission, or failure of any individual acting
5 for or employed by a research facility or a dealer, or a person
6 licensed as a dealer pursuant to the second sentence of section
7 6, within the scope of his employment or office, shall be
8 deemed the act, omission, or failure of such research facility,
9 dealer, or other person as well as of such individual.

10 SEC. 14. Any research facility or dealer who operates
11 without a license from the Secretary issued pursuant to this
12 Act or while such license is suspended or revoked, and any
13 research facility, dealer, or person licensed as a dealer pur-
14 suant to the second sentence of section 6 who knowingly
15 fails to obey a cease-and-desist order made by the Secretary
16 under the provisions of section 12 of this Act shall forfeit
17 to the United States the sum of \$500 for each offense *and*
18 *each day of operating without a valid license or failing to*
19 *obey a cease-and-desist order shall constitute a separate*
20 *offense.* Such forfeiture shall be recoverable in a civil suit in
21 the name of the United States. It shall be the duty of the
22 various United States attorneys, under the direction of the
23 Attorney General, to bring suit for the recovery of forfeitures.

24 SEC. 15. Whenever it shall appear to the Secretary that

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

18 SEC. 16. If any provision of this Act or the application
19 of any such provision to any person or circumstances shall
20 be held invalid, the remainder of this Act and the applica-
21 tion of any such provision to persons or circumstances other
22 than those as to which it is held invalid shall not be affected
23 thereby.

24 SEC. 17. In order to finance the administration of this

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

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

Amend the title so as to read: "A bill to authorize the
Secretary of Agriculture to regulate the transportation, sale,
and handling of dogs and cats intended to be used for pur-
poses of research or experimentation, and for other pur-
poses."

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