Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.

PUBLIC LAW 544

ANIMAL DEALER REGULATION

PLEASE RETURN TO USDA
NATIONAL AGRICULTURAL LIBRARY
LAW BRANCH, LEGISLATIVE REPORTING
Rm. 117-E, Admin Bldg.
Wash. D. C. Ext. 4654

HEARINGS

BEFORE THE

COMMITTEE ON COMMERCE
UNITED STATES SENATE

EIGHTY-NINTH CONGRESS

SECOND SESSION

ON

S. 2322

A BILL TO AUTHORIZE THE SECRETARY OF AGRICULTURE TO REGULATE THE TRANSPORTATION, SALE, AND HANDLING OF DOGS AND CATS INTENDED TO BE USED FOR PURPOSES OF RESEARCH OR EXPERIMENTATION, AND FOR OTHER PURPOSES

S. 3059

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

S. 3138

A BILL TO AUTHORIZE THE SECRETARY OF AGRICULTURE TO REGULATE THE TRANSPORTATION, PURCHASE, SALE, AND HANDLING OF DOGS AND CATS IN COMMERCE

MARCH 25, 28, AND MAY 25, 1966

Serial No. 89–61

Printed for the use of the Committee on Commerce

U.S. GOVERNMENT PRINTING OFFICE
62-317 WASHINGTON : 1966

COMMITTEE ON COMMERCE

WARREN G. MAGNUSON, Washington, *Chairman*

JOHN O. PASTORE, Rhode Island
A. S. MIKE MONRONEY, Oklahoma
FRANK J. LAUSCHE, Ohio
E. L. BARTLETT, Alaska
VANCE HARTKE, Indiana
PHILIP A. HART, Michigan
HOWARD W. CANNON, Nevada
DANIEL B. BREWSTER, Maryland
MAURINE B. NEUBERGER, Oregon
ROSS BASS, Tennessee
RUSSELL B. LONG, Louisiana

NORRIS COTTON, New Hampshire
THRUSTON B. MORTON, Kentucky
HUGH SCOTT, Pennsylvania
WINSTON L. PROUTY, Vermont
JAMES B. PEARSON, Kansas
PETER H. DOMINICK, Colorado

GERALD GRINSTEIN, *Chief Counsel*
EDWARD JARRETT, *Chief Clerk*
JEREMIAH J. KENNEY, Jr., *Assistant Chief Counsel*
RALPH HORTON, *Assistant Chief Clerk*
DONALD C. COLE, *Staff Counsel*

CONTENTS

	Page
Hearings held on—	
March 25	1
March 28	77
May 25	195
Text of—	
S. 2322	2
S. 3059	4
S. 3138	6
Committee Print No. 3	195
Agency comments—	
Civil Aeronautics Board	7
Comptroller General of the United States	7
Department of Agriculture	7
Department of Health, Education, and Welfare	9
District of Columbia Board of Commissioners	11
Federal Aviation Agency	11
General Counsel of the Department of Commerce	12
General Counsel of the Treasury	12

ALPHABETICAL LIST OF WITNESSES

Statement of—	
Amory, Cleveland, director, Humane Society of the United States, 140 West 57th Street, New York, N.Y.	22
Artsay, Miss Helene, veterinary student, University of Michigan, East Lansing, Mich.	140
Brewer, Dr. N. R., secretary, Illinois Society for Medical Research, 5528 Blackstone Avenue, Chicago, Ill.	102
Brewster, Hon. Daniel B., U.S. Senator from the State of Maryland, Washington, D.C.	19
Clark, Hon. Joseph H., U.S. Senator from the State of Pennsylvania, Washington, D.C.	13, 199
Cohen, Dr. Bennett J., director, animal care unit, department of physiology, University of Michigan, Ann Arbor, Mich.	162
Derby, Dr. Benett, head of neurology, Veterans' Administration hospital, New York, N.Y.	256
Dunn, Mrs. Peyton Hawes, executive director, WARDS, 2225 Observatory Place NW., Washington, D.C.	169
Dyce, Mrs. Dorothy, laboratory animal consultant, Animal Welfare Institute, Box 3492, Grand Central Station, New York, N.Y.	134
Evans, Oliver, president, Humane Society of the United States, 1145 19th Street NW., Washington, D.C.	26
Gimbel, Dr. Nicholas S., chief of surgery, Metropolitan Hospital, 1800 Tuxedo Avenue, Detroit, Mich.	259
Greenbaum, Dr. Lowell M., president, New York State Society for Medical Research, 2 East 63d Street, New York, N.Y.; accompanied by Dr. Ross Gray, curator of animal husbandry, Columbia University	93
Hogan, Declan, special agent, Humane Society of the United States, 1145 19th Street NW., Washington, D.C.	48
Hogness, Dr. John R., dean, school of medicine, and chairman, division of health sciences, University of Washington, Seattle, Wash.	
Hughes, Tom I., general manager, the Ontario Humane Society, 696 Yonge Street, Toronto, Ontario, Canada	204
Jones, Miss Helen, president, National Catholic Society for Animal Welfare, 1346 Connecticut Avenue NW., Washington, D.C.	148

Statement of—Continued

Page

Irving, Dr. George W., Jr., Administrator, Agricultural Research Service, Department of Agriculture, accompanied by Dr. Earl Jones, Animal Health Division, Agricultural Research Service; Miss Lotus Therkelsen, Office of General Counsel, USDA; and Richard F. Adelmann, legislative staff, Agricultural Research Service 268

Jones, Miss Helen, president, National Catholic Society for Animal Welfare, 1346 Connecticut Avenue NW., Washington, D.C 108

Jones, George W., assistant director, Massachusetts Society for Prevention of Cruelty to Animals, 180 Longwood Avenue, Boston, Mass 88

Jones, Dr. L. Meyer, director, scientific activities, American Veterinary Medical Association, 600 South Michigan Avenue, Chicago, Ill 190

Lee, Dr. Philip R., Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare, Washington, D.C., accompanied by Dr. James A. Shannon, Director, National Institutes of Health; Dr. G. B. Mider and David Tilson, National Institutes of Health, and Ralph Huitt, Assistant Secretary for Legislation, Department of Health, Education, and Welfare 233

McMahon, Frank J., director, field services, Humane Society of the United States, 1145 19th Street NW., Washington, D.C 40

Morgan, Jo V., Jr., Washington counsel, the American Humane Association, 815 15th Street NW., Washington, D.C 181

Phillips, Rutherford T., executive director, the American Humane Association, Box 1266, Denver, Colo 176

Pittman, Mrs. Kay, staff writer, Memphis Press-Scimitar, 495 Union Avenue, Memphis, Tenn 141

Rich, Sigmund T., D.V.M., Animal Care Facility, The Center for the Health Sciences, University of California, Los Angeles, Calif 117

Sabin, Dr. Albert B., chief, division of virology and cancer research, Children's Hospital Research Foundation, Cincinnati, Ohio 220

Shannon, Dr. James A., director, National Institutes of Health 234

Sloan, H. J., director, agricultural experiment station, University of Minnesota, St. Paul, Minn 172

Stevens, Mrs. Christine, Society for Animal Protective Legislation, Box 3719, Georgetown Station, Washington, D.C 126

Taussig, Dr. Helen, professor of pediatrics emeritus, Johns Hopkins University, and president, American Heart Association, 44 East 23d Street, New York, N.Y.; Dr. Edward C. Melby, Jr., assistant professor, Johns Hopkins University School of Medicine 79, 85

Thorp, Miss Elizabeth S., Simonsen Laboratories, 3228 Centerville, White Bear, Minn 187

Visscher, Dr. Maurice B., president, National Society for Medical Research, and head, department of physiology, College of Medical Sciences, University of Minnesota, Minneapolis, Minn 62

White, Dr. Lowell, chairman, Animal Care Committee, University of Washington 69

Statements submitted by—

Alsop, Dr. Gulielma Fell 159

American College of Radiology, 20 North Wacker Drive, Chicago, Ill 282

American Dental Association and American Association of Dental Schools, 1750 Pennsylvania Avenue NW., Washington, D.C 283, 285

American Feed Manufacturers Association, Inc., 1522 K Street NW., Washington, D.C 286

American Medical Association, 1 Farragut Square South, Washington, D.C 287

American Public Health Association, 224 East Capitol Street, Washington, D.C 296

American Veterinary Medical Association, 1522 K Street NW., Washington, D.C 298

Anchel, Majorie, senior research associate, the New York Botanical Garden 300

Ansbacher, Stefan, Sc. D., Ansie Acres, Grant County, Ind 301

Brisk, Fay, director, Animal Rescue League of Berks County, R.D. 1, Birdsboro, Pa 301

Buttrick, Carlton E., president, Animal Rescue League of Boston, 10 Chandler Street, Boston, Mass 303

Statements submitted by—Continued

Page

Dalrymple, Dr. Leolia, 82 Marlborough Street, Boston, Mass 304
Derby, Dr. Bennett M 160
Donahue, Wilma, Ph. D., Institute of Human Adjustment, the University of Michigan, Ann Arbor, Mich 304
Entner, Nathan, Ph. D., New York University School of Medicine, New York, N.Y 304
Fahrion, Nell G., assistant professor, department of psychology, University of Colorado, 1100 14th Street, Denver, Colo 161
Gardner, Mrs. Henry A., vice president, Montgomery County (Maryland) Humane Society, 17 West Irving Street, Chevy Chase, Md 305
George Washington University, Department of Pharmacology, School of Medicine, Washington, D.C 305
Goudy, Dr. Jean S., William P. Collins Memorial Hospital, 2130 P Street NW., Washington, D.C 306
Hammond, Dorothy D., Ph. D., Department of Biological Sciences, Hunter College, New York, N.Y 306
Justice, Thomas C., general manager, Humane Society of the City of Columbus, Columbus, Ohio 307
Maloney, William T., executive secretary, Laboratory Animal Breeders Association, Boston, Mass 307
Monclova, Anita T., director, National Pet Registry, Box 6, Rugby Station, Brooklyn, N.Y 308
Orlans, Dr. F. Barbara, 7035 Wilson Lane, Bethesda, Md 310
Peacock, Dr. Samuel M., Jr., senior medical research scientist, Pennsylvania Hospital, and assistant professor, University of Pennsylvania, Philadelphia, Pa 311
Pell, Hon. Claiborne, U.S. Senator from the State of Rhode Island, Washington, D.C 77
Rice, Dr. Walter G., dean, Medical College of Georgia, Augusta, Ga 312
Scott, Hon. Hugh, U.S. Senator from the State of Pennsylvania, Washington, D.C 78
Selander, Richard B., Ph. D., University of Illinois, Urbana, Ill 313
Shaffer, J. J., director, the Anti-Cruelty Society, 157 West Grand Avenue, Chicago, Ill 315
Shannahan, Mrs. William E., president, Talbot County Humane Society, Inc., Easton, Md 316
Smith, Captain Thomas S., chief, investigation division, Maryland State Police, Rockville, Md 317
Steinecke, Dr. Olga, 69 Faire Harbour Place, New London, Conn 161
Timrud, Dr. David H., on behalf of National Dog Registry, Princeton, N.J 318
Twyne, Mrs. Pearl, president, Virginia Federation of Humane Societies, Inc., 1830 North Ode Street, Arlington, Va 320
Walker, Ernest P., 3016 Tilden Street NW., Washington, D.C 161
Wescoe, W. Clarke, chancellor, University of Kansas, on behalf of National Association of State Universities and Land-Grant Colleges 321

Letters received—

Adair, Frank E., M.D., 75 East 71st Street, New York, N.Y 323
Bell, Dr. Robert B., Tuscaloosa, Ala 324
Bean, John W., Ph. D., M.D., University of Michigan, Ann Arbor, Mich 326
Berson, Dr. Robert C., executive director, Association of Medical Colleges, 1501 New Hampshire Avenue NW., Washington, D.C 324
Decker, George H., president, Manufacturing Chemists' Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C 325
Giese, Frederick W., M.D., 18526 Schoolcraft Avenue, Detroit, Mich 326
Lauson, Dr. Henry D., professor and chairman, Albert Einstein College of Medicine, Yeshiva University, New York, N.Y 327
Rice, Dr. Raymond M., group vice president, science and medicine, Eli Lilly & Co., Indianapolis, Ind 327
Stetler, C. Joseph, president, Pharmaceutical Manufacturers Association, 1155 15th St. NW., Washington, D.C 327
Williamson, Kenneth, associate director, American Hospital Association, 1 Farragut Square South, Washington, D.C 329

ANIMAL DEALER REGULATION

FRIDAY, MARCH 25, 1966

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C.

The committee met at 10:15 a.m. in room 5110, New Senate Office Building, Hon. Warren G. Magnuson presiding.

Senator MAGNUSON. The committee will come to order. There will be some other Senators here, but we will have a long list of witnesses today, we would like to proceed as expeditiously as possible. The chairman has a short opening statement.

The committee opens the first of 2 days of hearings this morning on a question which is of very great concern to millions of Americans: The protection of the pet owner from loss of the pet through theft, and the assurance that animals in the hands of dealers will be humanely treated.

On July 23 of last year, Senator Clark and I introduced a bill which in effect will authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation.

For the protection of pet owners, the bill requires that all dogs and cats transported, purchased, or sold in commerce must be marked or identified by methods prescribed by the Secretary of Agriculture and that dealers and research facilities must keep records of purchases and sales. In addition, dealers will be required to hold all dogs and cats for 5 days in order to allow the tracing of stolen pets.

Since the introduction of my bill, the problem of pet stealing and animal dealer cruelty has been vividly brought to the public's attention by stories in national magazines and on national TV programs.

Our colleague, Senator Scott, has introduced S. 3059, a bill similar to S. 2322, but with several alterations. Senator Scott's bill would cover other animals in addition to dogs and cats. It also contains a section providing for the suspension of Federal funds to research institutions which are not certified by the Department of Agriculture.

I would like to emphasize that the issue before us today is not the merits or demerits of animal research. We are interested in curbing petnaping, catnaping, dognaping, and protecting animals destined for research laboratories while they are in commerce. We are not considering curbing medical research.

In this connection, as a sponsor of one of the bills before us today, I would like to make it clear that I have always supported expanded medical research. The National Institutes of Health had its origin

Staff counsel assigned to this hearing: Donald C. Cole.

in legislation which I sponsored in 1937. That was the creation of the Cancer Institute at Bethesda. Then in 1948, Senator Lister Hill and I helped to create the other institutes now found in the National Institute of Health.

I have always considered myself a friend of the medical researcher, so I think that the record will be clear that we are not here to attempt to curb research. Yet, we do not think we can allow the needs of research, great as they may be, to promote either the theft of a child's pet or the growth of unscrupulous animal dealers.

My own bill, S. 2322, may not be perfect. Along with S. 3059 it should, however, provide a starting point for discussion of the type of legislation needed to deal with these important humane problems.

There are sections in the bill which might need to be altered. Both bills call for the licensing of research institutions and the establishment of regulations for handling of animals while in the research institution, except during actual research or experimentation. I do not know whether these provisions are completely necessary to achieve the purposes suggested by the bills. I understand there are also bills now pending before other committees of the Senate which deal exclusively with the research institutions, and not the transportation in interstate commerce.

We have a long list of witnesses with many, many people interested in this problem, and we hope we can move expeditiously and carefully in the matter so that we may achieve the broad objectives of what we are trying to do.

(S. 2322, S. 3059, and S. 3138 are as follows:)

[S. 2322, 89th Cong., 1st sess.]

A BILL To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to protect the owners of dogs and cats from theft of such pets and to prevent the sale or use of stolen dogs and cats for purposes of research and experimentation, it is essential to regulate the transportation, purchase, sale, and handling of dogs and cats by persons or organizations engaged in using them for research or experimental purposes or in transporting, buying, or selling them for such use.

SEC. 2. DEFINITIONS.—When used in this Act—

(a) The term "person" includes any individual, partnership, association, or corporation.

(b) The term "Secretary" means the Secretary of Agriculture.

(c) The term "commerce" means commerce between any State, territory, or possession, or the District of Columbia or Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, but through any place outside thereof; or within any territory or possession or the District of Columbia.

(d) The term "cat" means any live domestic cat (Felis catus) for use or intended to be used for research, tests, or experiments at research facilities.

(e) The term "dog" means any live dog of the species Canis familiaris for use or intended to be used for research, tests, or experiments at research facilities.

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

(g) The term "dealer" means any person who for compensation or profit delivers for transportation, transports, boards, buys, or sells dogs or cats in commerce for research purposes.

SEC. 3. It shall be unlawful for any research facility to purchase or transport dogs or cats in commerce unless and until such research facility shall have obtained a license from the Secretary in accordance with such rules and regulations as the Secretary may prescribe pursuant to this Act.

SEC. 4. It shall be unlawful for any dealer to sell or offer to sell or to transport to any research facility any dog or cat, or to buy, sell, offer to buy or sell, transport or offer for transportation in commerce or to another dealer under this Act any such animal, unless and until such dealer shall have obtained a license from the Secretary in accordance with such rules and regulations as the Secretary may prescribe pursuant to this act, and such license shall not have been suspended or revoked.

SEC. 5. The Secretary is authorized to promulgate standards to govern the handling and transportation of dogs and cats by dealers and research facilities, to promote their health, well-being, and safety: *Provided, however,* That this authority shall not be construed to authorize the Secretary to set standards for the handling of these animals during the actual research or experimentation.

SEC. 6. All dogs and cats delivered for transportation, transported, purchased, or sold in commerce or to research facilities shall be marked or identified in such manner as the Secretary may prescribe.

SEC. 7. Research facilities and dealers shall make and keep such records with respect to their purchase, sale, transportation, and handling of dogs and cats, as the Secretary may prescribe.

SEC. 8. The Secretary shall take such action as he may deem appropriate to encourage the various States of the United States to adopt such laws and to take such action as will promote and effectuate the purposes of this Act and the Secretary is authorized to cooperate with the officials of the various States in effectuating the purposes of this Act and any State legislation on the same subject.

SEC. 9. No dealer shall sell or otherwise dispose of any dog or cat within a period of five business days after the acquisition of such animals.

SEC. 10. Dogs and cats shall not be offered for sale or sold in commerce or to a research facility at public auction or by weight; or purchased in commerce or by a research facility at public auction or by weight. No research facility shall purchase any dogs or cats except from a licensed dealer.

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

SEC. 12. Any person who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year or a fine of not more than $10,000.

SEC. 13. When construing or enforcing the provisions of this Act, the act, omission, or failure of any individual acting for or employed by a research facility or a dealer within the scope of his employment or office shall be deemed the act, omission, or failure of such research facility or dealer as well as of such individual.

SEC. 14. If the Secretary has reason to believe that a dealer has violated any provision of this Act or the regulations promulgated thereunder, the Secretary may suspend such dealer's license temporarily, and, after notice and opportunity for hearing, may revoke such license if such violation is determined to have occured.

SEC. 15. If any provision of this Act or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 16. In order to finance the administration of this Act, the Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued to research facilities and dealers. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

SEC. 17. EFFECTIVE DATE.—This Act shall take effect one hundred and twenty days after enactment.

[S. 3059, 89th Cong., 2d sess.]

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to protect the owners of dogs and cats and other animals from theft of such pets and to prevent the sale or use of stolen dogs and cats and other animals for purposes of research and experimentation, it is essential to regulate the transportation, purchase, sale, or handling of dogs, cats, and other animals by persons or organizations engaged in using them for research or experimental purposes or in transporting, buying, or selling them for such use.

SEC. 2. When used in this Act—

(a) The term "person" includes any individual, partnership, association, or corporation.

(b) The term "Secretary" means the Secretary of Agriculture.

(c) The term "commerce" means commerce between any State, territory, or possession, or the District of Columbia, or Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, but through any place outside thereof; or within any territory or possession or the District of Columbia.

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

(e) The term "cat" means any live domestic cat (Felis catus) for use or intended to be used for research, tests, or experiments at research facilities.

(f) The term "animal" means any vertebrate animal for use or intended to be used for research, tests, or experiments at research facilities.

(g) The term "research facility" means any school, institution, organization, or person that uses or intends to use dogs, cats, or other animals in research, tests, or experiments, and that purchases or transports any such animals in commerce.

(h) The term "dealer" means any person who for compensation or profit delivers for transportation, transports, buys, or sells dogs, cats, or other animals in commerce for research purposes.

SEC. 3. It shall be unlawful for any research facility to purchase or transport dogs, cats, or other animals in commerce unless and until such research facility shall have obtained a license from the Secretary or to acquire any dog, cat, or other animal from any person except a dealer holding a valid license.

SEC. 4. It shall be unlawful for any dealer to sell or offer to sell or to transport to any research facility any dog, cat, or other animal, or to buy, sell, offer to buy or sell, transport or offer for transportation in commerce to or from another dealer under this Act any such animal, unless and until such dealer shall have obtained a license from the Secretary and such license shall not have been suspended or revoked.

SEC. 5. The Secretary is authorized to promulgate humane standards to govern the handling and transportation of dogs, cats, and other animals by dealers and research facilities, and to promote their health, well-being, and safety: *Provided, however*, That this authority shall not be construed to authorize the Secretary to set standards for the handling of these animals during the actual research or experimentation.

SEC. 6. The Secretary is hereby authorized and directed to issue licenses to research facilities and to dealers upon application therefor in such form and manner as prescribed by the Secretary and upon payment of the fee prescribed by the Secretary pursuant to section 18 of this act: *Provided*, That no such license shall be issued until the applicant shall have demonstrated that his facilities comply with the standards promulgated by the Secretary pursuant to section 5 of this Act. The Secretary is further authorized to license, as dealers, persons who do not qualify as dealers within the meaning of this Act upon such persons' complying with the requirements specified above and agreeing, in writing, to comply with all the requirements of this Act and the regulations promulgated by the Secretary hereunder.

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

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

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

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

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

SEC. 12. (a) If the Secretary has reason to believe that any research facility has violated or is violating any provision of this Act or any of the rules or regulations promulgated by the Secretary hereunder, the Secretary, after notice and opportunity for hearing, may make an order that such research facility shall cease and desist from continuing such violation. If the Secretary determines that such violation was willful, he shall also prepare a report in writing in which he shall state his findings as to the facts and shall certify such report to each agency of the Federal Government furnishing funds to such research facility to finance research, tests, or experiments involving the use of dogs, cats, or other animals with a recommendation that such funds be withdrawn for such period as the Secretary may specify, and each such agency so notified shall suspend all such payments, loans, or grants to such research facility, all other laws or parts of law notwithstanding.

(b) If the Secretary has reason to believe that any person licensed as a dealer has violated or is violating any provision of this Act or any of the rules or regulations promulgated by the Secretary hereunder, the Secretary may 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 and may make an order that such person shall cease and desist from continuing such violation.

(c) Any research facility, dealer, or other person aggrieved by a final order of the Secretary issued pursuant to subdivisions (a) and (b) of this section may, within sixty days after entry of such order, file a petition to review such order in the United States court of appeals for the judicial circuit in which the party or any of the parties filing the petition for review resides or has its principal office, or in the United States Court of Appeals for the District of Columbia. Upon the filing and service of a petition to review, the court of appeals shall have jurisdiction of the proceeding. For the purposes of this Act, the provisions of chapter 19A (Hobbs Act) of title 5, United States Code, shall be applicable to appeals pursuant to this section.

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

SEC. 14. Any research facility or dealer who operates without a license from the Secretary issued pursuant to this Act or while such license is suspended or revoked, and any research facility, dealer, or person licensed as a dealer pursuant to the second sentence of section 6 who knowingly fails to obey a cease-and-desist order made by the Secretary under the provisions of section 13 of this Act shall forfeit to the United States the sum of $500 for each offense. Such forfeiture shall be recoverable in a civil suit in the name of the United States. It shall be the duty of the various United States attorneys, under the direction of the Attorney General, to bring suit for the recovery of forfeitures.

SEC. 15. Whenever it shall appear to the Secretary that any person has engaged, is engaging, or is about to engage in any act or practice constituting a violation of any provision of this Act, or any rule, regulation, or order thereunder, the Secretary may notify the Attorney General, and the Attorney General

may bring an action in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such act or practice and to enforce compliance with this Act, or any rule, regulation, or order thereunder, and said courts shall have jurisdiction to entertain such actions. Any action under this section may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or in the district where the act or practice in question occurred or is about to occur, and process in such cases may be served in any district where the defendant may be found.

SEC. 16. If any provision of this Act or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 17. In order to finance the administration of this Act, the Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued. All such fees shall be deposited in a fund which shall be available without fiscal year limitation for use in administering the provisions of this Act together with such funds as may be appropriated thereto and there is hereby authorized to be appropriated such funds as Congress may from time to time provide.

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

[S. 3138, 89th Cong., 2d sess.]

A BILL To authorize the Secretary of Agriculture to regulate the transportation, purchase, sale, and handling of dogs and cats in commerce

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to protect the owners of dogs and cats from theft of such pets and to prevent the sale or use of stolen dogs and cats, it is essential to regulate the transportation, purchase, sale, or handling of dogs and cats.

SEC. 2. When used in this Act—

(a) The term "person" includes any individual, partnership, association, or corporation.

(b) The term "Secretary" means the Secretary of Agriculture.

(c) The term "commerce" means commerce between any State, territory, or possession, or the District of Columbia, or Puerto Rico, and any place outside thereof; or within any territory or possession or the District of Columbia.

(d) The term "dog" means any live dog of the species (Canis familiaris).

(e) The term "cat" means any live domestic cat (Felis catus).

(f) The term "dealer" means any person who, for profit, transports or buys and sells dogs and cats in commerce. Transport excludes common carriers otherwise regulated.

SEC. 3. The Secretary shall promulgate humane standards to govern the handling and transportation of dogs and cats by dealers.

SEC. 4. The Secretary is hereby authorized and directed to issue licenses to dealers upon application therefor in such form and manner as prescribed by the Secretary and upon payment of the fee prescribed by the Secretary. Violation by a dealer of rules or regulations promulgated under the authority of section 3 or 8 shall be cause for revocation or suspension of licenses issued under this section.

SEC. 5. All dogs and cats transported, or purchased and sold in commerce by any dealer, shall be marked or identified in such humane manner as the Secretary may prescribe.

SEC. 6. Dealers shall make and keep for a reasonable time as determined by the Secretary such records with respect to their purchase, sale, and transportation of dogs and cats as the Secretary may prescribe upon forms supplied by the Secretary and appropriate copies shall be returned to the Secretary. Such records shall be made available at all reasonable times to inspection by the Secretary or any person duly employed by him.

SEC. 7. The Secretary is authorized to cooperate with the officials of the various States or political subdivisions thereof in effectuating the purposes of this Act and of any State, local, or municipal legislation or ordinance on the same subject.

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

SEC. 9. Any dealer who operates without license from the Secretary issued pursuant to this Act or while such license is suspended or revoked, or who fails to obey a cease-and-desist order made by the Secretary under the provisions of this Act shall forfeit to the United States the sum of $500 for each offense.

SEC. 10. In order to finance the administration of this Act, the Secretary shall charge, assess, and cause to be collected license fees not to exceed $50 per year. All such fees shall be deposited in a fund which shall be available without fiscal year limitation for use in administering the provisions of this Act together with such funds as may be appropriated thereto and there is hereby authorized to be appropriated such funds as Congress may from time to time provide.

SEC. 11. This Act shall take effect one hundred and eighty days after enactment.

Agency comments on the bills follow:

CIVIL AERONAUTICS BOARD,
Washington, D.C., March 22, 1966.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of March 9, 1966, requesting the Board's comments with respect to S. 3059, 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."

The purpose of the bill is to prevent the procurement by theft of dogs, cats and other animals for use in medical experiments. Although the transportation of such animals would be made subject to regulation by the Secretary of Agriculture, the functions and activities of the Board would not be affected. It does not, therefore, have any comment to offer with respect to this bill.

Sincerely yours,

CHARLES S. MURPHY, *Chairman.*

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., March 30, 1966.

B-157334.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: By letter dated March 9, 1966, you requested our views on S. 3059, 89th Congress, entitled "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."

We have no special information as to the desirability of the proposed legislation and, therefore, make no comments regarding its passage.

Sincerely yours,

FRANK H. WEITZEL,
Assistant Comptroller General of the United States.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 25, 1966.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: We wish to thank you for your letter of March 9, 1966, giving us the opportunity to report on S. 3059. The bill is entitled "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."

The bill, among other things, would provide that (1) no research facility could lawfully purchase or transport dogs, cats, or other animals in commerce unless it has been licensed by the Secretary of Agriculture; (2) no dealer, as defined in the bill, could lawfully sell or offer to sell or transport to any research facility, or buy, sell, offer to buy or sell, transport or offer for transportation, in commerce to or from another dealer, any dog, cat, or other animal, unless he has been licensed by the Secretary of Agriculture; (3) the Secretary would be authorized to license, as dealers, on a voluntary basis, persons who do not qualify as dealers, upon such persons agreeing to comply with the requirements of the Act; (4) the Secretary would be authorized to promulgate humane standards governing the handling and transportation of dogs, cats, and other animals by dealers and research facilities, exclusive of the handling of the animals during the actual research or experimentation; (5) all dogs, cats, and other animals delivered for transportation, transported, purchased or sold in commerce to any dealer or research facility shall be marked or identified in such humane manner as the Secretary may prescribe; (6) research facilities and dealers shall keep such records with respect to the purchase, sale, transportation and handling of dogs, cats, and other animals as the Secretary may prescribe which shall be kept open at all reasonable times for inspection by the Secretary or his representative; (7) the Secretary would be authorized to cooperate with officials of the various States or political subdivisions thereof in effectuating the purposes of the Act; (8) no dealer shall sell or otherwise dispose of any dog, cat, or other animal within a period of five business days after its acquisition; (9) the Secretary, upon determining that a research facility has violated the provisions of the proposed Act, may make an order requiring such research facility to cease and desist from continuing such violation and, in case of a willful violation, shall certify the facts to each agency of the Federal Government furnishing funds to such facility and recommend that funds be withdrawn for such period as the Secretary may specify, in which case each such agency so notified shall suspend all such payments, loans, or grants to such facility; (10) if the Secretary has reason to believe that there has been a violation of the Act or the regulations by a person licensed as a dealer he may suspend such person's license for a period not to exceed 21 days, and, after opportunity for hearing, he may suspend for an additional period or revoke such license if such violation was determined to have occurred; (11) any research facility or dealer who operates without a license, or while such license is suspended or revoked, shall forfeit to the United States the sum of $500 for each offense, which shall be recoverable in a civil suit in the name of the United States. The proposed bill also provides for injunctive authority and that in order to finance the administration of the Act the Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued. Such fees shall be deposited in a fund which shall be available without fiscal year limitation together with such funds as may be appropriated thereto.

This Department conducts various research programs related to animal production and animal diseases. In addition, it is charged with the administration of programs for the control and eradication of infectious, contagious, and communicable diseases of livestock and poultry; for the prevention of the introduction into and dissemination within the United States of such diseases; and for the prevention of the exportation of diseased livestock and poultry. It also administers laws regarding the humane slaughter and treatment of livestock.

This Department supports the objectives of S. 3059. We are concerned about the illicit traffic in family pets. It is our understanding that the practices which give rise to the proposed legislation relate to the theft of dogs and cats. We are not aware of any such practice existing with reference to other animals. There is serious question, therefore, as to whether it is necessary to make the bill applicable to "other animals" in order to effectuate the purposes of the bill. If the reference to other animals is retained, the Department believes that livestock should be excluded from the definition. The practice which the bill is intended to correct does not exist in the transporting, marketing, or sale of livestock. This Department presently administers the 28 Hour Law (45 U.S.C. 71, et seq.) which is intended to prevent, among other things, cruelty to livestock moving in interstate commerce by insuring that they are properly fed, watered, and rested. In addition, under authority of the Packers and Stockyards Act (7 U.S.C. 181, et seq.), livestock markets are regulated by this Department to insure adequate facilities for the proper handling and marketing of livestock.

There are various state laws which are applicable to the theft and humane treatment of dogs and cats. The operating methods of people who steal family pets and the commercial aspects of the purchase and transfer of dogs and cats in commerce are not areas as to which this Department has expertise. Therefore, we are unable to evaluate the effectiveness of existing state laws since the functions of this Department, insofar as animals are concerned, relate basically to livestock and poultry.

In view of the above comments, there is question as to whether it would not be desirable that a program such as that in question be administered by a Federal agency more directly concerned.

It is suggested that the following changes be made in the bill:

1. On page 3, lines 12 and 13, the phrase "except a person holding a valid license" should be changed to read: "except a person holding a valid license as a dealer." This change is necessary if a research facility is to be permitted to purchase laboratory animals from persons who are not within the definition of "dealer" but who are licensed pursuant to the second sentence of section 6.
2. On page 3, line 15, the word "or offer for transportation" should be inserted after the word "transport" for the purposes of consistency within the section.
3. On page 4, line 9, the reference to section 18 should be changed to section 17.
4. On page 7, line 21, the reference to section 13 should be changed to section 12.

It should also be noted that while dogs and cats are specifically defined, the definition of "animal" is so broad as to include dogs and cats.

We assume that you are also obtaining the comments of other interested departments and agencies. We understand that the Department of Health, Education, and Welfare is now conducting a study on this general subject.

The Bureau of the Budget has advised that, while there is no objection to the presentation of this report from the standpoint of the Administration's program, the Bureau agrees with the Department of Health, Education, and Welfare that the application of this bill should be limited to the care and handling of dogs and cats by dealers. The care and use of such animals within research facilities pose more difficult problems.

The Executive Branch expects to be ready in the near future to submit to the Congress its proposals on the care and use of animals in research facilities. The Bureau of the Budget believes it would be desirable for the Congress to consider these related legislative proposals concurrently.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
March 28, 1966.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce
United States Senate
Washington, D.C. 20210

DEAR MR. CHAIRMAN: This letter is in response to your request for the Department's views on S. 3059, 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."

The purpose of the bill is to protect the owners of dogs and cats and other animals from theft of such pets and to prevent the sale or use of stolen dogs or cats and other animals for purposes of research and experimentation. This bill provides for regulating the transportation, purchase, sale, and handling of dogs, cats, and other vertebrate animals by persons or organizations engaged in using them for research or experimental purposes or in transporting, buying, or selling them for such use.

The bill would make it unlawful for any research facility to purchase or transport vertebrate animals in interstate commerce unless and until such research facility shall have obtained a license from the Department of Agriculture or to acquire any vertebrate animal from any person except a dealer holding a valid

license. It would also be unlawful for any dealer to sell or offer to sell or to transport to any research facility any dog or cat or other vertebrate animal, or to buy, sell, offer to buy or sell, transport or offer for transportation in commerce or to another dealer any such animal unless a license had been obtained from the Secretary of Agriculture in accordance with such rules and regulations as may be prescribed by the Secretary pursuant to this Act.

S. 3059 would authorize the Secretary of Agriculture to promulgate standards to govern the handling and transportation of vertebrate animals by dealers and research facilities, to promote their health, well-being and safety, provided this authority is not construed to authorize the Secretary to set standards for the handling of such animals during actual research or experimentation.

Further, the bill would require that all dogs and cats and other vertebrate animals delivered for transportation, transported, purchased, or sold in commerce or to research facilities be marked or identified in a manner prescribed by the Secretary; and that dealers and research facilities keep such records with respect to their purchase, sale, transportation, and handling of vertebrate animals as the Secretary may prescribe.

The bill further provides that the Secretary of Agriculture would be authorized to issue cease and desist orders to research facilities which he has reason to believe are violating any provisions of the bill or any rules or regulations promulgated under the bill and if he determines that such violation is willful he would prepare a report in writing stating his findings as to the facts and shall certify such report to each agency of the Federal Government providing funds to the research facility to finance research involving the use of vertebrate animals with a recommendation that such funds be withdrawn for such a period as the Secretary of Agriculture may specify. Each agency so notified shall suspend such payments, loans or grants to such research facility, all other laws or parts of law notwithstanding.

The National Institutes of Health of the Public Health Service, which carries on the major medical research activities of this Department, has continually reiterated its concern with the humane care and handling of laboratory animals to be used in medical research, and, to this end, has published the *Guide for Laboratory Animal Facilities and Care* for use in its direct operations and in grantee institutions.

Of course, this Department strongly opposes the use of stolen pets in research programs.

We wish to support sound legislation to alleviate abuses which now exist in the transportation, purchase, sale and handling of animals intended for use in research laboratories. Such legislation would eliminate deplorable conditions and unnecessary suffering for the animals involved. In addition, we believe it would stimulate the acquisition and breeding of high-quality animals specifically for research purposes, and would thereby make a positive contribution to medical research and to the health of the Nation.

In order to achieve these goals, this Department would recommend several modifications in S. 3059:

1. We oppose the inclusion of the phrase "and other animals" which appears throughout this bill. We think the bill should be limited to dogs and cats and not include other vertebrate animals. By far the largest numbers of laboratory animals used are mice and rats. There is no evidence that theft of these animls is a problem of any size. Regulating the commerce in such animals and record keeping would impose an extraordinarily expensive and completely unnecessary administrative burden.

2. We oppose the licensing of research facilities as proposed in S. 3059. This Department is in favor of the maintenance of adequate standards of care in all research laboratories, but does not favor licensing these laboratories under a provision to protect pet animals. It would be preferable to license animal dealers and then to require, as is proposed, that research laboratories deal only with licensed dealers. Therefore, we would recommend the deletion of section 3 of the bill, in its entirey.

We also recommend the deletion of "and research facilities" from section 5, at page 3, line 24 and page 4, line 1. The Executive Branch is now studying what legislation is necessary with respect to standards for the care and handling of animals in research facilities and expects soon to be ready to submit its proposals on this subject to the Congress.

3. We propose an effective date for the licensing provisions of this legislation of one year after enactment. We consider four months unrealistic since a sub-

stantial period of time may be required for many of the dealers to achieve federal standards in both their facilities and their handling of animals. Perhaps four or six months would be a reasonable period for the promulgation of the regulations by the Secretary of Agriculture, with the remainder of the year available for dealers to meet the standards promulgated.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program. The Bureau of the Budget agrees with this Department that this bill should be limited to the care and handling of dogs and cats by dealers.

Sincerely,

WILBUR J. COHEN,
Under Secretary.

MARCH 25, 1966.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MAGNUSON: The Commissioners of the District of Columbia have for report S. 2322 and S. 3059, bills "To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats [and other animals, in the case of S. 3059] intended to be used for purposes of research or experimentation, and for other purposes."

Designed as they are to protect the owners of pet animals from the theft of such pets, and to prevent the sale or use of stolen dogs, cats, and other animals for purposes of research and experimentation, the Commissioners favor the principle of the bills. In this connection, the Commissioners desire to inform the Committee that existing law in the District of Columbia already affords a great measure of protection to the owners of pet animals. Provisions in the Act of June 19, 1878 (20 Stat. 173), as amended (secs. 47–2003, 2004 and 2007, D.C. Code), provide for the impounding and protection of dogs. Health Regulations relating to the use for experimentation of impounded animals also afford a considerable degree of control over such animals, and some protection to the owners of dogs and cats against their being stolen.

In the belief that both bills would improve the degree of protection afforded pet animals, the Commissioners support them in principle, but with respect to the provisions of the bills, the Commissioners defer to the agencies directly concerned.

The Commissioners have been advised by the Bureau of the Budget that, from the standpoint of the Administration's program, there is no objection to the submission of this report to the Congress.

Sincerely yours,

WALTER N. TOBRINER,
President, Board of Commissioners, District of Columbia.

FEDERAL AVIATION AGENCY,
Washington, D.C., March 31, 1966.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of this Agency with respect to S. 2322, a bill to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes, and S. 3059, 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, and S. 3138, a bill to authorize the Secretary of Agriculture to regulate the transportation, purchase, sale, and handling of dogs and cats in commerce.

Since nothing in these bills relates to any matter within the jurisdiction of the Federal Aviation Agency, we offer no comment on them.

62–317—66——2

The Bureau of the Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely,

WILLIAM F. MCKEE, *Administrator.*

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,
Washington, D.C., March 25, 1966.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of this Department with respect to S. 2322, a bill to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes, and S. 3059, 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.

The purpose of these related bills is to make it unlawful for any research facility to purchase or transport animal pets and for any dealer to sell or transport such pets in interstate commerce to a research facility or to another dealer without a license issued by the Secretary of Agriculture. The bills are intended to prevent the theft and use of animal pets for purposes of research and experimentation, and to regulate the handling and transportation of such pets.

This Department is in full sympathy with the intent of these bills to discourage illegal traffic in animal pets. The present responsibilities of the Departments of Agriculture; Health, Education, and Welfare; and Justice, however, place them in the best position to advise on the extent of criminal activity and of improper handling of animals; the adequacy of existing criminal statutes; and the problems of research facilities in obtaining an adequate supply of animals for legitimate purposes. Accordingly, we defer to the views of these Departments on the adequacy of the specific provisions of S. 2322 and S. 3059.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of our report from the standpoint of the Administration's program.

Sincerely,

ROBERT E. GILES, *General Counsel.*

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C., March 31, 1966.

Hon. WARREN G. MAGNUSON,
Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your letter of March 9, 1966, enclosing a copy of S. 3059, 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.

The bill, intended to provide protection to owners of dogs and cats from theft of the animals, would authorize the Secretary of Agriculture to regulate the transportation and sale in commerce of such animals intended for research or experimentation purposes by prohibiting such traffic unless a license is obtained from the Secretary in accordance with such rules and regulations as may be prescribed pursuant to the act.

The question of whether authority should be granted to the Secretary of Agriculture to regulate the transportation and handling of animals in commerce

is a matter on which we would defer to the views of other agencies more directly concerned. However, this Department anticipates no administrative difficulties in carrying out the provisions of the bill insofar as they would affect the importation of such animals.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely yours,

FRED B. SMITH,
Acting General Counsel.

Senator MAGNUSON. Our first witness this morning is the distinguished Senator from Pennsylvania, Joseph Clark.

We are glad to hear from you, Senator.

STATEMENT OF HON. JOSEPH S. CLARK, A U.S. SENATOR FROM PENNSYLVANIA

Senator CLARK. Thank you very much, Mr. Chairman. I should like to associate myself with your remarks. You have taken a position with respect to this legislation which I am happy to endorse. I have a prepared statement here which with your permission I would like to have introduced in the record.

Senator MAGNUSON. You may put it in the record in full.

Senator CLARK. This will enable me to expedite my presentation.

I speak on behalf of your bill and myself, S. 2322, the animal welfare bill, which has to do with the practice of pet stealing. I am delighted that the committee has been willing to hold hearings on this bill. I, and I am sure the members of the committee, too, have had a huge volume of mail and almost all of it in support of S. 2322. This comes from all over the United States. Here is an article in Life magazine which I am sure many members of the committee have seen which gives to my way of thinking an almost unanswerable case in support of this legislation to break up what is essentially a racket. Inadequate sanitation facilities for animals who are subject to medical research procedures have caused all sorts of infestations of vermin and disease. The procurement of animals through dognaping and catnaping has become a public scandal. The need for this legislation, Mr. Chairman, I think is as clear as was the need some years ago for humane slaughter legislation, which the committee will remember was finally passed by the Congress despite the overwhelming opposition of the packers of the country because the embattled women of our country just didn't propose to stand for the way animals are being slaughtered. I am sure they are not going to stand for animals being kidnaped either.

Senator MAGNUSON. May I interrupt you briefly. The situation got so bad in 1948 that I introduced a bill which is now public law providing that the Secretary of the Treasury set standards for the transportation of wild animals and birds from foreign countries. They were coming in in conditions that were just unbelievable.

Senator CLARK. The Senator is quite correct. I remember in those days the animal dealers who opposed that bill took the position that those of us who were for the bill were against zoos, just as those against this bill now say we are against medical research. Nothing could be further from the truth. I would like to emphasize what the chairman

said, that this is not an antivivisection bill. We all know that animal research in the interest of science, biology, medicine, and the like is absolutely essential. The only purpose of this bill is to see that people's pets are not stolen and then mistreated when they get to the laboratory where they are going to have to undergo these medical and biological experiments.

There are a couple things in the bill, Mr. Chairman, which I would like to see changed. The bill should be extended to vertebrates, not just dogs and cats, but require that dogs and cats only be tagged for identification. I would suggest the penalty provision, which is $10,000 fine and a year in prison, be changed to make the provision merely the revocation of the license of a dealer or laboratory upon conviction of violation of the law. I doubt if you would get very far by a big fine and sending people to jail. I would suggest that a more effective penalty would be to revoke the license. I would give the Secretary of Agriculture the authority to set standards, enforcible standards for the care, treatment, and purchase of laboratory animals. Therefore I would suggest that the committee and staff take a look at the possibility of some amending of this bill.

The bill in no way curtails, curbs, or governs the handling of animals during or after experimentation. That kind of regulation would belong in a humane treatment bill such as S. 1071, a bill which I have introduced and is now pending before the Senate Labor and Public Welfare Committee. The bill has nothing to do with that. I think it is important to separate the two because the objections to that other bill just don't apply to this bill.

I earnestly hope that spokesmen for science will not raise the specter of antivivisection in connection with this bill, for that worn-out ghost has no place here. I think all members of the committee appreciate that we have to have animal experimentation. I would hope that the distinguished directors of medical schools—including those in my own State—and biological laboratories will take another look at this bill because it doesn't really curtail their activities in any way at all.

I am somewhat reminded by the attitude of many of these people to the attitude I found when I was a comparatively young man and the securities and exchange regulations in the SEC Act were under attack by practically every banker and every broker I know on the basis that they were curtailing the liberty to engage in the exchange of securities just as the doctors and biologists are now saying that this legislation would curtail their liberty in research. Well, you couldn't find a banker or broker today who wants to repeal a security and exchange law. I suspect after this bill has been in effect for a while they will feel the same way.

Senator COTTON. On that point, I would like to say, Senator, that the Subcommittee on Health, Education, and Welfare of the Appropriations Committee is now engaged in hearings and appearing before them yesterday and today are the representatives of the National Institutes of Health. I must be excused in a few moments to go down and rejoin them, but I would like to bring this up.

Yesterday, Dr. Shannon, head of NIH, in testifying, emphatically endorsed your bill and said that all of the people in the National

Institutes of Health and their many activities and groups throughout the country thoroughly are aware of the fact that this is not an attempt to curtail scientific research. They are thoroughly in favor of the sort of legislation that you are presenting. I thought that might be of interest to you.

Senator CLARK. I am delighted to hear it, Senator Cotton. We have had very fruitful discussions with the representatives of the National Institutes of Health. The last time I talked to them they had the matter under careful consideration. I am delighted to hear that they have taken the position that you have just outlined.

In conclusion, Mr. Chairman, the plain fact is that the American people are outraged by recent disclosures of pet stealing, brutal treatment and inadequate facilities for animals. In my opinion we would be guilty of callousness in our attitude toward this problem if we failed to establish appropriate responsibility to insure that laboratory animals are treated with consideration and a sense of compassion. I hope that these hearings will produce a meaningful and useful bill. I believe S. 2322 with the amendments I have suggested to S. 2322 would solve this problem.

I thank the chairman and the other members of the committee for their courtesy in permitting me to appear.

Senator MAGNUSON. Thank you, Senator, for your testimony.

(The statement in full follows:)

STATEMENT OF SENATOR JOSEPH S. CLARK

Mr. Chairman, I appreciate the opportunity to come today to speak on behalf of S. 2322, the animal welfare bill you now have before this committee for consideration. Senator Magnuson and I, moved by abhorrence of the practice of pet stealing, introduced this bill at the end of July of 1965. I am gratified that the committee has seen fit to hold hearings on this measure expeditiously.

The desire for this legislation is amply demonstrated by the huge volume of mail, almost all of it in support of S. 2322. Mail has come to me from all over the United States. Clippings from newspapers and magazines throughout the country attest to the fact that publications such as the New York Times, the Nation, the Washington Post, the Pittsburgh Press, and Life magazine have been sympathetic to this legislation. Many of my constituents have forwarded to me the article from Life, which illustrates some of the abuses found in the procurement of animals for laboratories. We are made aware by numerous eyewitness stories and pictures that cages for animals are too small to allow animals room to stand. Frequently there are no regular water or feeding facilities for the animals. Inadequate sanitation facilities have caused infestations of vermin and disease. I need not wave these clippings before you. You have seen them and have been appalled by them. They provide persuasive evidence of the need for protective Federal animal legislation.

Since introducing S. 2322, I have become convinced that there are several worthwhile amendments to be made to the bill. I would like to see protection under this bill extended to all vertebrates not just dogs and cats, but requiring that only dogs and cats be tagged for identification. I would like to see the penalty provision changed from $10,000 fine and a year in prison, to a provision from revocation of the license of a dealer or a laboratory upon conviction for violation of the law. This is not a perfect bill. But let us give the Secretary of Agriculture the authority to set standards, enforceable standards for the care, treatment, and purchase of laboratory animals. I would like to see the committee include in S. 2322 some of the effective features of other bills, especially the original Poage bill, now pending in the House—not the mutilated version which came out of subcommittee yesterday.

However, I am opposed to the deletion from this bill of the requirement that laboratories using research animals be licensed, since I feel strongly that this

requirement puts the responsibility for conformity to the law on the buyer as well as the seller of the animals.

There must be Federal Government regulation of this interstate business, and it is big business, reaching across State boundaries. This is not a matter of self-regulation by the users of the animals, since they are hardly disinterested parties. It is ironic that the Federal Government, the major supporter of scientific research, the major generator of the market for research animals, has no control and takes no legal responsibility for setting standards for the commerce in these animals.

Experimental scientists have expressed fear that this bill would mean the interference by the Secretary of Agriculture in control of animal experimentation. This bill in no way curbs, curtails or governs the handling of animals during and after experimentation. That kind of regulation belongs in a humane treatment bill such as S. 1071, the bill I introduced last year, now pending before the Senate Labor and Public Welfare Committee. One bill has nothing to do with the other. The intent of S. 2322 is to insure that animals are legally bought and legally sold, and are housed, fed, and cared for in a manner which is in consonance with the decent, humane standards we Americans use to govern the treatment of any living thing.

I earnestly hope that spokesmen for science will not raise the spectre of antivivisection in connection with this bill. That wornout ghost has no place here. Without vivisection we would have no polio serum, antibiotics or advances in surgery. Yet it seems to me that when all else fails, opponents of this bill are prone to wave the bloody shirt of antivivisection.

The plain fact is that the American people are outraged by recent disclosures of pet stealing, brutal treatment, inadequate care and facilities for animals. In my opinion, we are guilty of callousness in our attitude toward this problem if we fail to establish appropriate responsibility to insure that laboratory animals are treated with consideration and a sense of compassion. I hope these hearings will produce a meaningful animal welfare bill. I believe S. 2322 is such a bill. It has my full support.

Senator MONRONEY. This bill would also provide, would it not, that the dogs or cats affected by this bill would have to be treated humanely when not undergoing research?

Senator CLARK. That is correct.

Senator MONRONEY. For instance, research institutions would be responsible for having adequate kennel space so that they wouldn't have to put large dogs in containers large enough only for dachshunds or something of that size.

Senator CLARK. That is correct. I wonder if I could ask made part of the record this article from Life magazine which shows some pretty horrible pictures of what they are doing in certain research facilities now in the line of what Senator Monroney has said.

Senator MAGNUSON. We will put the written part of it in the record.

Senator CLARK. Perhaps you could file the pictures with the record so they could be available.

Senator MAGNUSON. We can't file the pictures. They speak louder than the written word, but we just have to file the written word.

(The article referred to follows:)

PETS FOR SALE CHEAP, NO QUESTIONS ASKED—CONCENTRATION CAMPS FOR DOGS

(By Michel Silva)

(The dog's name is Lucky. He is a lemon-colored English pointer with a fine head and subtle signs of good, expensive breeding. But when a woman from the Animal Rescue Institute came across Lucky at a Sulphur, Okla., fair 3 weeks ago, this is what she saw—a pathetic, emaciated horror, cowering, hopeless and up for auction. The woman bought him for $3 plus a dollar for the chain.

Lucky has his counterparts all over the United States. Unscrupulous dog "dealers," taking advantage of the growing demand for dogs for vital medical research, are running a lucrative and unsavory business. Laboratories now need almost 2 million dogs a year. To cash in on this need, the dealers rove the country paying a buck or two to anyone who comes forward with a dog, and no questions asked. Family pets, trained to obedience and easy to handle, are especially prized, and the Humane Society of the United States estimates that 50 percent of all missing pets have been stolen by "dognapers," who in turn sell them to the dealers. Some dealers keep big inventories of dogs in unspeakably filthy compounds that seem scarcely less appalling than the concentration camps of World War II. Many do not sell directly to labs but simply dispose of their packs at auction where the going rate is 30 cents a pound. Puppies, often drenched in their own vomit sell for 10 cents apiece. Stirred by revelations to a House subcommittee of such outrages and prodded by the continuing raids on these camps by humane societies, Congress already has eight bills pending, any of which would outlaw these shameful conditions.)

THE GRISLY EVIDENCE BRINGS 29 CHARGES OF CRUELTY

On a bright but cold morning, the raiding party of Maryland State Police and Humane Society agents swooped into Lester W. Brown's place in White Hall, Md., not far from Baltimore. Police and agents began moving about the cluttered property that was piled with boxes and junked cars and functioning as a concentration camp for dogs. One officer began a notebook of observations: "Indescribably filthy conditions, inhumane environment, dogs chained to small boxes, many too small to hold them, common framed pens covered with chicken wire, dogs have to lie in their own organic waste, far too many dogs to meet even the minimum standards of being humane or sanitary."

The raid was at the behest of the Humane Society of the United States, which, in its constant surveillance of places like Brown's around the country, had sent one of its agents to check conditions at Brown's twice within the past year. The agent posed as a dog buyer and got enough evidence to swear out the search warrant used in the raid.

The raiders heard dogs barking, but only a few were making the noise. Many of the dogs were able only to sit or lie down, immobilized by the cold, by sickness and disease and by inhumane treatment for how long nobody knows.

On Brown's back porch the police found 15 chicken crates piled in disarray. In the midst was a bucket of dirty water and an old galvanized tub partially filled with food that defied description but seemed to consist of dried bread and meal of some kind. Three of the crates were jammed full of pigeons; others contained raccoons, skunks, cats, a ground squirrel and a passel of puppies. In one crate were two large dogs that could neither stand up nor move because the crate was too small. When the dogs were removed and set on the ground, neither could walk.

Most of the State policemen who took part in the raid were hardened to almost anything from years of experience, but they spoke among themselves in terms of personal outrage, especially those who had pets of their own at home. The veterinarian who came along to identify sick dogs was infuriated by what he saw; a scrawny beagle clawing and chewing at one of the piles of frozen entrails that lay everywhere in Brown's yard. Another dog licking desperately at a dish of water that was frozen solid. Then Frank McMahon, Humane Society field director, lifted the burlap covering of a dog box and exclaimed, "Deader than hell." Inside was a large hound frozen to death. They had to tear the box apart to get the dog out.

Soon two trucks from the Baltimore County Humane Society pulled up and began loading the 28 dogs that were most obviously sick. These were taken to the animal shelter. Left behind were some 75 dogs, their fate still up to Mr. Brown. The 71-year-old dog dealer was charged with 28 counts of cruelty, one for each of the sick dogs. And there was a 29th charge—for the dog that froze to death.

Senator MONRONEY. Does not the appropriation for NIH research provide for the use of research funds for the construction and maintenance of humane sized kennels at the research institution?

Senator CLARK. It certainly does, and, of course, heretofore there has been no effective method of determining that the housing facilities for the animals were adequate for the kind of animal being housed there.

Senator COTTON. Senator, I didn't have your statement before me and it wasn't quite clear to me. You suggested one field covered in your bill that you thought might be amended. What was that field?

Senator MAGNUSON. You suggested on section 2 the enlargement of definitions I think.

Senator CLARK. I was suggesting, Senator Cotton and Mr. Chairman, that the bill extend to all vertebrates, not just dogs and cats, but requiring only dogs and cats be tagged for identification. Now actually the rat is not a very fine symbol. We don't think much of rats and squirrels or other kinds of vertebrates but they are used extensively in this experimentation. I have seen some pretty awful facilities where smaller animals than the normal dog or cat are housed under pretty awful conditions. And the other suggestion is that you take a look at the penalty provision and consider whether the revocation of a license isn't a more effective policy than a fine and imprisonment. Most important of all, to give the Secretary of Agriculture the authority to get standards under appropriate administrative provisions for review so that there can be some uniform standards for the handling of these animals.

Senator MAGNUSON. If the committee decided to carry out your suggestions and amend our bill, what if we used the term "all animals"?

Senator CLARK. Well, it might be accepted. That would take in a jellyfish, any verbrate animal, I think.

Senator MAGNUSON. Maybe they have some feelings, too.

Senator CLARK. Yes.

Senator COTTON. Is a fish an animal?

Senator CLARK. I would rather have the Senator answer. It certainly is not a plant or vegetable.

Senator DOMINICK. I notice that the regulatory authority is given to the Secretary of Agriculture whereas we are dealing with objects in commerce of one sort or another. This is the basis for the hearing. I wonder why we chose Agriculture?

Senator CLARK. Generally speaking, the Secretary of Agriculture has jurisdiction over most Federal matters dealing with live animals. For example, a stockyard regulations—they are all interstate commerce too—but the Secretary of Agriculture deals with cattle, deals with sheep, and presumably would be better equipped to deal with dogs and cats than the Secretary of Commerce who is apt to be dealing with inanimate goods.

Senator DOMINICK. Secondly, on the question that you raised about taking away the right of license instead of the penalty, actually what we are trying to do is to require these people to get a license. So if they didn't have a license and were operating you are going to have some penalty provided in the bill to take care of that situation.

Senator CLARK. I think that is a good point. If a handler was continuing to violate the law by not getting a license, I quite agree there should be a penalty for that. I am thinking primarily in terms of handlers who have taken out licenses as required by law if this bill is passed.

Senator MAGNUSON. Are there some State laws dealing with this matter?

Senator CLARK. Yes. The Commonwealth of Pennsylvania as a result of a very notorious "dognaping" of a magnificent pet up in Slatington, Pa., passed what we think is a model law in this regard. You might want to take a look at it.

Senator MAGNUSON. I think the State of Maryland had a very unhappy experience in this respect, did it not?

Senator BREWSTER. That is correct, Mr. Chairman.

Senator MAGNUSON. If there are no further questions, thank you very much.

Senator CLARK. My thanks to you and the members of your committee for permitting me to make the statement.

Senator MAGNUSON. Senator Brewster, did you want to make a statement to the committee?

STATEMENT BY HON. DANIEL B. BREWSTER, A U.S. SENATOR FROM THE STATE OF MARYLAND

Senator BREWSTER. Mr. Chairman and members of the Commerce Committee, it is a bit unusual for a member of this committee to request permission to testify before the committee. I have made this request because I am cosponsor of Senator Magnuson's and Senator Clark's bill, and also because we have had a very difficult situation in Maryland and the article heretofore referred to represents a Maryland case, a controversial type of case we are trying to prevent. Therefore, as a representative of Maryland I would like the committee to know that we Marylanders do not approve of the conditions that are recited in the Life article.

Mr. Chairman, for too many years now the interstate transportation, sale, and handling of dogs and cats for purposes of medical research has been allowed to proceed without proper Federal regulation in some areas. The result is widespread cruelty to animals, and it is now far past the time we in Congress have the duty to do something about it.

I want to make it abundantly clear that I am well aware of the importance that animal research plays in medical science. I am certainly not an antivivisectionist. I know that many sick and injured people owe their recovery to medical techniques first perfected on dogs and cats. But I also know that the enormous demand for research animals has created an inhumane black market that no civilized nation should tolerate. Congress has a paramount responsibility to eliminate this black market as soon as possible.

The murky underworld of the research animal trade is indeed difficult to understand, but the work of the Humane Society in exposing dealers like Lester Brown and Roy Henderson in Maryland gives ample indication of the sort of cruelty and undercover activity that characterize these operations.

The first of these malpractices is stealing, or "dognaping." The lengthy hearings before the Committee on Agriculture of the House of Representatives have revealed to the public something that was already generally suspected: many dogs and cats used for research

are actually stolen family pets. Of course, there is no way of tabulating exact statistics on this sort of activity. But statistics are not necessary. We have before us the heart-rendering examples of dog theft like those reported in the February 4, 1966, issue of Life magazine.

You do not have to be a pet lover to understand that a stolen pet never really can be replaced. Congress has the power to act in this area for the simple reason that interstate commerce is involved. Transporting stolen animals across State boundaries is already a Federal crime. The hearings in the House have demonstrated that quite often a dog or a cat will be stolen in one State, transported to another State for auction, and to yet another for laboratory experimentation.

But regrettably, the malpractices of the research animal trade do not end with theft. I have no desire at this time to describe the sort of unbelievably cruel treatment that dogs and cats receive at the hands of dealers like Lester Brown. I merely want to state that I see no reason to doubt the sincerity and factual accuracy of reports submitted in testimony by the Animal Welfare Institute and other interested humane groups. These organizations and their leaders are to be commended for bringing so many examples of cruelty to animals to the attention of Congress.

Compounding this cruelty is the practice of selling dogs and cats by the pound at public auctions. A special agent for the Humane Society has already reported to Congress on the clandestine barbarity of these auctions. Mostly they are held in out-of-the-way rural areas, and cloaked with secrecy.

Unfortunately, the cruelty does not even end here. Often dogs and cats receive no better treatment once they reach research facilities. It is shocking to discover how little regard some of the most respected medical institutions in this country show for the welfare of the animals they use in experiments. It is indeed disillusioning to know how little humanity often lies behind an endeavor like animal research that has such humane goals.

Mr. Chairman, S. 2322 is a bill that has been carefully drawn up to smother the abuses I have mentioned above. It would require both dealers and research facilities to qualify for a license in order to buy, sell, or transport dogs and cats. It would authorize the Secretary of Agriculture to set much-needed health and safety standards for the handling of these animals. It would prohibit sale or purchase at public auction or by weight. And finally, S. 2322 would require that all transactions be recorded, thereby forcing dealers out into the open.

I would remind the committee that in a sense the Federal Government through the National Institutes of Health sponsors the very research that at times uses such cruel and inhumane methods to obtain the dogs and cats they use and also sponsors the very research itself under most inadequate facilities. Over $1 billion a year is spent by NIH for medical research which in part uses the dogs and cats of which I speak.

Mr. Chairman and members of the committee, I sincerely hope that this committee will act with swiftness and with effectiveness in this area that has long called for the attention of responsible bodies such as the Senate Commerce Committee.

Senator MAGNUSON. Senator, what would you say to the suggestion that Senator Clark and I talked about informally and which he mentioned here this morning, that we would amend our bill to cover a wider range of animals? Would you think such an amendment would be too broad or be too hard to administer?

Senator BREWSTER. Mr. Chairman, I was here for that colloquy and I would certainly support such a proposition, though it occurs to me as the chairman suggested that we perhaps should get one of our experts to draft the exact language to describe the precise animal we wish to protect. We wouldn't want to expand this to all types of known life.

Senator MAGNUSON. Children have a wide variety of pets, and you coming from Maryland know that there is some traffic in horses. Do you know that?

Senator BREWSTER. I am well aware of that, Mr. Chairman.

Senator MAGNUSON. In this respect, not just to take them to the glue factory but to take them for research, and I think maybe there ought to be something done about that, too.

Senator BREWSTER. I agree.

Senator COTTON. I note that Senator Scott's bill does cover dogs, cats, and other animals.

Senator CANNON. Mr. Chairman, I would inquire about the provisions of the bill that prohibit sale by the pound. If you are going to carry this on to other animals, for example, horses, cattle, sheep, goats, and fish are all sold by the pound and frequently at auction. What kind of a field are we going to let ourselves get into?

Senator BREWSTER. It occurs to me that we are talking about two very different things when we sell cattle by the pound for consumption in the markets of the Nation and when we sell animals for experiments in research laboratories.

Senator CANNON. Well are you simply saying that we would have to determine what their purpose was for the sale before we could sell them by the pound? Is that the suggestion?

Senator BREWSTER. What we want to prevent is the hidden night auctions in remote places under the most intolerable conditions, completely unlicensed and without any type of supervision, which are now one of the principal ways in which often stolen research animals are sold to the research institutions.

Senator CANNON. I know what the purpose is and I am certainly all for that. But my question is whether or not we are getting far afield when we talk about the prohibition of sale by weight, particularly if we are going to include other animals because we may get into an area here that is going to be extremely difficult of regulation.

Senator MAGNUSON. I think, of course, that could be easily corrected. Sale for human consumption animals is a different story than what we are talking about.

Senator BREWSTER. The sponsors of this bill had no wish to enter the meat market.

Senator MAGNUSON. No. I think that could be corrected. I don't think we have any idea of restricting the sale of animals for human consumption.

Senator MORTON. Senator, would you expand that into animal consumption because horsemeat goes into dogfood. I remember it was so bad in 1932 I sold a lot of it for human consumption.

Senator COTTON. I would like to ask one point on that matter to be sure I quite understand that the type of dealer who sells animals for experimental purposes by the pound is the type of dealer who handles them wholesale without care for them and in other ways is cruel and his conduct is against public policy. But the mere fact that they are sold by the pound isn't necessarily bad if they comply with all the other requirements of treatment. Wouldn't that be so? If dealers and those who are selling these animals obey any law we might pass about how they procure them and how they treat them it wouldn't be a matter of humane treatment whether they chose to sell them individually or sell them by the pound; would it?

Senator BREWSTER. Commenting on Senator Cotton's remarks, it is a fact that we have all type of dealers in the research animal field. Some are most respectable. Many are about as poor as dealers get to be with entirely secret auctions of stolen goods. It is this latter and a lot of the middle ground that we wish to control. It is absolutely without Federal control now and in many States with no State control, whereas in our slaughterhouses where we are selling beef or mutton or lamb by the pound we have the entire operation carefully inspected by Federal inspectors.

Senator MAGNUSON. And we have a law which the Congress passed a short time ago dealing with the humane slaughter of those animals.

Senator BREWSTER. That is correct, Mr. Chairman.

Senator MAGNUSON. Before they are processed.

Senator BREWSTER. But there may well be no objection under properly licensed and regulated conditions to selling research animals by the pound.

Mr. Chairman, I thank you and your committee.

Senator MAGNUSON. Thank you, Senator.

Our next witness is Mr. Cleveland Amory.

STATEMENT OF CLEVELAND AMORY, AUTHOR AND JOURNALIST

Senator MAGNUSON. Mr. Amory, we are glad to hear from you. You have a statement here which is not too long. I wish you would read it, and will you talk a little bit louder than normal so that the people in the back can hear.

Mr. AMORY. Mr. Chairman, the evidence is in and the truth is out. What people of good will in the medical and research fraternity have for so long suspected but have so far feared to know—and have in fact passed by on the other side of the street not to know—and what people of ill will in that same fraternity have for so long and so purposefully seen to it that we could not even see, let alone document, well, it is now, all of it, laid bare. And an entire country which at first asked only if it could be possible and then, later, how it could be possible now no longer asks anything. Instead, it demands. Indeed an entire country today, here and now, demands an immediate and final end, for once and for all, to this traffic in treachery and this investment in venality.

And what, to meet this new development, do the doctors order? What, for their impatient patients, has the medical and research fraternity to prescribe? Why, it seems, the same old prescription.

A closing of research ranks, a rallying 'round the laboratory flags, a shoulder-to-shoulder manning of the barricades of ballyhoo. The National Society of Medical Research makes—wonder of wonders—a House call. And, at the hearings held by the House subcommittee, they trot out their paid pack of flacks to offer us what? A new pill of rights. Their pious recitals of medical marvels are to be swallowed whole, apparently, in the event of this as in any other recurring humanitarian discomfort.

Really, though, the society does deserve credit, if not respect. They must have sat up nights preparing those scripts to be read by those handpicked medical politicians. First a famous lady doctor, of course, for the women's vote—your child, she, in effect, tells the mothers of America, would not be alive today if it were not for your pets; a Negro doctor, of course, for the minority vote—he testifies that a Federal pet-stealing bill abridges States rights—honestly, a Negro doctor testified that; another doctor for the common man, apparently, testifies that the whole thing is trumped up by the "know-nothing intellectuals"—a reference which, frankly, Mr. Chairman, considering its source, I regarded as rather flattering; and, finally, a State veterinary official declares that the guilty parties are not the pet stealers, not the pet dealers, not the laboratory pet users, no, none of these, the guilty parties are—now get this—the humane societies. If only you gave us all the dogs from all the pounds and humane shelters and didn't destroy them "uselessly," he wails, we wouldn't need to steal your pets.

And what is our answer to all this? First, let me state a plain word about the facts of life of humane shelters. They are, from one end of this country to the other, supported by people who, rather than give a single animal to a single laboratory under the present illegal, immoral, and inhumane conditions obtaining there, would sadly, but without a moment's hesitation, destroy every single last one of those animals. If this is what that State veterinary official wants, let him pursue his plan. Let him take over every pound and every humane society and, after he has run out of pounds and humane societies, and all the animals that he says are destroyed "uselessly," let him go right on and carry his program to its logical conclusion—the requisitioning for the laboratories of all pets. Let him go house to house, apartment to apartment, room to room and collect everything. After all, they, too, are—are they not—"useless"?

Mr. Chairman, I wish that we in the humane movement could be as unified as are our opponents. I wish that we, too, could present a solid, unbroken front—that we, too, had as all-wise, as all-knowing and as all-powerful a bureaucracy as the American Medical Association to lay down the law—or rather, to lay down the law that there shall be no law. But we do not.

We are not unified because, for one reason, this is a complicated issue. Pet stealing is but the visible portion of an iceberg of misery, fully nine-tenths of which lies under the surface—an iceberg that cannot be melted down until we have not only a pet-stealing bill but another bill which the Senate will also soon be asked to consider—a bill to make use, not abuse, the law of the lab.

We are not unified for another reason because, though all of us want, in our different ways, decency for dumb animals, we have honest

and open and aboveboard disagreements as to the best means of obtaining that decency.

And we are not unified for still another reason because people who love animals, Mr. Chairman, are highly individualistic people. Only with great difficulty do we join even in small groups, and when we join in large groups, such as the Humane Society of the United States, or the American Humane Association, it takes, to hold us together, either something of a miracle or an issue such as this one, which is so monstrous in its injustice that it would bring together people from the opposite ends of the earth.

But please, Mr. Chairman, do not mistake our disunity or our disagreements for weakness. Perhaps better than any person in this room, I have had the opportunity at firsthand and in the press and on radio and television to sound out the American public on these issues of pet stealing and the treatment of laboratory animals. And when I say that the public does not just ask a bill, it demands one, I am speaking from personal contact with a public feeling so strong it must be felt to be believed.

Why is this feeling so strong? I believe, Mr. Chairman, it is because the public feels that it itself is to blame. A self-serving public which has made science its god and research its high priest, which has bowed down to the graven image that any end justifies every means—that public is suddenly and sickeningly aware that it has been hoodwinked. And now, in fury, it demands not only protection for animals but protection for people—protection from the dognaper in the front yard, protection from the careless or callous researcher, protection, indeed, from the whole paranoia of perfidy which surrounds this entire question.

You will note, Mr. Chairman, that I lump together protection for animals with protection for people. And I do so with reason. One month from now the humane movement will be celebrating the 100th anniversary of its birth in this land—100 years ago this spring Mr. Henry Bergh founded this country's first humane organization. At that time, Mr. Chairman, this country had no protection against cruelty to children and indeed the first persons prosecuted for cruelty to children were prosecuted by the very law Mr. Bergh had promulgated for the protection of animals. They were prosecuted, and found guilty, of being cruel to "a child animal."

One hundred years later, we in the humane movement are still not just for animals for animals—we are for animals for people. We believe that the least unnecessary cruelty to the least creature diminishes us all—and by just that amount. I have asked before just what the man who steals my pet actually steals. I ask it again. Is the theft of my pet a petty theft? Obviously the man who has stolen, say, my dog, has stolen something of mine—and, under law, my dog is my property, worth at the market value a few dollars. So be it then—I have lost some property.

But wait now, I ask you. Is my dog just my property? If he is, then surely he can be replaced—as if he is any other piece of my property; my suit, say, that I can get another or even my automobile. But, it seems, he is something more than this—something indeed so much more that when he is stolen he can never on this earth be replaced.

When his life has been taken, not all the scientists, not all the researchers, not all the laboratories working together from now until doomsday can ever restore it to him—or him to me.

I say to you that he who has stolen my dog has stolen something that cannot even be measured as this world measures value. He has committed a crime that cannot be measured as this world measures crime. I say to you, gentlemen, there is no punishment fit for this crime.

What has he done—this man? He has not committed larceny at all, neither petty nor grand—he has committed a deadly sin. Indeed, the man who has stolen my dog has reached into the very heart and soul of the very treasure house of relationships—not just between man and man but between man and another species—and he has plundered and pillaged.

He has stolen, first of all, faith. For is there any faith to equal the faith of a dog in man? He has also stolen trust. Is there any trust to equal the trust of a dog in man? He has, too, stolen loyalty—a loyalty that is so far beyond human loyalty as to be demeaned by even making the comparison. And, above all, he has stolen love. For if greater love hath no man than to lay down his life for his friend, then how much greater is it for man's best friend who has thousands upon tens of thousands of times asked nothing more than the privilege of so doing.

Mr. Chairman, may I say in closing that as I see the public now sees this issue, they see it not as a side issue—not as something minor and unimportant, as something off of and away from the mainstream of our national problems and our human destiny. On the contrary, I see their seeing it as something which lies in the very mainspring of those problems and that destiny. Our Government has offered us a war on disease, a war on crime, a war on poverty—even a war on war. But what is needed perhaps more than any of these is a war on violence—a war that strikes at the very root reason of why, nowadays, with so much, we so often seem to have so little. Mr. Chairman, you have in your power the chance to establish a legal landmark, to define the rights of animals, to redress the wrongs of a hundred years, to prove to all the world that we do care for those under us, for those smaller than us, for those weaker than us, for those who, up to and even in their last extremity, still serve us.

For we must, all of us, sooner or later, in this great debate, ask ourselves at the end, a simple question. It can be phrased a dozen ways. Are we all head and no heart? Are we all science and no humanity? Are we so consumed with ourselves that we no longer have even pity for any of God's other creatures? If this is so, Mr. Chairman, if on this earth of ours, in these United States of America, the quality of mercy now is strained, then God help us all.

Thank you, Mr. Chairman.

Senator MAGNUSON. Any questions?

(No response.)

Senator MORTON. Mr. Chairman, it is an excellent statement.

Senator MAGNUSON. That is a very moving statement and we deeply appreciate it.

Mr. AMORY. I want to apologize if I may for making such a general statement. It seems so difficult to pinpoint the individual instances. A

man called my office yesterday morning from Huntington, Long Island. He told me that in the last month in Huntington, Long Island, 75 dogs in that one township were stolen. Earlier this week two children were playing with a dog outside a schoolyard. A man drove up in a green truck, took the dog away from them and left. The children burst into tears. Next door was a St. Bernard chained with a collar and a leash on. When the man gets home the dog is gone, the collar and the leash still there in the front yard. Very soon, Mr. Chairman, literally you will not be safe even keeping your dog in your house.

Thank you.

Senator MAGNUSON. Thank you very much.

Our next witness is Mr. Oliver Evans, president of the Humane Society of the United States. He is accompanied by Frank McMahon, director of the field services of the Humane Society of the United States, and Declan Hogan, undercover investigator for the Humane Society of the United States.

STATEMENT OF OLIVER EVANS, PRESIDENT, THE HUMANE SOCIETY OF THE UNITED STATES

Senator MAGNUSON. Mr. Evans, you are going to make a statement?

Mr. EVANS. I have a statement I would like to read.

Mr. Chairman, my name is Oliver Evans and I am president of the Humane Society of the United States. I am deeply grateful for the privilege of offering testimony before this distinguished committee. The Humane Society of the United States is a nonprofit, membership corporation, supported entirely by private philanthropy. We speak for the tens of thousands of persons who compose its membership and that of its branches and affiliates.

While this society does not speak for the other national societies in the American humane movement, I am confident that I express the virtually unanimous desire of all humanitarians when I say that they keenly desire strong Federal legislation to stop the theft of household pets and to impose standards for humane care and handling in the establishments of dealers and in the transportation of animals destined for research laboratories.

You will hear from my colleagues in the Humane Society of the United States and from representatives of other humane societies evidence that there is a thriving business in stolen household pets. You will also hear evidence that the gruesome conditions at an animal dealer's farm near White Hall, Md., graphically portrayed in the February 4 issue of Life, are not a rare exception but are all too frequently found in many other dealer establishments. I am thoroughly confident that the testimony to be presented will serve to convince the members of this distinguished committee that there is a crying need for legislation.

Through its own departments and through Federal grants our Government is principally responsible for the very rapid increase which has taken place in expenditures for biomedical research and for the parallel increase in the number of animals used in laboratories. Government money finances more than half of the medical research carried out in this country. Government appropriations have multiplied

twelvefold since the early 1950's and are well over $1 billion for the current year.

Research animal usage runs into the hundreds of millions annually. The demand for dogs and cats has grown very rapidly to a $60 or $70 million a year business. The northeastern seaboard, which contains the country's largest concentration of laboratories, draws its supply of these animals from as far west as Missouri and as far south as Alabama. The mushroom growth of an unregulated market for dogs and cats and the ease with which these animals, particularly dogs, may be picked up by an unscrupulous person has resulted in unsavory practices on a large scale.

You will hear evidence from my colleagues as to how stolen pets are quickly transported across State lines, how they change hands very rapidly, often passing through the animal auctions. The establishments and transportation facilities characteristic of the wholesale animal dealers are, more often than not, cramped, uncomfortable, and unsanitary, with inadequate provisions for food and water. State laws have proved woefully inadequate to catch and convict the thieves and to bring about the badly needed reforms in the conditions of housing and transportation by dealers. It is unthinkable that the pets of American families should be stolen on a wholesale basis, then spirited across State lines to miserable, makeshift quarters, and, finally, sold for use in scientific laboratories.

The only remedy, in our opinion, lies in Federal legislation and we are deeply grateful, Mr. Chairman, that you have introduced legislation and have scheduled this hearing. All humanitarians applaud the basic objectives of S. 2322, the reform of all the unsatisfactory conditions existing in the wholesale supply trade which delivers animals to laboratories.

As we see the problem, Mr. Chairman, there are two basic legislative purposes which must be served in any bill dealing adequately with this problem.

The first is to stop the interstate shipment of stolen pets. This objective can be achieved by requiring dealers to maintain a system of records under which animals can be positively identified and their ownership traced; by a requirement that dogs and cats must be held by dealers for a minimum period of 5 days; and by a requirement that dealers' establishments must be open to inspection on request by properly constituted authorities. These requirements would virtually eliminate the thriving traffic in stolen pets. Unscrupulous dealers would be stopped from picking up animals 1 day for overnight delivery across State lines hundreds of miles away. Owners would have an opportunity to find and identify their missing pets.

The second basic purpose which must be served is the humane care and handling of all animals within the establishments of dealers and suppliers and during transportation to and from these establishments. The dealers must observe humane standards to be promulgated by the Secretary for veterinary care and supervision, sanitation, food, water, housing, and other environmental factors. Shipment of weak, sick, unweaned, and obviously pregnant animals must be prohibited.

To achieve these basic legislative purposes it will be necessary to license the establishments of all dealers and suppliers. Enforce-

62-317—66——3

ment can only be handled through a Federal inspectorate making unannounced visits two or three times a year. Violations should be punishable by fine and, in cases of repeated or flagrant violation, by suspension or revocation of license. Hospitals and laboratories must be required to confine their purchases of animals to licensees with a penalty of losing Government grants and contracts for failing to do so.

For such legislation to regulate the conditions of animal supply we see no reason for licensing laboratories. This society believes that laboratories should only be covered as buying agencies through which to secure compliance with the law on the part of dealers and suppliers.

In addition to my oral testimony, Mr. Chairman, I ask permission to include in the record a sample bill which includes the various points that I have discussed above. I will refrain from reading this bill as I believe that the purposes of this committee are adequately served by the foregoing description of the points which are embodied in its provisions.

Senator MAGNUSON. We will put the bill in the record.

(The bill referred to follows:)

S. ———

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to protect the owners of dogs and cats from theft of such pets, to prevent the sale or use of stolen dogs and cats, and to insure that animals intended for use in research facilities are provided humane care and treatment, it is essential to regulate the transportation, purchase, sale, housing, care, handling, and treatment of dogs, cats, and other animals by persons or organizations regularly engaged in transporting, buying, or selling animals intended for use in research facilities.

SEC. 2. DEFINITIONS.—When used in this Act—

(a) The term "department or agency" means any department, agency, or instrumentality of the United States.

(b) The term "person" includes any individual, partnership, association, or corporation.

(c) The term "Secretary" means the Secretary of Agriculture.

(d) The term "commerce" means commerce between any State, territory, or possession, or the District of Columbia or Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, but through any place outside thereof; or within any territory or possession or the District of Columbia.

(e) The term "cat" means any live domestic cat (Felis catus).

(f) The terms "dog" means any live dog of the species Canis familiaris.

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

(h) The term "dealer" means any person who regularly for compensation or profit delivers for transportation, transports, boards, buys, or sells dogs, cats, or other animals in commerce intended for use in research facilities.

(i) The term "animal" means any vertebrate animal.

(j) The term "humane care and treatment" shall mean the type of care and treatment which a responsible and conscientious owner would ordinarily provide an animal of his own.

SEC. 3. It shall be unlawful for any department or agency or for any research facility to purchase or acquire by compensation dogs, cats, or other animals from

any dealer unless said dealer holds a valid license issued by the Secretary pursuant to this Act.

SEC. 4. It shall be unlawful for any dealer to buy, sell, offer to buy or sell, transport or offer for transportation any dog, cat, or other animal unless and until such dealer shall have obtained a license from the Secretary in accordance with such rules and regulations as the Secretary may prescribe pursuant to this Act, and such license shall not have been suspended or revoked. A license shall be issued to a dealer only after the dealer presents a written statement, and the statement has been confirmed by a representative of the Secretary by means of an initial site visit, that the dealer's facilities and personnel are adequate and appropriate to enable it to comply with the provisions of this Act and the regulations promulgated by the Secretary thereunder.

SEC. 5. The Secretary is authorized and directed to promulgate standards, rules, and regulations to govern the housing, care, handling, and transportation of dogs, cats, and other animals by dealers that will promote their health, well-being, and safety and insure their humane care and treatment, including but not limited to their transportation, comfortable and uncramped quarters, adequate space and facilities for normal exercise, and food, water, sanitation, ventilation, temperature, lighting, and handling, as is appropriate and normal to each species, separation by species and sex, and adequate veterinary care and supervision.

SEC. 6. All dogs and cats delivered for transportation, transported, purchased, or sold in commerce or to research facilities shall be marked or identified individually or in groups in such manner as the Secretary may prescribe.

SEC. 7. Research facilities and dealers shall make and keep for a period of no less than two years such records with respect to their purchase, sale, transportation, identification and previous ownership of dogs and cats, as the Secretary may prescribe. Such records shall be open to inspection by representatives of the Secretary or to any police officer or agent of any legally constituted law enforcement agency.

SEC. 8. Qualified inspectors employed or authorized by the Secretary shall inspect periodically dealers covered by this Act. To insure compliance with the provisions of this Act and with regulations issued by the Secretary pursuant to this Act. Any such inspector, upon finding an animal suffering as a result of a violation of any provision of this Act or any regulation issued by the Secretary pursuant to this Act, shall relieve, confiscate, or destroy, said animal or animals in accordance with regulations issued by the Secretary.

SEC. 9. The Secretary shall take such action as he may deem appropriate to encourage the various States of the United States to adopt such laws and to take such action as will promote and effectuate the purposes of this Act and the Secretary is authorized to cooperate with the officials of the various States in effectuating the purposes of this Act and any State legislation on the same subject. The Secretary is further authorized to cooperate with any other Federal agency, department, or office concerned with the welfare of laboratory animals.

SEC. 10. No dealer shall sell any dog or cat within a period of five business days after the acquisition of such animal.

SEC. 11. Licensed dealers shall permit inspection of their premises and records at reasonable hours upon request by representatives of legally constituted law enforcement agencies in search of lost pets.

SEC. 12. Dogs and cats shall not be offered for sale or sold by dealers at public auction.

SEC. 13. The Secretary is authorized to promulgate such standards, rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this Act.

SEC. 14. Any dealer who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year or a fine of not more than $1,000.

SEC. 15. When construing or enforcing the provisions of this Act, the act, omission, or failure of any individual acting for or employed by a dealer within the scope of his employment or office shall be deemed the act, omission, or failure of such dealer as of such individual.

SEC. 16. If the Secretary has reason to believe that a dealer has violated any provision of this Act or the regulations promulgated thereunder, the Secretary may suspend such dealer's license temporarily, and, after notice and opportunity for hearing, may revoke such license if such violation is determined to have occurred. The Secretary shall prescribe by regulation the conditions under which a person whose license has been revoked may apply for or receive a new license.

SEC. 17. Any research facility that purchases animals from an unlicensed dealer shall be ineligible to receive any funds from the United States in the form of grants, contracts, loans, or otherwise.

SEC. 18. If any provision of this Act or the application of any such provision to any person or circumstances shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 19. In order to finance the administration of this Act, the Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued to dealers. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

SEC. 20. EFFECTIVE DATE FOR COMPLIANCE.—The regulations referred to in Section 5 and Section 11 shall be prescribed by the Secretary as soon as reasonable but not later than six months from the date of enactment of this Act. Additions and amendments thereto may be prescribed from time to time as may be necessary or advisable. Compliance with the provisions of this Act and these regulations shall commence 90 days after their promulgation.

Mr. Chairman, I should like to dwell for a moment upon the reasons for our recommendation that coverage of the legislation considered here be limited to the dealer trade and not include the laboratories. There are a large number of complex matters to be dealt with in any effective bill for the regulation of the use of animals in laboratories. A great deal of study has been given to this problem over years past and, finally, an excellent bill has been worked out. I refer to S. 2576, sponsored by Senator McIntyre and cosponsored by Senator Bayh. We feel that this bill offers ingenious solutions to many extremely difficult problems—by far the best offered in any bill introduced in the Congress thus far. A hearing on this legislation was held in the House by the Subcommittee on Public Health and Safety last September, but was interrupted by the drive for adjournment.

We feel very strongly that both regulation of the dealer trade to insure humane treatment of the animals and to prevent theft, and a regulation of medical and drug laboratories to reduce to the utmost achievable degree consistent with the needs of legitimate research the discomfort and pain experienced by laboratory animals must be enacted in order to meet our moral obligation to the animals who are daily suffering and dying for the benefit of human health. We believe that there should not be a brief and inadequate section on care of animals in laboratories in the current bills under consideration because such a section might well jeopardize and postpone for several years the enactment of the kind of legislation necessary to deal adequately with the laboratory problem.

Mr. Chairman, the humane constituency, which runs into the millions, has a very deep interest in the deliberations of your committee and fervently hopes that a law which will be instrumental in eliminating animal suffering on a massive scale will result.

Thank you for the privilege of testifying.

Senator MAGNUSON. Thank you, Mr. Evans. What you are suggesting in your testimony is that the treatment of animals in the laboratory be subject to another piece of legislation.

Mr. EVANS. Yes, sir.

Senator MAGNUSON. Well it would be somewhat similar to the Humane Slaughter Act that we passed some time ago. In other words, we deal with the animals after they get to the laboratories in a separate way.

Mr. EVANS. Yes, sir.

Senator MAGNUSON. But you heartily endorse this legislation which would require dealers to consider humane treatment.

Mr. EVANS. Yes, sir.

Senator MAGNUSON. And the stealing and the dognaping or catnaping or all of these other things in interstate commerce would be prohibited?

Mr. EVANS. Yes, sir; that is correct. And if I might add a comment. The subject of the coverage of animals besides dogs and cats has been mentioned by earlier witnesses. We feel that the coverage should be brought to dogs and cats and other animals as well—for instance, a few years ago a police raid was conducted and arrest and conviction made of the John Dierolf Farms in Pennsylvania. In this establishment where guinea pigs were kept the dead and rotting carcasses of guinea pigs were found in the litter in pens with live guinea pigs. This obviously is a terribly bad practice and things like this should be reformed. The inhumane treatment is not confined just to dogs and cats.

Another situation which I think the whole humane movement regards as very critical are the conditions under which monkeys are shipped. They come from abroad in cages which are literally just as if you built as small a box around me as possible sitting here. That is the way they leave India or Malaya and come to the United States. The conditions are most appalling.

Senator MAGNUSON. You are suggesting we do limit ourselves so there would be no misunderstanding here to animals that are being trafficked for research purposes.

Mr. EVANS. Yes, sir.

Senator MAGNUSON. By these unscrupulous dealers.

Mr. EVANS. Yes.

Senator MAGNUSON. And not for animals that would be used for human consumption.

Mr. EVANS. That is correct, sir.

Senator MAGNUSON. That is taken care of by another law.

Mr. EVANS. The bill should not cover meat animals at all and the coverage of the bill should stop when the animals are delivered to the laboratories.

Senator MAGNUSON. But you do suggest that we should broaden the bill to cover, well let us say for want of a better term—we will have to get a scientific term here—animals used for research.

Mr. EVANS. Yes, sir. And we believe that the antitheft portion of the bill should apply to household pets only, but that the humane treatment portions of the bill should apply to all of the animals going into the research establishments.

Senator MONRONEY. In your exemptions of the laboratories, Mr. Evans, you would not exempt them from penalties if they bought their animals from an unlicensed broker or dealer, would you?

Mr. EVANS. That is correct, sir.

Senator MONRONEY. In other words, the way to stop the market is to make it unlawful for the purchasing laboratory, school, or research facility of private industry, to procure these dogs or cats or other animals that would be stolen from their owners.

Mr. EVANS. Yes. Our suggestion is that the grants for research be conditioned upon the purchase of animals from licensed dealers.

Senator MONRONEY. And the penalty then would apply to loss of research funds.

Mr. EVANS. Yes.

Senator MONRONEY. Wouldn't that be a little bit more severe than necessary? In other words, I am sure that people who run the research facility would not be the actual buyers or dealers and you might lose some very valuable research in the process. If you subjected the actual employee that would go out and get these animals in this way to fine or imprisonment, would that be a better approach? I am searching for some way not to lose the advantage of research by a good institution.

Mr. EVANS. We don't think this bill should be punitive in that respect. Any provision that has meaning that would limit the purchases by the research laboratories to licensed dealers would certainly do the job and be entirely satisfactory in our opinion. But the research establishment is the buyer, and if there is repeated and flagrant violation we believe that the penalty should be pretty sharp and pretty severe.

Senator MONRONEY. I like the point you make there that the research facilities would be helping themselves to get healthier animals and animals that would adapt better to research than those presently being supplied through interstate smuggling and other illicit and illegitimate channels and means.

Mr. EVANS. Yes.

Senator MONRONEY. You would make the research facility responsible for having adequate kennel room for animals when they are not undergoing research activities, would you not?

Mr. EVANS. Of course we are very strongly in favor of that. Here again we feel that the logical administrative structure would call for one bill that would get the animals to the laboratory and then another administrative structure which would deal with all of the problems which arise in the laboratory.

Senator MONRONEY. I see. You would divide the two subjects.

Mr. EVANS. We would support an omnibus bill to cover the whole subject, but we feel that in the bills that are being considered by this committee the portions devoted to laboratory animal care within the laboratory are extremely brief and don't meet all the problems that arise. That is why we suggest that other bills which do go into these things would cover the animals within the laboratories much more effectively.

Senator MONRONEY. I know. But this bill refers, I think rather clearly, to the handling of animals as they are housed waiting for laboratory use. Their care in the kennel, you might say, is separated from the actual period in the laboratory, which this bill does specifically exempt. It seems to me that with respect to the supply of animals to the laboratory itself, one bill could deal with those matters quite effectively, and the matter of laboratory handling could be treated by legislation which I believe would be under the jurisdiction of another committee.

Mr. EVANS. Yes. But most laboratories do not have a holding facility like the good facility of the National Institutes of Health which is

the largest research establishment, I suppose, in the world. Most hospital and university laboratory facilities are all one—indistinguishable—and do not include a separate holding facility such as Poolesville.

Senator MONRONEY. Thank you very much.

Senator MAGNUSON. Of course, section 3 of the bill, which I will put in the record at this point, says:

> It shall be unlawful for any research facility to purchase or transport dogs or cats in commerce unless and until such research facility shall have obtained a license from the Secretary in accordance with such rules and regulations as the Secretary may prescribe pursuant to this Act.

Mr. EVANS. Yes.

Senator MAGNUSON. And Senator Monroney, of course, is vitally interested in something that would require humane treatment of these animals even if they have gone legally through the process of reaching the laboratory.

Mr. EVANS. Well, we are vitally interested too, sir.

Senator MAGNUSON. How many dealers do you think there are in the United States? I know you can't categorize it, but roughly.

Mr. EVANS. I can't give you an answer that I can defend.

Mr. MCMAHON. Senator, I think it is almost impossible to estimate at this point because you go from a very small dealer who is picking up dogs off the street to very large suppliers. In our last check I think that we had a minimum of perhaps 35 in Pennsylvania of all sizes.

Senator MAGNUSON. Thirty-five in one State.

Mr. MCMAHON. Thirty-five in one State and there are many in Maryland. The only ones that we have run into, Senator, are those for which people have sent us auto registration numbers or dealers that are listed in the laboratory animal suppliers booklet which is published by the Government. But there are many more that are not known.

Senator MAGNUSON. The reason I asked that is because it has been suggested here we might limit the penalties under this bill. Isn't it true that a lot of these so-called dealers might be even one-shot people, not be in this game all the time, and just go out for a certain short period of time and steal animals?

Mr. MCMAHON. Senator, I hope I will have the opportunity to make a very brief verbal statement and Mr. Hogan will do so also. He has had a great deal of experience in the last 6 months with a one-shot dealer, and I believe in a brief verbal statement he can tell you about it.

Senator MAGNUSON. Let the record show you don't definitely know.

Mr. MCMAHON. I would say 34 or 35 in one State alone—in Pennsylvania.

Senator MAGNUSON. In one State alone. It is a large State, but there has been a lot of dognaping going on out in my own State during the last 60 days. I don't know how many dealers we have, but there must be some.

Senator CANNON. Mr. Evans, do I understand that your recommendation is that we not incorporate or try to incorporate into this bill the regulations governing the research facilities, that this might delay passage of this type of a bill?

Mr. EVANS. Our position, Senator, is that the sections of the bills which have been introduced this far and which have been referred to this committee as I understand it are so general and so brief that we feel that do not cover the animal within the laboratory as well as they should. The bill that I mentioned introduced by Senator McIntyre, is devoted solely to the problems within the laboratory, and that bill by itself is probably twice as long as the bills under consideration by this committee.

Senator CANNON. Well now, section 3 of this bill, as the chairman pointed out, relates to the requiring of a license for a research facility. Do you think that section should be eliminated from this bill to leave that to the bill covering research facilities generally? Is that your recommendation?

Mr. EVANS. That is our opinion; yes, sir.

Senator CANNON. And also section 5 gives the Secretary the authority to promulgate standards to govern the handling and transportation of dogs and cats by dealers and research facilities. I take it that you recommend that we would eliminate the research facilities from that portion of our bill.

Mr. EVANS. That is correct, sir.

Mr. MAGNUSON. Well I think, Senator Cannon, we have a proviso. In section 5 we say:

> That this authority shall not be construed to authorize the Secretary to set standards for the handling of these animals during the actual research or experimentation.

We are talking mainly about traffic in this thing and that would be subject, as you suggest, to another bill and maybe we may want to consider it here too. I don't know.

Mr. EVANS. Yes.

Senator CANNON. I think his recommendation and what I am trying to get clear in the record is that we not legislate here in relation to the research facilities, whether it is the licensing or handling or whatever it is, because a separate bill—they might consider that this had preempted the bill and that this bill does not go far enough. Is that correct?

Mr. EVANS. This is correct, sir. We do feel this might preempt the field and we would like to see much more comprehensive treatment of the laboratory problem.

Senator MAGNUSON. There is merit to what you suggest to Senator Cannon because primarily we are trying to deal with this traffic in animals which is so horrible.

Mr. EVANS. On the other hand, if this committee should see fit to open up the whole problem of dealer traffic and what goes on within the laboratories, it would be a much larger subject. But we would certainly like to see it considered and acted upon as rapidly as possible.

Senator MONRONEY. But, is it not the most important fact that the laboratory intending to use the animals must be prohibited from procuring them from these illegal sources? I do not see how you can make one procurement illegal, in getting the dogs in the first place, and the receipt of a stolen dog not illegal by ignoring that from this bill.

Mr. EVANS. I agree with you thoroughly, and it is our recommendation that the laboratories receiving grant money from the Federal Government be required to confine their purchases of animals to licensed dealers.

Senator MAGNUSON. I do not think it makes any difference whether they are receiving money or not. I think they ought to be responsible from where they get their animals.

Mr. EVANS. We agree.

Senator MAGNUSON. If they are getting them illegally by this method they ought to be punished just as much as the fellow who goes out and steals them.

Mr. EVANS. We subscribe to that heartily.

Senator MAGNUSON. What they do with them after they have them is another matter.

Mr. EVANS. Yes, sir.

Senator CANNON. Would not it be perfectly proper for us and perhaps desirable for us to provide in this bill that it would be unlawful for a research facility to procure animals from other than a licensed dealer and then we go ahead and regulate the dealer in this bill?

Mr. EVANS. Yes, sir.

Senator CANNON. In this way we would not be getting into the subject of licensing the research facility or trying to control their activity, but leave that for the other bill assuming we do not see fit to combine the two.

Mr. EVANS. That is our approach to the problem.

Senator CANNON. Do you think it would take much longer or be more difficult, let us say, to get legislation through the Congress governing the research facilities than it would this particular area of governing the sellers to the research facility?

Mr. EVANS. In general terms I think that is right. However, if this committee would like to tackle the whole problem we would love to see them do it.

Senator CANNON. I am inclined to agree with you that perhaps we could move more rapidly in this area if we kept away from the research facility area and tried to get at the root of the problem here of the dognaping and catnaping thing and the treatment by the dealers where they go out and steal the pets and sell them overnight to a facility.

Mr. EVANS. Yes, sir. That has been our approach to the problem.

Senator MAGNUSON. And another thing, I hope that your view will make it clear that the revocation of a license does not necessarily mean anything to some of these people.

Mr. EVANS. Yes.

Senator MAGNUSON. The dealer I mean.

Mr. EVANS. Yes.

Senator MAGNUSON. I mean that is no punishment. Maybe he does it, as you say, and disappears.

Mr. EVANS. We think there should be two kinds of punishment. One is you kill his market. If he loses his license he loses his market. And the other is, particularly in cruelty cases, there should be a fine and in flagrant cases imprisonment.

Senator MAGNUSON. Well we better have a law with teeth in it.

Senator DOMINICK. Mr. Chairman, I want to say I am completely in sympathy with this bill. I have had personal experiences of losing pets in this way. But, as was pointed out by Senator Brewster in his statement, of course, transporting stolen property across State lines is already a Federal crime, and I wonder if you could give this committee any idea of the problems of enforcement in that area. In other words, have we been able to get attorneys general, district attorneys, whatever it may be, to take action in this kind of a situation?

Mr. MCMAHON. May I answer that question. I think a perfect example of this, Senator, took place very recently when Pennsylvania passed a fairly strong dognaping law, as Senator Clark testified. There are two very recent examples of why Federal legislation is urgently and badly needed. A truck of M. E. Leach, who is not licensed in Pennsylvania, has been meeting the truck of a Pennsylvania dealer in White's Ferry, Md., to transfer animals. The truck of Leslie Judd from Virginia, who is not licensed in Pennsylvania, has been meeting the truck of John Dierolf just below the State line and transferring animals. These animals are then taken into Pennsylvania by dealers licensed in Pennsylvania and only Federal legislation could control the interstate flow of these animals.

Senator DOMINICK. What I am trying to get at is it is already a Federal crime because it is transporting stolen property across State lines. The question is whether or not we are able to enforce that law that is already there.

Mr. EVANS. As you who have experienced the disappearance of a pet well know, even though you suspect it has been stolen, the mobility of these people—their ability to take animals overnight from, for example, Washington to a Pennsylvania location—makes it almost like looking for a needle in a haystack when you attempt to locate and identify your dog. If you are lucky, you can bring in the proper prosecuting authorities to handle the case. The very great difficulty is the speed with which these animals move and the almost total inability of the owner to catch up with and apprehend the thief.

Senator DOMINICK. Isn't it also true that in many cases they actually obtain a bill of sale?

Mr. EVANS. Well this brings up the matter of auctions—the auctions provide a source of title. This is one of the principal roles that these auctions play in this trade. You buy a dog at an auction. Well certainly you don't know who it came from and how it got in these channels of trade. And you go to a hospital, make a delivery, and where did you get it? Well here is the evidence of a sale at the auction. So this is the cover for a lot of this illicit trade in stolen animals.

Senator DOMINICK. On the other hand, if an auction were duly licensed you would see no reason why a research laboratory should be prohibited from buying animals at that auction, do you?

Mr. EVANS. There has been a great outcry against the auctions and the practices at the auctions have to be stopped. Now it is our position that the evils at the auction either can be eliminated by declaring auctions illegal or they can be eliminated by two requirements: That they observe the standards set up and promulgated by the Secretary

under this bill and, secondly, that in this trade the dealers have to have a title. This is part of the records matter that I mentioned, that they have to have evidence as to who owned this dog all the way back to the original owner, whether it's a private person like you or whether it's a breeder or a pound or what have you. If the evidence of ownership goes all the way back, goes through the auction, then the auction no longer serves the purpose of covering up any misconduct in the acquisition of the animal.

Senator DOMINICK. In other words, the problem that you are trying to get at by inclusion within a prohibition of this bill under section 10 is to eliminate the detrimental characteristics that now surround the auctions. But if we can eliminate those provisions you wouldn't have any objections to selling them by weight or public auction, would you?

Mr. EVANS. No, sir; not as long as we can eliminate the evils. The fact is the animals are going to be bought and sold, and if they are sold by the head or how high they are at the shoulder or by the pound, this doesn't redound to the benefit or detriment of the animal. But the bad practices that presently prevail at the auctions are one of the worst evils in the whole business and should be eliminated.

Senator DOMINICK. Thank you.

Senator MAGNUSON. Will one of you fellows tell us about this auction. Where is it held? Do the research people come to a certain place at a certain time to buy? How does it happen?

Mr. HOGAN. Exactly. In fact, I think that the research people are quite unaware of these auctions. It has been told to me by dealers that they are generally asked where they get dogs. In other words, the laboratories just want to know that they are legal, that they are their dogs, and that is it. Possession is the only proof of ownership offered; this sort of thing.

The auctions themselves are—we will put it like this: One day I followed a known dog dealer—Maryland dealer—at the opening day of hunting season, who was working around the edges where many hunters were. His intention was stealing dogs. That night he showed up at the auction with a truckload of dogs.

So it is a clearinghouse for dogs. It gives another dealer the title, let's say, when he purchases a dog, he assumes he has title to it. Dog thieves take these animals to these auctions and sell them there.

Senator MAGNUSON. Who bids on them at the auction, the research facility?

Mr. HOGAN. No.

Senator MAGNUSON. The auction is between those people who traffic in the animals?

Mr. HOGAN. The dealers supply the laboratories. The dealers themselves go and bid. And usually they are the bigger dealers because even at the auction they pay more for them. But their demand is so great, so tremendous, that dealers like John Dierolf, who grosses over a million dollars a year in this business, are forced to pay $10 or $15 for a dog at an auction. Smaller dealers will rely exclusively on dog thieves, the people who, as I pointed out before, are here today and gone tomorrow. They will steal a dog depending on how much they need.

Senator MAGNUSON. Well, what I want to clear up is that NIH, let's use that as an example, doesn't go out to auctions and buy animals, do they?

Mr. HOGAN. Not at all, as far as I know. No laboratory is actively purchasing at an auction?

Senator Magnuson. How do they get their animals?

Mr. HOGAN. They purchase through a dealer. They have a contract.

Senator MAGNUSON. But the dealer goes to an auction?

Mr. HOGAN. That is right.

Senator MAGNUSON. And those who steal dogs or other animals bring them to this so-called auction?

Mr. HOGAN. Right. Well, let me try and sum it up. There are dealers who are exclusively in business to supply an auction. These people will buy from other people who steal or they actually steal themselves. They have no contacts with the laboratories, or even other dealers. They steal dogs and sell them to the auctions. Now other dealers, usually larger dealers, come and they buy them. They bid for them at the auctions.

Senator MAGNUSON. This is a little like a thieves' market, isn't it?

Mr. HOGAN. Absolutely.

Senator MAGNUSON. Where they pawn off different things they have got a hold of, and some buy it and some don't want it. Where do you get the expression by weight? I don't quite understand that. Is a big dog worth more than a little dog?

Mr. HOGAN. Yes.

Senator MAGNUSON. Why?

Mr. EVANS. I think one of the reasons, there are few experiments for which large animals are required. The usual research dog is not the size of a hunting dog or a St. Bernard which was mentioned. The usual research animal is apt to be a beagle-size dog.

Senator MAGNUSON. Is there any differentiation between types of dogs or all types?

Mr. MCMAHON. There are certain types that are more desirable, Senator. Short haired dogs are preferable for research purposes. They are less difficult to deal with. And also beagles are very much preferred because of their short hair, their placid disposition. They are easy to handle. They are just easy dogs to get along with.

Senator MAGNUSON. Do you think we ought to advise the White House about this?

Mr. MCMAHON. If we have a bullfight in the District of Columbia Stadium, we will be talking to the White House.

Mr. EVANS. Mr. Chairman, if I might add a comment to that. Not only is the practice of a cover for a title or a bill of sale bad but, from a humane point of view, the conditions under which animals are auctioned or handled are really frightful. The poultry crates are just jammed, they stuff the dogs in them, put the crates on a scale and knock them down to the highest bidder. The abuses from the humane point of view are just inexcusable.

Senator MAGNUSON. These auctions as you call them, I always think of an auction as a public thing, where you announce you are going to sell something at auction. These are pretty much private, aren't they, under cover?

Mr. McMahon. No, Senator, they are not. They take place mostly at night.

Senator Magnuson. That makes it a little private, doesn't it?

Mr. McMahon. No, the farmers meet usually at around six in the evening but all sorts of things are sold at these auctions—farm goods, bakery products, quilts—but you will find one building that deals with livestock. They usually start with the dog and cat auctions and then go on into cattle.

But the laboratory animal supply dealers will attend only, of course, the portion where dogs and cats are actually sold. And when we mention weight—a larger animal is more valuable to a laboratory—the use of the word weight in this particular situation means that you may find as many as six to eight dogs crammed into a turkey crate. The crate is hung on a scale, the weight of the crate deducted, and the dogs are sold by what the net weight is.

In other words, you might have three or four beagles and a German shepherd in the same crate. And this is literally hung on scale and the animals are sold by the weight.

Senator Magnuson. Well, this auction is advertised as an auction?

Mr. McMahon. Yes.

Senator Magnuson. Livestock?

Mr. McMahon. They are usually called a farmers' auction.

Senator Magnuson. Do they have underneath "dogs and cats?"

Mr. McMahon. Not necessarily, but all the dealers know about them and they are there.

Senator Magnuson. That is what makes it a little bit private, doesn't it?

Mr. McMahon. Right. What they are, Senator, is literally a clearinghouse for these animals. You could go to an auction in Pennsylvania and you will find dogs from Virginia, or you could. Now under the new laws, I think they have become a lot more cautious. But up until the new laws were passed you could go to an auction in Pennsylvania and find trucks from Ohio, West Virginia, Virginia, Maryland, all of these trucks bringing in dogs which in turn were sold to larger dealers who in turn sold them to the laboratories. And it is virtually impossible to trace the origin of any particular dog that you might find at auction.

Senator Magnuson. But it is a dealer's auction, in effect?

Mr. McMahon. In effect, yes.

Senator Magnuson. I mean for all practical purposes, dealers were those who deal or those who dognap and it is a dealer's auction.

Mr. McMahon. Right.

Senator Magnuson. And it is not that the laboratories are going to the auction and buying animals?

Mr. McMahon. No, the laboratories do not. It would be unthinkable for them to and we certainly wouldn't intimate that they would. These auctions are really pretty bad places.

Senator Magnuson. Senator Cannon, do you have any questions?

Senator Cannon. No questions.

Senator Monroney. No questions.

Senator Dominick. Mr. Chairman, I have one question. I wonder if you could give us any information on who runs these auctions,

whether there is any responsibility there as far as the operator of the auctions are concerned. Is it a kind of cooperative farm?

Mr. EVANS. So far as I know, it is like most of these country farmers' auctions. It is strictly a local enterprise and for reasons that I am not sure of historically, some of these farmers' auctions have developed a large business in handling laboratory animals as well as handling the ususal meat animals.

Mr. MCMAHON. As a further answer to Senator Dominick's question, I don't remember the name now, but I do have it in our files and I could supply it, but the owner of one of the auctions in Gilbertsville, Pa., is also a dog dealer. The two are very closely interrelated.

Senator MONRONEY. Do you find the sale of dogs an occasional speciality of certain farmers' auctions or it is a general thing that in almost all of them the dogs are sold?

Mr. MCMAHON. It is becoming a very general thing, Senator Monroney. There are auctions that we know of in Texas, in Tennessee, in Maryland, in Virginia, in Pennsylvania, and I am sure in Michigan and Minnesota, and no doubt many, many others that we do not know about.

Senator MONRONEY. Do you have any further questions, Senator Cannon?

There are two statements I think should be briefed before us for the benefit of the committee.

Mr. MCMAHON. We have some inserts of various dog-stealing episodes that we want to put in the record.

Senator CANNON. I was going to say, Mr. Chairman, I have been reviewing these statements and I think it would be well to have them summarized because this may raise other questions that we might want to ask.

Mr. EVANS. I think these statements would take 4 or 5 minutes to read.

Senator MONRONEY. I think we had better have those at this time.

STATEMENT OF FRANK J. McMAHON, DIRECTOR, FIELD SERVICE, THE HUMANE SOCIETY OF THE UNITED STATES

Mr. MCMAHON. Senator Monroney, I am Frank J. McMahon. I do have a few remarks that I would like to make in addition to my prepared statement.

The opponents of this legislation have stated that the inclusion of research laboratories in the inspection requirements casts a stigma upon legitimate research. We agree with this. Although we believe that many family pets are sent to these institutions, it was never our intention to intimate that the institutions themselves know the background or the practices which involve some of the dealers. On the other hand, however, these institutions in their necessity to obtain animals, often have been inclined to minimize what is a very serious situation.

It is interesting to note that in the hearings in the House of Representatives on this subject, only one laboratory animal supply dealer appeared in his own defense. It is necessary, of course, for this committee to study the complete position of all sides to this matter, but I would like to comment on only two paragraphs of the statement which

has been submitted by a representative of a New York university. The statement is:

Within the last few months, very noisy publicity upon some instances of difficulty and ease and evil methods in providing animals for sale to reputable and indeed highly esteemed educational institutions has led to a change in the laws of Pennsylvania aimed particularly at dogs to be utilized for experimental purposes. This has occurred even though a portion of the publicity has shown to be entirely in error. A result of this change in the laws has been a strangulation of our flow of appropriate experimental animals. The result of this in turn has been a serious compromise of our medical educational processes and research endeavors in Brooklyn. Teaching programs have had to be curtailed and increased costs to all of us as taxpayers and our effectiveness in helping you has been hampered.

I would like to add this, I am not going to go through it because I know the committee has other witnesses, but by "noisy publicity" he meant apparently the very many cases of cruelty that have been tried in Pennsylvania. By strangulation of the source of supply, I think that the key word in this is "appropriate." The source of supply for animals has not been strangulated; the effect has been on appropriate animals. And appropriate does not mean the aged or diseased or malnourished or parasite-ridden animal which ends its days in the pound or private shelter. He meant the healthy animal which was being shipped to Pennsylvania by dealers from Illinois, Ohio, Virginia, West Virginia, and other States. Unfortunately, gentlemen, all too often this appropriate, healthy animal was the family pet.

We come then to the statement that we have with these laws imposed a burden, an unnecessary burden for the taxpayer. The institution that this doctor represented has received in the last 5 years, $32,353,163. I don't think it is unfair to ask them to pay a little more for animals. As a matter of fact, in 1965, research institutions throughout the country received $574 million from the Public Health Service. This money was appropriated by Congress to provide better research facilities and to improve the public health and well-being. It is a very justifiable cause. It would be interesting to know how much of this $574 million was channeled back into the hands of some of these unscrupulous dog dealers.

We have heard it said that dog theft is a problem to be controlled on a local and State level. There are 574 million reasons why it is a Federal problem.

In closing, gentlemen, the laws of Pennsylvania were obtained by 28 Pennsylvania humane societies led by the Humane Society of the United States and the Animal Rescue League of Berks County. If we have done all of the things that the doctor said we have done, I mean if we have obtained this noisy publicity and strangled the supply of appropriate animals, and made this institution aware of the taxpayers' dollar, I am sure that these 28 Pennsylvania societies feel just as proud as David must have when he slew Goliath. Thank you.

(The prepared statement of Frank J. McMahon follows:)

STATEMENT BY FRANK J. MCMAHON, DIRECTOR OF FIELD SERVICES FOR THE HUMANE SOCIETY OF THE UNITED STATES

(NOTE: Photographs referred to in this statement are in the files of the Humane Society of the United States.)

Mr. Chairman and gentlemen, thank you very much for allowing me to be here today.

I am Frank J. McMahon, director of field services for the Humane Society of the United States.

Mr. Oliver Evans, president of the Humane Society of the United States, has already testified as to the urgent need for this legislation, so I shall confine my remarks to specific cases and abuses which would be stopped if S. 2322 were enacted.

Although S. 2322 covers several areas in which protective legislation is sorely needed, the most important of these is the actual theft of dogs and cats for research purposes. These thefts take many forms, from the actual physical act of stealing a pet from an owner's fenced yard to the more subtle form of corrupting humane society and public animal shelter employees to betray their trust.

Perhaps most difficult to prove are the individual cases of theft because of the fact that these men usually operate under the cover of darkness or in rural areas where their activities are not suspect. You will find newspaper clippings in the prepared exhibit describing dog theft rings in Delaware, Pennsylvania, New York, New Jersey, and Connecticut. These clippings are merely a sampling of reports received daily from all over the country at our national office concerning the mysterious disappearance of family pets.

Government agencies which receive Federal funds are also, perhaps unwittingly, contributors to the continuing disappearance of family pets. We have to look no further than the new NIH holding facilities in Poolesville, Md.

A dog had been reported stolen by her owner, Garland Lloyd of Boyce, Va., during late August and her distinctive markings led humane society investigators to institute a search of research institutions and hospitals. In November, Teenie was located at the Poolesville (Md.) kennels of NIH by Miss Fay Brisk, a director of the Animal Rescue League of Berks County, Pa. NIH is the largest user of research animals in the country.

Despite positive identification by Lloyd, NIH refused to release the animal claiming that she had become "U.S. Government property." The HSUS called in its attorneys and launched a full-scale investigation through its field service department.

Under HSUS questioning, an NIH representative disclosed that Teenie had been purchased from Lone Trail Kennels, Pa., a large east coast laboratory supplier. In further investigation by the HSUS the supplier claimed that he had obtained the dog from a smaller dealer named James Byerly in Lexington, N.C., and that the transaction was validated with a bill of sale. Byerly, in turn, claimed that he had bought the dog from an unidentified man in Boyce, Va.

Despite this chain of evidence, NIH still refused to release Teenie. An HSUS offer to post bond of $500 was rejected. The HSUS pursued the case by sending Field Representative Dale Hylton to Lexington, N.C., for further questioning of James Byerly.

Hylton returned to Washington with a notarized statement that no dog like Teenie had been in Byerly's possession and that no dog of her description had been sold by him to Lone Trail Kennels. Byerly's statement also said that he had "never provided a bill of sale of any kind, either with descriptions of each dog or for the total number of dogs delivered, and no bills of sale had ever been requested." The statement was signed with Byerly's mark since he can neither read nor write.

With this new evidence, the HSUS brought even greater pressure to bear upon NIH. The story began to attract national publicity and NIH officials abruptly decided that Teenie was too hot to handle.

The dog was returned to the Lloyds on December 10 when she was happily reunited with the other members of the family.

Quite recently investigators for a humane society went to NIH to search for another dog reported to be there. They were refused admittance and even a call from a U.S. Senator would not unlock the doors of the largest animal-holding facility in the Nation. Investigators were told that if they would describe the dog an attendant would search for it.

This might seem to be cooperation on the part of NIH but can you imagine an attendant, unfamiliar with the dog, searching for one particular beagle out of several hundred. This particular Government agency spent well over $100,000 of the taxpayers' money last year to purchase dogs and cats for research purposes. The same taxpayer, however, searching desperately for a lost or stolen pet is not allowed to even walk through their corridors. What are they afraid of?

You will undoubtedly hear testimony that humane societies have contributed to the overall problem by resisting the efforts of research institutions to obtain animals from public pounds. We do indeed say that animals should not be released from public pounds or private animal shelters for research purposes. We say it because, as many scientists themselves have said, these animals are not good subjects for these purposes.

Let us, for example, study the situation in New York City. Mr. William Mapel, administrative vice president of ASPCA, testified before the House of Representatives Subcommittee on Livestock and Feed Grains last September. I would like to quote from Mr. Mapel's testimony, "The society was custodian of 273,261 animals last year. In that fiscal year the ASPCA honored requisitions for 2,162 dogs and cats claimed under the law by research facilities in the New York City metropolitan area within the State of New York."

I think that many missed the significance of Mr. Mapel's remark—only 2,162 dogs and requisitioned out of 273,261 animals. Why does 1 New York institution continue to purchase almost 500 dogs a week from a Pennsylvania dealer when these animals are available in New York? Why do the institutions in New York continue to pay dealers from $15 to $30 per animal when they can be obtained right in New York under requisition for a very nominal price? The answer, we believe, is quite obvious—the abandoned, stray, malnourished dogs and cats of doubtful medical history which end their days in public pounds are simply not good subjects for research.

All too often when public pounds sell animals to dealers who supply research institutions, dogcatchers become overly efficient because of the easy money and the public loses confidence in the entire animal control program.

On one hand opponents of this legislation state that there is very little dog theft and on the other say that the problem of dog theft would be eliminated if animals were released from public pounds to research institutions. This statement, too, is erroneous. Reports of missing dogs and cats continue to flood the HSUS office—reports from areas which have such laws in effect.

If dog dealers are to be strictly controlled and if animals from public pounds are not suitable subjects for research purposes, what then is the answer? Congressman Resnick of New York has suggested that dogs and cats be bred for research purposes. His suggestion should be very carefully considered.

Millions of dollars of the taxpayers money is being spent on purchasing and conducting research experiments on disease-ridden, parasite-ridden, malnourished, and otherwise unfit research animals from dog dealers. Even more appalling is the fact that a good deal of this money is spent to purchase healthy pets which have either been stolen or have not had a chance to be reclaimed by their owners.

Research groups have testified that it would be economically unfeasible to breed animals for research purposes. I do not recall the exact figure but it was stated at one time that it would cost approximately $250 to raise a dog to the age where it would be useful for research. I cannot believe that any well organized program would result in such a fantastic cost.

With the assistance of Mrs. Alice Wagner, editor of Popular Dogs magazine, we have contacted many of the top dog breeders in the United States. These are people who breed and show animals and spare no expense in their care and treatment. The average figure which was submitted by these breeders to raise an animal to 6 months of age was $83. This figure included kennel help and shots.

How much wiser it would be if these millions of dollars were spent on a program of control and breeding which would guarantee that animals used for the purpose of research were not stolen or lost pets, would guarantee that they were healthy animals with known genetic backgrounds, would guarantee that the results of experiments were accurate. Such a program would not hamper medical research—it would improve it.

On the present system of supply of animals to research institutions there are three distinct categories of dealers. One, the grassroots dealer actually collects dogs and cats in any given area and by any method he can. We also have the middleman who travels throughout the country collecting animals for the large dealers. Finally, we have the dealers who operate on a tremendous scale involving thousands of dogs and cats yearly. It is these dealers who actually supply research institutions.

62-317—66——4

I mentioned the corruption of humane society employees and public employees in connection with dog and cat thefts. On September 30, 1964, the HSUS was notified by Mrs. Clair Vogenie, president of the Humane and Dog Protective Association of Freeport, Long Island, N.Y., that a laboratory animal supplier had attempted to bribe an employee in an effort to obtain animals from the shelter. Fortunately, this employee reported the incident and investigators for the HSUS went immediately to Freeport. We allowed this dealer, Donald Munson, of Brooklyn, N.Y., to load his truck with 14 dogs and 12 cats for which he paid a total of $112. With the help of Nassau County police, Munson was then arrested and subsequently convicted on a charge of commercial bribery. It should be emphasized that many of these animals were pets of people who had not had a chance to reclaim them.

In a statement made to Detective Gulla of the Nassau police, Munson admitted obtaining animals from any source that he could for resale to Bellevue Hospital, Manhattan; North Shore Hospital, Manhasset, N.Y.; Meadowbrook Hospital, East Meadow, N.Y.; and to other institutions out of New York State. A newspaper report of this investigation is included in the prepared exhibit; however, I would like to introduce at this time a photograph taken by a police photographer. It shows the shelter manager removing a mixed breed collie purchased by Munson. It also shows the type of crates used. Cats were jammed into these crates for shipment, too.

A very similar case existed in Camden, N.J. Investigation by the Animal Welfare Association of Camden resulted in the arrest of all of the public pound employees on grand larceny charges. These employees were selling animals to commercial laboratory suppliers on the same day they were received at the pound, making it impossible for owners to reclaim a lost or strayed pet. The HSUS was asked by Camden city officials to take over the temporary operations of the pound until new employees could be trained. While attempting to clear up the premises, which I might add were in one of the most unsanitary conditions I have ever seen, dozens of dog tags and collars were found secreted in coffee cans, clothing lockers, drainage systems, and other hiding places. Camden police were able to trace many of these to owners who had no idea of what had happened to their pets.

Another case involved a Marion, Ind., woman, Mrs. Denzel Grim. Mrs. Grim's German shepherd followed her children to school on a Thursday morning. The dog was picked up by the Marion, Ind., dogcatcher and within a day, the legal holding time is 72 hours, was sold to Oakdale Farm & Kennel, Rural Route 5, Decatur, Ind. Acting on a tip from neighbors, Mrs. Grim, after some difficulty and after obtaining the assistance of local police, was able to gain entrance into the Oakdale Farm and recovered her dog. This establishment, by the way, was, until last year, listed in a Government publication entitled "Laboratory Animals." This publication lists various sources from which laboratory animals can be obtained, and is produced by the National Academy of Sciences-National Research Council, under a grant from the U.S. Public Health Service. It is ironic that the taxpayers' money should be used to provide free advertising for laboratory animal supply dealers who obtain the same taxpayers' pets by illegal methods.

Since Mrs. Grimm originally reported this case to us, HSUS investigators working with the Marion-Grant County Humane Society have conducted a thorough investigation of the Marion, Ind. public pound which was being run by the police department.

Conditions of housing and sanitation at the pound were deplorable. In response to questions at a city council meeting as to why the money from the sale of animals to Oakdale Kennels was not used to improve conditions at the pound it was learned that only $56 had been credited to the pound for an entire year and that the city council did not even know animals were being sold to Oakdale Kennels.

The resulting scandal rocked the State of Indiana. The chief of police resigned and turned over $500 to the city, which, he said, he had been accumulating to "turn in, in a lump sum." A grand jury investigation was ordered and the chief of police has been indicted for misuse of public property. The Marion-Grant County Humane Society has been asked by the city to run the pound, and the grand jury investigation is continuing.

S. 2322 would authorize the Secretary of Agriculture to establish standards to assure the health, well-being, and safety of animals held by commercial dealers. This, too, is a very important provision and a tremendous step forward in providing for the welfare of these animals destined to serve mankind. These dogs and cats are very often kept under the most miserable possible conditions while awaiting shipment to research institutions.

The Humane Society of the United States through its field representatives, branches, and affiliated societies has conducted an extensive investigation of conditions at laboratory animal supply companies for the last 5 years. This investigation has included those dealers whom I have previously described as "grassroot" as well as dealers with thriving businesses netting hundreds of thousands of dollars annually. A few examples follow:

Lester W. Brown, of White Hall, Md., a supplier of dogs and cats for many years, was convicted of cruelty to animals in November of 1962. Accompanying me on this investigation was Dr. Richard Faber, a veterinarian from Bel Air, Md. An excerpt from Dr. Faber's written report to the HSUS stated:

"(*a*) The general area where the dogs are kept is muddy, filthy, strong odor of urine and fecal material and rotten pieces of bovine carcasses; (*b*) animals in these cages were all mixed together from the standpoint of size and general physical condition. There were a couple of incidences where the bigger dogs were fighting and keeping the smaller dogs from eating some of the so-called food; (*c*) in all but a few there were water pans, although very few had any water in them; (*d*) the only food for these dogs that was in evidence was rotten pieces of bovine carcasses, skulls, intestines, lungs, legs, and so forth. Most of them were in a very decayed condition and, of course, added to the disagreeable odor of the premises."

Dr. Faber's statement is as true in 1966 as when he made it. Last month Lester W. Brown was raided again. Captain Smith of the Maryland State Police will describe to this committee the conditions which we found. This time, Brown has been charged with 29 counts of cruelty to animals and is awaiting trial.

Roy Henderson, a "grassroots" dealer, was raided in Frederick, Md. Forty-one dogs which had been chained to barrels, sheds, and other makeshift doghouses in 86° heat were released to the HSUS and subsequently turned over to the Frederick County Humane Society. Henderson agreed to stay out of the dog business and is subject to inspection by Frederick County officials. Photograph No. 2 shows the emaciated condition of a mother dog and her puppies. Photograph No. 3 shows a typical pen on the Henderson farm. Note the accumulated feces and the condition of the water pan which was green with scum.

George Gowen, of Ardmore, Tenn., was arrested by the Giles County sheriff after an investigation by R. Dale Hylton, a field representative for the HSUS on July 28, 1965. Gowen was subsequently convicted of cruelty. Mr. Hylton's report stated that dead and decomposed animals were found on the property, that conditions of sanitation were appalling, and that several animals were suffering from distemper. Mr. Gowen, according to his own statement, sells his animals to the Lone Trail Kennels, in Minersville, Pa. The Lone Trail Kennels is one of the largest suppliers of animals to the National Institutes of Health kennels at Poolesville, Md.

My testimony would not be complete, however, without mention of Dierolf Farms, Inc., of Boyertown, Pa. John Dierolf, owner of the farm and past president of the corporation, twice pleaded guilty to cruelty, once was convicted after a plea of not guilty, and a fourth charge was dismissed on a technicality. He has appealed his third conviction. Dierolf Farms, Inc., is one of the largest suppliers of dogs and cats to research institutions on the east coast. The net profit on these animals runs into hundreds of thousands of dollars a year. Investigators for the Humane Society of the United States and the Animal Rescue League of Berks County, Pa., raided this farm in December of 1963. Conditions were so shocking that veteran investigators were sickened by what they found. Close to 700 dogs were jammed into pens, in many cases 50 to 70 animals in pens 10 feet square. Approximately 400 cats were crammed into stacked chicken crates. Dead animals were in crates with live animals. One newspaper report accurately described it as a Dachau for animals.

These photographs were taken by a professional photographer employed by the HSUS and are a part of the official court record of the case. Photograph No. 4 shows the stacking of the crates of cats. Please notice the dead cat in the bot-

tom crate. Several live animals hover in the background. Photograph No. 5 shows Dr. Everett Yaros, a veterinarian from Reading, Pa., and myself, removing a dead cat from a crate containing live animals. Photograph No. 6 again shows the stacks of crates with dead cats littering the floor. I might add that these were top-loading crates which left no possible way to feed or water these animals without moving every crate. Photographs Nos. 7 and 8 show the community pens for housing dogs. There was not the slightest attempt to separate these animals by size or sex and several vicious fights broke out in the pens while investigators were on the premises.

Dierolf Farms, Inc., an organization which has four times been charged with cruelty to animals, is also listed in the National Research Council laboratory supply booklet. The same publication that, as I stated before, is published with a grant of the taxpayers' money.

Another great cruelty which would be stopped by S. 2322 is the inhumane manner in which animals are transported from dealer to dealer or from dealer to institution. Dogs and cats are crammed into crates like sardines for shipment or, even worse, simply thrown into the beds of pickup trucks with homemade bodies. These trucks very often have little or no ventilation and dogs and cats suffocate and die before reaching their destination. I would like to introduce into evidence photographs Nos. 9, 10, and 11. Photograph No. 9 shows crates of dogs stacked in a truck of Dierolf Farms, Inc. These animals had been purchased the night before at the Green Dragon auction, in Ephrata, Pa. At 10 a.m. the next morning they still had not been unloaded. There was no food or water and the animals in the lower cages were subjected to the droppings of feces and urine from the upper cages. Photograph No. 10 shows two Dierolf Farms, Inc., trucks. Please note that other than two small vents in the front and some small rear panels, no provision has been made for ventilation. Photograph No. 11 is a vehicle belonging to Leslie Judd, of Edinburg, Va. This is a typical pickup truck with a homemade body. According to Judd's statement, over 40 dogs had been unloaded from this truck at Dierolf Farms before the investigators arrived on the scene.

There is no question as to the fact that this traffic is interstate. Two years ago the HSUS received a report of a large tractor-trailor truck carrying dogs and cats stacked in crates. The truck bore the name "Rodney M. Schreck" with the Pennsylvania license plate No. 396–692. This is the same Rodney Schreck who was convicted of cruelty to animals because of conditions on his farm at Windgap, Pa. He was also charged with having a loaded shotgun in his possession and, at the time he was convicted of cruelty to animals, he was on probation on burglary and larceny charges.

After receiving the information about this truck, the HSUS issued a special alert to all humane societies on the east coast with instructions not to interfere with the progress of the truck but to report its whereabouts to our national headquarters.

Within a month and a half this truck was reported at Cressona, Pa., with a full load of animals; Walden, N.Y.; Parkersburg, W. Va.; Mansfield, Ohio; Smithfield, N.C.; Charlotte, N.C.; Raleigh, N.C.; and Waterford, Conn.

Jack Clark, a dealer mentioned before in my testimony, has been arrested twice on charges of cruelly transporting animals and was convicted both times—once for having 126 dogs and 12 cats confined in a truck bed 8 by 5 feet. Two dogs were dead and many were injured.

William Miller has also been convicted on the same charge. Miller has also been convicted of failure to keep proper records under Pennsylvania law.

S. 2322 would make illegal the sale of dogs and cats at public auctions. There are several of these animal clearinghouses located in Maryland, Pennsylvania, Virginia, West Virginia, Alabama, Tennessee, and other States. Dogs and cats are stuffed into crates and sold to commercial dealers by the pound. HSUS investigators have witnessed the callous disregard for animal life at these clearinghouses for cruelty.

You might get the impression from the many convictions that I have mentioned that legislation is not needed. Nothing could be further from the truth. These convictions have been obtained only after a concerted effort by the HSUS and local humane societies. In most cases the maximum fine has been $50 and all of the dealers mentioned, with the exception of one, are still in business.

Prosecutions in rural areas are sometimes complicated in other ways. For example, a complaint charging William Miller, mentioned before in my testimony,

was heard by a local magistrate. The charge was dismissed by the magistrate who repeatedly referred to the defendent throughout the entire trial as "Billy Boy." This same "Billy Boy" has signed a complaint against R. Dale Hylton, an HSUS field representative, charging him with misrepresentation in his attempts to gain access to "Billie Boy's" property. The trial should be very interesting. I would be willing to wager, however, that the atmosphere won't be one of "Dale Boy."

Attached to my statement are four charts dealing with exactly this subject. You will note that research grants have increased almost $400 million a year since 1960—an increase of 194 percent. We can assume that the number of animals used for research purposes has increased proportionately.

Laboratory animal supply has become a multimillion-dollar business. As in any other business there are legitimate dealers who maintain adequate facilities. Obtaining a license will not impose a hardship on these dealers. This legislation will, however, protect the millions of animals now passing through the hands of laboratory suppliers who do not look at them as living creatures but only as a profitable, salable piece of merchandise.

In conclusion, gentlemen, I wish to state that the Humane Society of the United States has hundreds of photographs, reports, and other evidence gathered during investigations over the last 5 years. Any of this information is available to the committee at any time.

CHART 1.—*Actual dollar increase in grants and awards for research purposes 1960–64*

Year	Grants and awards	Dollar increase in grants per year	Percent of increase since 1960
1960	198, 719, 397		
1961	273, 941, 050	131, 313, 320	66
1962	372, 089, 613	229, 470, 883	115
1963	430, 908, 322	288, 280, 592	145
1964	528, 980, 760	386, 353, 030	194

NOTE.—All figures are from the U.S. Department of Health, Education, and Welfare publication, "Grants and Awards by National Institutes of Health." Only research project grants are included. These figures represent only Government grants. No estimate of private industry has been made.

CHART 2.—*Estimated yearly increase in number of dogs and cats used at agencies receiving Federal grants and awards*

Year	Percent of grant increase per year since 1960	Estimated number of dogs used per year	Estimated number of cats used per year
1960		604, 902	190, 494
1961	66	1, 004, 137	316, 220
1962	115	1, 300, 539	409, 562
1963	145	1, 482, 010	466, 710
1964	194	1, 778, 412	560, 052

CHART 3.—*Estimated yearly increase in total purchase price of dogs and cats used at agencies receiving Federal grants*

Year	Dogs used	Estimated yearly cost	Cats used	Estimated yearly cost	Total estimated cost
1960	604, 902	$9, 073, 530	190, 494	$1, 333, 458	$10, 406, 988
1961	1, 004, 137	15, 062, 055	316, 220	2, 213, 540	17, 275, 595
1962	1, 300, 539	19, 508, 085	409, 562	2, 866, 934	22, 375, 019
1963	1, 482, 010	22, 230, 150	466, 710	3, 226, 970	25, 497, 120
1964	1, 778, 412	26, 676, 180	560, 052	3, 920, 364	30, 596, 544

NOTE.—Average sale price is $15 to $30. Chart figures based on conservative figures of $15.

CHART 4.—*Dogs and cats used at one Federal agency*

The following information obtained from the Poolesville, Md., animal center of National Institutes of Health reflects the average number of dogs and cats purchased monthly by only one Federal agency:

Supplier	Average number of dogs	Average price	Average number of cats	Average price
Lone Trail Kennels	190	$15.00	71	$7.00
M. E. Leach	135	15.00	103	7.00
Wm. Eckart	0	0	225	7.00
Miscellaneous	54	15.00	0	0
Total	379	15.00	553	7.00

Average number of dogs purchased annually	4,548
Average number of cats purchased annually	6,636
Average total cost of dogs yearly	$59,124
Average total cost of cats yearly	$46,452
Total average cost of dogs and cats yearly	$105,576

NOTE.—Figures furnished were for the 1st 5 months of 1965. Yearly average has been projected from those figures.

Senator MONRONEY. Mr. Hogan, do you have a supplemental statement?

Mr. HOGAN. I am going to read from my notes, sir.

Senator MONRONEY. All right.

STATEMENT OF DECLAN HOGAN, SPECIAL AGENT, THE HUMANE SOCIETY OF THE UNITED STATES

Mr. HOGAN. My name is Declan Hogan, and for the past 6 months I have been working as an undercover agent with the Humane Society of the United States, with the specific purpose of gathering information on a nationwide basis of the supplying of dogs, cats, and other animals to research institutions.

In the past I have owned and operated several fashionable night clubs here in Georgetown. I have never been a humanitarian or will I ever dedicate my life to humane work. But after what I have seen after posing as a dog dealer I fully understand why dedicated humanitarians exist.

I spent a week studying reports of HSUS investigations of dog dealers. I couldn't visualize anything like the treatment of animals I was reading about and was pretty well convinced some of these emotional people were surely painting a grim picture.

I was given a 1954 Chevy pickup truck made over in the kind of unassuming manner dog dealers use in buying dogs. In subsequent months, I traveled more than 32,000 miles covering some 15 States. I saw all kinds of dealer operations, with animals bound for research suffering under the most appalling conditions. I was particularly shocked at the scope and magnitude of the business, and the unscrupulous methods of procuring and handling that are commonplace.

Senator, I could talk for an hour and a half on cruelty I've seen which is thoroughly unanimous with all dog dealers. They consider this a business where if the cost can be cut, this is what you do. The only cost is feeding a dog. This is the major cost and this is what they cut. They feed dogs anything that they can pick up for nothing,

which is usually slaughterhouse products or stale bread. This sort of thing is commonplace. This is throughout the whole dog-dealer industry.

Because household pets are often easily accessible, unscrupulous men who become aware of the value of such animals steal pets and sell them to dog dealers. Dog dealers purchase animals from anyone and no questions are asked. The only proof of ownership they demand is possession. Many dog dealers know that they are buying stolen pets but continue to do so because of the great demands and, of course, these animals are more profitable because family pets are usually well fed, inoculated, healthy animals.

One such dog thief I had met and talked to several times in my investigation not only told me that he steals dogs and sells them to dog dealers, but then he later goes on the property of the dog dealer and steals his dogs and takes them and sells them to another dealer some 40 miles away. This was going on in Maryland, just 30 miles away from here.

Now, this man is known by many dog dealers and they all deal with him. Well, now, I guess they will have the shotguns out. Even nominal fines and conviction of dealers for cruelty are hard to achieve under existing laws. Most dealers are usually well known in the community. They make it a big point to be known in the community with the local magistrate and sheriff. They are usually his buddies; they have grown up with him. This makes conviction of cruelty by a jury of peers very difficult. It is readily understandable that humane society officials prosecuting such cases will be discouraged when the presiding judge refers to a defendant by nicknames like "Billie Boy," which happened at the trial of William Miller. Federal legislation would help end this situation.

Senator, I would like at this time just to give you a brief outline of the methods that dog dealers use:

Holding stations are usually located in rural areas well off of main highways. They are usually well protected by gates and "No Trespassing" signs. Many dealers use vehicles which are registered to nontraceable post office box addresses. Many of these vehicles have incorrect names and addresses printed on the door panels. Almost all shipment of animals are made at night or during the early morning hours. False names and aliases are used very frequently by dealers. As an example, John Wilkowski, of Croydon, Pa., is never referred to by name at an auction. He is simply referred to as No. "10." And if you try to find his name out, you will fail. "This is No. 10," should be stamped on him.

Dealers, many of whom have been convicted of cruelty, do not always purchase animals at auctions themselves. In order to avoid detection by humane societies, they often hire front men to purchase animals for them. This is actually going on at this moment. John Dierolf, who I mentioned before, is one of the largest dealers. He has a man by the name of George Miller do all of his buying at these auctions. That is his sole purpose—just to buy these animals and take them to his holding station.

Trucks used by dealers are almost never recognizable as animal carriers. They are camouflaged to appear like produce or other

types of commercial vehicles. Many dealers use innocent-looking, camper-type bodies. Also there are trucks with special-purpose bodies. We know of one dealer who is using a milk truck. He had painted on it some phony dairy company and was running around picking up family pets on a route. It just goes on like that. We knew of another dealer who had a cattle truck, actually a 15-ton cattle truck, running around stealing dogs.

Animals purchased by one dealer at an auction are often transferred to another dealer or another truck within 2 miles of the auction grounds. Now this procedure was being used by Lester Brown. He was afraid that the humane society might follow him, so, after spending an hour and a half loading one truck, he would pull off the road and transfer them to another truck, to give them the slip.

Dealers often have vehicles registered in other States so that their interstate shipments are not as obvious. Again, I know Lester Brown had this going on. He had cars registered in Pennsylvania through phony names just so he could carry in that State without being caught.

Dealers who maintain holding stations are almost always listed as breeders and raisers of hunting dogs rather than as laboratory animal suppliers. They say they raise hunting dogs. They don't supply laboratories.

Thank you.

Senator MONRONEY. In selling or auctioning these dogs, about how many change hands at one auction?

Mr. HOGAN. I would say there are auctions that range from 200 to 500, the biggest one.

Senator MONRONEY. You mean dogs in one night?

Mr. HOGAN. Yes.

Senator MONRONEY. 200 to 500?

Mr. HOGAN. Yes.

Senator MONRONEY. Then they are taken by a buyer or a number of buyers and removed—probably across another State line; is that correct?

Mr. HOGAN. That is right.

Senator MONRONEY. Then they are sold to the research institution directly from the buyer who procured them at the auction?

Mr. HOGAN. That is right. Most of them are Pennsylvania dealers, the bigger ones, like Dierolf, who supplies New York hospitals and institutions. They are taken that night and delivered to New York.

Senator MONRONEY. Is there any paperwork at all to identify these?

Mr. HOGAN. None whatsover, Senator. In fact, the entire procedure is handled by cash. These dealers will show up with as much as $500 to a thousand in cash—the bigger dealers.

Senator MONRONEY. The average price of a dog would be how much then?

Mr. HOGAN. It ranges according to size, but they do pay as much as $10 or $12 for, let's say, a 40- to 45-pound dog.

Senator MONRONEY. That would be a full-grown dog, probably 4 or 5 years of age?

Mr. HOGAN. Right.

Senator MONRONEY. Do these dogs have to be healthy to be auctioned? Are they so displayed that the buyer can identify the

individual dog or are they so crammed in the crate that the buyer wouldn't know what he was getting?

Mr. HOGAN. I think the general rule, Senator, is that if the dog is alive, he is salable, somebody will buy it. The people who run the auctions don't discriminate over whether he is in good health or not. They put him up for sale.

Senator MONRONEY. Senator Cannon?

Senator CANNON. What happens at the ultimate destination? Is there one buyer for a particular institution? Does the user deal with a lot of dealers or how is that handled?

Mr. HOGAN. The dealers supply several laboratories, or institutions. The bigger dealers do.

Senator CANNON. I mean in a particular laboratory, do they have one person designated to do their buying of the research animals?

Mr. EVANS. So far as we know they do, but I think there are probably other people in this room that can give a better answer to that question than we can.

Senator CANNON. Did you have anything further on that?

Mr. HOGAN. No, sir.

Senator MONRONEY. Senator Dominick?

Senator DOMINICK. No questions.

Senator MONRONEY. Thank you very much for your very helpful testimony, Mr. Evans.

Mr. EVANS. We greatly appreciate the opportunity to testify and we are very, very, sincerely hopeful that effective legislation will come out of these hearings.

Mr. MCMAHON. Senator Monroney, just one sentence. I mentioned the dealer who appeared at the House hearings. This was Mr. Michael Kredovsky of Lone Trail Kennels. In the course of his testimony, he stated that he supplies 1,500 dogs a week to institutions. I think that this committee should remember that this is only one dealer in this entire country who supplies 1,500 dogs a week, which amounts to 78,000 dogs a year. If we stop to consider all the dealers in the country, then we arrive at the tremendous magnitude of this problem.

Thank you, Senator.

Senator MONRONEY. Thank you. And thank you, Mr. Hogan. May I ask one question. You mentioned in some of your statements that apparently some humane society employees in public animal shelters betray their trust. Is this the bootlegging from the local pounds of these animals to the dog buyers?

Mr. EVANS. Yes, sir. How prevalent this is, we do not know. But we know of a pound in Virginia, where the key was in the possession of a dog dealer. There was a humane society in Long Island where a new manager was approached by a dog dealer to sell the animals out the back door. The new man fortunately was conscientious and when this man came with his truck in the middle of the night, loaded out every dog and cat in the shelter, the police appeared and that was the end of that one.

But these are typical of the kinds of things that we run into every now and then.

Senator MONRONEY. Does the humane society recognize any disposal of these animals that are lost or abandoned and picked up by

the municipal pound, to legitimate laboratories; direct to the laboratory for research purposes?

Mr. EVANS. There is some of this in New York State. The Hatch-Metcalf Act subjects any pound to requisition of its animals by a research facility.

In New York City, I believe the American Society for the Prevention of Cruelty to Animals serves as an arm of government and performs the pound function. Slightly less than 3,000 animals were requisitioned by research facilities in the course of the year for which figures are last published.

Senator MONRONEY. Where, from New York?

Mr. EVANS. Yes. The ASPCA in New York City furnished under requisition, I think, 2,162 dogs and 800-odd cats, the total was about 3,000. This is in an area where there are probably four to five times that many dogs and cats used by research. So that in an area where there was legal authority to requisition dogs and cats from the pound, perhaps 20 percent of them were requisitioned and the balance bought from dealers.

Senator MONRONEY. What happens to the residual number of animals that are not claimed or given away as pets to children?

Mr. EVANS. The typical humane society is faced with the problem of humanely putting to death large numbers of animals.

Senator MONRONEY. Putting them to sleep?

Mr. EVANS. Yes.

Senator MONRONEY. Any further questions?

Senator CANNON. What is your position with respect to that authority to requisition for legitimate research purposes from a pound?

Mr. EVANS. This will take a couple of minutes, if I may. But it is a very important question. As I think Mr. Amory pointed out, the people who support humane societies are trying to do everything they can to better the lot of animals. The humane societies, we feel, play a very important function in the community. If the humane societies are forced by law to become collection depots for laboratories, a great, great many of the people who presently support the efforts of these humane societies will cease to do so. They do not believe in this and they will not support an agency which is in the business of being a collection depot for laboratory animals.

We think it would be a great loss to our society, our U.S. communities, if the humane movement is crippled by this kind of legislation. If this were in effect all over the country, I think it would destroy the humane movement.

Senator CANNON. Wouldn't this actually further the purposes that you are interested in, by having you be able to see that these animals were handled humanely, rather than get into this problem? Wouldn't it lessen the problem we are confronted with here today?

Mr. EVANS. Well, I don't regard it as the responsibility of the humane movement to see to it that the animals get to the research establishments through this channel or through that channel. Whether animals are bought from dealers, whether they are bought from individuals, or whether they are bred or however they may get to laboratories, it is, I think, the proper province of the humane movement to be concerned that whatever is done is done under reasonably decent and humane conditions.

And further than that, I think the problem goes out of our hands.

Senator CANNON. But on the additional point that I raised, that you didn't address yourself to, what about the problem here, if the users for research purposes were able to acquire through this source somewhat of a supply to fill something of their needs as you have indicated, 20 percent, wouldn't this tend to reduce this so-called blackmarket, let's say?

Mr. EVANS. It would be one means of making a reduction in this bootleg market, this is true. But while we feel very strongly that this bootleg blackmarket should be eliminated through proper legislation, we do not feed that the solution you suggest is the acceptable one.

Senator CANNON. I am not suggesting that as a solution. Don't put words in my mouth. I am simply asking what your approach to it is.

Mr. EVANS. I see, I beg your pardon for putting words in your mouth, but I hope I have expressed our position on it.

Mr. MCMAHON. May I comment just briefly. Mr. Evans stated, and I think this is extremely important, that in New York only 2,162 dogs were requisitioned from the ASPCA, where they can be obtained legally by institutions. One institution in New York alone used 8,000 dogs. Why did they not get all of their dogs from the ASPCA? Why did they continue to pay Pennsylvania dealers $15 to $30 for a dog?

And the reason is very simple, Senator. The average dog that ends its days in the public pound is just not a good subject for research. I have run a shelter. The animals that are turned in by owners for destruction are diseased, or aged, they are not fit subjects. The average stray that is picked up is diseased or parasite ridden. The reason for continuing to deal with the Pennsylvania dealers is because the New York institutions are getting what they need, young, healthly, well-fed dogs. And this source of supply is just not available in New York City where they have the legal right to obtain them because the animals are not, as I said, good subjects for research. If we consider this, gentlemen, the ASPCA took in 273,000 animals, the majority of which were dogs. New York institutions which have the legal right to requisition took only about 2,100, but yet they say humane societies are putting animals to sleep needlessly. That is 271,000 animals that were needlessly put to sleep in New York City, according to their claims. Why were more not requisitioned?

Senator CANNON. I think you gave a very good answer to the question raised, although that then prompts me to ask another question of Mr. Hogan.

In his description of what went on and what some of these dealers are doing, it sounds to me like they are actually dealing in diseased and underfed dogs because of the facts that they are being very badly abused by the people who sell them to them or even buy them from the dealers.

Mr. HOGAN. Senator, they pick up healthy pets or they buy from people who are stealing healthy pets. And many times the large dealers have to maintain holding areas where they have several hundred dogs. They don't know each week how many they are going to supply. During this period is when they become sick or injured or some-

thing because they are cutting costs. They don't believe in feeding them.

Senator CANNON. Of course, we would certainly recognize in the first instance if they are dealing in the stolen pets, the pets would naturally be in better shape and be more desirable, let's say, for research purposes?

Mr. HOGAN. Exactly.

Senator CANNON. I understand that. I think you gave a very good answer to the point that I was asking, trying to find out here as to what your position was.

Senator MONRONEY. Thank you very much, Mr. Evins, Mr. Hogan, and Mr. McMahon. We appreciate your contribution to these hearings.

(The prepared statement of Mr. Hogan follows:)

During the 6-month period in which I worked as an undercover agent for the Humane Society of the United States, I saw thousands of animals suffering cruelly throughout the chain of supply to research institutions. At every level of operation—from the small, grassroots dealer handling just a few dogs to the big supplier of huge quantities of all species—I observed conditions hideous enough to stagger the imagination. I saw starving dogs fight bloodily over a little bread thrown among them. I saw cats infected with enteritis lying unheeded in their own feces. I saw piles of dead animals on dog farms, some of the bodies decomposing while surviving dogs scavengered for food among them. I saw pigeons stuffed so tightly into cages that their bodies bulged between the containing slats. I witnessed cannibalism among animals and dogs rooting for water in scum-coated containers that were long neglected. I saw dogs and cats transported, jammed tightly in makeshift panel trucks with no food, water, or rest throughout trips lasting as long as 48 hours. I found this cruelty and abuse at practically every laboratory animal supplier I investigated and I learned, from talking with dealers, that such conditions are commonplace across the country.

Unless one has actually seen these dealer operations, it is hard to believe how bad the situation actually is. By and large, people like pets, tend to treat them right, and cannot visualize the callousness with which animals bound for research are treated. Few know that the traffic in these animals is a multimillion-dollar business with greed and profit the motivating factors. It is a business unregulated by effective laws, Federal or State, the combination of fat potential profits and practically no investment capital attracts the seamier elements in our society. From what I have personally seen, I can state definitely that the whole business is shoddy, a breeding ground for dishonesty, and that lack of regulation is the principal cause of the present, frightful situation. At the same time, the traffic in animals is well organized in a disjointed fashion with areas of procurement radiating from communities where much medical research is done. I have found that pet thefts are heaviest in geographical areas where big research institutions are located but such thefts are widespread and difficult to pinpoint geographically since so many stolen animals are quickly transported out of State.

Few salable commodities (and that is how the dealers regard the animals they buy and sell) have as ready a market as research animals. The demand has stimulated various methods of procurement, some entirely legal, others skirting or outside the limits of the law. Some dealers purchase dogs and cats from public pounds, legally in some States, illegally in others. Many thousands of animals are acquired yearly this way but they still fill only a small part of the demand.

Because household pets are often easily accessible, unscrupulous men who know the value of such animals steal pets and sell them to dog dealers.

Dog dealers purchase animals from anyone, no questions asked. Many dealers know they are buying stolen pets but do so because of the great demand and because these animals bring higher prices. Pets are well fed, healthy, and innoculated.

Dealers can buy dogs for $2 to $4 and resell them to laboratories for $15 to $30. Individual animals are seldom held over a week and the dealer thus has constant demand for more and more animals. I estimate, after my actual experiences as a dog dealer, that at least half of the animals sent to research institutions are stolen.

Dealers purchase many dogs and cats at animal auctions held throughout the country. At these auctions, dogs, cats, rabbits, guinea pigs are crammed into every possible type of container. I have seen as many as six full-grown dogs confined in a chicken crate without food or water. Dogs and cats arrive in these crates stacked one on another. They are often sold by the pound. At Roots Auction in Mannheim, Pa., I saw a truck arrive, loaded with dogs from Ohio. They were quickly unloaded, bid upon by a Pennsylvania dealer, reloaded into his truck, and went on their way. I wondered how many lost-dog advertisements in Ohio would never be answered. These transactions are, by the way, all in cash—no checks ever change hands.

Dealers also trade animals with one another. If, for example, one dealer is unable to meet his quota in supplying a research institution a call to another dealer will usually produce the needed animals.

During the course of my undercover investigations I visited the farm of Joseph McGinnis, a dealer from Goldsboro, Md. While there on the pretense of purchasing animals, I saw a man try and fail to sell a mangy hound dog to McGinnis. I followed the man. At an intersection about a half a mile away, he parked his car. I parked my truck close to him and studied a road map, pretending to be lost.

He had obviously heard part of my conversation with McGinnis as he got out of his car and approached me. "What kind of dogs are you looking for?" he asked.

I told him that I was looking for German shepherds and was having difficulty obtaining them. He asked if I could use some hound dogs. My curiosity aroused, I replied that possibly I could. He walked over to his car, opened the trunk, and four large hounds came yelping out. The dogs were sick and emaciated.

This man's name is Carl Brown and he was driving a yellow and grey DeSoto with Maryland registration plates CV–322. Another dealer told me later that Brown would "pick up anything he can get his hands on." Brown has been seen with as many as 15 dogs in his car, a 4-door sedan.

There are dog dealers in the business known as middlemen. They do business by gathering animals and selling to other dealers or at the animal auctions I have already mentioned.

These men travel thousands of miles every year purchasing dogs and cats from pounds or any other possible source. They won't hesitate to deal with dog thieves. Animals they procure are sold to other dealers, usually hundreds of miles away from where the dog originated. These men prefer to stay behind the scenes, reaping their profits from a quick turnover of merchandise. In doing so, they eliminate almost all overhead and expenses connected with the feeding and care of animals in their possession.

The larger dealers, who have direct contact with laboratories and research institutions, maintain holding stations where hundreds of animals are kept. As I have said, conditions at these holding stations are frightful. The attitude of the dealers is that as long as an animal is breathing, it is salable.

I have attached several of the most pertinent of my field reports to this report to the committee. These reports are intended as an exhibit and, because they are lengthy, they need not be included in the printed record of the hearing.

In conclusion, I have found that laboratory animal supply dealers use several diverse tactics to avoid inspections by humane societies and law enforcement agencies. I would like to list some of these for the record.

1. Holding stations are usually located in rural areas well off of main highways. They are usually well protected by gates and "no trespassing" signs.

2. Many dealers use vehicles which are registered to nontraceable post office box addresses. Many of these vehicles have incorrect names and addresses printed on the door panels.

3. Almost all shipments of animals are made at night or during the early morning hours.

4. False names and aliases are used very frequently by dealers. As an example, John Wilkowski, Cryden, Pa., is never referred to by name at an auction. He is simply referred to as No. 10.

5. Dealers, many of whom have been convicted of cruelty, do not purchase animals at auctions themselves. In order to avoid detection by humane societies, they often hire "front" men to purchase animals for them.

6. Trucks used by dealers are almost never recognizable as animal carriers. They are camouflaged to appear like produce or other types of commercial vehicles. Many dealers use innocent looking camper-type bodies.

7. Animals purchased by one dealer at an auction are often transferred to another dealer within 2 miles of the auction grounds. This is done to avoid detection.

8. Dealers often have vehicles registered in other States so that their interstate shipments are not as obvious.

9. Dealers who maintain holding stations are almost always listed as breeders and raisers of hunting dogs rather than as laboratory animal suppliers.

10. Smaller dealers, and actual dog thieves, frequently carry animals in crates in their car trunks.

FIELD INVESTIGATION REPORT

DATE: JANUARY 3, 1965.

To: Frank J. McMahon.
Investigator: Declan Hogan.
Date of investigation: November 1 and 2, 1965.
Type of investigation: Dog dealer.
Name and location of party or facility investigated: Bill Nichols, Federalsburg, Md.; Joe McGinnis, Goldsboro, Md.; Lester Brown, White Hall, Md.

Arrangements had been made with Ralph Blumenthal, a staff reporter of the New York Times, to accompany me on a routine investigation trip of dog dealers in Maryland. His purpose was to gather firsthand information about the laboratory animal supply business in order to publish an article in the Times.

I met Ralph Blumenthal at the Pennsylvania Railroad Station in Wilmington, Del., at 10:30 a.m., Monday, November 1, 1965. Ralph immediately stressed his desire to cooperate.

The first dealer we visited was Bill Nichols, a tavern owner who supposedly sells only hunting dogs as a side occupation. Nichols' tavern and kennel, which is on the same property, is located on Highway 306 on the outskirts of Federalsburg, Md.

Conditions were very much the same as I had reported after a previous visit. Lack of food and water, overcrowded bins, and mixed sexes in the same bins were observed. Ironically though it would require a keen observer to conclude that conditions were very poor. Evidentally many of the animals present had been there only recently. These dogs, therefore, looked and behaved like normal healthy animals. Also, we had the unfortunate experience of arriving at Nichols' just after a general cleaning of kennels. I suppose he had this done in anticipation of many customers due to the opening of the Maryland small game hunting the following day. However, food and water were not present in any of the dog bins. In fact, Ralph noticed that the only food substance on the entire premise was a pile of bread crusts.

The worst offense at Nichols was a shed used to house bird dogs. As many as 20 to 25 grown hounds and bird dogs were seen there. They weighed approximately 40 to 50 pounds. The shed was no larger than 6 feet by 4 feet. I had informed Ralph of this before arriving at Nichols to be certain that he got a good look.

Nichols was under the impression that I was a dog dealer and that I came to purchase some dogs. I had introduced Ralph as my helper. I did not buy any dogs and rejected any animals Nichols showed me as unsatisfactory.

After our original tour of the kennels I told Nichols, who is also the bartender at the tavern, that I wanted a beer before I looked further for satisfactory specimens. I had hopes of getting Nichols to converse about the dog business. I also wanted to look around again and make sure Ralph had every opportunity to observe the premises. Nichols was very reluctant to converse but did say that a man from Pennsylvania buys dogs from him quite frequently and will buy anything but a collie dog. I explained to Ralph why this man rejected collies and thereby established the fact that this purchaser is unquestionably a laboratory supplier. I also pointed out to Ralph that animals that starve here—possibly for months—are eventually destined for use in research. Thus the dogs used are very weak specimens.

Nichols' wife drove in in a recent model (1963 or 1964) white Cadillac. This seemed most unusual for a tavern keeper who, incidentally, charges 25 cents

for a Budweiser, which could cost him as much as 21 cents. Also, Nichols consumes more beer himself, I estimate, than his customers. The tavern is located in the wilderness on the outskirts of town. Surely there is no incentive for patrons to travel out to Nichols' tavern.

From outward appearances an uninformed person would conclude that Nichols raises and handles only hunting dogs. Even if this were so, from an ethical business viewpoint, this man should not be allowed to operate. I asked Nichols if he had any really well-trained deerhounds. I said I was planning to do some deer hunting this fall. He said he had an excellent deer dog and that I could purchase it for $15. I know from experience that any professionally trained hunting dog will cost more than $15—particularly deerhounds, which can cost as much as $125. Nichols was willing to sell this dog to me in spite of the fact that I might be returning in the future. This man not only lacks feelings toward animals but also lacks simple good business tactics. I'm sure greed motivates him. Before leaving we again toured the kennels, supposedly seeking good laboratory animals.

While present a recent model pickup truck arrived (license No. N.J. KZ 487) with a dog box in the rear. The driver sold 4 or 5 hunting type dogs to Nichols. An animal carrier trailer was observed on Nichols' property (license No. Md. 1292 GC). The tag on the Cadillac is 6980 EH. Two other vehicles were present, both passenger cars, license Nos. EH 7294 and CH 6294, both from Maryland.

I decided to look up Carl Brown, a suspected dog thief, who I believe resides in or near Goldsboro, Md. Brown was not present at his usual "hangouts."

Two other dog dealers are located in Goldsboro—Joe McGinnis and Clifford Hughes, who reside next to each other.

I drove into Joe McGinnis' yard. He also supposedly sells only hunting dogs. Joe McGinnis was not present. I suspect that McGinnis has more of a demand than he can supply. He is, therefore, not eager to meet new purchasers, nor will he readily converse about the laboratory animal supply business.

His father was present but he too was disinterested. I aroused him by immediately purchasing two mixed collie-shepherd dogs, 6 or 7 months old, for $3 each. I then told him I wished to purchase two deerhounds. I wanted to erase any suspicions the younger McGinnis may have had of me.

I had originally approached the older McGinnis saying I was looking for cur dogs. He said he had only the two collie-shepherd dogs, the ones that I bought. These dogs were in a small chicken crate and when I removed them they could hardly walk. Their bodies had become stiff from remaining in these jammed confines for so long.

McGinnis had about 200 dogs on the premises. Most had separate doghouses to which they were tied by a very short chain (3 to 4 feet long). About 25 to 30 dogs were chained to stakes in the ground where no housing was present. I would estimate that half the dogs were provided with water pans, which were either empty or filled with filthy water. The others had no water or water pans. No food was observed. The ground around the doghouses was covered with feces. Many of these dogs were sick or starving. The rib cages could be seen on many dogs, perhaps two or three dozen. New Zealand white rabbits were present which indicated to me that McGinnis does supply laboratory dealers.

When the older McGinnis said he had no cur dogs I asked if Clifford Hughes, his next door neighbor and a known dog dealer, could supply me. He replied, "Hughes has been selling exclusively to John Dierolf from Pennsylvania for years." This fact was confirmed by Hughes when I called him a couple of days later and tried to establish him as my supplier. He said he sells everything he gets to one man. He also said, "I have no need to sell to anybody else."

The two dogs I purchased at McGinnis' were left at the Baltimore animal pound, the nearest shelter, located at 2700 North Calverton Street in Baltimore. I left these animals at the pound because we were going to spend the night in northern Maryland so that we could visit Lester Brown in White Hall the next day. I did not want the dogs in the truck more than was necessary.

Ralph and I spent the night in Reisterstown, Md., and left for White Hall at 9 a.m., Tuesday, November 2.

We arrived at Lester Brown's junkyard and dog kennel shortly before 10 a.m. After a brief discussion with Lester, who was displeased with me for not contacting him for the German shepherds he was collecting for me, we toured the

dog area looking for specimens to purchase. At this point I will summarize observations made by Ralph and myself while at Brown's.

(1) Brown tried to sell me a pointer which was housed in a small chicken coop. The animal had a vicious looking gash on its hind quarter and was violently shaking with distemper. Brown remarked that the wound would heal in a few days and the dog would be fit for laboratory use.

(2) He also showed us a beagle, blind in one eye and pus running from the other. While Brown wiped the pus from the dog's eye with its ear, he said. "They wouldn't know the difference."

(3) Several dogs were enclosed in separate boxes 3 by 3 feet, including a beautiful, white German shepherd. In order to get to these dogs it was necessary to climb over a junked automobile.

(4) Dead and half eaten chicken and pigeons were observed in several dog cages and around the open doghouses.

(5) Brown had on his property about 200 dogs, 4 dozen chickens and several pigs that roam around at will as there is no pen provided for them. There were also two ponies, hamsters, several dozen New Zealand white rabbits, a couple of wild racoons and several dozen cats housed in chicken crates. Many of the smaller animals—cats, puppies, hamsters, racoons, etc.—were housed in chicken crates stacked on top of each other with no regard to type of animal. These were on Brown's summer porch.

(6) Dirty automobile wheel discs are used as water containers for the dogs; 80 percent of these were empty. No food was seen except cattle entrails and a sloppy corn mash that Brown's wife cooks.

(7) Brown showed us about 25 dogs, all curs, which were in chicken crates—three or four medium size dogs to a crate. Brown stated that they had arrived the night before.

The following is a list of random facts pertaining to Brown's dog operation. These were revealed through conversation with Brown.

(1) Brown was curious to know if I ever had trouble with humane workers at the animal auctions in Pennsylvania. I replied no and explained several diversionary tactics that I supposedly employ while at these auctions. He then explained how he transfers all animals bought at the auction to another truck before reaching his final destination. This, he said, is done only about a mile or two from the auction grounds.

(2) Brown said he sells to hospitals and labs in New York. When he delivers to New York they leave at 2 a.m., and arrive just before 6 a.m., when the labs open. They return the same day by 11 a.m.

(3) Brown was very much impressed with my truck and said, "You shouldn't have too much to worry about with that, nobody would ever know you were carrying dogs."

(4) Reber Kennels from Pine Grove, Pa., had bought 25 dogs from Brown yesterday, including 5 German shepherds Brown had picked up for me.

INTEROFFICE MEMO

To: Frank J. McMahon.
From: Declan Hogan.
Date: October 1, 1965.
Subject: Animal trading at auctions.

I arrived at Roots Auction, Manheim, Pa., at 5:30 p.m., September 28, 1965. The following are a list of my observations:

1. Large truck—John Dierolf, Boyerstown, Pa., printed on door panel. No positive identification of Mr. Dierolf, or any of his workers, was made by me this evening nor did I observe any loading or any other type of activity regarding this truck.

2. Large white truck, license No. 1438 HB, Maryland. This truck had 10 to 15 dogs loaded on it at the time I arrived at the auction. Failing to personally identify the driver, I followed a man I believed to be him, consequently, overheard him bragging to another dog dealer how he could get $100 for some dogs he purchased for $25, "Those idiots don't realize we can get 100 bucks for the mutts." This man did not purchase animals this evening, nor did I see any animals being loaded onto the large white truck. The suspected driver of the truck watched the dog auction, and only the dog auction, with keen interest.

3. Dog truck—pickup model, Reber Kennels, Pedigree Beagles, printed on door panel. This dealer bought 15 to 20 dogs, only 1 purebreed, a beagle, for $13 with certificates. The dealer seemed most concerned about price, rather than size, condition, or breed. I was unable to determine why a pedigreed beagle breeder would purchase such dogs.

4. Red Chevrolet, recent model pickup with large plywood, makeshift, built back, completely enclosed, except for two very small ventilation slots which were, incidentally, closed. The license No. of this vehicle was R 181F7, 1964, Pennsylvania. The man who operated this truck was about 20 years old, referred to as No. 10 in all his business transactions. No. 10 purchased about 20 dogs, 30 cats, several guinea pigs, some rabbits, and 1 goat for $13. These animals were transported to the truck by two men, one about 35 years old with one arm, the other about 50, who I suspected to be the younger man's father (the buyer). Chicken crates were used to store the animals on the truck, as many as four medium sized dogs were placed in one chicken crate. No. 10 seemed to be, from all appearances, an extremely active, frequent buyer at Roots Auction.

5. Large truck (4 to 5 ton) dark green, wooden slots on back, impossible to see into, owned by George Miller, license No. T 87–70B, 1964, Pennsylvania. Miller bought 30 to 40 dogs, 2 or 3 dozen cats, some guinea pigs, 2 or 3 crates of pigeons. Miller seems to be quite active and well known at Roots.

6. Large truck (4 to 5 tons) dark green, full enclosed back, no ventilation provided, operated by a man dealing under the name of H. Christ. He was by far the most active dealer present. He is 50 to 60 years old, heavy set, around 200 pounds, 5 feet 9 inches of height, dark complexion, with a completely rotten set of front lower teeth. The truck he used had a wooden plack on the right side that read: H. Christ, Box 217, Marlboro, Ridgefield, Pa. I couldn't read the license number without being extremely obvious. This man outbid all other buyers for the choice animals, paying any where from $8 to $14 for medium sized dogs. He purchased about 50 dogs, possibly 100 chickens, 20 to 30 cats, some guinea pigs, and pigeons.

7. Truck—pickup, dark green, license No. S7053C. This man sold about 3 dozen cats that he had brought in chicken crates, to the auctioneer.

8. I have reason to believe that a dog dealer, Rodney Schreck, is buying animals at Roots. In the animal auction building there are truck stations designated for dealers, which have nameplates printed overhead. Another dealer's name had been crossed off one of these and written over was Schreck.

FIELD INVESTIGATION REPORT

DATE: OCTOBER 27, 1965.

To: Frank J. McMahon.
Investigator: Declan Hogan.
Date of investigation: October 4, 1965.
Type of investigation: Dog dealer.
Name and location of party or facility investigated: Lester Brown, White Hall, Md.

I approached Lester Brown using the same story I had used all throughout the Eastern Shore the previous week—namely that I was a dog dealer from Winchester, Va., in desperate need of 10 German shepherds in order to fulfill a laboratory contract. He immediately referred me to his son, John, who lives adjacent to him on the Brown property, declaring that he, his son, has several German shepherds. John showed me three German shepherds which were chained to doghouses, some several hundred yards into the junkyard. These dogs had neither food nor water and were extremely emaciated, which was my reason for not buying them. The majority of Brown's dogs are hounds, beagles, and assorted breeds of hunting dogs. They are sheltered in chickenhouses and separate doghouses directly in back of Brown's house. All his dogs seemed to be suffering from either hunger, disease, exposure, or just plain fear. One dead dog was lying in the road in back of Brown's house.

I saw approximately 200 dogs in the kennel area. I could hear dogs barking throughout the junkyard, which occupies almost 3 acres of land. It would be hard to estimate how many were strewn throughout the junkyard. At this time

John had to attend to some other facet of his business, so I went back to Brown's house in hopes of striking up a conversation, which I accomplished quite easily. Brown conversed for about an hour and a half, discussing dogs dealers, humane activities, prices, profits attained, and anything related to the laboratory dog business. The following is a summary of that conversation.

(1) John Dierolf: "biggest dog dealer around, who fights the humane societies toe to toe." Dierolf sells mostly to laboratories and hospitals in New York and New Jersey, "has the Government behind him." He gets $30 apiece for average size dogs. Recently Dierolf has become greatly harassed by humane societies, which have forced him to find new methods of conducting his business. He no longer outwardly buys at the auctions in Pennsylvania, but has George Miller do his purchasing at these auctions. Brown says that Dierolf and Miller stand alongside each other at the auctions and pretend not to know each other during the bidding. Brown went on to relate that Miller's sole activity in the dog business is buying and transporting for Dierolf. Miller delivers every Tuesday night to Boyertown, Pa., where the Dierolf kennels are located. According to Brown, Wayne Fenton and Dierolf's daughter, Ruthie, are managing the Dierolf Kennels due to Dierolf's present illness. In the past Brown has dealt with Dierolf, but due to humane activities in the area, Dierolf has restricted his business with Brown to an occasional pickup late on Sunday night (12 p.m. to 2 a.m.).

(2) Brown stated that he knows Joe McGinnis and Clifford Hughes quite well, but does not deal with them because, according to brown, their dogs are not up to his standards.

(3) Carl Brown, a man I had met the previous week in Goldsboro, Md., at Joe McGinnis' kennel, was mentioned as a person who picks up "anything he can get his hands on." He sells to Hughes and McGinnis. The previous Monday Carl Brown visited Lester in White Hall. Lester Brown had, at this time, several cur dogs which he was going to shoot because they were emaciated and sickly, representing no salable value. Carl Brown asked for the dogs, saying he could sell them to Hughes or McGinnis and they could split the profit. Lester, happy to be rid of the animals, agreed, and told Carl to keep whatever he received for the dogs. Carl Brown loaded his car, a 4-door sedan, with as many dogs as he could possibly carry—according to Lester maybe 12 to 15 dogs.

(4) Lester Brown asked if I knew William Miller, Mike from Lone Trail Kennels, Ron Newton, or George Miller, all men that he had dealings with. Reber Kennels was mentioned as a dealer who is becoming increasingly more active. He indicated that Mike Kredovsky and Reber are closely associated. Brown spoke disparagingly about the activities of humane societies, saying that they were causing him to lose much of his ambition toward the dog business. He explained that he had curtailed much of his activity with cur dogs. He went on to say that for years he had a contract of $15,000 to $20,000 yearly volume with a Baltimore hospital, but no longer had their trade. Three years ago Brown suffered a business loss of $1,500 owed to him by Zoological World-Wide, Inc., of Arlington, Va., when they were forced out of business. I asked Brown why he had extended so much credit to the firm. He replied it was not unusual, and that was about the monthly volume that he conducted with this company.

(5) Presently Brown is awaiting the arrival of a Dr. Percy from a local Baltimore hospital, he did not know the name of the hospital, to negotiate a new contract.

(6) Brown was extremely interested in conducting business with me, and even offered to transport dogs to my nonexistent Winchester, Va., residence. Brown claims he can obtain any number of German shepherds requested. The following is a price list which we arrived at after some squabbling.

A. Three- to four-year-old healthy German shepherds, $25 each.
B. Fifteen to twenty-five pounds, mixed breed, $4 each.
C. Twenty-five to forty pounds, $7 each.
D. Over 40 pounds, $10 to $12 each.
E. Registered beagles, $30 each.
F. Registered Beagle pups, $17.50.

Brown told me that he owns a car registered in Pennsylvania for carrying in that State. While at Brown's I witnessed an act of cruelty. Brown had on his porch several crates of pigeons alongside crates of wild racoons. The racoons were reaching through the crates and were eating the pigeons alive. All during my visit with Brown there was a truck with an aluminum camper on the back, license plate 2187 EP, Maryland, loaded with beagles. Also present, a 1954 Plymouth, license plate Pennslyvania R 20864.

FIELD INVESTIGATION REPORT

DATE: JANUARY 4, 1966.

To: Frank J. McMahon.
Investigator: Declan Hogan.
Date of investigation: November 12, 1965.
Type of investigation: Dog dealer.
Name and location of party or facility investigated: Lester Brown, White Hall, Md.

Bob Ruben, a CBS television producer of documentary shows, had expressed to Frank McMahon, director of field services of the HSUS, a desire to documentate information compiled by the HSUS concerning dognaping and its overwhelming connection with the laboratory animal supply business.

It was suggested that Ruben accompany me on a routine visit to the holding property of a typical dog dealer so that Ruben could observe the appalling and inhumane kenneling of animals, which were eventually sent to labs and hospitals throughout the country. Ruben had requested permission to record on film these outrageous conditions and it was left to my discretion whether it would be possible.

I met Bob Ruben late in the afternoon of Friday, November 12, 1965, as he had difficulty reaching my appointed rendezvous at White Hall, Md. Ruben had been instructed to wear old work clothes. Because it was late and already getting dark, we discussed briefly the feasibility of shooting film and the method of approach to be used while confronting Brown or any of his employees. It was decided that Ruben was to be my helper because I was planning to attend a Pennsylvania auction that evening and I almost always hired a man to accompany me when I go to these auctions. Because White Hall is on the way to the auction I thought I might stop by and purchase some dogs. Ruben was to remain silent and only use the camera if and when I so directed. He was wearing my heavy navy jacket because it was much easier to conceal the 16-millimeter camera. We then proceeded to Lester Brown's junkyard.

Upon arriving on his premises I learned from his wife that Brown was not present but that he should be returning shortly. This was good for us. Brown had always accompanied me while inspecting his dogs. His wife had seen me on several occasions and therefore had no reservations about me. It was quite simple then to obtain permission from her to walk about the premises unescorted, and supposedly in search of good laboratory specimens. There were several workers present but they, too, had seen me before and were under the impression that I was a dog dealer who conducted business with Brown quite often. Thus, I had their approval too. It should be pointed out that it is a general rule among dog dealers that nobody, even other dog dealers, is ever allowed to snoop around the holding property of a dealer unescorted.

Conditions were particularly repulsive this day, much worse than I had ever seen here before.

Ruben was able to shoot film of most of the conditions I will describe. I stood guard while he filmed. He used my truck, doghouses, and chicken coops for cover. Prior to coming to Brown's I had informed Ruben of the consequences of being discovered filming on Brown's property. That, and the presence of several employees roaming about the property, induced Ruben to be exceptionally nervous.

Dead chickens, pigeons, and cattle entrails were strewn on the ground in the doghouse area, which appeared to be the only food for the dogs. A pregnant bitch tied to a doghouse was eating the carcass of a dead calf. All that remained of the calf was its bone structure and intestines. Several sick and injured dogs I had seen on prior visits were observed to be in a worse condition. An injured hound with an open wound on its hind quarters that had now become infected was still being kept in the same chicken coop with other dogs. The chicken coop was 6 feet long by 3½ feet wide by 3½ feet high and contained as many as eight full-grown 40- to 50-pound dogs. Dogs in this coop could not lie down without lying in their organic wastes. A white German shepherd, reported weeks earlier, was still housed in a 3- by 3-foot wooden box which was inaccessible because of junked automobiles surrounding the box. In another box next to the German shepherd was a mixed breed dog that had an infection on its stomach the size of a bowling ball—a truly grotesque sight. In general, the doghouse facilities were filthy dirty. Dogs practically live in mud and feces which is allowed to pile up outside their doghouses. Overcrowding in chicken coops used as houses for the

animals is the general rule. Males are with females and dogs of all sizes mix together. I have never seen substantial food and clean water here. Auto hubcaps are used as water containers and they are usually empty or partially filled with dirty, greenish water.

That evening I accompanied Ruben and his wife to a dog auction in Ephrata, Pa. Unfortunately we arrived too late to witness the purchasing of animals. However, Ruben had the opportunity to watch some dog dealers loading trucks.

Dog dealers present were Bod Gamble, White truck, license 1438 HE, John Dierolf, and Henry Christ, Marlboro, N.J., No. 10.

FIELD INVESTIGATION REPORT

DATE: JANUARY 13, 1966.

To: Dale Hylton.
Investigator: Declan Hogan.
Date of investigation: October 13, 1965.
Type of investigation: Dog dealer.
Name and location of party or facility investigated: Lester Brown, White Hall, Md.

Upon request of Dale Hylton, field representative of the HSUS, I will endeavor to describe in further detail particular observations reported as a result of a field investigation of Lester Brown, White Hall, Md., October 13, 1965.

(1) I saw a beagle lying on the road near the dog kennels, but because of circumstances I could not inspect the carcass for a cause of death. The body seemingly was not marred, no physical mortal wound was present, which would indicate that death occurred due to internal reasons such as starvation, disease, et cetera.

(2) The three German shepards I saw on this visit were extremely emaciated. The ribs on all three animals could be counted with no difficulty. German shepherds possess a very thick, heavy coat and do not easily display their bone structure. In my opinion, these animals were starving to death.

(3) While present at Brown's we conversed in the kitchen, next to a summer porch. On the porch at this time were crates filled with pigeons stacked about 5 feet high. Alongside these crates were others loaded with wild racoons. The racoons had no difficulty reaching across into the pigeons' crates, clawing them to death and then devouring them while some were still alive.

Senator MONRONEY. Our next witness is Dr. Maurice B. Visscher, president of the National Society for Medical Research, and head of the Department of Physiology, College Medical Sciences, the University of Minnestota. Dr. Visscher will be accompanied by Dr. Lowell White, associate dean of the School of Medicine of the University of Washington.

We appreciate very much, Dr. Visscher, you and Dr. White coming to this hearing and we will be glad to have you testify.

STATEMENT OF DR. MAURICE B. VISSCHER, PRESIDENT, NATIONAL SOCIETY FOR MEDICAL RESEARCH

Dr. VISSCHER. Mr. Chairman and ladies and gentlemen. Before beginning my prepared testimony, in view of the fact that there has been reference to the extremely bad conditions in the quarters and facilities of dealers in some parts of the country, I thought it would be appropriate for me to pass around a photograph of two dealers' facilities in the State of Minnesota. Because I think there is much to be said with regard to the great variability in facilities in different dealers' quarters.

Reference was made, for example, to the pictures that have appeared in Life magazine on February 4, and it is certainly true that

Life magazine was able to find one very, very reprehensible facility in which animals are being kept. And yet, this is not a typical sort of situation. We feel very strongly that one of the points that the Congress should pay attention to is that one can find scalawags in almost any business. And you gentlemen have the problem of deciding whether the frequency with which such misbehavior occurs warrents the kind of drastic solution that some people are urging upon you to accomplish.

A great deal has been said about the terrible facilities in laboratories. And merely because this point has been raised, I want to pass around again, if I may have it done, some pictures of the realities in the housing facilities for animals at the University of Minnesota, in which I work, in order to make it plain that these conditions are not universal. And, in fact, they are atypical.

I will have some other remarks to make in connection with some of these charges in the course of my presentation of my formal statement.

Now, I may say that the National Society for Medical Research which I am representing here is a large umbrella organization, comprising its membership some 1,100 organizations that are concerned with medical research, teaching, and related biological activities. It promotes the humane treatment of animals just as well as it does the conditions which it believes will be favorable for the promotion of scientific progress.

At the present time, the NSMR is temporarily spending most of its energy in public education combating the effects of the circulation of misinformation and I would say half-truths, by what I am afraid we have to call the so-called humane societies, which I believe are more truly animal protectionist societies.

You have just heard Mr. Evans, for example, say that the humane movement is not concerned about helping to see to it that supplies of animals for research of human value will be adequate to the needs of the community. The members of these societies who are most concerned——

Senator MAGNUSON. Dr. Visscher, are you reading from your statement now?

Dr. VISSCHER. Yes, I am.

Senator MAGNUSON. We will put it in the record in full, if you want to skip any part of it. But we will put your entire statement in the record.

Dr. VISSCHER. All right, thank you.

NSMR, however, in addition to being what we consider to be a humane society, is particularly concerned about human welfare, and we of course, are thinking not in terms of what is particularly useful or convenient for the scientists, we are thinking in terms of what will be in the public interest.

Now, I do want to read precisely from the top of the second page:

The NSMR welcomes an opportunity to present its views as to the features of S. 2322 and S. 3059 which should be amended if legislation intended to prevent pet stealing and to provide for humane care of animals entering interstate commerce is not to damage the national interest. We are confident that the Congress looks to biologists to counsel it concerning the consequences to be expected from the enactment of legislation touching human welfare through science. Be-

cause of certain fundamental defects in the bills as they now stand we urge your consideration of amendments in line with bills introduced into the House of Representatives by Congressmen Nelsen, Fraser, and others, and which may be introduced into the Senate by the time of these hearings.

May I enumerate the provisions of S. 2322 which the NSMR believes should be amended to bring its provisions in line with the public interest? Section 2(g) defines a "dealer" in such a way that a bona fide owner of one surplus dog or cat could not sell it for ultimate use in a laboratory without first obtaining a license from the Secretary of Agriculture.

We consider this to be a very important defect, because at an institution like our own, 50 percent of animals are acquired through dealers who have purchased them from bona fide owners, largely farmers in the community around the Twin Cities.

Senator MAGNUSON. Would that be generally true of laboratories other than yours?

Dr. VISSCHER. It is true in many locations.

Senator MAGNUSON. Would that be true out in our State?

Dr. WHITE. Yes.

Senator MAGNUSON. About 50 percent are brought in by their individual owners?

Dr. VISSCHER. That isn't what I said, Mr. Senator. I said 50 percent of our animals are purchased by dealers from farm and other real owners.

Senator MAGNUSON. How do you know that?

Dr. VISSCHER. Well——

Senator MAGNUSON. This is the whole problem, I gather.

Dr. VISSCHER. It is the problem.

Senator MAGNUSON. I have no doubt they tell you that, but how do we know that?

Dr. VISSCHER. Well, we have in the past 15 years purchased and obtained from pounds, approximately a hundred thousand dogs. About 50 percent from dealers and about 50 percent from the pounds. Our kennels are open to the public at all times.

Senator MAGNUSON. Yes.

Dr. VISSCHER. Our business office at the university investigates the finances and other characteristics of every person from whom we buy an animal. It is a rule in our institution that no animals are bought except from dealers who have been investigated as to their financial reliability and as to any possible criminal record.

In addition, representatives of our own veterinary staff, plus frequently, representatives of the Minnesota Humane Association, inspect the premises of every dealer from whom we buy animals at least three times a year.

Senator MAGNUSON. In other words, what you are trying to say is that institutions such as yours and there are many throughout the country, try to deal with what you hope are legitimate dealers?

Dr. VISSCHER. Yes, sir.

Senator MAGNUSON. All right. Would you deal with illegitimate dealers?

Dr. VISSCHER. No, we wouldn't.

Senator MAGNUSON. Well, then, if they are not illegitimate, why would they worry about a law?

Dr. VISSCHER. Well, we are not worrying about a law.

Senator MAGNUSON. If they are legitimate, this law wouldn't bother them at all.

Dr. VISSCHER. Yes, it would dry up a great share of their source of supply.

Senator MAGNUSON. Oh, that is exactly the point.

Dr. VISSCHER. No, no. Allow me, sir, according to the provisions of the bills that we are discussing today, it would be illegal for a farmer to sell one dog to a dealer, without that farmer having a license from the Secretary of Agriculture.

Senator DOMINICK. Now, Professor, all I have to do on that is just to interrupt you to show subsection (g) here, which refers to dogs and cats in plurals and dealers that have got to be selling dogs and cats for research purposes.

Dr. VISSCHER. May I ask which section you are looking at?

Senator DOMINICK. Subsection (g) of S. 2322.

Dr. VISSCHER. Are you looking at S. 3059?

Senator MAGNUSON. No, we are looking at the bill we have before us, S. 2322.

Dr. VISSCHER. I have it here. Let me see if I can——

Senator CANNON. That is the very section that the witness was just addressing himself to in his written statement—2(g).

Senator DOMINICK. That is right.

Dr. VISSCHER. Would you give me the page again?

Senator DOMINICK. Page 3, subsection (g).

Dr. VISSCHER. Yes.

The term "dealer" means any person who for compensation or profit delivers for transportation, transports, boards, buys, or sells dogs or cats in commerce for research purposes.

But we are informed by our legal advisers that since it includes the words "or sells" with the preposition "or" in it, it includes the farmer who sells one animal.

Now as a matter of fact, if I may be permitted to do so at this time, I would like to suggest that you consider the wording that has been introduced in H.R. 13406.

Senator MAGNUSON. We don't have the House bills over here, but there are several.

Dr. VISSCHER. But there are Senate bills of some sort, that will, I understand, contain this wording, in which this same thought, this same provision, is handled as follows: "The term dealer means any person who for profit transports or buys and sells dogs and cats."

Senator MAGNUSON. You suggest that in page 2 of your statement.

Dr. VISSCHER. I suggest this.

Senator MAGNUSON. Substituting the word "and" for "or."

Dr. VISSCHER. That is correct. And eliminating one word, in your expression on your page 3, item (g) "for compensation or profit," because if you include the word "compensation," you will include nonprofit organizations such as humane societies that are now providing animals to research institutions under what I believe to be perfectly appropriate and well controlled conditions. They are not making profit, but they are obtaining compensation.

Senator MAGNUSON. Such as the city pound and places like that?

Dr. VISSCHER. Well, yes. That is correct. They get compensation. And it isn't only city pounds. There are some humane society shelters that are doing this. In other words, we have these very specific suggestions to make on this score.

Senator MAGNUSON. We appreciate that. It has been my experience in Congress that no bill has ever been passed exactly the way it was introduced. That is why we have these hearings.

Dr. VISSCHER. Well, we are very grateful to you for your listening to us on these points, which are small points.

Senator MAGNUSON. I am glad you get right to the point and tell us what you think on the bill itself.

Dr. VISSCHER. This is right. Now, as I would say, this provision would make it virtually impossible for real dealers who buy and sell from farmers or other owners of small animals to carry on. Because the way the word is defined, in the bills, it would make it illegal for any farmer to sell one dog.

Senator MAGNUSON. To a dealer?

Dr. VISSCHER. To a dealer.

Senator MAGNUSON. Not to you?

Dr. VISSCHER. Well, we are not going about the business of collecting and selling.

Senator MAGNUSON. I want to make that clear, to a dealer.

Dr. VISSCHER. Yes. In other words, we urge that you change the wording to read "buy and sell" in order that it should cover real dealers and not completely dry up the supply of animals from bona fide owners.

We have another important point on page 3, and that is the inclusion of the word "compensation" because it would make transfer of animals without profit but with compensation for costs incurred from legally operated pounds illegal without a Federal license. Pounds are under police control and inspection and there can certainly be no question of theft of pet animals in them. As to humane care there should again be no necessity for Federal control. We hope that the pounds are being properly run.

Furthermore, the inclusion of section 2(f) seems superfluous as to regulation of interstate commerce unless it is necessary in order to maintain records of purchase in order to complete a chain of evidence of theft of an animal. Likewise section 3 has wide ranging possible implications outside the scope of the intended law, at least as far as we understand the major intent of the bill. Other proposed legislation which is now before the Congress would place responsibility for setting up standards, and enforcing compliance, for the housing and care of laboratory animals in medical science under the control of the Department of Health, Education, and Welfare. It would seem improper to have two executive agencies charged with the same responsibility. If section 3 and other references to regulation of housing and care in research facilities are to be retained in S. 2322, we would strongly urge that there be also an authorization for appropriation of funds for improvement of facilities for housing of animals and for training for animal care. It is our considered opinion that lack of funds is the prime reason for less than optimal facilities and care in some less well-supported laboratories in the United States. If laboratories were to

be closed abruptly, for example in private hospitals, the public interest would be critically harmed, because the training of many young physicians and surgeons is going on in such hospitals. It is these physicians, I might remind you, who are responsible for the 99-percent survival rate of wounded men who are in hospitals in Vietnam. Also, some financially poorer schools and colleges are now equally in need of funds to bring their animal facilities up to the standards which we would like to see prevail.

The references in section 10 to "sale at public auction or by weight" appear to us to be unnecessary in achieving the objectives of humane care and deterrence of theft. You had quite a little discussion of public auctions. I would like to add this, in Minnesota public livestock auctions are fully controlled by an officer-veterinarian of the State livestock sanitary board, who has complete authority. He examines animals medically, and satisfies himself as to ownership and the auction cannot go on until he has done so. To close off this source of supply of dealers would surely hamper medical research. Furthermore, there appears to be no reason why selling "by weight" should be offensive. Large animals cost more to raise and they are essential for some types of study. Why should owners not receive greater compensation? In other words, section 10 should either be deleted or modified so as to permit purchase at auctions when they are officially supervised, and also to permit selling by weight.

We recommend, gentlemen, that if legislation to curb stealing of dogs and cats be passed, it should deal with such theft for any purpose. Actually there is reason to believe that theft of hunting and racing dogs and registered animals may be as prevalent as stealing for resale to laboratory suppliers. We are unalterably opposed to theft of animals for any purpose and we believe that dogs and cats stolen for other purposes are today blamed frequently unjustly upon the laboratory animal dealer. In Minnesota we have purchased 40,000 dogs in 15 years. Our kennels are open to the public. No single case of theft has been noted. We have in a number of instances had people reclaim dogs that have passed through pounds.

Senator MAGNUSON. Let me ask you this, purely for information. You have a number of dogs now, in your kennels for research. When the research reaches completion and the dog is still there, what do you do with the dog then?

Dr. VISSCHER. Well, it depends upon——

Senator MAGNUSON. I mean he may have a longer lifespan left. What do you do with him?

Dr. VISSCHER. Well, some dogs have served in a number of experiments.

Senator MAGNUSON. Yes; but supposing you are through with a dog.

Dr. VISSCHER. If we are really through with the dog, unless there is someone who happens to want to have that dog as a pet, these dogs are humanely and painlessly put to sleep.

Senator MAGNUSON. Regardless of the dog's age?

Dr. VISSCHER. Well, if the dog is useful for another experiment, of course, he is used.

Senator MAGNUSON. I am not saying that. What I am trying to say is when you are through with him——

Dr. VISSCHER. We are rarely through with an animal.

Senator MAGNUSON. All right.

Dr. VISSCHER. Until it has been used, so no one would want it as a pet.

Senator MAGNUSON. How many of the 40,000 in 15 years were put to death?

Dr. VISSCHER. May I ask you to repeat the question?

Senator MAGNUSON. How many of the 40,000 that you purchased in 15 years were put to death?

Dr. VISSCHER. I would say probably almost all of them.

Senator MAGNUSON. Almost all of them?

Dr. VISSCHER. Right.

Senator MAGNUSON. But there are some dogs and animals that the experiment continues until they die a natural death; isn't that correct?

Dr. VISSCHER. That is correct.

Senator MAGNUSON. But almost all of the 40,000 are gone?

Dr. VISSCHER. That is correct.

Senator MAGNUSON. Regardless of their age?

Dr. VISSCHER. Yes; I would say so.

Senator MAGNUSON. All right. Thank you.

Dr. VISSCHER. Now, we believe, Senator Magnuson, and gentlemen, if modified in the ways suggested, S. 2322 would accomplish a bar to pet thievery, insure humane treatment by dealers, and would not harm the public welfare. But you will note that we have suggested that it be made to cover interstate commerce in dogs and cats to be used for any purpose. Because we are of the opinion that there is at least as likely to be important theft of animals that are stolen for ultimate use for other purposes as there is for use in laboratories. We do not deny for an instant that there may be some theft of animals that go into laboratories. On the other hand, our own experience with 40,000 dogs purchased without a single case in which an owner has identified his animal in our laboratories, and most of them come from relatively nearby, we cannot accept the charge that this is a very frequent occurrence.

Now, in S. 3059 we consider there are many more grave defects.

Senator MAGNUSON. I wish you would read that statement on page 5, the top statement. I think that is very important to us.

Dr. VISSCHER. We believe if modified in the ways suggested, S. 2322 would accomplish a bar to pet thievery, insure humane treatment by dealers, and would not harm the public welfare.

Senator MAGNUSON. Thank you.

Dr. VISSCHER. This is our opinion. But with S. 3059, we would consider many more changes would have to be made. In the first place, it includes dealers in dead as well as of live animals and, in the second place. it includes inspection and certification of dealers who are concerned with more than 250 identifiable species of animals, from the lowest vertebrate forms to the highest vertebrate forms. And there are literally thousands, many thousands of, if you want to define it that way, dealers in such laboratory animals.

In the first place, there has never been so far as I know, a suggestion that any of these animals have been involved in thievery. In the second place, we have no evidence presented up to date, at least, that such animals as frogs, turtles, snakes, lampreys, fishes, and so forth, are maltreated by dealers. We consider that the inclusion of the entire range of vertebrate animals would make any such legisla-

tion absolutely unworkable and we consider it to be absolutely unnecessary.

Before I close, I want to ask that you listen to Dr. Lowell White from the University of Washington, College of Medicine, where he is an associate dean, and an associate professor of neurosurgery, and has been in charge of the animal vivarium so that he may say something before you start questioning us in more detail about some of the problems that would arise in the State of Washington.

Senator MAGNUSON. Dr. White, we are glad to have you here and we are glad to hear from you.

STATEMENT OF DR. LOWELL WHITE, CHAIRMAN, ANIMAL CARE COMMITTEE, UNIVERSITY OF WASHINGTON

Dr. WHITE. I would like to correct the record, however. I was chairman of the vivarium committee of the health sciences and not the director. At the present time I am chairman of the University of Washington Animal Care Committee, which is a university responsibility.

Senator MAGNUSON. I know the school well. And I have helped considerably to some degree to getting research grants for it.

Dr. WHITE. We certainly appreciate it. I wish to express my appreciation for being able to speak to you today, concerning the proposed legislation to control pet stealing. In the interest of brevity, I would like to limit my remarks to five points.

First. I think there is a need for legislation to protect the owners of cats and dogs from having their pets stolen for any reason, particularly for profitable gain. I am sure the majority of the scientists and educators decry any unlawful method of dealing with research purposes.

Second. There does not appear to be any factual data to indicate that the majority of stolen pets are being used for research or experimental purposes. It has been the concern of our institution as with most others, that all animals used in research be acquired by lawful means and careful controls be enforced to assure this is indeed the case. Over the last 20 years at our institution, despite careful checks, only three animals have been identified as misplaced pets. Two were returned to their owners and one animal was left with us at the owner's request. These animals were acquired from pounds or humane societies.

Third. Our observations tend to indicate that other areas for commerce in stolen pets may exist as implied by the magnitude of the problem suggested by others. Why then is the use of animals for research specifically singled out in the legislation before you?

Fourth. During the course of the year 1965, we used 50,000 rats and mice in our on-going research problem. Records control on this number of small experimental animals would place an extensive burden on our institution and other similar ones. In my opinion, the major concern to which these bills should be directed is the stealing of cats and dogs. I support legislation directed at this concern strongly and feel that the intent of the legislation would be fulfilled if we were limiting it to these species.

Fifth. The definition of the dealer as one who buys or sells would materially affect farmers, who are often requested by laboratories to

sell a single sheep or pig for specialized research projects. In many cases, the need for a specific license to sell such an animal to institutions conducting research would prevent this type of transaction, impeding the progress of research and limiting the market for farmers who ordinarily don't conduct business in this area.

All reputable and recognized institutions and organizations engaged in the use of animals for research and biological teaching must maintain accepted standards of humane care and handling that is required only by lawful means. Enforcing these standards should not be accomplished and directed at the supply of animals. Senator Magnuson's bill, S. 2322, would effectively accomplish the control of the alleged major pet stealing problem by limiting the animals concerned to cats and dogs. With the minor modifications of the definition of dealers to one engaged in the business of supplying animals by buying and selling for profitable gain, and the deletion of emphasis on research and experimentation by directing the emphasis on all forms of sale and transport of stolen cats and dogs, I believe this much needed legislation can be supported enthusiastically by those engaged in the medical research. Thank you.

Senator MAGNUSON. Well, doctor, we appreciate your statement very much. And I am glad both of you called attention to this in the bill, on this "buy or sell." It should probably be "buy and sell." We can make such changes so as to make the bill an effective working thing toward the objective which we are trying to have, and still not hinder medical research.

I am sure that no one on this committee has ever suggested that institutions such as the University of Minnesota and the University of Washington are deliberately engaging in traffic of stolen pets and things of that kind. There may be some bad examples, it is true, but I suspect that you try in your research, in fact I know you do, to be as humane as is consistently possible with animals.

As a matter of fact, I understand some of you get a little attached to them. Is that correct?

Dr. VISSCHER. That is correct, Senator Magnuson.

Senator MAGNUSON. You are not cruel or inhuman; you get a little attached to them.

Dr. VISSCHER. We do become attached to them. Many of them are taken home as pets and this accounts for practically all of the animals that are not actually sacrificed.

Senator MAGNUSON. You don't want my dog, do you?

Dr. VISSCHER. We would certainly make every effort to avoid getting anyone's pet.

Senator MAGNUSON. She would bite you.

Dr. VISSCHER. May I add one point to what you were just saying, Senator?

Senator MAGNUSON. Yes.

Dr. VISSCHER. It is quite important that the bill as drawn should not make it difficult to obtain animals from pounds. And the word "compensation" in that definition of dealers——

Senator MAGNUSON. I know what you mean by that.

Dr. VISSCHER. It is something you must look at. Because we are of the opinion that this would greatly complicate our acquisition of animals from pounds that would otherwise be uselessly destroyed.

And it is our real hope that we can actually obtain some benefit from the legislation that we are recommending that you would produce.

Senator MAGNUSON. Well, I am glad that you take that approach. Because I don't think that you folks want to see this traffic go on. I think you won't want to deal with it yourself if you knew about it.

Dr. VISSCHER. You are quite right. There is one thing I would like to call attention to. The National Society for Medical Research is looked upon by some people as just an anti-anti-vivisection society. This is far from the truth. A few years ago, we had a national conference on the legal environment of medical science broadly speaking, including all aspects of medical sciences. And we are concerned with the development of humane mechanisms. We were largely responsible for the setting up of the American Association for Creditation of Laboratory Animal Care, which we believe is going to play a very great role.

Senator MAGNUSON. Now, you made a speech, or wrote an article, "The 1966 Threat to Medical Progress," for Modern Medicine this year in which you say some very—well, I won't say unkind remarks about my bill, but you didn't seem to be for it.

Now I understand you are for this bill to achieve its purpose. Is that correct?

Dr. VISSCHER. Mr. Senator, I am very happy that you called attention to this article that appeared on March 14 in Modern Medicine. Because I said here the National Society for Medical Research has concluded that two types of legislation are consonant with the public interest. These are (1) legislation regarding procurement of animals for research and teaching and (2) legislation setting up appropriate mechanisms for establishing and enforcing standards for housing and care of animals.

We are not opposed to your objectives as we understand them. We are here today, my colleague and I, only to give you our views on the basis of some few years of experience as to what kind of legislation would not hurt the public interest.

Senator MAGNUSON. And you will have no truck with unscrupulous dealers; is that correct?

Dr. VISSCHER. I assure you that the University of Minnesota is not alone, having in the past paid a great deal of attention to the reputation and characters of its dealers.

Now, I cannot say, because it wouldn't be true, that every institution has been as careful as we have.

And we have no objection to legislation that would force other institutions to be as careful as we think everyone should be.

Senator MAGNUSON. We thank you both. We appreciate your coming all this way. We are going to pass a bill and I am glad you fellows are for it.

(The prepared statement of Dr. Visscher, including the article referred to; namely, "The 1966 Threat to Medical Progress," follows:)

STATEMENT OF MAURICE B. VISSCHER

I am Maurice B. Visscher, of the University of Minnesota, Minneapolis, Minn., and president of the National Society for Medical Research. The latter organization is devoted to public education concerning the importance of medical and other biological research to the public welfare. It is composed of more than

1,100 national, regional, and local scientific, and professional societies and institutions, as well as public membership groups concerned with promoting biological science teaching and research. The NSMR not only informs the public about the role of animal experimentation in promoting health and welfare, it promotes the humane treatment of animals, and has produced model State laws providing that unclaimed impounded animals which would otherwise be uselessly destroyed should be turned over to licensed institutions for use in scientific laboratories.

At the present time the NSMR is temporarily expending most of its time and energy in public education combating the effects of the circulation of misinformation and half truths by so-called humane societies which are really simply "animal protectionist" societies. They have been successful recently in painting a false picture of the medical and other biological science enterprise as being callous toward animals. The NSMR is frankly a "human protectionist" society, but it yields to no one in its concern for animal welfare, because humaneness demands such concern, but also because good biological science demands good care of animals. Our difference with the exclusive animal protectionists is that we put the interests of humanity itself first. We believe, for example, that it is not improper to sacrifice lower animal life just as freely in the search for new knowledge, for medical advance, for education and for testing the toxicity of drugs and chemicals, as we do for food, fur, leather, and other human needs.

The NSMR welcomes an opportunity to present its views as to the features of S. 2322 and S. 3059 which should be amended if legislation intended to prevent pet stealing and to provide for humane care of animals entering interstate commerce is not to damage the national interest. We are confident that the Congress looks to biologists to counsel its concerning the consequences to be expected from the enactment of legislation touching human welfare through science. Because of certain fundamental defects in the bills as they now stand we urge your consideration of amendments in line with bills introduced into the House of Representatives by Congressmen Nelsen, Fraser, Olson, Karth, and others, and which may be introduced into the Senate by the time of these hearings.

May I enumerate the provisions of S. 2322 which the NSMR believes should be amended to bring its provisions in line with the public interest? Section 2(g) defines a "dealer" in such a way that a bona fide owner of one surplus dog or cat could not sell it for ultimate use in a laboratory without first obtaining a license from the Secretary of Agriculture. This provision would make purchase by real dealers, who buy and sell from farmers or other owners of small numbers of animals, virtually impossible. Since some dealers derive most of their animals in this way there is no doubt that section 2(g) of S. 2322 should be modified to read "buy and sell" in order that it should cover real dealers and not completely dry up the supply of animals from bona fide owners.

Another feature of section 2(g) would result in unnecessary curtailment of supplies of dogs and cats. The inclusion of the word "compensation," if it is not modified, would make transfer of animals, without profit but with compensation for costs incurred, from legally operated city pounds illegal without a Federal license. Pounds are under police control and inspection and there can certainly be no question of theft of pet animals in them. As to humane care there should again be no necessity for Federal control.

The inclusion of section 2(f) seems superfluous as to regulations of interstate commerce unless it is necessary in order to maintain records of purchase in order to complete a chain of evidence of theft of an animal. Likewise section 3 appears to have wide-ranging possible implications outside the scope of the intended law, at least as far as we understand the major intent of the bill. Other proposed legislation which is now before the Congress would place responsibility for setting up standards, and enforcing compliance, for the housing and care of laboratory animals in medical science under the control of the Department of Health, Education, and Welfare. It would seem improper to have two executive agencies charged with the same responsibility. If section 3 and other references to regulation of housing and care in research facilities are to be retained in S. 2322, we would strongly urge that there be also an authorization for appropriation of funds for improvement of facilities for housing of animals and for training of personnel for animal care. It is our considered opinion that lack of funds is the prime reason for less than optimal facilities and care in some less well-supported laboratories in the United States. If laboratories were to be closed abruptly, for example in private hospitals, the public interest would

be critically harmed, because the training of many young physicians and surgeons is going on in such hospitals. It is these physicians, I might remind, who are responsible for the 99-percent survival rate of wounded men who are in hospitals in Vietnam. Also, some financially poorer schools and colleges are now equally in need of funds to bring their animal facilities up to the standards which we would like to see prevail.

The references in section 10 to "sale at public auction or by weight" appear to us to be unnecessary to achieve the objectives of humane care and deterrence of theft. In Minnesota, public livestock auctions are fully controlled by an officer-veterinarian of the State livestock sanitary board, who has complete authority. He examines animals medically, and satisfies himself as to ownership. To close off this source of supply of dealers would surely hamper medical research. Furthermore there appears to be no reason why selling "by weight" should be offensive. Large animals cost more to raise and they are essential for some types of study. Why should owners not receive greater compensation? In other words section 10 should either be deleted or modified so as to permit purchase at auctions when they are officially supervised, and also to permit selling by weight.

We recommend that, if legislation to curb stealing of dogs and cats be passed, it should deal with such theft for any purpose. Actually there is reason to believe that theft of hunting and racing dogs and registered animals may be as prevalent as stealing for resale to laboratory suppliers. We are unalterably opposed to theft of animals for any purpose and we believe that dogs and cats stolen for other purposes are today frequently blamed unjustly upon the laboratory animal dealer. In Minnesota, we have purchased 40,000 dogs in 15 years. Our kennels are open to the public. No single case of theft has been noted.

If modified in the ways suggested, S. 2322 would accomplish a bar to pet thievery, insure humane treatment by dealers, and would not harm the public welfare.

In S. 3059 there are many more grave defects. The inclusion of dealers in dead as well as of live animals would be very expensive, as well as unnecessary to the achievement of the legitimate aims of a bill aimed at prevention of theft and assurance of humane care. The provision for authorization of persons who are not employees of the Department of Agriculture to represent it would open the door to any antivivisectionist to harass research institutions under Federal authority.

The inclusion of "other animals" in S. 3059 represents, in my belief, the influence of persons, outside the Congress to be sure, who would wish by subterfuge, under cover of fear of pet stealing to obtain the passage of legislation for which there is absolutely no demonstrated need, and which would unquestionably impede medical and other biological research to a very marked degree.

I call attention to a report of the National Heart Institute of studies conducted under grants-in-aid from that Institute alone between 1949 and 1965 upon animals of various classes and species of the subphylum vertebratta. It lists and describes the results of studies on more than 250 different species of vertebrates, lampreys, fishes, amphibia, reptilia, birds, and mammals. I ask you seriously, do you think it would be wise to impede scientific progress by requiring that every person among the thousands who now collect lampreys, fishes of all sorts, frogs, turtles, snakes, kangaroo rats, oppossums, etc., in all the 250 species, which are in addition to dogs and cats, to be licensed by the Secretary of Agriculture? And if this were required, do you doubt that great harm would be done to the research enterprise in which the public has such a tremendous stake? And especially, do you know of any good reason why this should be done? Very candidly, I know of only one reason why anyone would want to impose such controls. That reason would be to impede scientific research. I am reluctant to say so, but I sincerely believe that most persons and groups who are urging you most persistently to include "other animals" in this legislation, do so out of fundamental opposition to animal experimentation. I append to this testimony a recent report to the medical profession in which the late Prof. John Dewey is quoted regarding this matter. I commend that quote to your attention.

We must respect the right of any citizen to oppose animal experimentation in principle. Fortunately for the public welfare, however, persons with such attitudes are a very small minority in our population. If it were not so all progress in medical and other biological science would stop.

May I respectfully request that this committee give most careful consideration to two facts. The scientific community as a whole deplores any and all improper treatment of animals and believes that legislation to deal specifically and carefully with improprieties in interstate commerce in dogs and cats for any eventual use is appropriate. However, that community would be remiss in its responsibility to the public that supports its work if it did not warn against extending legislation into areas within which no demonstrated improprieties have occurred and of such a character that the public welfare would be greatly damaged by it.

[From Modern Medicine, Mar. 14, 1966]

THE 1966 THREAT TO MEDICAL RESEARCH

(By Maurice B. Visscher, Ph. D., M.D., president of the National Society for Medical Research)

The "animal protectionist" groups have mounted the greatest offensive against the effective use of animals in biological research and teaching that has ever been attempted in the United States. Today in Congress there are bills to which about 40 Congressmen have attached their names, dealing with procurement, housing, care, and use of experimental animals. The present mood of Congress is to accede to the demands of the vocal animal protectionist minority and pass some sort of legislation. Every physician and biological scientist who has a sense of public responsibility should be informed of the issue and communicate his views to his Congressman as to public harm that might be done by unwise legislation.

The National Society for Medical Research (NSMR) has concluded that two types of legislation are consonant with the public interest. These are (1) legislation regarding procurement of animals for research and teaching and (2) legislation setting up appropriate mechanisms for establishing and enforcing standards for housing and care of animals.

There are four identical bills which meet these requirements and are vigorously supported by NSMR, whose 1,200 members include practically the entire biomedical community of the country. The bills which would help research and teaching institutions to solve problems of training personnel and the improving facilities are: H.R. 5191 (Roybal), H.R. 11261 (Fraser), H.R. 11357 (Quie), and H.R. 11411 (Cunningham).

The other bills, including those presented as "anti-pet-stealing" measures, would restrict animal experimentation in research and teaching institutions. They include:

Eight identical restrictive bills sponsored by the Human Society of the United States and the American Humane Association (H.R. 10049 (Rogers), H.R. 10050 (Pepper), H.R. 10213 (Springer), H.R. 10355 (Randall), H.R. 10589 (O'Brien), H.R. 10620 (Huot), H.R. 12040 (Gilligan), and S. 2576 (McIntire and Bayh));

Two identical restrictive bills sponsored by the Animal Welfare Institute and the Society for Animal Protective Legislation that started the drive for Federal regulation of animal research 6 years ago (S. 1071 (Clark, Bartlett, Harry Byrd, Muskie, and Stephen Young) and H.R. 5647 (Cleveland));

Three restrictive bills that seem to have no organizational backing (S. 1087 (Neuberger, Morse, and Magnuson), H.R. 7312 (Tupper), and H.R. 3036 (Pepper)); and

Thirteen "anti-pet-stealing" bills which, rather than providing affirmately for legitimate supplies by making animals available from the pound, would add to difficulties in procurement of various species of animals, including rats, mice, and other vertebrate species (H.R. 9743 (Resnick), H.R. 9750 (Pepper), H.R. 9869 (Helstoski), H.R. 9875 (Wolff), H.R. 10197 (Joelson), H.R. 10358 (Minish), H.R. 10680 (Morse), H.R. 10743 (Helstoski), H.R. 10745 (Matsunaga), H.R. 11505 (Grider), H.R. 11002 (Fino), H.R. 11195 (Shipley), and H.R. 12488 (Poage)).

The restrictive bills of the Clark, the Cleveland, and the Rogers type include such provisions as that "animals used in practice surgery or other painful procedures * * * shall be killed without being allowed to recover consciousness." Also, specific plans for experiments must be submitted to authorities in Washington, which authorities may completely disallow any animals to be used for the pur-

poses proposed. A great deal of emphasis is placed upon preventing what is called needless duplication of experiments. One type of bill would have Washington experts decide upon experimental procedures on the basis of "application of statistical sampling and proper design of experiments."

Bills of this type would impose large burdens of recordkeeping and reporting. It can be estimated that at as low a cost as 10 cents per animal, assuming that 65 million animals are used annually, the gross additional cost to the country would be $6.5 million to meet this one requirement. Another feature of the bills is a requirement for facilities for "normal exercise" for animals. Disregarding the fact that no one can define "normal" precisely, it is nevertheless obvious that what would be aimed at would be runways for each dog. The cost of providing such space in all housing facilities would be very large. For dogs alone, it would certainly require at least $50 million at present levels of operation. The scientific community would not object to such expenditures, but it should ask the public which pays the bill whether it would place this objective in a high enough priority to warrant such regulations.

These are only samples of the many features of the restrictive bills before Congress which would harm the public welfare if they became law. In reality, the whole furor over abuse of animals in scientific research is being stimulated artificially by two groups of people: (1) by the genuine antivivisectionists, and (2) by well-meaning animal protectionists who are unfortunately being used unknowingly by the first group. Facts are exaggerated out of all proportion to reality.

Dog stealing, for example, has undoubtedly occurred. However, every State already has laws making this a crime. Why not use these laws? Improper care in handling of an animal by a dealer is also already a crime aginst anticruelty statutes in every State. There have undoubtedly been instances of improper care by dealers. Why not prosecute under existing law?

The answer to these questions seems to be that the real objective of the primary proponents of new legislation is to reduce the numbers of animals used in medical and biological research and to create great impediments to any and all studies that involve pain or distress. The situation is reminiscent of the partially successful effort of the antivivisectionists in England in the 1870's when the Cruelty to Animals Act of 1876 was accepted by British scientists as the best alternative they could get to absolute prohibition of animal experimentation. The act has crippled certain aspects of British medicine ever since. Sir William Osler called it "the drastic act which has so hampered medical research in the British Isles."

There must be some reason why few, if any, important advances in surgery, for example, have come out of Britain in the last half century. Vascular surgery, open-heart surgery, and management of intestinal obstruction, peptic ulcer, burns, and traumatic and surgical shock, among other major advances in surgery, were developed mainly in the United States. One reason is that experimental laboratories in surgery departments are few in number and are hampered by the act of 1876.

It is important to recognize that under the British law, it is only survival experiments that are critically controlled. Consequently, large numbers of British scientists feel no restriction by it. In fact, some have come to believe that it has helped them, primarily because it keeps the antivivisectionists out of their laboratories, since only official inspectors may enter without special permission. Consequently, distinguished biochemists like H. A. Krebs, whose work utilizes tissue slices and minces and not surviving animals, have been so unwise as to say for publication that they would avocate for the United States a law like the British act of 1876.

Certain fields in physiology have been pursued very successfully in Britain. For example, work on the physiochemical aspects of nerve activity resulted in the most recent Nobel awards to Britons. However, it may be noted that this work was done largely on the squid, an invertebrate species not covered by the Cruelty to Animals Act. The next most recent award to a Briton for work on the peripheral nervous system was given for studies on vertebrates, but the recipient, Lord Adrian, wrote a few years ago that "state regulation has made us rather unenterprising. We have certainly been a good deal behind other countries in work on the central nervous system in the past 50 years * * *. I should say that the standard of treatment of animals used for experiments is much the same in the United States of America as here; for that reason I do not think that state licensing of the kind contemplated can make much difference to the

welfare of animals in the United States of America." Sir Charles Sherrington, another Nobel laureate, said "the only possible benefit [of the law] is that it forced everyone to keep better records."

Practically, all biological scientists believe, as does the NSMR, that Federal intervention in the regulation of the strictly scientific use of animals would be a public calamity. The fact that such intervention would be a great nuisance to scientists, though true, is not a matter of public consequence, except as it would deter many bright young men and women from entering medical and other biological science careers. The important fact is that the American people would be jeopardizing their entire enterprise in medical, veterinary, animal husbandry, and related research. They would be hampering to no good end the productivity of their annual investment of more than $1 billion in such research. Viewed in this light, it seems inconceivable that Congress could pass such legislation, and it probably will not, if it sees the problem in its real perspective. But it obviously needs help to do so.

The late Prof. John Dewey, the great American philosopher and moralist, wrote:

"What is the duty of the community regarding legislation that imposes special restrictions upon the persons engaged in scientific experimentation with animals? That it is the duty of the state to pass general laws against cruelty to animals is a fact recognized by well nigh all civilized states. But opponents of animal experimentation are not content with such general legislation; they demand what is in effect—if not legally—class legislation, putting scientific men under peculiar surveillance and limitation. * * * Unprejudiced people naturally inquire after the right and the wrong of this matter. Hearing accusations of wantonly cruel deeds actuated by no higher motive than passing curiosity, brought against workers in laboratories and teachers in classrooms, at first they may be moved to believe that additional special legislation is required. Further thought leads, however, to a further question: If these charges of cruelty are justified, why are not those guilty of it brought up for trial in accordance with the laws already provided against cruelty to animals? Consideration of the fact that the remedies and punishments already provided are not resorted to by those so vehement in their charges against scientific workers, leads the unprejudiced inquirer to a further conclusion. Agitation for new laws is not so much intended to prevent specific instances of cruelty to animals as to subject scientific inquiry to hampering restrictions. The moral issue changes in this question: What ought to be the moral attitude of the public to the proposal to put scientific inquiry under restrictive conditions? No one who really asks himself this question (without mixing it up with the other question of cruelty to animals that is taken care of by already existing laws), can, I imagine, be in doubt as to its answer. Nevertheless, one consideration should be emphasized. Scientific inquiry has been the chief instrumentality in bring men from barbarism to civilization, from darkness to light; while it has incurred, at every step, determined opposition from the powers of ignorance, misunderstanding, and jealousy. It is not so long ago, as years are reckoned, that a scientist in a physical or chemical laboratory was popularly regarded as a magician engaged in unlawful pursuits, or as in impious converse with evil spirits, about whom all sorts of detrimental stories were circulated and believed. Those days have gone; generally speaking, the value of free scientific inquiry as an instrumentality of social progress and enlightenment is acknowledged. At the same time, it is still possible, by making irrelevant emotional appeals and obscuring the real issues, to galvanize into life something of the old spirit of misunderstanding, envy and dread of science. The point at issue in the subjection of animal experimenters to special supervision and legislation is thus deeper than at first sight appears: In principle it involves the revival of that animosity to discovery and to the application to life of the fruits of discovery which, upon the whole, has been the chief foe of human progress. It behooves every thoughtful individual to be constantly on the alert against every revival of this spirit, in whatever guise it presents itself."

The case against the justification for special legislation in this field has never been better put.

We will recess until 10 o'clock Monday morning.

(Whereupon, at 12:50 p.m., the committee recessed.)

ANIMAL DEALER REGULATION

MONDAY, MARCH 28, 1966

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C.

The committee met, pursuant to recess, at 10:15 a.m., in room 5110, New Senate Office Building, Hon. A. S. Mike Monroney presiding.

Senator MONRONEY. The Committee on Commerce will begin its second and final day of hearings on legislation designed to curb dog and cat theft and provide for the humane treatment of these animals while in the hands of dealers or in medical research institutions.

We have a large number of witnesses to hear, some of whom have come from as far away as Los Angeles.

I am sure all of you will have an opportunity to present your testimony if each one will limit himself to a 5- or 10-minute summary of his prepared statement; and then we will enter the prepared statements in the record in their entirety. Such procedure should still leave time for some questioning of the witnesses.

The chairman will be rather limited in the questioning. Some six members have said they would be coming to attend the hearings, and I imagine they will have some questions also.

I would like to also add that our colleague, Senator Mondale, introduced a bill Friday, S. 3138, which will also be considered in the hearings today.

At this point I wish to include statements from my colleagues, Senator Claiborne Pell on S. 2322, and Senator Hugh Scott on S. 3059.

(The statements referred to follow:)

STATEMENT OF HON. CLAIBORNE PELL, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Mr. Chairman, I appreciate very much this opportunity to voice my support for your bill S. 2322, which makes it a Federal crime for any research facility to purchase or transport dogs or cats without first obtaining a license from the U.S. Department of Agriculture.

It is high time that steps were taken to curb the terrible traffic in helpless animals, and I congratulate you, Mr. Chairman, for putting forward this excellent proposal and for holding these hearings.

S. 2322 seems to me to be an excellent and sound beginning in what could be a comprehensive set of controls to protect animals. You are wisely directing your fire at the outset at the transportaion and sale of research animals, which is the stage at which the most flagrant and unwarranted abuses occur, particularly affecting family pets.

I have been most impressed in recent months by the outpouring of indignation resulting from disclosures in Life magazine and other publications of instances of cruel and inhumane treatment of animals, lured unsuspecting into the hands of unscrupulous dealers who thrive on the needs of laboratories and medical schools. Hundreds of people have written to me in recent months urging legislative steps to prevent such practices, and I speak on behalf of all of them in making this presentation today.

It has often been said that animals have no vote, but this proceeding is an indication that they have many friends. We should do all we can not to let them down.

STATEMENT OF HON. HUGH SCOTT, U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Mr. Chairman, I have a great interest in the legislation under consideration by our committee. In fact, I imagine every member of the Pennsylvania congressional delegation is greatly concerned. For reasons I do not entirely understand, Pennsylvania and Maryland seem to be the hub of an illicit traffic in dogs and cats going to research laboratories.

In my opinion, the article in Life maganzine early in February which graphically portrayed the frightful conditions at an animal dealer's establishment served a real civic purpose. There were stacks of animal carcasses; many of the living were diseased; substandard food was frozen hard; and all of this in one of the most bitter stroms of the winter. It is intolerable that such treatment is meted out to any animals and doubly so when many of them are stolen pets.

These animal farms are scattered all through the Eastern United States but seem to have concentrated particularly in Pennsylvania and Maryland, probably because of the great concentration of research along the eastern seaboard, particularly from Washington to Boston.

Briefly, my bill, S. 3059, is designed to force the proprietors of these establishments to conform to humane standards and to insure that the animals handled have not been stolen. No one can in good conscience quarrel with these objectives.

State laws have thus far been unable to cope with this highly organized bootleg traffic in pets. Animal dealers' establishments are often hidden away on large farms on backroads. With trucks operating on modern highways, stolen animals are transported, usually at night, over hundreds of miles to locations in other States.

The only effective remedy is Federal legislation. I have introduced S. 3059 in the hope that its provisions would bring about the desired results and would not interfere with legitimate research for medical and other scientific purposes. I want to emphasize that if study of the problems by our committee indicates that there are more effective ways to reach the desired objectives, I am open-minded as to the particular provisions. My basic position is that effective legislation should include provisions to clean up disgraceful conditions found on the premises of the animal dealers, to enforce humane standards of housings, care, and transportation of animals destined for laboratories, and to prevent pet theft.

Mr. Chairman, I am glad that our committee is taking up this matter and hope that effective legislation will soon be on the statute books.

Senator MONRONEY. Our first witness is Dr. Helen B. Taussig, professor emeritus of pediatrics of Johns Hopkins University and president of the American Heart Association.

We deeply appreciate you coming to give us the advantage of your testimony, Dr. Taussig. If you will, please come forward and take the witness stand and identify others with you who will participate in your statement.

STATEMENT OF DR. HELEN B. TAUSSIG, PROFESSOR EMERITUS OF PEDIATRICS, JOHNS HOPKINS SCHOOL OF MEDICINE, AND PRESIDENT, AMERICAN HEART ASSOCIATION; ACCOMPANIED BY DR. EDWARD C. MELBY, JR., ASSISTANT PROFESSOR, HEAD OF DIVISION OF LABORATORY ANIMAL MEDICINE, JOHNS HOPKINS UNIVERSITY SCHOOL OF MEDICINE

Dr. TAUSSIG. Good morning, Mr. Chairman.

I am Dr. Helen Taussig, president of the American Heart Association, professor emeritus of pediatrics of Johns Hopkins School of Medicine, and probably best known to you as codeveloper with the late Dr. Alfred Blalock of the "blue" baby operation and also as the doctor who alerted the country to the dangers of thalidomide.

I am here today to testify in behalf of the American Heart Association and the Johns Hopkins Medical Institutes.

I have with me Dr. Edward Melby, who is in charge of the veterinary medicine at the Johns Hopkins Hospital.

Mr. Chairman, when I sent in my prepared testimony, of course, I did in on the basis of the bill as submitted. I understood on Friday morning that you had deleted everything beyond the receipt of the animal at the scientific institution, that you were not trying to establish rules and regulations that concerned the handling of the dogs by the medical——

Senator MONRONEY. That was not my understanding nor, I believe, that of any of the other members. I think there was discussion suggesting that it be deleted, but the committee has had no meetings, as a matter of fact, and only comments of individual members would be relevant in that matter.

All of the bills as they were introduced are still pending before the committee and will be fully discussed following the testimony of people on all phases of this legislation in executive sessions after the hearings.

Dr. TAUSSIG. Well, Mr. Chairman, with that, then I would like to emphasize the fact that the bills allow the Secretary of Agriculture to prescribe rules and regulations concerning the licensing, and that they state definitely the regulations cover animal handling before and after research experiments. We feel very strongly that the licensing of medical institutions deserves very serious consideration but belongs in the province of the Secretary of Health, Education, and Welfare.

A commission should be set up to guide the Secretary, whether it be Agriculture or Health, Education, and Welfare, and it should represent all the various groups that are concerned with animal care. Its membership should include certainly representatives of U.S. Public Health Service, the National Institutes of Health, the National Research Institute, the dean of one of the leading medical schools, one of the dental schools, one of the schools of public health, a research institution, and also the American Medical Association, the American Pharmaceutical Association, the American Veterinary Medical Association, the Humane Society, and the Animal Care Panel.

That commission should perhaps not have absolute authority, but it should be stipulated that the Secretary could not go contrary to the recommendations of that commission.

Such a commission, we believe, belongs with Health, Education, and Welfare and not with the Secretary of Agriculture.

The other condition that it was reported the House had removed was that the bill would include all other animals, all vertebrates. This is a very difficult thing to include in buying and selling—to keep track individually of all vertebrates.

If you take all pink-eyed white mice and tried to keep them separate, it would be impossible. If you took all goldfish or all snakes or all cobras and tried to keep them individually identified, it would be absurd.

So that we hope that "all other vertebrates" would be deleted from the bill.

The other great objection that we have to the bill is that it is designed to prevent the theft of pets for medical research. We maintain that theft of pets is wrong, that it isn't the purpose for which they are stolen that is wrong. You should not be condoning stealing for other purposes by emphasizing the bill's purpose: "stolen for research is wrong." It is the stealing of pets that is wrong.

I do believe that reports overemphasize the number of pets stolen for medical research. It would be well to study to find out how many dogs are stolen, what breeds of dogs are stolen, and what breeds of dogs are found most commonly in research laboratories.

I suggest that beagles are very widely stolen, so much so that I would not have another beagle. And yet only the beagles whose genetic backgrounds are known, and that are very carefully bred, are bought and used for medical research.

Furthermore, I think the medical schools could only be responsible for what the dealer says, and what reason have we to believe that the person who steals will not lie about where he got his dog.

We really think the most effective way for lessening of stealing of pets for medical research lies in the simple law of supply and demand. If you will increase the legal supply of dogs, the demand for stolen dogs would virtually disappear.

No, the obvious source, legal source, for dogs is the dogs that are otherwise going to be put to death at the pound. I cannot give you figures for the whole country, but I have in my original testimony presented some figures for Maryland.

In 1963 it was estimated that 57,000 dogs were destroyed in all the pounds of Maryland, and in 1965 the two medical institutes used approximately 6,800, or one-eighth of the dogs that were impounded. So that we have a good group there.

In 1965, what is more, the number of stray dogs taken in Prince Georges County had jumped from 7,000 to double that in 1965—14,000 dogs. They can practically supply the medical school. And those are the dogs which are going to be put to death anyhow. Let them be used for medical research.

In the "dogfight" of 1950 the voters in the city of Baltimore supported the medical and scientific research institutions by a vote of four to one to let them use pound dogs. But that is only in the city of Baltimore. It is not so in the county or in the rest of the State. We need similar laws for the entire State.

I honestly think that if you have good, sound pound laws and well-managed pounds, and if they were independently run by the city or

by the county, by the town, and not by the Humane Society or SPCA, we in medicine and research would have the dogs that are needed.

I say pounds should not be run by humane societies because they are constitutionally opposed to turning dogs over for medical research. I think we all agree that dogs are necessary for research. Perhaps they do not, but most people do. And we realize the advantages.

Therefore, gentlemen, it is our strong plea that you do not label stealing for medical research as a greater crime than other stealing, and that you do put your effort on enabling us to get animals for research.

On the matter of dollars and cents, it has been said, "Why don't medical schools raise their own dogs for medical research?" Well, a very conservative estimate for maintainance of a dog for a year is $150, when you count feeding, keeping the grounds, depreciation, cleaning, and paying the people who are taking care of the dogs. It would mean that in Baltimore it would cost over a million dollars to raise the dogs we use in the two institutions.

Ultimately, that is going to come out of taxpayers' money.

The pound is costing the taxpayer about $800,000, and the pounds are destroying the dogs. Why not economize the one and be able to use funds from the other to get our dogs and take care of them?

Finally, we feel that 120 days is a very unrealistic time allowance if you are going to try to license every one and to inspect them. The numbers of pounds, the number of people selling dogs are enormous. If you intend to inspect and regulate all of the research institutes, there are 2,000 of them in the country that are using animals. You could not possibly get it done in 120 days.

Gentlemen, you have my full prepared statement here.

Senator MONRONEY. That will appear in full in the record as though you have given it.

Dr. TAUSSIG. Plus the supplementary testimony I brought in this morning.

(The prepared statement and supplemental statement of Dr. Taussig follow:)

I am Dr. Helen B. Taussig, president of the American Heart Association, professor emeritus of pediatrics of the Johns Hopkins School of Medicine. I am probably best known to all of you as codeveloper with the late Dr Alfred Blalock of the "blue" baby operation and I am also known to most of you as the doctor who alerted the country to the dangers of thalidomide. I am here today to testify in behalf of the American Heart Association and the Johns Hopkins Medical Institutes.

Let me assure you that I am strongly in favor of the humane care of animals, but humanity first and foremost concerns humans. One of the great reasons for our present difficulty is the laws which have been passed that make it difficult for medical institutions and scientific research facilities to secure the animals that are needed and therefore the whole business has been driven underground.

S. 2322 and S. 3059 are bills to control medical research through the control of the sale and transportation of animals. Great emphasis is placed on the theft of pets for sale to the research institutes. May I point out that it is the theft of pets which is a crime, and the theft is a crime regardless of the cause for which the theft is made.

S. 3059 differs from S. 2322 in that it concerns not only the handling of dogs and cats but also other animals. Other animals are defined as "vertebrates." The major problem, however, concerns dogs and cats, and perhaps rabbits, but not rats, mice, guinea pigs, and hamsters, as these animals are bought from li-

censed dealers or from special laboratories such as the Jackson Laboratories in Bar Harbor, Maine. Most marine animals are bought from biological institutes, such as the Marine Biological Institute of Woods Hole, Mass.

Rabbits may constitute a problem but most rabbits are purchased from licensed dealers and a few are bought from small animal farms. It is, also, well to remember that in many places rabbits are a pest. Many persons who live in the country have vegetable gardens and flower gardens destroyed by rabbits. I personally would gladly pay someone to trap the rabbits on my land and let them serve a useful purpose instead of a destructive one.

I understand the Goucher College purchases some salamanders. These investigators frequently catch their own salamanders from streams, but they purchase some from a man in South Carolina who is trying to raise salamanders for research purchases. Surely such a person does not need a license for the sale of salamanders. Large animals, primates, horses, goats, cows, sheep, et cetera, are all carefully handled as they are extremely expensive and valuable animals. Fish, frogs, mice, snakes, and cobras do not require special labeling for individual identification. Hence, the legislation primarily concerns dogs and cats and the institutions which use the animals for teaching, training, and for the advancement of knowledge, because accordng to the law such institutions that buy the animals must be licensed by the Secretary of Agriculture.

Thus, the underlying purpose of the bills is to control medical research through the licensing of the institutions which are buying animals. As clearly stated in these bills it is not their purpose to regulate the experiment itself but rather the conditions before and after the experiment, and this is to be done through the control of sale and transportation of animals and through the licensing of the dealers and of the institutions that use these animals.

Section 3 of both bills definitely states that no research facilities can purchase animals or transport a dog or cat unless it is licensed to do so by the Secretary who shall prescribe the rules and regulations. One of our major criticisms to this section and to section 4 is that it is an open-ended bill. Any bill which regulates all of research and experimentation should not be left to the discretion of a single individual. The licensing of medical institutions and the rules and regulations for the care of animals in such institutions is a serious problem and deserves careful consideration. In our opinion, a commission should be set up to guide the Secretary of Agriculture in establishing the rules and regulations, and furthermore, the composition of such a commission should be specified. The various groups interested in research, medical science, teaching and training, as well as in the humane care of animals should be represented. Thus, each of the following groups should be represented by a person appointed from the following institutions; namely, the U.S. Public Health Service, the National Institutes of Health, the National Research Institute, the dean of one of the leading medical schools, the dean of one of the leading schools of public health, the dean of one of the large research institutes, the dean of one of the leading dental schools, one person from the American Medical Association, one person from the Pharmaceutical Manufacturers Association, one person from one of the large universities, a national educator from a prominent high school, two veterinarians, one of which should come from the Government and the other from the American Veterinary Medical Association, and two members of the Humane Society, and a representative of the animal care panel. This 15-man commission should determine the regulations and should be responsible for the inspection and control of the animals used in research, training, and in teaching, and in the medical schools. In our opinion, inasmuch as it does concern health and education, such a commission belongs under the Department of Health, Education, and Welfare and not under the Department of Agriculture. Furthermore, this commission should not only establish regulations but the Secretary should be forced to be guided by their opinion; he may not accept everything they suggest but he could not appoint or act contrary to their advice.

Next, let us consider the source from which dogs and cats can be obtained for medical research. Those of you who have lived through the days of national prohibition remember that legislation did not stop drinking. On the contrary, bootlegging was so widespread and poisonous whisky so widely and easily obtainable that the law had to be repealed. The disreputable dog farms which we all deplore are the result of making it extremely difficult for medical researchers to obtain the dogs and cats through legitimate channels. These two bills will make it even harder and will drive the whole thing more seriously underground, and will seriously retard biomedical progress.

The answer to the problem is to urge the States to make the cats and dogs which are now destroyed at the pounds available for research in medical institutions.

Just now I cannot give you the figures for the entire country, but in Maryland in 1963, more than 115,000 animals were destroyed. The vast majority of these were cats and dogs. It is estimated that 57,000 of the animals were dogs. Last year, in 1965, the Johns Hopkins Medical Institutes used 4,500 dogs, and the University of Maryland used approximately one-half that number. Thus, the two great medical schools in Maryland used approximately 6,800 dogs or less than one-eighth of the dogs who were impounded. To be sure, not all of the dogs who are impounded are destroyed, but in Prince Georges County in 1963, they impounded 7,000 dogs and 6,000 cats, and of these 6,200 dogs were destroyed and 5,160 cats were destroyed. Furthermore, although it is certain that scientific research is expanding rapidly and that more dogs will be needed, it is also true that the number of stray dogs is increasing rapidly in our rapidly expanding cities. For example, as I told you, in 1963 Prince Georges County impounded 7,000 dogs and 6,000 cats, and 6,000 dogs and 5,000 cats were destroyed; and furthermore in 1965, Prince Georges County faced a real crisis because more than 14,000 dogs were impounded. I do not have the figures on cats, but broadly speaking, cats multiply as rapidly as do dogs. Prince Georges County is trying to meet the problem by setting up an ideal pound and then releasing the dogs and cats to medical research, as is now permitted in the city of Baltimore.

In the great "dog fight" of 1950 in Baltimore City, the voters supported the medical and scientific research institutions by a vote of 160,269 to 38,495; that is more than 4 to 1. I believe that if the problem was put squarely and honestly before the people of the United States today, they too would equally support medical research, teaching, and training, and the advancement of science; as there is virtually no one in the United States who has not profited by them. All of the dog lovers and all of the humane societies have their own pet dogs immunized against rabies and I am sure they have their children immunized against diphtheria and polio, and are grateful indeed that the fear of poliomyelitis has been removed. The danger of diphtheria is so far in the background that they have almost forgotten that it was a danger. They or their friends use insulin and are thankful that it exists, and there is scarcely a family that has not had some operation, and indeed the first training for all surgeons is operating on dogs before they operate on men, and of course, the advances in cardiac surgery have been done on dogs. Indeed, I do not think there is any question that medical research requires animal expermentation, it is the source from which the animals are obtained that is the question. As I say, to have good pound laws throughout the country and then permitting the dogs that would otherwise be destroyed for nought to be used by medical research would solve the problem and save the taxpayers enormous money.

The proponents of these bills object both to the theft of dogs to be sold for medical research and also to permitting dogs which are to be destroyed to serve a useful purpose. At least since I testified last week, I have received letters signed by 15 persons asking me how I would feel if that poor, stray, homeless dog, or even my own pet, was submitted to "the tortures of experiments," instead of being put to death. My answer is, as regards my own pet, if I had to choose between his being killed for no purpose and his dying in an attempt to save a human life or that of another animal, I would clearly prefer to have him die to save a life than die for no purpose at all.

The question is asked, Why do the medical scientists and research institutes not breed their own dogs? The answer is one of cost. It is estimated that it costs approximately a dollar a day for each dog that is raised, that is at least $300 for a year-old dog. That means that the 8,600 dogs used in the two medical schools of Baltimore would cost approximately $2,580,000. Some say this cost is excessive and it may only cost $150 per year. I think that figure is low when you include keeping the dogs, their quarters, the men who feed them and care for them, as well as the food for the dogs themselves. Even if it were that low, it would still cost more than a million dollars. In the last analysis the public will pay for the major cost of medical research, as the cost would be added to grants, special grants would be asked for to pay the costs. At the same time the taxpayer pays for the pounds. Pounds in Maryland last year (1965) cost approximately $800,000. It seems to me the height of folly for the taxpayer to pay for dogs to be impounded and destroyed and then pay another million dollars to raise dogs.

It goes without saying that if the pound dogs are used, the States must have good pound laws, and as in Maryland, anyone may bring a stray dog to the pound but the person is not paid for bringing the dog to the pound. Furthermore, a dog with a license tag or even a dog which is obviously well kept and may have lost his collar, is held twice as long as are the pitiful, truly stray, dogs. Therefore, we urge you to improve the pounds, improve the pound laws, pay the additional cost of holding the dogs for 5 days instead of 3, and indeed, holding dogs with license tags for 10 days instead of 6. It will cost more to keep the dogs longer and it will require larger pounds; nevertheless, if the dogs which are ultimately to be destroyed can be made available for medical research, such a measure will save the taxpayer enormous sums.

Another legitimate source for dogs is the poor farmer who wishes to sell his dogs and is grateful to the physicians and the veterinarians. When he is willing to sell his dog to a research institute why should he not have the privilege to do so without obtaining a license. On page 3, line 5, the regulation should be corrected to read "buys and sells" not "buys or sells" dogs. Furthermore, the word "compensation" on page 3, line 4, should be deleted because this would preclude a pound from receiving compensation for the dogs which were released to medical research, and those who are using the dogs are entirely willing to pay a reasonable fee for such dogs and thus help to defray the cost of the pound.

Our final criticism concerns the effective date. The effective date is given as 120 days from the enactment of the act. This leaves no time for the appointment of the Commission, the setting up of standards, for the inspection of dealers and the certification of licenses to dealers and to laboratories. Probably all dealers will not have to be inspected before they are certified but if licensing is not to be perfunctory they should be inspected and also the purchasers, that is, the medical institutions, should be inspected. It is estimated that there are more than 2,000 institutions in this country that are using dogs for research and scientific work. It would be utterly impossible to inspect those laboratories in 120 days. Thus, either it would all be a complete farce of scientific work, teaching and training, and the advancement of science, teaching of sciences, schools and universities, and the advancement of work in the medical schools, would all grind to a standstill.

In conclusion may I make it clear that we in the medical profession deplore the disreputable farms that are selling animals for research work. We are strongly in favor of the humane care of animals in the laboratories, but I still maintain that doctors are fundamentally kind people and we are not sadistic. We do not undertake experiments for the opportunity to hurt animals. We undertake experiments to help man. Mishandling of animals really comes in the purchase of animals from disreputable farms, in the care of animals before and after an experiment. The answer to the former is sound pound laws which enable the pounds to hold the dogs longer and then permit the dogs which are to be destroyed to be made available for research, teaching, and training; and the answer to the latter—that of giving better care to animals before and after the actual experiment, it is a matter of money. Our medical institutions do need money for the renovation and reconstruction of animal quarters. Hospital expenses have escalated, building of hospitals is terrifically expensive, everything is wanted for patient care. When a request is put in for better animal quarters, that is the section that is likely to be knocked off the bill.

The President's Commission on Heart Disease, Cancer, and Stroke recommended that $5 million be made available for the reconstruction and the renovation and the building of new animal quarters, the building and construction of animal farms, for the first year; increasing to $10 million at the end of 5 years.

Gentlemen, returning directly to the two bills, S. 2322 and S. 3059. S. 3059 included all vertebrates and S. 2322 affects all institutions of learning which receive Federal funds, not only medical and research institutes but also universities, colleges, and many high schools; if they receive Federal funds regardless of whether they receive them for animal experimentation.

Both bills state that their objective is to regulate the transportation, sale, and handling of animals, intended to be used for purposes of research and experimentation and other purposes. In reality these bills place control of research, teaching and training, and of all experimental work in medicine and science under the control of a single individual who is given unlimited power to make the rules and regulations concerning the handling of animals in the research and medical institutions. He is empowered to do so without any advice from

anyone or any commission. What is more, this individual is the Secretary of Agriculture who has no special training in these fields which are of vital importance to the Nation's health, education, and welfare. Such controls, rules, and regulations clearly belong in the Department of Health, Education, and Welfare. To give one department a large measure of control over the affairs of another department is fundamentally wrong.

It is for these reasons that the American Heart Association and the Medical Institutes of the Johns Hopkins Hospital are strongly opposed to S. 2322 and S. 3059, and we sincerely hope that you will consider the health of the Nation as of far greater importance both to our Nation and to the people of the world than is this indirect effort to prevent cruelty to animals in laboratories by giving the control to a single individual who has no special experience in the field.

SUPPLEMENTARY STATEMENT OF HELEN B. TAUSSIG, M.D., PRESIDENT, AMERICAN HEART ASSOCIATION

You have a prepared statement from me concerning these two bills as they were first introduced and it is my understanding that the House had reported favorably on them. Now, I understand from what you said on Friday (March 25, 1966) that everything beyond the receipt of the animal at the scientific institution had been deleted. That removes one of my major objections; namely, that one department was able to give rules and regulations concerning the activities which were the concern of another department. Also, I understand that "all other animals; i.e., all veterbrates," have been removed from the bill. That answers another one of my objections; because as I said, to license all small dealers, as for example a man who was selling salamanders, was unnecessary and furthermore, to identify individually all vertebrates, that is, all pink-eyed white mice, all guinea pigs and hamsters, not to mention goldfish, frogs and fish, snakes and cobras, was absurd.

My next basic objection to the bill is that it is an attempt to prevent theft for a specific reason. The bill is written to prevent the stealing of pets for research and experimental purposes. There is no question that the theft of pets is what is wrong. The theft of pets should not be better tolerated for one purpose than the theft of pets for another purpose.

I personally believe that the theft of pets for medical institutions, although more easily traced than the theft of pets for other purposes, is really less widely done. Indeed, far less widely done than would be supposed from the recent reports. Therefore, I suggest that it would be wise first to ascertain how many pets have been stolen and what breeds of pets and then compare the number of that type of breed that is found in a medical or research institution. I suggest this because the stealing of beagles is common; indeed, so common that I would never try to own another beagle, and yet beagles whose genetic background are not known are not in demand for scientific and medical research. Furthermore, the medical school is only responsible for what the dealer says, and what reason do you have to believe that the person who steals will not lie concerning the origin of the dog he has stolen.

The most effective method to lessen the stealing of pets for medical research lies in the basic economic law of supply and demand. Thus, if you will increase the legal supply the demand for stolen dogs will virtually disappear.

The obvious source of dogs, are the dogs that are being put to death at the pound. I cannot give you the figures for the entire country but I have included the figures for Maryland. Here, may I add that the John Hopkins Hospital buys all the dogs that they can from the Baltimore City Pound and the rest are bought from the Lone Trail Kennels in Pennsylvania, which I believe is one of the best of the dog dealers. The Baltimore City Pound does not have enough to fill our needs, but as I explained to you, Prince Georges County does. Indeed, I am told that last April (1965) 2,200 dogs were put to death for no purpose, at the Baltimore County Pound; which is run by the humane society and does not release them to us for medical purposes. The solution to the problem lies in sound pound laws and good pounds run under city and county management. Laws which will give the people more time to retrieve their pets than is allowed for obviously stray dogs, and then let the dogs which are going to be put to death, be made available to the medical schools. I am personally firmly convinced that

such pounds should not be run by the humane society or by the SPCA, as both societies are basically opposed to the use of dogs in medical research and are anxious not to cooperate. Model pounds could hardly be run by the people who are not cooperative with the purpose.

Gentlemen, in my opinion a law to prevent stealing for a specific purpose is uncalled for and perhaps it even encourages stealing for other purposes. The other side of this question is, the law will simply increase the cost of research and ultimately medical care by the amount of bookkeeping it requires to keep the records to identify all of the dogs which are bought. The law in no way assures the purchaser that the person who is selling the dogs to the school is not a liar. Indeed, I maintain that it is pretty difficult to be sure that a thief is not a liar, Therefore, I think that this law is unnecesasry.

A good pound law for well-regulated, well-managed pounds that are controlled by the city or the county or the State and from whom the medical and research institutions are permitted to buy the dogs that would otherwise be put to death would solve the problem of the supply of dogs needed for research and teaching and training.

Gentlemen, I would appreciate it if you will add this testimony to my original testimony on S. 2322 and S. 3059. Thank you again for permitting me to testify.

Senator MONRONEY. Does Dr. Melby have a statement he wishes to make?

Dr. MELBY. I believe Dr. Taussig has covered everything we jointly prepared.

Senator MONRONEY. Would you state your full name and your position for the record?

Dr. MELBY. I am Dr. Edward C. Melby, Jr., assistant professor, head of Division of Laboratory Animal Medicine, Johns Hopkins University School of Medicine, Baltimore.

Senator MONRONEY. You are in agreement with the statement made by Dr. Taussig?

Dr. MELBY. Yes; I am.

Senator MONRONEY. May I ask, Dr. Taussig, in your proposal to shift the administration from the Secretary of Agriculture to the Secretary of Health, Education, and Welfare, would that carry with it approval of this bill so that authority for the regulation of the humane treatment of laboratory animals outside of the laboratory should remain in the bill as written?

Dr. TAUSSIG. You mean by "outside of the laboratory" before and after the experiment?

Senator MONRONEY. Yes; the care of the animal before and after the experiment.

Dr. TAUSSIG. After he has entered the medical school?

Senator MONRONEY. Yes.

Dr. TAUSSIG. Yes; that, I think, belongs entirely—and particularly how long one should keep the animal, under what conditions, to judge very carefully. Many people say to destroy them immediately, but many experiments demand that they survive because——

Senator MONRONEY. No; this is not what I mean. I am referring to the manner in which the animals are housed in the kennels; whether they are in cages that force them to stoop all the time; whether they are given proper water and care; and whether the cages are clean and the animals have some opportunity for exercise. I am speaking of the general humane treatment of the animals before and after they are used in the laboratory. The authority cuts off, of course, at the laboratory.

Dr. TAUSSIG. I think that handling in the medical schools and in the research institutes should be under Health, Education, and Welfare. I think they should have certification of that, and that we should have set standards. There we are with you. We are strongly in favor of the humane care of animals. We are strongly in favor of proper regulations for that.

We are ready to suggest and have already suggested that the American Association for Laboratory Animal Care would set the standards in accordance with Health, Education, and Welfare, and that they should.

I think what happens in the scientific research institutes should be under Health, Education, and Welfare.

Senator MONRONEY. On the other part you would favor regulation, but you would prefer the Secretary of Health, Education, and Welfare to prescribe the humane care of animals——

Dr. TAUSSIG. Yes.

Mr. MONRONEY (continuing). In the kennels prior to and after the medical research?

Dr. TAUSSIG. Yes.

Senator MONRONEY. You are in favor of that?

Dr. TAUSSIG. That is, in the kennels belonging to the Institute.

Senator MONRONEY. I believe you said that under your proposal you wanted a commission established to help advise the Secretary of Health, Education, and Welfare as to what the proper standards for humane care and treatment of the animals should be. Is that correct?

Dr. TAUSSIG. Yes; that we either have a commission set up representing all of the interests, or actually we feel that the American Association for the Accreditation of Laboratory Animal Care is just such a committee that will inspect and will certify whether they have taken proper care of the animals.

Dr. Melby knows about that association better than I do. He may want to speak.

Dr. MELBY. Mr. Chairman, as you probably know, there has been within the last year an organization set up for this whole purpose of inspecting and accrediting laboratories upon their voluntary request, and this organization, known as the American Association for Accreditation of Laboratory Animal Care, is licensed in the State of Illinois and is in active accreditation of laboratory animal facilities at the present time.

It is following the guidelines as set down by the Department of Health, Education, and Welfare in their guide to the laboratory animal care as published in 1965.

Senator MONRONEY. But the research institutions would not have to do anything about it unless they wanted to?

Dr. MELBY. That is correct.

Senator MONRONEY. Completely voluntary?

Dr. MELBY. Right.

Senator MONRONEY. Do you have any questions, Senator Cannon.

Senator CANNON. No questions.

Senator MONRONEY. The Chair would like to ask a great many more questions of the witness, but because of the long witness list I am constrained to not interrogate any more other than to ask if I am correct

in assuming that you would like to eliminate all animals from the bill excepting dogs and cats?

Dr. TAUSSIG. Yes. And I would like to eliminate the purpose for which they are stolen. I think stealing of animals is such that you feel just as badly whether your animal is stolen for one purpose or another.

Senator MONRONEY. Of course that is true. But the big market for stolen animals according to the testimony we have heard and things that have been printed, has been created because of the substantial need for animals for research purposes. We do not say that all animals that are stolen are stolen for research. But the fact is that they are valuable and there is a market for animals in the research field due to the large numbers that have to be used each year in the conduct of necessary medical studies.

Dr. TAUSSIG. Also you could practically supply the entire research needs for dogs and cats from the pounds if we had good, sound pound regulations.

May I also say we have been criticized for saying that the American Association for the Accreditation of Laboratory Animal Care was asking the doctors to accredit themselves. But it is very much the same principle as the American Hospital Association inspects them and accredits them and that the American Medical Association inspects and accredits medical schools. It is a body that represents the veterinarians and the humane society. Anyway, the veterinarians have deep interest in welfare of animals and are well represented.

Senator MONRONEY. Thank you very much for your testimony. We appreciate your appearing, Dr. Taussig. We also appreciate your appearance, Dr. Melby.

Dr. TAUSSIG. Thank you very much.

Senator MONRONEY. Our next witness is Mr. George W. Jones, assistant director of the Massachusetts Society for the Prevention of Cruelty to Animals of Boston, Mass.

We appreciate very much your appearing here, Mr. Jones. We are glad to have you.

You may insert your statement if you wish and brief it in 5 minutes or so.

STATEMENT OF GEORGE W. JONES, ASSISTANT DIRECTOR, MASSACHUSETTS SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, BOSTON, MASS.

Mr. JONES. That will be fine, sir.

Senator MONRONEY. It is a short statement?

Mr. JONES. Yes.

Mr. Chairman and members of the committee, I am George W. Jones, assistant director of the Massachusetts Society for the Prevention of Cruelty to Animals located in Boston. I appear today as a representative of this society, and I appreciate this opportunity to appear and express the views of my society on this important subject.

I will be brief with this presentation since many of the points have been adequately covered in the House hearings in September and March, and also the previous Senate hearings on Friday.

The society I represent is in its 98th year and is the recognized statewide humane organization with a membership of over 30,000. This society operates the famous Angell Memorial Animal Hospital in Boston which last year treated 39,000 sick and injured animals, and in its 50 years it has cared for over 1½ million patients.

Agents of our society hold the rank of special State police and enforce the humane laws in the Commonwealth.

The problem of illegal animal procurement and the humane care and treatment of these animals has drawn nationwide publicity and interest—particularly since the House hearings in September. Public opinion appears to be running high for corrective legislation.

In the legislature of the Commonwealth of Massachusetts a bill was presented to increase the penalty for animal theft. If this bill is passed, at least on a local basis, illegal animal procurement may be slowed down.

At hearings on this previously mentioned bill, State Senator Oliver Ames of Boston told of a vehicle driving through the Back Bay area, which is an area of Boston, picking up animals. A person reported the license number, and this practice was stopped.

It would appear to us in Massachusetts that animal theft is a problem even though we are in a tremendous medical center and the terminal area for many of these animals that are secured in other parts of the country.

The problem of animal procurement, however, cannot be adequately covered by the acts of one State legislature. We feel that this is a Federal responsibility, since the majority of these animals cross State boundaries and are, therefore, in interstate commerce.

Representative Joseph Y. Resnick, of New York, stated that over 1¾ million dogs and one-half million cats were used last year in hospitals and research laboratories receiving Federal funds. Between $30 and $50 million were spent by these institutions for animals. Senate bills 3059 and 2322, we feel, offer constructive answers to the animal theft problem. We feel, however, that any legislation should have the following points:

(*a*) Include all vertebrates, not only dogs and cats.

(*b*) Dealers, middlemen, and laboratories should be licensed to buy, sell, and transport animals.

(*c*) There should be a 5-day holding period for the dealer.

(*d*) Animals should be identified.

(*e*) Adequate records of transactions should be kept.

(*f*) Humane standards to govern the handling and to promote animal health, well-being, and safety, not only at the dealers' level, but also to include laboratories.

(*g*) A meaningful bill should also include some type of inspection provision of facilities and records.

(*h*) Consideration should be given to the prohibiting of the sale of animals at auction or by weight.

(*i*) Consideration should also be given to not limiting this legislation to include only animals used in research.

Hunting dogs tend to disappear just before the advent of the hunting season, and also there appears to be a large amount of traffic in purebred dogs. Horse theft and livestock rustling continue to be a problem.

We sincerely believe that it is within the power of this committee to greatly reduce the number of animals stolen throughout the United States. We urge that this committee report favorably on a strong and meaningful bill.

Senator MONRONEY. Thank you very much for your testimony, Mr. Jones. We appreciate your appearing here.

What is the principal market for dogs or cats that are stolen in the country?

Mr. JONES. We feel that they are used in research facilities.

Senator MONRONEY. In other words, the main purpose of these thefts and the major market for these animals has to do with the need for animals for research purposes?

Mr. JONES. To the best of our knowledge, this is correct.

Senator MONRONEY. Therefore, if a bill is to be meaningful, it would have to almost bring in the licensing of the dealers in the chain of ownership and the research centers? Is that correct?

Mr. JONES. We feel this is correct. We feel that if the dealer and middleman are licensed, and then the final authority that uses the animals is not licensed, it would cut the bill's usefulness in half.

Senator MONRONEY. In other words, the omission of the final user from regulation or licensing would permit such user, if he so desired, to buy dogs or cats or other animals that might be stolen from an unlicensed dealer and would build up an illicit and unlawful market beyond the scope of the Licensing Act? Is that correct?

Mr. JONES. This is our feeling.

Senator MONRONEY. I can see how the dogs and cats could probably be properly documented. I wonder though if you include all animals, how low in the spectrum of animal life could you go to be sure that you are having the proper records and legal procurement of the animals?

Mr. JONES. I agree this is a problem, and I feel the decision would have to be made in the Secretary's office.

I think that, as was stated earlier, goldfish and snakes cannot be identified. However, we feel definitely the dogs and cats should be identified.

Senator MONRONEY. But the stealing of guinea pigs——

Mr. JONES. I do not think this is a major problem.

Senator MONRONEY (continuing). And white mice and things of that kind would be unlikely and very hard to identify.

Is there a possibility of breeding dogs for research purposes?

Mr. JONES. This is done in some areas. As a matter of fact, I believe Harvard is attempting this at their farm in Southboro, Mass., to a small degree.

I notice on the list that you have representatives of the American Humane Association to appear before you later this morning, and I feel they could give you a better answer on a nationwide basis, Senator.

Senator MONRONEY. I see. But you feel the major portion of the animals used in research do come from illegal sources as a result of theft?

Mr. JONES. Dogs and cats, yes.

Senator MONRONEY. Senator Cannon.

Senator CANNON. Thank you, Mr. Chairman.

What other areas specifically do you think are problems other than the dogs and cats?

Mr. JONES. I was talking to Mr. Phillips, executive secretary of the American Humane Association, earlier this morning, and I believe the figure that he used was that 50,000 head of livestock were stolen last year.

Senator CANNON. You are not suggesting that they were stolen for the same purposes, are you?

Mr. JONES. No, sir. And that is why I felt that the theft of animals, no matter what their final use, should be covered in the bill rather than just for research.

Senator MONRONEY. You mean any animal stolen and taken across State lines would be subject to the law?

Mr. JONES. As Dr. Taussig inferred earlier, if an animal is stolen, we feel this is the crime, not the reason it was stolen.

Senator CANNON. Well, do you feel that the laws on theft of animals are inadequate at the present time?

Mr. JONES. They appear to be.

Senator CANNON. Out in the country I come from they are pretty harsh. As a matter of fact sometimes they do not even bother with the law. [Laughter.]

So if you refer to horse theft and livestock rustling, you know, that is a pretty serious offense out in the part of the country that I live in.

Mr. JONES. Yes.

Senator CANNON. But do you think that this should just be made a general theft provision then?

Mr. JONES. Yes.

Senator CANNON. Covering everything?

Mr. JONES. That is correct.

Senator CANNON. Now, on animal identification, what do you actually mean by that—animal identification?

Mr. JONES. I think we mean basically the identification of dogs and cats in some way so that their ownership can be established.

If I could just say how we do it at our animal hospital, it is just a simple tag with a number around the neck of the animal.

Senator CANNON. Are you suggesting identification of other animals other than the dogs and cats may be needed?

Mr. JONES. I think Senator Monroney brought out the problem that we cannot go down the list too far. I think dogs, cats, and major classifications of farm livestock could easily be identified, and in most cases they are.

Senator CANNON. Farm livestock is usually——

Mr. JONES. Earmarked with a tag or branded.

Senator CANNON. Yes, a brand on the cattle and a tagging on the sheep, and so on.

Mr. JONES. That is right.

Senator CANNON. Now, you say in your item *h*, "Consideration should be given to the prohibiting of the sale of animals at auction or by weight." Why is it bad to sell animals by weight or at auction? You understand that this is the customary thing in the livestock and cattle business?

Mr. JONES. Absolutely. And as I recall, Senator, animals sold by auction and weight in a livestock market are already licensed under

the Stockyards Act, I believe, through the Secretary of Agriculture so this would not have to be a duplication.

It has been evident in talking to representatives of the Humane Society of the United States and also of the American Humane Association that when dogs and cats are sold at auction and/or by weight it seems that inhumane standards seem to go along with these auctions and sale by weight.

Senator CANNON. Well, is it because they are sold by weight, or is there with this type of occurrence the likelihood that many of these animals are stolen?

Mr. JONES. I think they go together.

Senator CANNON. Thank you, Mr. Chairman.

Senator MONRONEY. Thank you, Senator Cannon.

In the bill as drafted by Senator Magnuson, the research institutions are required to be licensed. They are suspected of being the principal purchasers of dogs and cats that are stolen. Would you favor leaving that section in the bill to act as an additional safeguard at the large marketplace against these animals finding a ready market?

Mr. JONES. Yes, sir.

Senator MONRONEY. You are in favor of that?

Would your organization be in favor of the humane regulation of the animals during the time they are kept in the kennels of the research institutions as distinguished from regulation when they are undergoing experimentation?

Mr. JONES. As they are kept?

Senator MONRONEY. In other words, separating the question of what is done in the research laboratory from the housekeeping kennel functions to provide for conditions that would be humane prior to and subsequent to the medical experiments?

Mr. JONES. We will agree with that, I believe, that they are interested in how the animals are cared for prior to and after the actual experiment.

Senator MONRONEY. I see. In other words, this does not enter into the experiment itself?

Mr. JONES. Not in the least.

Senator MONRONEY. But your organization is in favor of that?

Mr. JONES. Yes, sir.

Senator MONRONEY. We thank you very much for coming.

Senator Cannon.

Senator CANNON. If the dealers were licensed, do you not think that would solve the problem rather than requiring the ultimate user to be licensed?

I ask that because some of the testimony before given here indicate that they only buy from reputable people anyway. They do not buy on an individual basis. And so if the dealers themselves were required to be licensed, why would you want to license the ultimate user?

Mr. JONES. I feel it would give a double safeguard, and also by having the laboratories licensed, if the human standards and care in the laboratories were included in the bill——

Senator CANNON. That is not in this bill now, in the Magnuson bill, as you know.

Mr. JONES. Yes, it is.

Senator CANNON. Well, it is not spelled out in the bill.

Mr. JONES. In the Magnuson bill it is.

Senator CANNON. You are referring to the regulating other than during the experimentation?

Mr. JONES. Yes, sir.

Senator CANNON. And it is not your intention to suggest that there should be any rules or regulations specified for the experimentation itself?

Mr. JONES. No, sir.

In the Magnuson bill I believe it is section 5, sir.

Senator CANNON. Go ahead.

Mr. JONES. I believe in the Magnuson bill this is covered under section 5.

Senator CANNON. Do you believe that section 5 would give the Secretary authority to regulate after the experimentation?

Mr. JONES. I believe so. It says, "to promulgate standards to govern the handling and transportation of dogs and cats by dealers and research facilities."

If the animal is in the research facility, I feel it would be covered whether it is before or after an experiment.

Senator CANNON. Do you have any suggestion for the language where you are indicating that this should not only relate to the theft for research purposes, but for any other purpose? Are you suggesting any specific language, for example, in (g) or any changes there?

Mr. JONES. In (g) of my testimony, sir?

Senator CANNON. No, in (g) of the Magnuson bill. It is where the term "dealer" is defined as "any person who for compensation or profit delivers for transportation, transports, boards, buys or sells, dogs or cats in commerce for research purposes."

You were suggesting——

Mr. JONES. I would put a period after the word "commerce" and omit "for research purposes."

Senator CANNON. All right.

Senator MONRONEY. Thank you very much, Senator Cannon.

Thank you, Mr. Jones. We appreciate your coming to testify, and we are glad to have your testimony.

Mr. JONES. Thank you, Senator.

Senator MONRONEY. Our next witness is Dr. Lowell M. Greenbaum, president, New York State Society for Medical Research. Would you come forward, Dr. Greenbaum.

Would you state your name and title for the record and the name of your associate, please?

STATEMENT OF DR. LOWELL M. GREENBAUM, PRESIDENT, NEW YORK STATE SOCIETY FOR MEDICAL RESEARCH; ACCOMPANIED BY DR. ROSS GRAY, CURATOR OF ANIMAL HUSBANDRY, COLUMBIA UNIVERSITY

Mr. GREENBAUM. I am Dr. Lowell M. Greenbaum, associate professor of pharmacology of the College of Physicians and Surgeons, Columbia University, and president of the New York State Society for Medical Research which I represent today. On my left is Dr. Ross Gray, curator of animal husbandry of Columbia University.

Dr. Gray is in charge of procurement and has vast experience in the veterinary field.

Senator MONRONEY. You may proceed, Dr. Greenbaum.

Dr. GREENBAUM. Mr. Chairman, the New York State Society for Medical Research is a society whose membership is derived from the State's nine medical schools and various research institutions and from the public at large who are interested in maintaining the highest level of research in the State and the country.

We know, Senator Monroney and Senator Cannon, that you and your colleagues in the Congress have given the American public the highest level of health in the world by your support of basic medical research.

This society supports your concern for "petnaping" and for legislation in this area.

However, we would like to see your bill cover petnaping of dogs and cats for any purpose rather than just animals destined for research laboratories. The reasons for this will unfold during my testimony, although I have outlined the specific changes in the previously submitted testimony.

I think that the committee should know at the outset that our society is approved for transporting animals from public pounds to medical institutions in the State. In 10 years we have never had an owner identify a stolen pet in the animal quarters of our member institutions.

However, such possibilities may exist, and the reasons why they exist are what I would like to tell you about.

Research going on in our State to conquer heart disease, cancer, stroke, muscular dystrophy, and so forth, requires 20,000 cats and dogs each year. You will be interested to know, Senators, that 200,000 cats and dogs are killed in the State's public pounds each year. From the public pound we are able to obtain only 3,000 animals.

Up to 15 years ago animals in the pound were completely wasted and unavailable to research laboratories. The passage of the Metcalf-Hatch Act in the State made pound animals available for our war against disease. This is the law that our so-called humanitarian friends on Friday have called a bad, bad law.

Let's see what is bad about it, and let's correct some misinformation while we are at it.

What is bad about a law that says that an animal that is unclaimed and unwanted after 6 days in the pound shall be used for medical research rather than be killed?

What is wrong with a law that sets standards for animal care in the research institutions in the State?

What is wrong with a law that has the department of health periodically inspect the animal quarters?

What is really wrong with the law, gentlemen, according to our antivivisectionist friends, is that animals are used for research purposes. In other words, our humanitarian friends are really no friends of humanity at all.

Now, according to figures we have, 50,000 or more animals from the pounds should be available for research purposes since they are unclaimed and strays.

Gentlemen, again, we are able to obtain only 3,000 out of 50,000.

Previous testimony given by our humanitarian friends that medical institutions requisition only 3,000 is not correct. We requisition many more animals, into the twenties of thousands, but actually receive 3,000.

The reason we only get this small number of animals is that our friends exerted pressures on the personnel of these pounds so that animals are put to death rather than be sent to research laboratories for our war on disease.

In the 1964–65 bulletin of the public pound in New York City, 110,000 animals were put to sleep in 1 year. Only 80,000 of those animals were requested to be put to sleep by their owners. Thirty thousand animals killed are still to be indentified as to why they were killed.

What is the result of this grim game played by our humanitarian friends?

First, it costs the taxpayers of America about half a million dollars each year just in the State of New York to support the Humane Society's activities. Instead of paying something in the order of $10 a dog to a public pound for research, it costs medical research an additional $20 or so because the animals must be purchased from dealers.

If you figure out the number of animals we need and multiply it by that value of $20, you come very close to half a million dollars.

The second consequence of these grim activities by the Humane Society in blocking the legal acquisition of animals is that it has reduced the needed animal supply for vital research.

Last week the wife of an esteemed colleague of yours passed away—Mrs. Celler. Mrs. Celler carried within her body a cardiac pacemaker, an instrument which sends out electrical impulses to keep a diseased heart beating. Mrs. Celler's life was prolonged by this instrument.

Gentlemen, it did not take 1 dog to perfect this nor 100 nor 500. It took thousands of animals to produce that small instrument. But it is saving thousands of lives of your own constituents right now. And this is the needed supply of animals that is being cut off by our humanitarian friends.

The third consequence of the illegal activities of these societies (by breaking State laws) is possibly to produce a black market of animals in this country. They force research institutions to request large amounts of animals from dealers. They cannot get them from the pound. And these dealers may—we do not know—deal with unscrupulous collectors from all over the country.

But it should be noted that it is not the research institutions that have created this problem. It is the antivivisectionists and humane societies.

In summary, Mr. Chairman, the public is paying in lives and in tax money for the activities of these so-called humane groups which have strangled the legal source of animals in this country. Their efforts may have produced a black market.

We urge you not to pass a bill which is discriminatory to medical research and which furthers the false impression that science is the cause of petnaping. We urge you to pass a bill that makes it illegal for theft of pets for any purpose.

Such a bill is required. Such a bill would not aid and abet groups that wish to stop our war on birth defects, cancer, heart disease, and stroke.

We urge you to report out a bill tailored along the lines of S. 3138.

Thank you.

Senator MONRONEY. Thank you, Doctor.

I disagree completely with you in your attitude on the so-called, and I quote directly, "grim" activities of these humane societies. We have heard enough in this committee to know that there are some pretty grim things that have gone on in the care and treatment of animals, particularly in the theft of them across State lines.

What about the ill treatment of these pound animals? We heard testimony Friday that most of them were unfit for continued medical research and they would not live through the period of the difficult and sometimes painful research which is necessary. We were told that they are infected, diseased, and vermin ridden when they are brought into the pound and therefore furnish little hope for useful laboratory animals.

Dr. GREENBAUM. Well, this is a problem. I will ask Dr. Ross Gray to comment on this point.

Dr. GRAY. Sir, you are quite right. An animal should be biologically healthy in order to be used in medical research. Otherwise, the data you might obtain, of course, would be of no value.

I cannot really believe that all the dogs that are in the pound are unhealthy, because many, many of them are not.

All the animals that we use at Columbia—our main source of supply for dogs at Columbia—are impounded dogs, legally done so, and these dogs are for the most part in quite good shape.

Our supply is not as great as we would like to have it, but these dogs do turn out very nicely with proper conditioning procedures.

Another point I would like to make is I just cannot conceive that the medical research institutions are the main source of stolen dogs or the main users of stolen dogs if, in fact, dog stealing does occur.

As Dr. Greenbaum did point out, many more dogs are put to sleep legally by the State every year than are used in the medical institutes or the using medical institutions.

I just really cannot believe that such a so-called black market does exist.

I further do not believe that the medical community is a cruel, sadistic community and would traffic, certainly knowingly, in stolen animals.

Senator MONRONEY. They perhaps do not knowingly get them, because they are brought across State lines, and there is no way to identify a stolen dog.

I believe the doctor mentioned that in most of the history there has been practically no identification of any animals that you have had. If they—sir?

Dr. GREENBAUM. In that statement I was speaking of stolen animals being identified by their owners.

Senator MONRONEY. That is right. Because if they are moved across a State line or two, as the testimony before this committee indicated, there is very little likelihood an animal would ever be identified. It

would be unusual to know which of the many research facilities in 50 States would be using them.

Has there been any proposal to rehabilitate these pound animals so more of them could be used in research? The thrust of the testimony has not been to prevent the pound animals from being used in research. It has been to try to prevent stolen animals from being used in research. It has alleged that one of the principal reasons for the theft of dogs and cats is that the great need for animals to be used in medical experimentation is unfilled by available pound animals or animals raised on farms.

Dr. GREENBAUM. Well, Senator Monroney, I think it should be clear as far as my society and many of my colleagues are concerned, we are not against legislation. As a matter of fact, in Science of March 18, I have a letter that is distributed to many of the scientists in the country, and the letter says that we need a bill for licensing of animal dealers. It is of utmost importance that you understand that we do not traffic with a dealer who is unscrupulous.

We want to see dealers licensed, and licensed properly, so that they maintain high standards of care for animals during transport, and use proper legal procedures for acquisition of animals. What I have discussed today is my belief and evidence why perhaps dognaping or petnaping may go on.

Senator MONRONEY. What are these "grim" activities of these humane societies?

Dr. GREENBAUM. This is what I meant. Perhaps the word "grim" was a little too grim.

Senator MONRONEY. I think these people are well intentioned, and I think they resent bitterly some of the things that go on even in the research kennels which deny the dogs an opportunity to stand erect or to be kept clean or to be exercised properly and other humane treatment that would be a proper expense against the funds that are appropriated particularly by the Federal Government for humane care while they are in there.

Do you object to the kennels—particularly exempting the laboratories from field standards?

Dr. GREENBAUM. No, sir. As a matter of fact, our society feels—and again in the letter to Science—I will quote the letter if I may, "Such bills should contain provisions for the effective enforcement of high standards of animal care." That means in a laboratory.

We propose to have two separate bills, one for licensing of dealers and one for humane care in the laboratories.

I must say, however, Senator, that it is difficult sometimes to listen to a person who is not a professional person in terms of animal care tell us how animals should be housed. We do feel, as Dr. Taussig suggests, that an accreditation group that is set up by scientists from the various medical institutions in the country should be consulted and used in accrediting and setting up standards in the laboratory and in the kennels. I think this is a fair thing.

Senator MONRONEY. Why is that? I mean, I think human beings, whether they are scientists or not, know that when an animal has been subjected to necessary and important research experimentation, he is entitled, when he gets out of that laboratory, to fresh water; he is en-

titled to a decent-sized kennel; and he is entitled to exercise and maybe even a little sunshine.

Dr. GREENBAUM. Well, I think, sir, that may be correct, and I think that scientists want to see this. Scientists are very humane people. We are made out to be torturers.

I have a pet cat that had four kittens the other day.

We don't torture animals. You cannot perform an experiment on an animal in ill health or an animal that is not properly anesthetized.

Senator MONRONEY. This does not involve anesthetizing. It does not involve the scientist who does not keep the cages clean. It does not involve the scientist doing a necessary operation. It involves the kennel care and the opportunity for a dog to receive humane treatment including proper food and exercise.

Dr. GREENBAUM. I fully agree with that. I simply point out that certainly we have advanced tremendously in animal care in this country and that the people who are professionally trained to take care of the housing of animals should be consulted in this housing.

I certainly agree that the animals should be properly housed at all times.

Senator MONRONEY. Senator Cannon.

Senator CANNON. Thank you, Mr. Chairman.

How do you go about requisitioning your animals under the New York provision?

Dr. GREENBAUM. Under the New York provision we have been designated as the transporting agency—as the most efficient means. Instead of several schools calling in to the pound, and so forth, to get animals, we operate as the central agency for the schools in New York City and Buffalo. We have ambulances in both those cities.

What we do is call in to the various shelters and find out how many animals are available. When an animal is not adopted after 3 days, then by law it should go to the pool for research. It then stands another 3 days. If it is not claimed in a total then of 6 days, then it is supposedly available for research purposes. And we call in, and we are constantly in need of more animals, as I mentioned, than are given to us.

Senator CANNON. Do you have any explanation for the reason that you are only able to get 6,000 and yet 30,000 additional were——

Dr. GREENBAUM. Well, this explanation we would certainly like to know about. We are investigating this as best we can at the State level.

Senator CANNON. I wonder if it was because part of those animals were not in adequate condition healthwise so that you are able to take them.

Dr. GREENBAUM. Well, we know that a percentage of the animals are in ill health. However, we feel that not that great an amount are in ill health, sir.

Senator CANNON. And you are trying to check that out?

Dr. GREENBAUM. We will, sir.

Senator CANNON. Do the animal shelters give you any explanation for it? Do they tell you why they have put a lot of these animals to death that were not turned in by the owners with a request to be put to death?

Dr. GREENBAUM. Well, this is a difficult emotional problem. The pounds, of course, have sort of a double-edged problem. They are

interested in the so-called humanitarian efforts in protecting animals, and at the same time they have to give animals to research. Consequently, it is hard usually to get an explanation or to press the explanation because of various implications that are involved.

Senator CANNON. There is not much likelihood of the stolen animals ending up in the pound, is there? That is, there is no incentive for a person to steal them and turn them into the pound? They would get no compensation?

Dr. GREENBAUM. No.

Senator CANNON. So if you get more of your supply from this source, it might actually decrease the hazard or the profit, let's say, to the person who wants to steal and sell?

Dr. GREENBAUM. Exactly. And it is sort of the same as prohibition. If you take away the cause for the theft, then the theft will disappear.

We feel that there is a sufficient number of animals in the pound to supply the medical laboratories in New York State. However, I should also say that certain animals have to be raised for certain purposes, purebred lines, and so forth.

Senator CANNON. Do you know how many States have a law similar to New York in giving the research groups the——

Dr. GREENBAUM. There are 11 States. I can give you the States, sir. This comes from the statement of the former Governor of Iowa who investigated this problem. They are the States of Connecticut, Illinois, Massachusetts, Minnesota, New York, Ohio, Oklahoma, South Dakota, Utah, and Wisconsin.

Senator CANNON. Thank you, sir.

Now, you recommended that the law be written so that it makes theft for any purpose, not only for research, a crime.

Dr. GREENBAUM. Yes sir.

Senator CANNON. And that the other animals be excluded?

Dr. GREENBAUM. Yes, sir.

Senator CANNON. So that it only covers dogs and cats?

Dr. GREENBAUM. Well, this is the major—I mean the higher animals would be dogs, cats, and monkeys, but of course we do not find theft of these animals. The pets would be the cats and dogs. This should solve the problem.

Senator CANNON. And then you say that you feel the auction is a legitimate means. Would you suggest that the auctions themselves be licensed?

Dr. GREENBAUM. I think that they should be regulated. If animals are mistreated in these auctions, this should not be the case. And if the auctions are regulated by the Secretary of Agriculture, that would be fine as far as we could see.

But I should point out, as you mentioned, Senator, that these are important sources of animals, a way of selling animals.

Senator CANNON. And then that the auctioneers be required to furnish proof of title to the dealers that buy at the auctions. Is that right?

Dr. GREENBAUM. Yes, sir.

Senator CANNON. I believe that is all I have.

Senator MONRONEY. Do you have any questions, Senator Dominick?

Senator DOMINICK. No.

Senator MONRONEY. Thank you very much, Dr. Greenbaum and Dr. Gray.

Senator DOMINICK. Excuse me, Doctor. I have not had a chance to listen to all of your statement, but I have reviewed quickly your prepared statement. Has your investigation indicated that there is any large-scale traffic in dogs and cats between dealers which should give us additional cause of concern?

I notice that you said don't step on the research facilities, and I grant you this is not what we want to do. But the problem, as I get it from previous testimony, has been that most of this activity has been for the purpose of supplying dealers who then supply the research facilities. Are there any other outlets for these dogs that are stolen and badly taken care of?

Dr. GREENBAUM. Well, we feel that a great many animals may be stolen but not for research laboratories. Hunting dogs, for example. Perhaps for breeding purposes, purebred dogs.

I must say that, as I mentioned in the prepared testimony, we just have never had an owner identify a stolen animal. If an owner feels that an animal has been stolen in New York City and they wish to find him, they send us circulars. We have had circulars from as far down as Virginia. And we circulate the description of an animal through everyone of our institutions. We have actually called people and brought them into the animal quarters where we thought perhaps there was an identification to be made. And we have never in 10 years had an owner say, "You have my dog in here." This is all I can say.

What the dealers do—well, they should be licensed. But we just do not see what some of the newspaper headlines would like us to believe, that there is a great petnaping ring for research purposes.

Senator DOMINICK. Well, there is obviously a pretty big traffic in this. This is the point I'm making. At least the evidence has indicated there is a pretty big traffic in it, and I have difficulty in trying to figure out what they do with these animals unless it is for a purpose where they can make quite a lot of money in a very short time.

It is pretty hard to do this because they are not selling just registered dogs. They do not have any papers on them to make them breeding stock anyhow, so it is very difficult to do it that way.

Dr. GREENBAUM. Well, again I can only stand by our experience in the State of New York, that the number of animals that have been identified as stolen in our institutions in our State is minor and negligible.

Now, again, the traffic may be in hunting dogs or breeding dogs, something of that nature. But we don't see them in research institutions.

Senator DOMINICK. Thank you, Doctor.

Senator MONRONEY. Thank you, Doctor, very much.

(The prepared statement of Dr. Greenbaum follows:)

The New York State Society for Medical Research would like to take this opportunity to inform the committee that it agrees in spirit with the legislation introduced by Senators Magnuson and Clark. Legislation which will provide a healthy climate for the transport of animals whether for sale, breeding, show or experimentation is an important moral obligation on the part of humanity. The time and effort spent by these legislators reserves our thanks. This society is particularly concerned with the transport of animals since it was designated by

the State to transport animals within the State. Our society has always been concerned for the best possible animal care and has helped bring this about in the State by supporting passage of the Metcalf-Hatch Act. Consequently we do know the benefits that legislators and scientists can accomplish when they work together.

The committee may be interested to know that for a number of years our society has investigated complaints that a pet may have found its way into one of our member laboratories in New York City and environs. We have allowed owners to go directly into animal quarters to observe if their animal were present. In not one instance was any identification made. Nevertheless legislation to prevent even the rare instance of pet stealing should be supported provided persons responsible for the theft of any dog or cat for any use whatsoever be held responsible. Why should people who steal dogs and cats for kennels or pet shops be protected from the law as proposed by the current bills? Why are the medical institutions singled out as the guilty party?

In order to overcome this apparent inequity in the legislation and also to prevent undue restrictions on research and to make dealers meet certain standards, our society with its legal counsel has very carefully reviewed S. 2322 with a positive eye rather than a negative one in order to aid in legislation which will prevent theft of any pet, dog or cat for any use. We offer the following constructive points to the committee:

(1) The references to: (*a*) the use of dogs and cats for purposes of research or experimentation; (*b*) persons or organizations engaged in using animals for research, and (*c*) research facility; should be deleted.

Such references as now appear in these bills are discriminatory and undeserved. In singling out the research organization as a consumer, there is an inappropriate onus of wrongdoing pointed at the research community, when in fact the few instances at hand indicate "dealer" fault. Moreover, these references are not in keeping with the true intent of these bills; namely, to prevent pet stealing and to guarantee the humane care and treatment of dogs and cats during their transportation and sale by commercial animal dealers, whatever the purpose. It is evident that humane practices should apply to dealer operations regardless of the consumer, whether it be a research institution, a retail pet outlet, kennel, breeding farm, etc.

(2) The requirement that a research facility be licensed in order to purchase dogs and cats from a commercial dealer is again discriminatory and again places an undeserved onus on these institutions. Also, it would locate within the Department of Agriculture the problem of licensing and regulating biomedical research facilities as well as those of other government agencies.

(3) The inclusion of "other animals" in S. 2322 would create an unwieldy problem. It would encumber the Secretary of Agriculture with regulating the transport, sale and handling of animals from frogs through livestock, whereas the motivation for this legislation stems directly from alleged instances of dog and cat stealing and maltreatment by "dealers."

(4) The definition of "dealer" should not include the term "compensation" since any humane organization or nonprofit group may be involved in transporting dogs and cats and expect compensation for their service. Also some statement should be made to exclude common carriers from such regulation because such carriers are otherwise regulated.

(5) Stipulating the period a "dealer" must hold an animal after acquisition would be unduly costly to the dealer and to the consumer. But more important it may impair the health of the animal.

(6) With reference to S. 2322, the auction is a legitimate means of obtaining dogs and cats and there is no reason to prohibit either it or the purchase of animals of a desired weight. The humane handling of animals in this transaction would be guaranteed by the proposed legislation. Further, the auctioneer should furnish proof of title and the "dealer" be responsible by law for purchase from a legal owner.

(7) "Dealer" license fee should not exceed $50 per annum.

(8) The prescribed 120 days for legislation to be effective after enactment is too soon. It is recommended that 180 days would permit sufficient time for study to promulgate desirable standards.

In addition to the above our society has approved the incorporation of recommendations by the National Society for Medical Research and the New York State Society for Medical Research with those of S. 2322 in the form of a bill

(H.R. 13406) submitted in the House of Representatives by Hon. Ancher Nelsen, of Minnesota. I hope the committee realizes the sincerity of the efforts that have been expended in bringing all of these points to the committee. Our society would be more than happy to comment on the draft of the final bill drawn by the committee counsel.

Thank you.

Senator MONRONEY. The next witness is Dr. Nathanial R. Brewer, secretary, Illinois State Society of Medical Research, University of Chicago.

Mr. CLEVELAND AMORY. Mr. Chairman, is there any provision for placing in the record an answer to being called an antivivisectionist?

Senator MONRONEY. We will be happy to have you submit something. Whom do you represent?

Mr. AMORY. I am Mr. Amory. I'm one of the people Dr. Greenbaum testified about.

Senator MONRONEY. We would be happy to receive a statement from you.

Mr. AMORY. Thank you, sir.

(The statement of Mr. Amory follows:)

Mr. Chairman, Dr. Greenbaum has accused the humane societies of being antivivisectionist, and illegal, and he has also called us his so-called humanitarian friends. May I say that we are used to being called antivivisectionist. It is not true, but we are used to it. We do not even mind being called illegal—although this again is not true. We do, however, object to being called Dr. Greenbaum's humanitarian friends—in fact we regard being called any kind of a friend of Dr. Greenbaum's as perilously close to slander.

Thank you.

Senator MONRONEY. Dr. Brewer, do you have a statement?

STATEMENT OF DR. NATHAN R. BREWER, SECRETARY, ILLINOIS STATE SOCIETY OF MEDICAL RESEARCH, UNIVERSITY OF CHICAGO

Dr. BREWER. Mr. Chairman, I submitted a prepared statement and turned it in. I wonder if I could have permission to add a few verbal comments pertinent to the problem.

Senator MONRONEY. Yes, sir.

Dr. BREWER. I have been concerned with the problems related to the care and use of laboratory animals for over 40 years and have been closely associated with the founding and development of several organizations that have been and continue to be dedicated to improved conditions in laboratory animal care.

I am secretary of the Illinois Society of Medical Research, and I speak for the society at these hearings.

The Illinois Society for Medical Research is in complete agreement that animals should not be stolen for any purpose and has no quarrel with any legislation that would tend to eliminate thievery in any form.

We would also agree that licensing and proper supervision of dealers of dogs and cats by the Department of Agriculture could be of benefit to research and teaching institutions.

It is respectfully requested that this committee reflect carefully on two areas of the testimony that some proponents of these bills have presented.

First, there are repeated claims about the enormous traffic in stolen animals for research. There are repeated assumptions that traffic in laboratory animals is synonymous with skullduggery and thievery. There was even a spy hired in an attempt to obtain some evidence that traffic in stolen dogs exists.

This committee was advised that "every level of operation from the small grassroots dealer handling just a few dogs to the big supplier" were observed.

Looking over the testimony submitted in the House and in the Senate, I have failed to find a single substantial instance of a proven case of a stolen dog reaching a research laboratory. On the contrary, the evidence indicates that such reprehensible activity if it exists must be minescule.

In over 40 years of experience with research animals, and in over 20 years as an individual in charge of the animal quarters at the University of Chicago, not a single instance of a stolen dog was uncovered.

Dr. Maurice Visscher testified before this committee that, of 40,000 dogs received at the University of Minnesota over a span of 15 years, not a single case of a stolen dog was uncovered.

Dr. Lowell White of the University of Washington offered similar testimony to this committee.

Dr. Greenbaum just cited evidence that no stolen dogs have been found in New York.

Even the dog with the Harvard tag, so well publicized in Life magazine and interpreted by many readers to be a stolen dog, turned out to be a dog that came from a municipal pound.

The evidence that there is substantial traffic in stolen dogs for research must be meager indeed when, after heroic efforts to produce such evidence, it turns out to be so sparse that it must be offered by innuendo only.

We respectfully request that the Department of Justice be invited to investigate the astounding charges that the traffic in stolen dogs for research exists.

The second item offered for your consideration is the statements that offer evidence that some of the witnesses are less interested in the proper condition for the procurement of animals for vital research than they are in interfering with the supply of such animals.

Gentlemen, I am a member of the American Humane Association. I am a working member. I'm on the committee on transportation of animals. I am a working member of the Anticruelty Association of Chicago, and with that group we have tried to work toward improving care and transportation of laboratory animals and the teaching of laboratory animal caretakers. And I am proud to be a member of the American Society for the Prevention of Cruelty to Animals of New York.

So I do not infer here that all humane societies are in this group.

But one witness stated that humane people would rather destroy "every single last one of those animals rather than give a single animal to a single laboratory."

Another stated that the group he represented would "not support an agency which is in the business of being a collection depot for laboratory animals." And he indicated that what he called the hu-

mane movement would be destroyed if shelters were legislated into allowing dogs and cats to be used for teaching or research instead of being killed.

Further, let the record show that these same witnesses have consistently fought every bill that would allow unclaimed, unwanted dogs or cats that would otherwise be killed in municipal pounds or shelters to be made available from such pounds for teaching or research.

To repeat, the Illinois Society for Medical Research does favor licensing of commercial dealers of dogs and cats and it does favor the enforcement of proper care by such dealers.

The Illinois Society for Medical Research believes that these ideals would best be served by Senate bill 3138 introduced by Senator Mondale of Minnesota.

Thank you.

Senator MONRONEY. Thank you, Dr. Brewer.

The lack of identification of dogs in the Illinois institutions which you mentioned as being proof that stolen dogs do not find their way in——

Dr. BREWER. I did not say that.

Senator MONRONEY. I understood you to say that.

Dr. BREWER. No. I said that we had not found an instance of a stolen dog, so if it does occur it must be relatively minor.

Sir, we have escorted many people who have lost dogs through our quarters. The only dogs that have been recovered are those that had come from a pound and would have been killed at that pound if they had not been sent to us instead of being killed.

Senator MONRONEY. How many dogs did you receive that came in interstate commerce?

Dr. BREWER. I cannot say that, sir, and I am not contesting that such men be licensed and that such dealers be supervised, because I, too, am in sympathy with anything that would conduct proper supervision and commerce in dogs for research laboratories.

Senator MONRONEY. Do you deal with the suppliers of these dogs?

Dr. BREWER. We deal with suppliers.

Senator MONRONEY. I say, do you?

Dr. BREWER. Yes.

Senator MONRONEY. Well, how many of them are interstate dealers?

Dr. BREWER. I suspect all of them are.

Senator MONRONEY. Then many of the dogs that you receive would be coming to you through interstate commerce?

Dr. BREWER. That is correct.

Senator MONRONEY. I see. It would be a little difficult for an owner to identify his dog if it were picked up in one of the 50 State jurisdictions, would it not?

Dr. BREWER. That is true. I am not contesting that part of it.

Senator MONRONEY. So lack of identification does not necessarily prove that stolen pets do not find their way into research institutions of the State of Illinois or other research institutions?

Dr. BREWER. That is true, but it does not prove that they are. And from the preponderance of evidence it must not be a large traffic, at least in stolen dogs.

We have advised our dealers, the way we do it, that if there is ever a stolen dog traced to them, not only would they be in trouble with the law but we would help prosecute them.

We have to protect ourselves, too. Because any reflection on a dealer we use is a reflection on us. We recognize that.

Senator MONRONEY. How many dogs are furnished you through the pounds?

Dr. BREWER. The pounds of Chicago supply about 6,000 dogs a year.

Senator MONRONEY. Out of how many?

Dr. BREWER. Out of how many dogs that are received at the pound?

Senator MONRONEY. Out of the total number of dogs used in research.

Dr. BREWER. Well, the Chicago area uses about 18,000 dogs a year.

Senator MONRONEY. So 12,000 come from dealers?

Dr. BREWER. 12,000 come from dealers or breeders. We buy from breeders too.

Senator MONRONEY. What proportion of the supply comes from breeders? This is interesting.

Dr. BREWER. A very small number.

Senator MONRONEY. They are better for research, are they not, than the dogs that come from the pound?

Dr. BREWER. Yes. However, they are only used where they are only absolutely necessary for the project, because when we have to pay $60 for a 3-month-old puppy, a beagle pup, or when we have to pay $120 for a purebred Labrador when we need that size, we only use them for stated purposes. For the development of techniques and for certain other purposes especially in classrooms it is not necessary to subject public funds to that expense.

Senator MONRONEY. Senator Cannon?

Senator CANNON. No questions.

Senator MONRONEY. Senator Dominick?

Senator DOMINICK. Doctor, I am still interested in the question that I asked Dr. Greenbaum. There has been substantial evidence of traffic in stolen dogs between dealers.

Dr. BREWER. Well, I have not noted any. I have heard a lot of statements to the effect that there have been a lot of stolen dogs between dealers, but I have not noticed any evidence that this existed.

Senator DOMINICK. Well, there has been a good deal of evidence—put it this way—that there is a very large traffic in——

Dr. BREWER. That is correct.

Senator DOMINICK (continuing). In the purchase and sale of dogs in pretty bad condition.

Dr. BREWER. That is correct.

Senator DOMINICK. What would a person be buying those dogs for? For what purpose would they be buying them?

Dr. BREWER. I haven't the foggiest. I know what I buy dogs for. I buy dogs for use in research. But if you are asking why they are purchased at auctions, they are purchased for many purposes. This is beyond my ken.

Senator DOMINICK. I am trying to eliminate the reasons here, one by one, if I can, or add to them. I am not against research. Nobody here on the committee is. What we are trying to do is to find out some method of seeing if there is a need for a control system of some sort.

Dr. BREWER. I believe there is, and I do hope that you pass a licensing bill, a meaningful licensing bill, such as Senator Mondale's, and one that would regulate the traffic so that we would get a better type of dog.

Certainly I do not want any possibility of anybody's pet reaching my laboratory.

Senator DOMINICK. Doctor, when you buy from the pound, how long has the pound been holding that dog?

Dr. BREWER. It depends. If it is a better dog, it is held 10 days. Otherwise, 5 days.

Senator DOMINICK. At what point do you buy them? After the 10-day period? After the 5-day period? Or do you put a bid in ahead of time.

Dr. BREWER. It depends. If it is a dog that would be killed after 5 days, I would get it after the 5 days is up.

We do not buy dogs from the pound. We get them free.

Senator DOMINICK. You get them free?

Dr. BREWER. From the Municipal Pound of Chicago. We are not permitted to buy them from there.

Senator DOMINICK. How many dogs do the Chicago pounds handle? Do you know?

Dr. BREWER. Last time I looked at the books, they get about 8,000.

Senator DOMINICK. A year?

Dr. BREWER. A year.

Senator DOMINICK. And you buy about 6,000?

Dr. BREWER. Yes. Do not forget some of the dogs are claimed by owners, and some are purchased because people want pets. They can come to the pound and get them. We only get them if they would otherwise be killed.

Senator DOMINICK. In effect, what you are saying is that you buy most of the dogs from the pound that are not otherwise claimed or bought by people?

Dr. BREWER. That is correct.

Senator CANNON. They do not buy them.

Senator DOMINICK. They are given to you by the pound?

Dr. BREWER. That is right. Yes.

Senator DOMINICK. Is this just from the pound? Or are we talking about pound and shelters besides?

Dr. BREWER. No; unfortunately, Chicago, the shelters do not allow us to have the dogs. Although I am a member of the anticruelty society, I'm only one member, and I cannot convince the other members that they should give us the dogs instead of killing them.

Senator DOMINICK. When you buy from a dealer, do you ask for his proof of ownership?

Dr. BREWER. No.

Senator DOMINICK. Thank you

Senator MONRONEY. Thank you very much.

Do you have any further questions, Senator Cannon?

Senator CANNON. No.

Senator MONRONEY. In Illinois do you have any State law regarding the humane treatment of the animals after or before they are used in research?

Dr. BREWER. We have both. We have a law on dealers in Illinois, and I'm glad it was instituted. It is the Illinois pet shop operator and dog dealer licensing law, 1965. This is the law in Illinois. And we only buy from licensed dealers. And they are supervised by the department of agriculture.

I wish such a law would be instituted in every State if it is not a Federal law.

Second, we are also licensed by our department of public health to receive dogs from the pound, and they officially inspect us.

Senator MONRONEY. Does anyone inspect your kennel quarters?

Dr. BREWER. That is right. That is what they inspect—the laboratory animal facilities.

Senator MONRONEY. To see that they are humanely treated before and after operation?

Dr. BREWER. Yes; that is correct. I have a picture of some of our facilities to show if you are interested.

Senator MONRONEY. You might leave them for the committee's consideration, sir.

Dr. BREWER. All right, sir.

Senator MONRONEY. Any further questions?

Senator DOMINICK. Just one more, Dr. Brewer. As a lawyer I suppose I should not ask you any more questions after the last one. But how much obligation and difficulty would you find in trying to trace the origins of a dog which you bought from a dealer?

Dr. BREWER. We have taken this up with some of our dealers, and they have just told us that it was very difficult to do, because they buy some at auctions, they buy some from other dealers, and it is very difficult to get these.

I would be entirely sympathetic with anything that would permit me to be able to trace a dog from its origin so that when I get a letter and a picture I can say to that particular dealer or owner that had lost the dog—or to know whether to invite them to come up or not, if it looks like something we have. I would not have to do that if it did not come from that district.

I get letters from around the country, and if it looks like something that we have recently purchased we invite the people to come up and take a look at it or get a greater description. In the meantime, of course, we advise our people, "Hold the dog. Do not use it until we can be more sure that it is not somebody's pet." And we would appreciate help in being able to identify such dogs.

Senator MONRONEY. Would not this bill help you a great deal?

Dr. BREWER. Well, now, which bill? The Mondale bill would.

Senator MONRONEY. The Magnuson bill, S. 2322.

Dr. BREWER. No; S. 2322 would require the strict licensing and tracing of ownership to the dealers in interstate transportation and sale of dogs. I think the more preferable bill would be that introduced by Senator Mondale, S. 3138.

Senator MONRONEY. That was just introduced Friday, I believe.

Dr. BREWER. It was introduced on the 25th. It has the objections that have been stated here out of the bill.

Senator MONRONEY. Thank you, Dr. Brewer, for your testimony.

62-317—66——8

(The prepared statement of Dr. Brewer follows:)

My name is N. R. Brewer. I have been the veterinarian in charge of the animal quarters at the University of Chicago for over 20 years. I am a past president of the Animal Care Panel and editor of its official journal for its first 13 years; a past president of the American College of Laboratory Animal Medicine; and a past board member of the Institute of Laboratory Animal Resources of the National Academy of Sciences—National Research Council. I have been concerned with problems related to the use and care of laboratory animals for over 40 years. At present I am secretary of the Illinois Society for Medical Research and represent the Illinois Society for Medical Research at these hearings.

The Illinois Society for Medical Research supports the purposes of the provisions in S. 2322 and related bills. There is complete agreement that animals should not be stolen for any purpose, and there is no quarrel with any legislation that would tend to eliminate thievery in any form. We would also agree that licensing and proper supervision of dealers of dogs and cats by the Department of Agriculture could be of benefit to research and teaching organizations.

The Illinois Society for Medical Research believes that legislation which would approve and license laboratory animal dealers, and legislation that would concern itself with research and teaching institutions, are separate items and should be considered separately. Inasmuch as there are a number of bills pending in Congress at this time that have to do with regulation of the use of animals in research and teaching institutions, we believe that S. 2322 should limit responsibility of user institutions to the purchasing of dogs and cats to licensed dealers, to public pounds or shelters where they would otherwise be killed, and to individual owners who would prefer to have their dogs used for needed research rather than to have them killed for no useful purpose.

The Illinois Society for Medical Research wants to emphasize that, although we are opposed to thievery in any form, we do not believe that a significant number of stolen dogs have found their way into research laboratories. Any intelligent citizen must raise an eyebrow at the claim by the Humane Society of the United States that a half million or more stolen dogs a year reach research laboratories. I am advised that the Humane Society of the United States has an unclaimed reward for any evidence leading to the arrest and conviction of anyone stealing a dog for research purposes. I have seen appeals mailed by the Animal Welfare Institute for any evidence of such stolen animals.

One man posing as a dealer, admittedly under the employ of the Humane Society of the United States, attempted to secure evidence of such dog thievery. And still there is no proof that such a practice exists. Even the well-advertised dog in Life magazine in which Harvard was implicated turned out to be a hoax.

In over 20 years as supervisor of the animal quarters at the University of Chicago, during which time I have escorted people through our quarters looking for stolen dogs, not one stolen dog was found. Once in a while one does find a lost dog, but in every case, to date, this dog had come from the pound where the dog would have been killed if it had not been turned over to the University of Chicago for teaching or research purposes.

Finally, the Illinois Society for Medical Research does not believe that selling dogs and cats to research institutions is a dishonorable business. We believe, instead, that such dealers are contributing far more to the health of the Nation and to the relief of suffering than are those who would eliminate such work.

Senator MONRONEY. We have as our next witness Miss Helen Jones, executive director of the National Catholic Society for Animal Welfare.

Thank you, Miss Jones, for appearing and giving us your testimony on this bill.

STATEMENT OF HELEN JONES, PRESIDENT, THE NATIONAL CATHOLIC SOCIETY FOR ANIMAL WELFARE, WASHINGTON, D.C.

Miss JONES. Thank you, Mr. Chairman.

My name is Helen Jones. I am president of the National Catholic Society for Animal Welfare, which has headquarters in Washington,

D.C. The society's membership, which is represented in every State, is not limited to Catholics but includes people of all the major religious denominations.

The NCSAW urges that an amended form of S. 2322 be reported by this committee. Amendment of S. 2322 to bring it to the same level of clarity and effectiveness as H.R. 10743 would best fulfill the public wish on the subject of legislation for the regulation of dealers.

With your permission, Mr. Chairman, I would like to make available to each member of the committee a marked-up copy of S. 2322 showing the amendments needed and file a copy for the record with my statement. Briefly, the amendments would do the following:

(1) Extend protection to other species, in addition to cats and dogs.

(2) Require the licensing of dealers only, not both dealers and laboratories.

(3) Give the legislative intent of the standards the Secretary of Agriculture would be required to promulgate.

(4) Require bills of sale as a safeguard against both the theft and fraudulent acquisition of animals by dealers.

(5) Require inspection of dealers' facilities and transportation.

(6) Require the revocation of licenses for violations of the Federal act or of the anticruelty laws of the States.

(7) Direct the Secretary to act rather than merely to authorize him to promulgate standards, revoke licenses and otherwise carry out the legislative intent of the act.

In addition to the foregoing amendment, we would like to propose that the word "public" be struck from section 10, on line 23 of page 4, and line 1 of page 5, in S. 2322. This would clarify the fact that any type of auction sale is prohibited and would prevent dealers and their agents from trying to organize so-called private auction sales in an endeavor to evade the intent of the law.

In an editorial entitled "Not Much Help to Animals," the Philadelphia Inquirer last Monday expressed the hope that the Senate Commerce Committee would take a more realistic view of dealer legislation than did the House Agriculture Subcommittee on Livestock in reporting a bill last week which "is far short of what concerned pet owners and the public seeking in the way of a law." I would appreciate permission to insert the full text of the Philadelphia Inquirer editorial at this point in the record.

Senator MONRONEY. That will be done.

(The editorial referred to follows:)

[From the Philadelphia Inquirer, Monday, Mar. 21, 1966]

NOT MUCH HELP TO ANIMALS

We hope Congress will not be misled into passing an "easy" or meaningless bill in the field of animal protection against rapacious "dognapers." There have been several perfectly good measures introduced to stamp out this traffic in heartbreak, but now the House Livestock Subcommittee has put its stamp of approval on a bill that would merely leave the setting of standards—and presumably their enforcement, if any—in the hands of the Secretary of Agriculture.

It is no reflection on Secretary Freeman to remark that this is far short of what concerned pet owners and the public seek in the way of a law. Not only

laboratories that must practice animal experimentation but also animal dealers—who should be the objects of the strictest regulation—would go virtually untouched by the approved bill.

The irony of the situation is that Representative Henry Helstoski, Democrat, of New Jersey, has filed a precisely specific measure requiring detailed bookkeeping by the dealers, a 5-day delay in disposing of animals whose true owners may be in desperate search of them, and a banning of the offhanded "auctions" at which many treasured pets disappear forever.

And there are a number of other bills very similar to Helstoski's, if not identical to it. Rather than allow a useless or puny law to make its way onto the books, it would seem elementary that authors of the sterner bills must work together.

Similar legislation in the Senate is to be aired this week by the Commerce Committee and it is to be hoped that a more realistic view will be taken. This may be a matter some Members of Congress would like to sweep under the rug with a show of action, but it is no small issue in families from which pets have mysteriously "disappeared."

Interstate law with tough Federal sanction is needed because the reprehensible crime is itself interstate in nature. Children, who usually suffer the most when pets are stolen, may not have votes. But their parents do.

Senator MONRONEY. You may insert any portion of your full statement you like.

Miss JONES. Thank you, Mr. Chairman. I will briefly summarize rather than reading the whole thing.

There is no confusion in the public mind about the kind of legislation needed to begin the reform of dealers. The public does not want a law that will merely license dealers or laboratories or both. The great majority of people who are making their views known to the Congress want the kind of dealer legislation which is best represented by the amended form of 2322 which we recommend.

We strongly oppose S. 3059 because it would license dealers and laboratories but would fail to protect animals. S. 3059 has many glaring deficiencies, only one of which is its failure to ban the sale of animals at auction or by weight.

Photographs and word pictures cannot begin to describe the suffering of the animals in the auctions. One must be there to see and to hear. There is thirst, aggravated by fear, and hunger—and the absence of food and water—as terrified animals are carried or dragged into the auction place. There is the crash of crates packed with animals thrown to the floor, onto the scales and into the dealers' trucks. There is the frequent and gross overcrowding of crates to the point where a second layer of animals is forced in on top of a bottom layer. There is the transfer of animals from crate to crate by means of a choke collar attached to a pole. There is the chant of the auctioneer as he asks what he is offered for a crate of puppies, rabbits, cats, dogs, kittens, guinea pigs, pigeons, some being sold by the crate, others by body weight, as crate after crate is hoisted or tossed onto the conveyor line. Dogs, some aged, are weaving and drooling from motion sickness from the long trip to the auction. The dealers examine their teeth to determine whether they are too old to be worth bidding on or to survive the trip to the dealers' place and then to the laboratories.

Through the din of dealers bidding, auctioneers chanting and boxes hitting the floor with a thud can be heard the sounds of animals fighting when the docile and the aggressive are squeezed into the same boxes. And although it is the nature of animals to suffer terror or pain

silently, now and then there are the cries of animals that never stop crying out in utter misery and terror.

Rabbits and guinea pigs, among the most timid of creatures, are immobilized by fear as they are poked at in their boxes and then pulled out, held aloft, weighed and bid upon.

Pigeons are so crushed together that wings are grotesquely twisted straight up in the air or jut out between the bars in such a way that any effort by the birds to free themselves means breakage of the wings. Their thirst and fear are extreme.

There are those who say that because livestock auctions are legal, the auction sales of animals for research should also be permitted. But the animals purchased by dealers at auction for sale to laboratories, unlike those sold in livestock auctions, are small and they are very cheaply available to buyers. In commerce in animals, the smallest, the weakest and those that represent the least economic investment fare the worst. That is the case in the sale of animals at auction or by weight to dealers for resale to laboratories.

There are those who say that the auction sales of animals for research can be regulated. But misery on such a scale cannot be regulated or made acceptable. It is an affront to public decency.

Moreover, auctions are a major clearinghouse for stolen and fraudulently acquired animals at which those who act as middlemen for dealers can quickly dispose of animals and dealers and their agents can just as quickly buy the animals. The auction sale of animals makes it impossible for an owner trying to track down his missing pet ever to find it.

Life magazine in its February 4 issue drew nationwide attention to the dealer racket and all its cruelty and stealing. Featured in the article was a report of the arrest on 29 charges of cruelty of a dealer by the name of Lester W. Brown of White Hall, Md. Life's excellent coverage of the case caused nationwide indignation and substantially increased the public demand for effective legislation.

Two weeks ago, when I was present at an auction in Pennsylvania, the same Lester W. Brown was prominent among the buyers clustered around the auctioneer's stand as the crates of animals were put up for bidding.

Bills like S. 3059 and others which lack the clarity of the amended form of S. 2322 which we advocate would give dealers like Lester Brown a license but would not reform the conditions under which they buy, keep and transport animals.

Incidentally, Brown was not the only out-of-State dealer present at the auctions in Pennsylvania recently. I observed a number of out-of State dealer trucks at the auctions despite the belief by some that the new Pennsylvania dog law has made it impossible for out-of-States dealers openly to go into the Pennsylvania auctions. The Pennsylvania dog law is far from a model law.

In addition to stealing animals, dealers and their middlemen acquire a vast number of animals by fraudulent advertising. Investigations by human societies have disclosed that many ads offering a "good home in the country" for a dog or cat are in fact placed by dealers or their representatives. By the time the humane societies see the ads, investigate and establish that they are deceptive, issue warnings to animal

owners and warn the newspapers that they are victims of fraud or deception by the advertiser, the dealer or his agent has collected dozens of animals in a single day.

The fraudulent and deceptive advertising is brazenly carried out in Pennsylvania, as well as elsewhere throughout the country, by dealers and their middlemen despite the fact that that State has a law with stern penalties against false statements being supplied to newspapers for advertising or other purposes.

We trust that the bill reported by the committee or the regulations promulgated under it will offer safeguards to owners against the foregoing method of acquisition of animals for sale to laboratories.

We oppose the licensing of laboratories as well as dealers on the ground that dual licensing is unnecessary and harmfully confusing in legislation intended to regulate dealers. Moreover, dealers and laboratories cannot and should not be regulated in the same bill. We would be deeply concerned to see legislation which is intended to regulate dealers turned into a vehicle for granting licenses to laboratories.

Laboratory legislation, the chief distinguishing feature of which is a licensing system, has been in committee in the Congress for 6 years without action. That fact alone would seem to indicate that neither the public nor the Congress finds the nearly century-old British licensing system for researchers to be the answer to the protection which laboratory animals need in this country, in this century.

Protection of animals in laboratories is a far more complex issue than that of the regulation of animal dealers. Both the public and the Congress are in need of more facts than have yet been made available about the suffering of animals in laboratories and the causes of it before an informed judgment can be made of the protection animals in laboratories so desperately need. In the case of the cruelty and stealing carried on by dealers, however, the public, the Congress, and the press are well informed of the wrong that needs correction.

We implore the committee to report a bill with teeth that can begin the reform of dealers and not to weaken that effort by attempting, but failing, to regulate laboratories at the same time by licensing them.

A favorable report of the amended form of S. 2322 which we advocate would be well received on the floor and would have the support, admiration, and gratitude of the public which wants the reform of dealers now before the more difficult and complicated task of regulating laboratories is attempted.

Dealer legislation which fails to protect other species, as well as dogs and cats, fails to give the clear legislative intent of the standards which the Secretary would promulgate; fails to require inspection, adequate penalties and revocation of licenses; fails to prohibit auction sales and sales by weight; or fails to require bills of sale would be worse than no legislation.

Thank you, Mr. Chairman.

Senator MONRONEY. Thank you very much for your testimony, Miss Jones.

Senator Dominick.

Senator DOMINICK. Thank you, Mr. Chairman.

Miss Jones, I will ask you the same question I asked Dr. Greenbaum and Dr. Brewer. What evidence do we have that the traffic in dogs and cats is primarily for research purposes?

Miss JONES. You mean of stolen animals?

Senator DOMINICK. I mean for mistreated and/or stolen animals.

Miss JONES. Well, I think the overwhelming evidence that we and other societies have collected indicates that that is the major purpose. Yes, other thievery goes on, but it is nothing compared to this.

Senator DOMINICK. What evidence do we have that the animals that are sold to dealers for research purposes and resold by them for the same purpose are stolen?

Miss JONES. Well, it started with the Lakavage case. I don't know, to give you a frank answer. I don't think anyone has documentation or statistics on the number stolen. And that brings into focus the problem here—that the dealers move so fast it is very hard for the owner to catch up with the animal.

If he is lucky enough finally to find the laboratory the animal reached, usually after passing through several States and changing hands several times, by the time he gets there it is most likely the animal has been experimented upon and the evidence destroyed, the animal incinerated.

Senator DOMINICK. But you do not have any statistical evidence on the number that are involved this way?

Miss JONES. No; we do not, Senator, and I doubt anyone does.

Senator DOMINICK. Let me ask you about these "other" animals that you ask we include.

Miss JONES. Yes.

Senator DOMINICK. Off the record.

(Discussion off the record.)

Senator DOMINICK. On the record, I will ask is there any limitation on animals that you would suggest?

Miss JONES. No; but I think the ones commonly used in research. Whatever the type of animal, they still suffer equally on the way to the laboratory and are equally in need of protection.

I spent 2½ years inspecting monkeys en route to laboratories at the rate of thousands a week, and their suffering was simply appalling.

Senator DOMINICK. But in that case we are not dealing, are we, with the idea that any of them are stolen?

Miss JONES. No.

Senator DOMINICK. These are monkeys that are imported for that particular purpose?

Miss JONES. Yes; but they need the humane standards, humane enforcement, inspection, and so on, which we advocate in these amendments, when they are shipped on after reaching this country and go on by truck sometimes for days after having already traveled days and days in the crates.

I sometimes saw monkeys that had been in the crates for weeks, and then they were shipped on in this country in trucks and remained in the crates another long period.

Senator DOMINICK. Do we not have laws now in the various States which deal with the problem of the care of imported animals?

Miss JONES. Not to my knowledge in the States, Senator. There is a law governing the import of animals that has a reference to humane conditions, and that was the one that we were trying to enforce.

It was when I was with another organization and we were inspecting those shipments. But I know of no——

Senator DOMINICK. Is the problem then in lack of enforcement, or is the problem in the law?

Miss JONES. You mean in the existing one on international——

Senator DOMINICK. Yes.

Miss JONES. It is both in the law and in lack of enforcement and regulations. We found those who were supposed to be making the inspection extremely remiss, and the airlines were throwing overboard before reaching the U.S. limits the dead and dying animals to evade the count of how many had died on the way.

Senator DOMINICK. I notice in your proposed bill you suggest that there can be no sales of sick or injured animals.

Miss JONES. That is right.

Senator DOMINICK. Is it not true that in some cases that type of animal, particularly one which is sick, may be needed for the research purpose that the laboratory is undertaking?

Miss JONES. No. I believe if they want to study a particular disease it is induced in the laboratory. I have never heard of laboratories sending out a call for animals already suffering from something.

Senator DOMINICK. That is what I wanted to get at.

Miss JONES. No.

Senator MONRONEY. Do you have any questions, Senator Cannon?

Senator CANNON. Why do you recommend taking the laboratories out of the bill, the licensing of laboratories?

Miss JONES. Because we do not feel those problems can be regulated in one bill.

Moreover, we are not convinced that a licensing system will ever be necessary—we have an open mind on this, but at this point we are not convinced—when the regulation of laboratories is finally undertaken. And, heaven knows, that is desperately needed—the regulation and protection of the animals in the laboratory. But we do not feel it should be attempted in this bill.

Senator CANNON. Do you feel there should be no attempt to regulate the laboratories either in this bill?

Miss JONES. That is right. And we do not think the licensing of the laboratory as a purchaser is necessary.

Senator CANNON. Why do you not recommend the regulation of the laboratories in this bill?

Miss JONES. Because there are two different subjects, Senator. For example, the housing of the animals on the dealer's premises will be short-term housing. In the laboratories it is sometimes the lifespan of the animals. And the pending bill would exclude the experimental period in the laboratory. This can actually run as long as 8 years or longer. I have seen animals in laboratories housed in the same wire-bottom cage for 9 years, during which time they were undergoing experimentation off and on.

So this bill would not take care of that if we are talking about housing. It would take care of only the brief before and after.

But we feel that that should be handled in separate laboratory legislation.

Senator CANNON. Is that feeling in part because of the attendant difficulties anticipated in getting a bill through?

Miss JONES. Yes, because the bills have been tied up in committee.

To reiterate the point I made in my prepared testimony, we do not think the public or the Congress has as yet had access to enough of the facts to make an informed judgment on what is needed for laboratories. It is all well known in regard to dealers.

So we say let's do this job now and do it well and then get down to work on the laboratories.

Senator CANNON. Do you have any suggestions as to what form of identifying the animals might be used?

Miss JONES. No, but the original sponsor of the legislation—I do not believe he incorporated it in his bill—had the idea of photographing dogs and cats.

Now, other animals should not be included in the identification. It is not ncessary. Because the dogs and cats are the ones that are stolen.

Then also, before the regulations are promulgated, surely tatooing and other identification methods can be gone into thoroughly.

Senator CANNON. You say there the dogs and the cats are the ones that are stolen, and yet I think you answered Senator Dominick that you have no valid statistics to show that the stolen dogs and cats actually went for research purposes.

Miss JONES. Well, there is a great deal of evidence pointing to it quite conclusively and compellingly.

Senator CANNON. You have not documented any cases at all?

Miss JONES. No. But we have in our files a few cases of animals that have been recovered, some after a long period of time.

But I know hundreds of cases of owners tracing dealers through three States and then going through laboratories and never finding their animals, but lots of evidence that they had definitely gone to a laboratory. The trail broke off after the second or third dealer.

Senator MONRONEY. Thank you very much, Miss Jones.

(Amendments to S. 2322 proposed by the National Catholic Society for Animal Welfare follow:)

AMENDMENTS TO S. 2322 PROPOSED BY THE NATIONAL CATHOLIC SOCIETY FOR ANIMAL WELFARE

[New matter in italic; stricken matter in black brackets]

A BILL To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, [and] cats, and *other animals* intended to be used for purposes of research or experimentation, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to protect the owners of dogs, [and] cats, and *other animals* from theft of such pets and to prevent the sale or use of stolen dogs, [and] cats and *other animals* for purposes of research and experimentation, it is essential to regulate the transportation, purchase, sale, and handling of dogs, [and] cats and *other animals* by persons or organizations engaged [in using them for research or experimental purposes or] in transporting, buying, or selling them for [such use] *use in research or experimental purposes.*

SEC. 2. DEFINITIONS.—When used in this Act—

(a) The term "person" includes any individual, partnership, association, or corporation.

(b) The term "Secretary" means the Secretary of Agriculture.

(c) The term "commerce" means commerce between any State, territory, or possession, or the District of Columbia or Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, but through any place outside thereof; or within any territory or possession or the District of Columbia.

(d) The term "cat" means any live domestic cat (Felis catus) for use or intended to be used for research, tests, or experiments at research facilities.

(e) The term "dog means any live dog of the species Canis familiaris for use or intended to be used for research tests or experiments at research facilities.

(*f*) *The term "animal" means any vertebrate animal.*

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

(h) The term "dealer" means any person who for compensation or profit delivers for transportation, transports, boards, buys, or sells dogs, [or] cats, *or other animals* in commerce for research purposes.

SEC. 3. It shall be unlawful for any research facility to purchase or transport dogs, [or] cats, *or other animals* in commerce [unless and until such research facility shall have obtained a license from the Secretary in accordance with such rules and regulations as the Secretary may prescribe pursuant to this act.] *except from a dealer licensed in accordance with this Act.*

SEC. 4. It shall be unlawful for any dealer to sell or offer to sell or to transport to any research facility any dog, [or] cat, or *other animal* or to buy, sell, offer to buy or sell, transport or offer for transportation in commerce or to another dealer under this Act any such animal, unless and until such dealer shall have obtained a license from the Secretary in accordance with such rules and regulations as the Secretary may prescribe pursuant to this Act, and such license shall not have been suspended or revoked.

SEC. 5. The Secretary [is authorized to] *shall* promulgate standards [to govern the handling and transportation of dogs and cats] *for the humane care of animals* by dealers. [and research facilities, to promote their health, wellbeing, and safety: *Provided, however,* That this authority shall not be construed to authorize the Secretary to set standards for the handling of these animals during the actual research or experimentation.] *The term "humane care" shall mean the type of care which a responsible and conscientious owner would ordinarily provide for an animal kept as a household pet to prevent the animal's suffering, sickness, injury or other discomfort and shall include but not be limited to housing, feeding, watering, handling, sanitation, ventilation, shelter from extremes of weather and temperature, and separation by species, sex and temperament both in the dealer's facility and in transportation. The sale, offer to buy or sell, transport or offer for transportation in commerce or to another dealer of any sick, injured, unweaned or pregnant animal is expressly forbidden.*

SEC. 6. All dogs and cats delivered for transportation, transported, purchased, or sold in commerce or to research facilities shall be [marked or] identified [in such manner as the Secretary may prescribe.] *by a photograph or by such other humane and painless manner as the Secretary may prescribe.*

SEC. 7. Research facilities and dealers shall make and keep *for a period of no less than two years* such records with respect to their purchase, sale, transportation, and handling of dogs, [and] cats, and *other animals* as the Secretary may prescribe. *Such records shall include a bill of sale for each animal and any collars, tags or other identifying equipment which accompanied the animals at the time of their acquisition by the dealer. The bill of sale shall contain such information as shall be prescribed by the Secretary. Any bill of sale which is fraudulent or indicates larceny of any animal shall be grounds for prosecution and revocation of license called for in Section 14 and for the penalty called for in Section 12. Records made and kept by research facilities shall be open to inspection by representatives of the Secretary or to any police officer or agent of any legally constituted law enforcement agency.*

SEC. 8. The Secretary shall take such action as he may deem appropriate to encourage the various States of the United States to adopt such laws and to take such action as will promote and effectuate the purposes of this Act and the Secretary is authorized to cooperate with the officials of the various States in effectuating the purposes of this Act and any State legislation on the same subject.

SEC. 9. No dealer shall sell or otherwise dispose of any dog, [or] cat, or *other animal* within a period of five business days after the acquisition of such animals. *Representatives of the Secretary, any police officer or agent of any legally constituted law enforcement agency shall assist any owner of any animal who has*

reason to believe the animal may be in the possession of a dealer in searching the dealer's premises, after obtaining the proper search warrant from local authorities in whose jurisdiction the dealer's premises are located.

SEC. 10. Dogs, [and] cats, and *other animals* shall not be offered for sale or sold in commerce or to a research facility at public auction or by weight; or purchased in commerce or by a research facility at [public] auction or by weight. No research facility shall purchase any [dogs or cats] *animals* except from a licensed dealer.

SEC. 11. The Secretary is authorized *and directed* to promulgate such rules, regulations and orders as he may deem necessary in order to [effectuate the purposes of this Act.] *require compliance with the standards for the humane care of animals called for in Section 5 and all other purposes and provisions of this Act. Such rules, regulations and orders shall be published within a reasonable time after enactment of this Act.*

(a) Representatives of the Secretary shall inspect dealers' facilities no less than six times a year to determine whether the standards and other provisions of this Act are being complied with. The Secretary shall also require the regular inspection of transportation of animals by and from dealers to research facilities and may delegate that responsibility to law enforcement officers of the States or to agents of any legally constituted law enforcement agencies.

SEC. 12. Any person who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year or a fine of not more than $10,000 *and to revocation of the license described in Section 4 and shall not be eligible for another license under this Act. The penalty created by this section shall be recovered by civil action in the name of the United States in the circuit or district court within the district where the violation may have been committed or the person or corporation resides or carries on business; and it shall be the duty of United States attorneys to prosecute all violations of this Act reported by the Secretary, or which come to their notice or knowledge by other means.*

SEC. 13. When construing or enforcing the provisions of this Act, the act, omission, or failure of any individual acting for or employed by a research facility or a dealer within the scope of his employment or office shall be deemed the act, omission, or failure of such research facility or dealer as well as of such individual.

SEC. 14. If the Secretary has reason to believe that a dealer has violated any provision of this Act or the regulations promulgated thereunder, the Secretary [may] *shall* suspend such dealer's license temporarily, and, after notice and opportunity for hearing, [may] *shall* revoke such license if such violation is determined to have occurred. *The Secretary shall also suspend temporarily the license of any dealer prosecuted for cruelty under the laws of any of the States for the prevention of cruelty to animals and in the event of a conviction under any of such laws of the States, the Secretary shall revoke the dealer's license.*

SEC. 15. If any provisions of this Act or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 16. In order to finance the administration of this Act, the Secretary shall charge, assess, and cause to be collected [reasonable] *appropriate* fees for licenses issued to [research facilities and] dealers. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

SEC. 17. EFFECTIVE DATE.—This Act shall take effect one hundred and twenty days after enactment.

Senator MONRONEY. Our next witness is Dr. Sigmund T. Rich, California State Society for Medical Research.

Dr. Rich, you may proceed.

STATEMENT OF DR. SIGMUND T. RICH, CALIFORNIA STATE SOCIETY FOR MEDICAL RESEARCH

Dr. RICH. Mr. Chairman, members of the committee, my name is Sigmund T. Rich. I am a doctor of veterinary medicine whose professional interest and activities involve the use of animals in research.

I am the administrator of the animal care facilities, center for the health sciences, a lecturer in the department of physiology, school of medicine, and campus veterinarian at the University of California at Los Angeles.

I am also a member of the training staff for postdoctoral studies in laboratory animal medicine, school of veterinary medicine at the University of California, Davis.

I am very grateful for the opportunity to present testimony on the question of the protection of pet owners from the loss of their pets by theft, and to pursue our common goals of assuring that animals will be properly transported, kindly handled, and humanely treated by everyone involved in such activities.

I want to thank Senator Magnuson for his kind words in his opening statement of Friday, March 25, in behalf of medical progress and your record of support for our Nation's health needs.

The course of events over the past 5 days has made it necessary to revise my testimony here today as compared to my written testimony prepared over a week ago. However, I request that my written testimony also be made part of the records.

Senator MONRONEY. That will be included in the record, Doctor.

Dr. RICH. The statement contains some background information that I believe will be helpful in your deliberations and some suggestions for future legislative action. I hope you and your legal staffs will read this material.

Since it has been made clear that the main thrust of the legislation before us is to curb pet thievery and protect animals, I will confine my comments closely to the issue so that I may have ample time to answer any questions that may be asked.

Senate bill 2322 provides a starting point for discussion on these problems, and since Senator Magnuson has stated, "There are sections in my bill which might need to be altered," I urge you to modify your bill in the following manner.

1. Whenever the phases such as "for purposes of research or experimentation" or "research facility" or "research, tests or experiments at research facilities" or comparable phrases are used, they should be deleted.

It has been made very clear that research institutions have not been involved in any manner with the horrible and shocking conditions existing at some auctions and dealer establishments. The institutions of teaching, testing, and research should not be singled out for licensure.

The problem we are dealing with is the transportation, sale and handling of dogs and cats in commerce. The rancher, the hunter, the fancier, the breeder, the entertainer, the pet owner is no less a purchaser within this context.

The words "for any purpose whatsoever" should be substituted wherever "research facilities" or similar phrases are used.

2. The definition of the term "dealer" should be changed to read "the term 'dealer' means any person who delivers for transportation, transports, boards, buys, and sells dogs or cats in commerce for profit." This definition would accomplish the purposes of the bill and would not impede medical progress.

3. The last sentence of section 10, lines 1 and 2 (p. 5) reads, "No research facility shall purchase any dogs or cats except from a licensed dealer." This sentence must be deleted. As stated before, any reference to "research facilities" would not serve the purpose of this bill, but to deny the entire biomedical community access to the public pounds for the purchase of dogs and cats, forcing us to buy only from dealers, would be catastrophic.

Public pounds are the single major source of dogs and cats. They are the proper logical, humane, and legitimate way to obtain animals for research purposes and the best way to safeguard pet owners and their pets. In the city and county of Los Angeles last year the public pounds put to death over 80,000 unwanted, unclaimed dogs. Research institutions purchased only about 5,000 dogs. I'm just not about to go from door to door commandeering family pets in the manner described by a follower of antiscience who testified before you last Friday.

There are some people who profess love for animals, and they are well paid for their words, but their hostility and fanaticism are quite apparent.

There are over 20,000 veterinarians like myself, who have stayed up all night treating horses with colic, have gone out in the middle of the night to treat a cow with milk fever, help a cow give birth to a calf, or work very hard to save the life of a dog run over by an automobile.

I submit, Mr. Chairman, that we demonstrate our love for animals in a socially useful manner and are ready and willing to help pass a constructive bill that will protect the pet owner and their pets.

I submit, Mr. Chairman, that these essential changes, and perhaps changes of a minor nature, will make this bill constructive in nature, worthy of support by all people who love animals—and man—in an emotionally mature way, and once again demonstrate the continued commitment of Congress to the health and welfare of this Nation by supporting medical progress.

Senator MONRONEY. I would like to say for the record that I don't think the people who support this legislation are fanatics in any way nor are they guilty of transgressing their rights as citizens, and we are glad to hear both sides. I do not think you help the case of medical research by assuming that all people that feel that there are corrections that need to be made in the handling of these research animals are not entitled to be heard the same as you are.

I grant that the veterinarians do a great deal, but I also think some of the humane societies have done a very great deal, and other organizations as well.

Do you have any questions, Senator Cannon?

Seantor CANNON. How many animals did you get from the pounds in California?

Dr. RICH. In southern California, in the counties of Los Angeles, Ventura, and Orange, there are laws which we fought very hard to get in order to get unwanted, unclaimed animals for research purposes. We do not have any dealers in southern California. We buy all our dogs from the public pounds.

Senator CANNON. That is your sole source of supply?

Dr. RICH. Yes sir.

Senator CANNON. What does that amount to in a year?

Dr. RICH. In our own institution it is about 3,000 dogs a year.

Senator CANNON. And were they able to supply a greater number than that if you had requested?

Dr. RICH. Yes, sir. I indicated they put to death 80,000 dogs a year.

Senator CANNON. I did not know whether that was just 80,000 that you did not require. A lot of dogs, of course——

Dr. RICH. Are not suitable.

Senator CANNON (continuing). Are turned in with a request that they be put to death, and lots of others are not suitable.

Dr. RICH. A lot of dogs are too small. We require for our research purposes dogs weighing about 40 pounds and over. Many dogs are much too small for us, and there are, of course, a few dogs who are ill and should be put to sleep.

Senator CANNON. Then you acquire your dogs, then, simply by paying the pound fees?

Dr. RICH. Yes sir. Five dollars.

Senator CANNON. And you do not have to go out and purchase on the market at all?

Dr. RICH. That is correct.

Senator CANNON. Have there been complaints of stolen animals in the Los Angeles area?

Dr. RICH. I have a little newspaper clipping here in which George Crozier, general manager of the Los Angeles SPCA, said, and I quote:

> So far we have never been able to uncover an organized ring of dognapers in this area.

He further states:

> Further animals for laboratory purposes are easily and inexpensively available through southern California's various operations.

Senator CANNON. That is all I have.

Senator MONRONEY. Senator Dominick.

Senator DOMINICK. Doctor, I was interested in just reviewing your prepared statement in which you indicated that this bill was designed to say you could not get anything from the pound. I do not read the bill that way at all.

Dr. RICH. According to what I read, S. 2322 on the top of page 5 says, "No research facility shall purchase any dogs or cats except from a licensed dealer."

Senator DOMINICK. And the term "dealer" is defined on page 3.

Dr. RICH. Of course, I indicated this sentence must be deleted.

Senator DOMINACK. The term "dealer" is defined on page 3 as "any person who for compensation"——

Dr. RICH. But we compensate the pounds. I don't know, but they could interpret this possibly as being considered a dealer when it says "for compensation." That is why I also requested that the term "dealer" be defined a little differently.

Senator DOMINICK. That is all I have.

Senator MONRONEY. Thank you for your testimony, Dr. Rich.

(The prepared statement of Dr. Rich follows:)

STATEMENT OF DR. RICH

Mr. Chairman, members of the committee, my name is Sigmund T. Rich. I live at 814 Teakwood Road, Los Angeles, Calif. I am a doctor of veterinary medicine whose professional interests and activities involve the use of animals in research.

I am the administrator of the animal care facilities center for the health sciences, a lecturer in the department of physiology, school of medicine, and campus veterinarian at the University of California at Los Angeles. I am also a member of the training staff for postdoctoral studies in Laboratory Animal Medicine, School of Veterinary Medicine, University of California, Davis.

My daily duties require participation in administrative, clinical, teaching, and research activities.

Administrative duties consist of the procurement of animals, feed, cages, equipment, and supplies, the hiring, training and supervision of over 40 people dedicated to the proper care of over 40,000 animals.

The clinical duties of a veterinarian engaged in laboratory animal medicine involve almost all branches of clinical medicine—anesthesia, surgery, diagnosis, treatment, clinical pathology, post mortem examinations, etc., for a large number of species.

Teaching duties are performed at several levels. A course is given to graduate students and postdoctoral fellows on the proper use of animals in research. On-the-job training programs for animal caretakers and technicians are held weekly. The highest order of teaching is with the individual investigators who come to us with problems of experimental design, the choice of biological models—that is the species and strain of the animal best suited for a particular series of experiments, and the problems of sporadic diseases and other undesirable variables that may affect their experiments.

Our research activities are of an applied nature usually arising from the needs of the investigators, such as unusual anesthetic and surgical techniques, the development of exotic species with unique characteristics that would render them valuable as biological models and the search for disease states in animals resembling those of man.

I am a member of the Animal Care Advisory Committee of the California State Department of Public Health, a member of the board of directors of the animal care panel, a member of the American Veterinary Medical Association, California Veterinary Medical Association, and the Southern California Veterinary Association. I am a consultant to the American Association for Accreditation of Laboratory Animal Care, an associate member of the American College of Laboratory Animal Medicine, a past president of the Medical Research Association of California, a past president of the southern California chapter of the animal care panel, and a former U.S. Army Veterinary Corps officer with over 5 years of active duty during World War II.

I hope the foregoing indicates my intensive and active concern for the health and welfare of animals for more than a quarter of a century and evidence of my total involvement in the procurement, care, and use of animals in research. Within the context of these hearings I can be considered the "consumer" of animals intended for experimental purposes and that I am "up front on the firing line."

I appear before you today as the representative of the Medical Research Association of California, a nonprofit corporation organized in 1948, in order to bring attention to the importance of medical research and to promote a favorable legal and social environment for its growth. Its membership of approximately 2,000 individuals is composed of doctors, dentists, veterinarians, public health workers, pharmacists, research workers, and informed laymen who recognize that our life and health are directly dependent on continued research activities. Almost 50 universities, hospitals, pharmaceutical companies, aerospace firms, and other organizations associated with the health of our community are institutional members. Our motto is "devoted to better health for all living things through research."

I have four purposes in appearing before you today:

(1) To register my opposition to several bills under consideration by this committee. With all due respect to the honorable Members of Congress who introduced them—we believe these bills to be unrealistic in terms of execution, detrimental to the health, safety, and general welfare of the people, inimical to medical progress, and injurious to our country's valuable livestock and animal pet populations.

(2) To tell you something about how constructive laws in California function to serve the public interests, safeguard pet owners and their pets, and provide suitable animals for teaching, research, and testing activities.

(3) To provide you with some background information that may be helpful in your deliberations.

(4) To suggest a means whereby Congress can obtain knowledgeable assistance to frame constructive and beneficial legislation regarding the effective procurement, proper transportation, kind handling, and humane care and use of animals required for teaching, testing, and research activities which are vital to the health, safety and general welfare of the people of the United States as well as their livestock and animal pet populations.

Let it be clearly understood, we favor and support such legislation when its declaration and purview, its intents and purposes, its provisions and details, its authorities and responsibilities, are based on the policy that "the public health and welfare depend on the humane use of animals for scientific advancement in the diagnosis and treatment of human and animal diseases, for education, for research in the advancement of veterinary, dental, medical and biologic sciences, for research in animal and human nutrition, and improvement and standardization of laboratory procedures of biologic products, pharmaceuticals and drugs." (Ch. 5, art. 1, par. 1650 of the California Administrative Code.)

We have laws regarding the procurement, care, and use of animals at the State, county, and city levels of government; we fought hard to get them; we benefit from their constructive purposes and administration.

Regarding my first purpose, there are a number of points of objection to these bills which undoubtedly have been expressed in greater detail by other members of the biomedical community. To repeat them in general terms, briefly:

(*a*) The bills do not deal with the total problem; particularly, they ignore the need for legislation to assure adequate legitimate supplies of dogs and cats.

(*b*) The bills discriminate against only two classes of people—members of the biomedical professions and "dealers."

(*c*) The bills would not stop the vicious pet thievery practices. In fact, the net effect would probably increase its incidence.

(*d*) The bills would increase costs of training, testing, and research as well as hamper and delay the medical progress.

(*e*) There are existing Federal and State laws in effect covering larceny and the illegal transportation of personal property including animals.

(*f*) All 50 States have existing statutes in effect prohibiting cruelty to animals.

(*g*) The bills would make a Federal crime of animal theft only if the animals stolen were to be used for medical research purposes.

(*h*) Agency jurisdiction to enforce such laws at the Federal level would present enormous and costly problems.

(*i*) The problems of identifying in a humane manner all animals intended for research purposes are enormous, costly and impractical.

Regarding my second purpose which describes how constructive laws function: In the city of Los Angeles and the counties of Los Angeles, Ventura, and Orange, there exist laws which protect the public and their pets by containing provisions that lost or strayed animals be held for a period of time after impounding. The animals are held in a local animal shelter, supported by local taxes, and administered by trained public servants—veterinarians and animal control officers. During this period (usually 5 or more days) owners have an opportunity to redeem their pets; prospective owners have a chance to purchase pets for their families.

After it has been determined that the animals are unwanted and unclaimed, they are put to death in a humane fashion or sold to licensed institutions conducting medical training, testing, or research. The taxpayers benefit from the sale of the animals. The revenue defrays the costs of operating the animal regulatory agency. The medical institution can be assured of purchasing only unwanted and unclaimed animals for their needs.

There are no "dealers," no profits, no thievery.

This is the legitimate, proper, logical and humane way to safeguard the public and their pets. It takes only one simple paragraph in an animal regulatory ordinance to accomplish these benefits.

I quote from ordinance 1403, county of Orange, State of California: "SEC. 11. DISPOSITION OF IMPOUNDED ANIMALS.—(*e*) Any impounded unredeemed and unsold animal which would normally have been destroyed as prescribed by this ordinance, may be released upon payment of the impound fee, from the Orange County Animal Shelter to an agency approved by the California State Department of Health, the Orange County health officer, and the Orange County veterinary officer to obtain animals and perform medical research."

I submit that the policies of the various "humane societies" and "animal welfare societies" which have been active in the promotion of most of the restrictive bills before this Congress, have fostered the very circumstances under which "dog dealers" came into existence. They have opposed—and still oppose—the passage of ordinances which would make it possible for medical research institutions to obtain animals from local animal regulatory agencies, thereby creating "dealers" and the vicious practices that exist in some parts of the country.

It is interesting that they choose this period of time to make exposés of several most deplorable conditions, and seek to correct the situation by promoting the passage of a law which would force research institutions to purchase dogs and cats only from "licensed dealers," under the threat of "imprisonment for not more than 1 year or a fine of not more than $10,000." By their own admission, arrests, and convictions are being made by State and local law enforcement agencies under existing statutes. You may draw your own conclusions as to the real need for a Federal law.

I now quote excerpts from ordinance 97424 from the Los Angeles Municipal Code, Department of Animal Regulation:

"(h) (As amended by ordinance No. 108, 830.)

"Whenever any reputable institutions of learning, hospitals, research laboratories, or their allied institutes in the city of Los Angeles shall make application to the health officer of the city of Los Angeles for permission to use humanely unclaimed impounded animals for the good of mankind and the increase of knowledge relating to the cause, prevention, control, and cure of disease, the health officer, on being satisfied that the said animals are to be so used, shall, from time to time, certify to the department of animal regulation the names and addresses of said institutions of learnings, hospitals, research laboratories, and their allied institutes which he is satisfied will use animals humanely for the purposes above specified.

"It shall be the duty of the department of animal regulation to surrender unclaimed impounded animals for such uses only when applied for by institutions of learning, hospitals, research laboratories and their allied institutes which have been certified by the health officer as herein provided. No animal shall be surrendered except as authorized by law.

"In order to give the owners of impounded animals time within which to reclaim the same, no animal shall be surrendered for such uses until it has been impounded for a period of at least 5 days.

"I hereby certify that the foregoing ordinance was submitted to a vote of the qualified electors of the city of Los Angeles, pursuant to the provisions of section 280 of the charter of said city, at a special municipal election held in said city on Tuesday, November 7, 1950, and that said ordinance was approved by a majority of the qualified electors of said city voting thereon at said election.

"WALTER C. PETERSON,
"*City Clerk of the City of Los Angeles.*

"Effective date November 29, 1950."

I wish to draw your attention to the fact that this issue was brought before the voters of Los Angeles at a special election after a costly and bitter battle. Despite misrepresentations, such as the hue and cry of "animal seizure law" (which you can see it is not) by the misinformed, emotionally ill, and antiscience fanatics, the voters of the city of Los Angeles overwhelmingly approved this amendment to the animal regulation ordinance.

Ladies and gentlemen, these local statutes and the existing California State laws and regulations relating to the care of laboratory animals, title 17 of the California Administrative Code of the Department of Public Health, are eloquent proof of our desire for constructive, sensible legislation to deal with the sensitive problems concerning the use of animals in research.

I would like to point out that these statutes came into existence only after considerable debate and search for the proper means to effect constructive legisla-

tion. In each case where the proponents of medical research have lost, they have lost due to the influence of a small vociferous minority upon a small group of officials. However, in every case where the issue has been taken before the voters, the results have always come out overwhelmingly in favor of the side that supports medical progress.

Now to my third purpose which is to provide background information on the subject matter. The chairman of the legislative committee of the Medical Research Association is Dr. Lewis T. Bullock, a physician, who practices internal medicine in Los Angeles and is a clinical professor of medicine at the University of Southern California Medical School. From his testimony submitted to the Livestock and Feed Grain Subcommittee of the House Committee on Agriculture, at the hearings on March 7 and 8, 1966, he presented some very pertinent information that bears repeating. I quote:

"The charge that there are animal dealers in the country who operate by stealing pets and selling them to research laboratories indicates a social problem. It is important that this problem be viewed with perspective. It is highly important that we learn and appreciate the lessons of history. Such social problems were prevalent before and we should remember how they were solved.

"In the 14th century there arose a need for the teaching of anatomy. It was clearly recognized that the doctors who were to practice surgery required a knowledge of anatomy, but there was no legal source of bodies for dissection. The only solution was the removal of bodies from the graves. In 1329 in Bolonga, Italy, there was the first prosecution for body snatching or grave robbing for anatomical material.

"This discrepancy between the social need for the training of physicians and surgeons in anatomy and the lack of anatomical material persisted for 500 years. It led in England and America to the development of the skilled ressurectionist or body snatcher. In the dark of night the recent grave would be opened at the top, the body withdrawn and the grave covered over. However, when the removal of the body was discovered, the public became indignant. There was a major reaction against scientists and medical schools on the part of the public because of the belief that the schools were engaged in body snatching."

Dr. Bullock then reviewed the history of violence, riots (and even murders) which resulted in the passage of restrictive laws containing severe penalties for body snatching. He pointed out the dichotomy between the social need of training physicians, and the lack of a legal method to obtain dead human bodies. He also reviewed the circumstances which led to the realization of the need for constructive legal solutions and the passage of several State laws in 1831–32 whereby a legal source of bodies could be supplied.

"Similar laws gradually spread and now every State has a curator of the unclaimed dead or a similar officer who supplies bodies to medical schools for anatomical dissection. We no longer have the problem of the body snatcher or grave robber."

In other portions of his testimony he presented his beliefs that the forces behind these various restrictive bills before Congress are not really devoted to the welfare of laboratory animals, but are dedicated to the obstruction of medical research; that the best possible solution to prevent animal theft is to make animals from all public pounds available to research institutions. As a pet owner, he stressed his opposition to animal theft for any purpose. It is unfortunate that he cannot be with us today to present his testimony in his own unique and forceful manner.

Along with this background material we think it is pertinent to quote from President Johnson's message on the subject of health and education (H. Doc. No. 395) as presented in the Congressional Record, volume 112, No. 36, dated March 1, 1966, to the Congress of the United States:

"A nation's greatness is measured by its concern for the health and welfare of its people. Throughout the history of our democracy this commitment has grown and deepened.

"The education of our people is a national investment. The health of our people is essential to the pursuit of happiness.

"The achievements of the past 3 years promise a dramatic enrichment of American life. My budget requests the full authorization of $270 million for facilities construction under the Hill-Burton Act.

"Medical advances demand new equipment and up-to-date laboratories.

"I am directing the Secretary of Health, Education, and Welfare to conduct systems analyses and other studies to dettermine the most effective means of bringing high-quality medical services to all the people at the lowest cost.

"I recommend a 3-year program to provide grants for training in allied health professions; To construct and to improve needed educational facilities. To offer fellowships for students in advanced training. To stimulate institutions to develop new types of health personnel.

"Over the past 10 years, Congress has increased the budget for health research thirteenfold. The dividends from this investment are incalculable."

President Johnson's message stated, and restated, this Nation's commitment to medical and paramedical training and research, and the great benefits that result from such support.

At the present time most of us are reacting emotionally (and justifiably so) to the pet thievery and the horrible conditions at several profiteering animal dealers. These have been scandalously presented in the various news media the past several months. It is indeed regrettable that the manner in which they have been presented infers that the biomedical community is a party to these horrible conditions.

We sincerely believe that the Members of Congress and the biomedical scientists of this country have the same goals; namely, to establish a favorable legal and social environment in which to provide training and conduct studies that will improve the health and well-being of both man and animals.

And now to my fourth purpose, which is to suggest a means whereby Congress can obtain knowledgeable assistance to frame constructive legislation. We are faced with a huge number of bills in both Houses of Congress which have been referred to several different committees. The cross purposes and confusion are so great that most of us feel immobilized. This is evidenced by the fact that the various branches of the biomedical sciences organizations and agencies have not reached full accord as to the best approach to achieve our common goals.

Other organizations will undoubtedly present modified versions of the bills under consideration. The Medical Research Association of California would like to include into the record as part of this written testimony constructive modifications of the bills which are concerned with the interstate shipment of dogs and cats which are considered to be personal property.

We further propose Mr. Chairman that you appoint a committee of your choice, composed of congressional colleagues, legislative legal counselors, representatives from universities, medical schools, dental schools, schools of public health, schools of veterinary medicine, Government agencies and laboratories, commercial laboratories and, most important of all, a representative from the Institute of Laboratory Animal Resources-National Academy of Sciences-National Research Council. The Institute of Laboratory Animal Resources was organized in November 1952 under the auspices of the National Academy of Sciences-National Research Council, acting in an advisory capacity. The Institute is engaged in the dissemination of information and education on experimental animal resources and the establishment of standards.

Its objectives are—

I (*a*) To survey and list existing suppliers and sources of animal stocks used in biological (including medical, agricultural, and industrial) research, testing, and assaying.

(*b*) To ascertain location and numbers of currently available breeds and strains of both laboratory-raised animals and animals obtained from natural environments.

(*c*) To provide for the perpetuation and maintenance, including emergency financial support, of special and new strains of singular importance for the study of specific problems or diseases.

II (*a*) To survey and list present users of animal stocks.

(*b*) To determine volumes of demand for the various species and strains.

III. To improve the supply of laboratory animals by establishing and promulgating scientific standards of definition, terminology, and tolerable variation by—

(*a*) Providing information to suppliers and breeders on improving the quality of species and strains, genetic inbreeding, housing, breeding techniques, care, feeding, and disease prevention and treatment.

(*b*) Defining species and animals available from natural sources and encouraging the collecting, breeding, and improving of these species, particularly those imported from distant and unreliable source areas.

(*c*) Suggesting the introduction of new animals for experimental use and new breeds for specific uses.

IV. To collect and disseminate information on animals most suitable for specific types of investigations and assays, including the determination of specific susceptibilities and resistance of animal strains in important areas of research and assaying (e.g., climatic and parasitologic conditions, nutritional deficiencies, radiation, drugs).

V. To act as a clearinghouse for the collection, correlation, evaluation, and dissemination of information of value to animal suppliers and users and for cooperation with other interested groups.

V. To help, in natural and other emergencies—

(*a*) Devise means of meeting promptly a sudden increase in demand for given animal stocks;

(*b*) Procure emergency supplies and animal stocks;

(*c*) Obtain animals from distant areas and particularly from natural sources;

(*d*) Collect information concerning ability of suppliers to expand facilities and production;

(*e*) Promote studies on use of alternate strains of animals for experimental use;

(*f*) Anticipate changes in major needs of animals; and

(*g*) Recommend relocation of key stocks in event of disease epidemics or insecurity of areas.

VIII. To promote the comparative study of extrapolation of animal data to conditions in man.

VIII. To promote international exchange of information and of specialized stocks and assist in securing needed replacements or new stocks.

IX. To promote improvements in the transportation, quarantining, distribution, and care of laboratory animals.

A committee with this composition, knowledgeable and mature people, should be given the task of framing a bill that will be beneficial, effective, workable, worthy of support by a majority of both House and Senate and acceptable to the President of the United States.

We suggest that temporary political expediencies and distracting emotions be set aside so that we can produce, forthwith, in a cooperative effort a constructive and meaningful law, that will be a credit to the combined wisdom of this great Congress and their scientific partners.

Senator MONRONEY. Our next witness is Mrs. Christine Stevens, Animal Welfare Institute and Society for Animal Protection Legislation. She will be accompanied by Mrs. Kay Pittman and Mr. T. I. Hughes who will also testify at the same time.

Thank you, Mrs. Stevens, for appearing before the committee and for bringing your assistants to assist in the testimony. I believe you have added one or two other witnesses.

STATEMENT OF CHRISTINE STEVENS, ON BEHALF OF THE ANIMAL WELFARE INSTITUTE AND SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION

Mrs. STEVENS. Yes. These are not necessarily our assistants.

Mrs. Dyce is the laboratory animal consultant for the Animal Welfare Institute. Mr. Hughes is the executive director——

Senator MONRONEY. Would you give the initials of Mrs. Dyce and Mr. Hughes?

Mrs. STEVENS. Mrs. Robert Dyce and Mr. T. I. Hughes. Mr. Hughes is executive director of the Ontario Humane Society. He has come here from Canada because he has a great deal of information and is one of the pioneers in this effort to regulate dog dealers.

Miss Fay Brisk, who is here today, is the similar pioneer in this country on this subject.

Mrs. Kay Pittman on my left is a reporter for the Memphis Press Scimitar and has had a series of outstanding front-page stories on her visits to the Ripley, Miss., Monday Trade Day.

Miss Helene Artsay is a 4th-year veterinary student at Michigan State University. She has visited many laboratories, has assisted with animal experimentation, and has just recently published an excellent paper on animal care based on her own original research.

The reason we have brought people from outside the organizations which I represent, which are the Animal Welfare Institute and the Society for Animal Protective Legislation, is that we believe that each one can throw a special light on questions that are before this committee.

First of all, perhaps I should summarize my own testimony if that is agreeable with you, Senator Monroney.

Senator MONRONEY. Yes.

Mrs. STEVENS. And then each one will continue with his.

Also it is important that we should answer some of the charges which have been incorrectly made, but I think that might best come at the end.

Senator MONRONEY. That will be fine.

Mrs. STEVENS. Thank you.

Senator MONRONEY. Your statement will appear in full as though read, and then you may summarize.

Mrs. STEVENS. I will read certain parts of the statement.

Also, before I begin I would like to submit for the record reports which we made last year to the Department of Health, Education, and Welfare when they asked for comments, "A Critical Review of Conditions in Institutions Receiving Funds Under Department of Health, Education, and Welfare Auspices," by the Animal Welfare Institute. It gives many examples of mistreatment of animals particularly in the area of care and housing which would be covered by S. 2322 and S. 3059.

With this we submit "Comfortable Quarters for Laboratory Animals," published by the institute and given free on request to all laboratories in an attempt to improve conditions for laboratories on a voluntary basis.

Also "Basic Care of Experimental Animals" which is given free to all animal caretakers on request.

Also a statement from the Society for Animal Protective Legislation was presented at this time to the Department of HEW. This copy is for the committee, and I would read one brief note from it because it relates to what Dr. Greenbaum said about the supply of animals from the ASPCA shelters in New York City under the Hatch-Metcalf Act:

> As Dr. Piliero of the New York Medical College told us in 1962, the college used to get them—

That is, dogs—

> from SPCA, but they are "scrub dogs, full of fleas," so the college changed to Pennsylvania dealers.

The major point in this bill we believe is the broad coverage whereby all animals in both laboratory and dealers' premises and in transport must be humanely handled and cared for.

We believe provision for stopping payments of Federal funds to any institution which refuses to obey the law is a sound sanction and should be included. It has worked well in the Federal Humane Slaughter Act of 1958 and should be equally effective in stopping abuses in care and housing of animals for experimentation.

Scientific groups are making a determined effort to have the provisions requiring humane care and housing of animals in laboratories deleted from these bills. Despite all evidence to the contrary, they still claim that outside intervention is not needed.

We have heard repeatedly during this testimony about what is known as the AAALAC. That is the American Association for Accreditation of Laboratory Animal Care. And the reason you have so often heard the desire to shift to another committee on the subject of animal care in laboratories is twofold.

One point was brought out very firmly by Miss Jones just now—that legislation on the subject has been pending before that committee for 6 years with no action whatsoever. Another is that the bill which the opponents desired to see enacted would give power to this new group, the AAALAC. It is the brainchild, as you heard from Dr. Visscher, of the National Society for Medical Research, accompanied by the AMA, the Pharmaceutical Manufacturers Association, and 13 others.

This AAALAC will send members of its council on a "site visit" to a laboratory for a fee of $100 to $1,000. If the laboratory is accredited as a result of this site visit, the accreditation is valid for 5 years.

What exactly would be accomplished by the "site visits" and accreditation? A view from the inside will make this clear, and I quote from the testimony of Dr. Samuel Peacock, who was unable to be here today because he is so greatly occupied with research and writing for a scientific meeting. You have his testimony in full, but I will quote it briefly:

> I have always used animals in my research and will continue to do so. I am a member of the American Physiological Society and American Academy of Neurology.

Of the AAALAC he writes:

> Self-regulation through the American Association for Accreditation of Laboratory Animal Care is a farce. For example, one of the facilities with which I am a consultant research associate, was inspected by a committee representing this organization. Their appointment was set up a week in advance. The animal colony attendant worked overtime for days cleaning up the colony, painting cages, et cetera. No cats were ordered for the week so that the usual overcrowding would be avoided.
>
> When the committee arrived, they saw cats each in its own cage with food and water. Had they arrived unannounced 1 week later, they would have seen four or five cats in cages designed for one cat, cages with dead cats among the living, neither food nor water in the cages, and a crate of new cats for which there was no room at all.
>
> Such a situation is not at all unusual. In short, the research community will not and cannot regulate itself. If they could, the present conditions would not exist.
>
> The animal quarters in research facilities I have seen have been totally inadequate for the task expected of them, and the personnel incompetent to care for the animals entrusted to them.

Clearly the provision in pending legislation for licensing research institutions and requiring humane standards of care and housing by them is essential.

Dr. Peacock's estimate on mortality of animals received from dealers agrees with that I reported (hearings, Subcommittee on Livestock, House Agriculture Committee, March 7, 1966) from three other scientific institutions (Brooklyn Jewish Hospital, Bionetics Laboratory of Hazleton, and Downstate Medical Center of New York State University).

In general—

He states—

we usually find that 30 to 50 percent of our animals will die before they are used for research.

I would point out if these animals did not die there would not be such a great, enormous market that we are having such a problem with. In other words, if they were decently cared for there would not be such a high mortality.

Dr. Peacock sums up the situation concisely:

The animal dealer for economic reasons and ignorance will not reform his methods unless he is forced to do so. The research institutions and universities will not improve their facilities unless forced to do so for basically the same reasons. As long as the research worker has enough animals to do his work, the present system, unless forced by public opinion to change, will continue indefinitely, completely uncontrolled.

"Enough" animals, of course, means quite different things to different scientists. Ten thousand dogs a year may be used up by the University of Minnesota, for example, and every possible source, both in and out of the State, tapped to give the dog to the researcher at the minimal charge of $5.75. (Figure given AWI Laboratory Animal Consultant in 1964.)

Minnesota, of course, has a pound law. I would like to submit these photographs of laboratory dogs at the university for the committee. You will see that the cages are hosed with the dogs inside. The dogs are never removed for exercise. In fact, they are never removed unless they actually are taken to the laboratory for experimentation. This may be a matter of years.

Animals in Minnesota are apparently being reshunted through different laboratories because there is such a tremendous demand.

We got this information from Mr. Mayer, employee of a laboratory in Minneapolis, who testified at the House hearings, and I would quote briefly:

I would not leave a room until I was sure every one had as much as it could drink plus a full pan. * * * The floors of the cages are of a wire mesh. * * * Very frequently dogs have caught their toes in this mesh and suffered considerably before they were noticed. * * * There have been times when it was necessary to anesthetize them to remove the toes from the grid. I have seen a dog with toes on each of three legs caught so that the dog was completely immobilized.

Checking with Mr. Mayer about any improvements this well-financed Government laboratory might have made since the extreme negligence and callousness it has displayed was brought out at public hearings, I learned that two dogs were caught in the mesh on Sunday; and Thursday a dog which has been in the laboratory since 1962 was found with a terrible infection in his foot.

Now, I will just skip over this which appears fully in my written statement.

What is being done is that screen is being attached to the cage floors with pieces of wire to try to make a change without expending any real money. The screen is often torn by the dogs and sticks up with sharp points which the dog is forced to lie on, and this is the cruel, pennypinching that is being practiced by those who unblushingly ask the Congress to appropriate millions of dollars for their use.

You already have the photographs of a different laboratory—that is, the University of Minnesota. And I would like to emphasize that the legislative history of the measures you are considering should make it perfectly clear that such care and housing could not be condoned once the bill you approve in this committee becomes law.

Breeders of laboratory animals, like the laboratories themselves, wish to be exempt from the humane provisions of the measure, and the National Society for Medical Research wants them and the dealers in exotic species, including primates, excluded from the bill.

I wish to point out inspection by voluntary agencies is difficult and often impossible, and I will submit for the record a statement on current efforts to observe conditions in primate transport.

For example, last week Merck's refused to permit a representative of the Animal Welfare Institute to see the monkeys it was bringing through the airport.

Ten years ago, Parke, Davis worked with us to make major improvement in shipping and mortality in their monkeys. Parke, Davis and AWI personnel together made a surprise visit to the airlines, bringing in a big load, and saw the extent of sickness, death, overcrowding, and mishandling.

But with every passing year, the laboratory interests, both commercial and nonprofit, receive increasing numbers of millions of dollars, and their arrogance seems to increase correspondingly. They want no objective, disinterested third party, which the Secretary of Agriculture would constitute, to observe their care and handling of animals or to enforce decent standards where these are lacking. A sound Federal law such as you are here considering today is essential.

The breeding of dogs and cats for research is being carried out successfully on a small scale. Using impounded animals for nonsurvival experiments under full anesthesia and breeding them for chronic studies is by far the best solution and one we have suggested for the past 15 years. It is the best scientifically speaking, and from the standpoint of animals and animal owners.

These bills would encourage solutions of this type to the procurement problem. They would raise standards throughout the animal experimentation industry, improving research as they cut down unnecessary suffering. We have heard no reasonable arguments against this moderate and desperately needed legislation, and we earnestly request that you give a favorable report to a strong, effective bill.

(The prepared statement of Mrs. Stevens follows:)

The Animal Welfare Institute and Society for Animal Protective Legislation, which I represent, are in favor of S. 2322 and S. 3059 and hope the committee will include the best features of both bills, including in particular the broad coverage whereby all vertebrate animals in both laboratories and dealers' premises and in transport must be humanely handled and cared for. We believe the

provision for stopping payments of Federal funds to any institution which refuses to obey the law is a sound sanction and should be included. It has worked well in the Federal Humane Slaughter Act of 1958 and should be equally effective in stopping abuses in care and housing of animals for experimentation.

Scientific groups are making a determined effort to have the provisions requiring humane care and housing of animals in laboratories deleted from these bills. Despite all evidence to the contrary, they still claim that outside intervention is not needed because the laboratories will regulate themselves. The spokesman for the animal care panel, Dr. Howard A. Schneider, of the AMA's Institute for Biomedical Research, Eduction, and Research Foundation, even goes so far as to assert that "the house of science" (as he calls the laboratories) is already in order. At House hearings March 8th, he pointed with pride to the status quo saying, "For more than 14 years the animal care panel has been putting that house in order. Mr. Chairman, that house is in order, and if there are those who would carp at that, let them come forward at another time and place to vent their concerns."

Hoping to head off the growing demand for regulatory legislation, the AMA and other like-thinking groups have organized the AAALAC. The AAALAC—American Association for Accreditation of Laboratory Animal Care—is the brainchild of the National Society for Medical Research, the AMA Pharmaceutical Manufacturers' Association, and 13 others. This AAALAC will send members of its council on a site visit to a laboratory for a fee of $100 to $1,000. If the laboratory is accredited as a result of this site visit, the accreditation is valid for 5 years.

What, exactly, would be accomplished by the "site visits" and accreditation? A view from the inside will make this clear; and I quote from the testimony of Dr. Samuel Peacock, who was unable to be here today because he is so greatly occupied with research and writing for a scientific meeting: "I have always used animals in my research and will continue to do so. I am a member of the American Physiological Society and American Academy of Neurology." Of the AAALAC he writes: "Self-regulation through the American Association for Accreditation of Laboratory Animal Care is a farce. For example, one of the facilities with which I am a consultant research associate, was inspected by a committee representing this organization. Their appointment was set up a week in advance. The animal colony attendant worked overtime for days cleaning up the colony, painting cages, etc. No cats were ordered for the week so that the usual overcrowding would be avoided. When the committee arrived, they saw cats each in his own cage with food and water. Had they arrived unannounced 1 week later, they would have seen four or five cats in cages designed for one cat, cages with dead cats among the living, neither food nor water in the cages, and a crate of new cats for which there was no room at all. Such a situation is not at all unusual. In short, the research community will not and cannot regulate itself. If they could, the present conditions would not exist. The animal quarters in research facilities I have seen have been totally inadequate for the task expected of them, and the personnel incompetent to care for the animals entrusted to them." Clearly, the provision in pending legislation for licensing research institutions and requiring humane standards of care and housing by them is essential.

Dr. Peacock's estimate on mortality of animals received from dealers agrees with that I reported (hearings, Subcommittee on Livestock, House Agriculture Committee, March 7, 1966) from three other scientific institutions at previous hearings (Brooklyn Jewish Hospital, Bionetics Laboratory of Hazleton, and Downstate Medical Center of New York State University). "In general," he states, "we usually find that 30 to 50 percent of our animals will die before they are used for research."

Dr. Peacock sums up the situation concisely: "The animal dealer for economic reasons and ignorance will not reform his methods unless he is forced to do so. The research institutions and universities will not improve their facilities unles forced to do so for basically the same reasons. As long as the research worker has enough animals to do his work, the present system, unless forced by public opinion to change, will continue indefinitely, completely uncontrolled."

"Enough animals, of course, means quite different things to different scientists. Ten thousand dogs a year may be used up by the University of Minnesota, for example, and every possible source, both in and out of the State, tapped to give the dog to the researcher at the minimal charge of $5.75 (figure given AWI laboratory animal consultant in 1964).

Opponents of the pending bills have asserted that if only pound animals were available locally to scientific institutions, there would be no dog dealers and. hence, no dog thieves. However, this assertion is out of line with the facts. For example, Minnesota[1] has had a law for no less than 17 years requiring every pound in the State to supply animals to research, yet the dog dealing business in Minnesota is a thriving one, and the laboratories even import dogs from out of State, including Wisconsin (which has a State law prohibiting the shipment of dogs and cats over the State line for purposes of experimentation). So pressing is the demand for dogs in Minnesota and so interested are the suppliers in being reimbursed for their efforts, that dogs are apparently being reshunted through different laboratories after their use.

Ralph Mayer, whose clear and accurate testimony before the House Agriculture Committee, March 8, I commend to your attention, reports that he was assisting a surgeon at an operation when they found a 1-inch polyethylene tube in the dog's spleen. This dog and another in the same group of stock dogs had incisions on their abdomens, indicative of previous experimental use.

In his testimony, Mr. Mayer stated: "Before the arrival of a member of any animal welfare organization, we are all warned and briefed as to what to do and what to hide. * * * No pain relievers have ever been given to my knowledge to any dog including the major surgery cases. * * * Infections are very frequent and often fatal. * * * At the time I was working with the dogs as an animal caretaker, I actually got in trouble with my foreman for spending too much time watering them. * * * I would not leave the room until I was sure every one had as much as it could drink plus a full pan. * * * The floors of the cages are of a wire mesh. * * * Very frequently dogs have caught their toes in this mesh and suffered considerably before they were noticed. * * * There have been times when it was necessary to anesthetize them to remove the toes from the grid. I have seen a dog with toes on each of three legs caught so that the dog was completely immobilized."

Checking with Mr. Mayer about any improvements this well-financed government laboratory might have made since the extreme negligence and callousness it has displayed was brought out at public hearings, I learned that two dogs were caught in the mesh on Sunday; and Thursday a dog, which has been in the laboratory since 1962, was found with a terrible infection in his foot. But instead of changing the cage floors, they put the men who feed and care for the animals to attaching screening (of the type used for screen doors) onto the floors of the cages. This is done with wire. Mr. Mayer is glad to make the effort to spare the dogs the pain of caught toes which swell and become infected. However, since the cages are hosed with the dogs inside them, cleaning these makeshift floors is far from satisfactory. Moreover, the screen, not designed for such a purpose, is often torn by the dogs and sticks up with sharp points, sometimes in the middle of a cage so a dog cannot lie down without lying on the sharp screening. Such is the cruel, penny-pinching practiced by those who unblushingly ask the Congress to appropriate millions of dollars for their use.

Photographs of a few of the 1,400 dogs currently caged at a different institution, the University of Minnesota Medical School, are herewith submitted. Dogs come out of these cages alive for one purpose only: Experimentation. Never are they removed for exercise, even though the cages are too small for the larger dogs to stand or lie down in normal comfort. The Minnesota fashion of hosing the cages with the dogs inside is practiced here, too, with the result that the dogs are often wet. Others testifying for the Animal Welfare Institute will give examples of similar mistreatment in other major laboratories throughout the country.

I trust that the legislative history of the measures you are considering here today will make it perfectly clear that such care and housing could not be condoned once the bill you approve in this committee becomes law. The abuses in care, housing, and handling are various. Some are peculiar to laboratories, others to the premises of dealers, still others to conditions of transport. All, however, could be corrected without delay were simple rules of animal husbandry, including sufficient food, water, space, air, warmth, and a comfortable place to rest, required.

---

[1] For other examples of failure to prevent dog dealers' activity in 7 other of the 11 States that have forced surrender laws, see p. 43, House hearings, Sept. 2, 1965, entitled "Regulate the Transportation, Sale, and Handling of Dogs and Cats Used for Research and Experimentation."

Breeders of laboratory animals, like the laboratories themselves, wish to be exempt from the humane provisions of the measure; and the National Society for Medical Research wants them and the dealers in exotic species, including primates, excluded from the bill. A look at the constitution and bylaws of the Laboratory Animal Breeders Association, September 8, 1961, throws an interesting light on a relationship between animal suppliers and the personnel of scientific institutions which may account for at least some of the extreme overcrowding of animals that causes so much useless misery. Section D(4) states: "Bribery to obtain business is forbidden." No doubt those who drew these bylaws were well acquainted with the need for their provisions. Here, again, the rush to get "enough" animals into the laboratory brings about abuses which could be prevented by licensing and inspection of dealers and laboratories.

Inspection by voluntary agencies is difficult and often impossible, and I would submit for the record notes on some efforts to observe current conditions in primate transport and housing by dealers and laboratories. It is clear that many of those concerned feel a strong compulsion to hide the facts both from animal welfare workers and from the public. In this area we move into big business and its sometimes accentric idea of public relations. For example, last week Merck's refused to permit a representative of the Animal Welfare Institute to see the monkeys it was bringing through the airport. Ten years ago, Parke, Davis worked with us to make a major improvement in shipment and reduction of mortality in their monkeys. Parke, Davis and AWI personnel together made a surprise visit to the airlines, bringing in a big load, and saw the extent of sickness, death, overcrowding, and mishandling. But with every passing year, the laboratory interests, both commercial and nonprofit, receive increasing numbers of millions of dollars and their arrogance seems to increase correspondingly. They want no objective, disinterested third party to observe their care and handling of animals or to enforce decent standards where these are lacking. A sound Federal law such as you are here considering today is essential.

There is no other way to stop the enormous extent of needless suffering now being inflicted on experimental animals entirely apart from experimental procedures themselves. By providing the Secretary of Agriculture with the authority to enforce minimum standards of care, housing and handling for experimental animals before they reach the laboratory and while they are there (always excluding the experimental procedures) the Congress would provide a means to change cruel practices as rapidly and effectively as it did when it passed the humane slaughter bill, a humane law which has been effectively administered by the Department of Agriculture. Legislation embodying the basic principles of S. 1071 will be needed to regulate experimentation, but that is not an issue here today. It is entirely appropriate that inspectors for the Department of Agriculture should enforce a law dealing with the care, housing, and handling of animals and with the identification of dogs and cats to prevent theft of pets. Indeed, no other agency of government is so well qualified for this task.

As testimony from those who have had their pets stolen shows, present laws are hopelessly inadequate to deal with this problem. No expenditure of time and money is adequate to locate a dog once he has been taken. Even when a man is known as a thief, efforts by local police and detective agencies to convict him are rare because animals cannot speak, and it is not necessary to break into a house to steal them. After months of intensive effort, Vermont law enforcement officers apprehended cat thieves; and a Missouri dog thief was recently fined, but even his whereabouts are now a complete mystery. These thieves are unlikely to be the big dealers who cross State lines with their double-deck truckloads of dogs. For example, Mike Kredowski, who boasted at House hearings, March 8, that he sold 60,000 dogs to laboratories last year, is not the one to steal a dog. It is essential that small as well as big dealers be licensed and inspected if theft is to be stopped and that big dealers be required to give full accounting of the source of the animal. Merely to license interstate dealers in dogs and cats cannot stop the theft, to say nothing of the cruelty.

The breeding of dogs and cats for research is being carried out successfully on a small scale. Using impounded animals for nonsurvival experiments under full anesthesia and breeding them for chronic studies is by far the best solution both scientifically speaking and from the standpoint of animals and animal owners. These bills would encourage solutions of this type to the procurement problem. They would raise standards throughout the animal experimentation industry, improving research as they cut down on unnecessary suffering. We have heard no reasonable arguments against this moderate and desperately

needed legislation, and we earnestly request that you give a favorable report to a strong, effective bill.

Senator MONRONEY. Thank you very much, Mrs. Stevens.

You have some testimony from your associates I believe.

Mrs. STEVENS. Yes. Do you want to proceed, Mrs. Dyce?

STATEMENT OF DOROTHY DYCE, ON BEHALF OF ANIMAL WELFARE INSTITUTE

Mrs. DYCE. Thank you.

I am Dorothy Dyce, of Detroit, Mich., and I wish to testify in favor of S. 2322 and S. 3059.

In the last 6 years I have visited 94 institutions which use vertebrate animals in experimental research. The majority of these institutions receive Government grants. I have attended trade days and auctions and visited many dog-dealer farms in various parts of the country.

Early this year a young couple from Joplin, Mo., made a frantic search of local dog farms in an effort to find their German shepherd who had mysteriously disappeared from their backyard. I went along with them, accompanied by two deputy sheriffs who knew the locations of the various dealers.

One of the biggest dealers in the area, Mr. O. L. Beckam, bragged that "the dog dealing business is the third biggest business in the Midwest." One of his drivers was arrested and convicted of cruelty to animals in 1957 while delivering dogs to the Anchor Serum Co. Fifty dogs were packed into a 1952 Chevrolet two-door sedan; 33 in wired-shut crates behind the front seat and 16 dogs in a crate in the trunk. Three of the dogs were dead.

Last summer I visited the Anchor Serum Co., and found that they are still buying their animals from this same dealer, Mr. Beckam.

One of the dealers who supplies dogs to Mr. Beckam is out on bail after being arrested for dog theft in January of this year. The dog in question was fond on the farm of Raleigh Tash. I would like to submit, please, for the record this copy of a letter written by Jack Kirk, the owner of the dog, who had Mr. Tash arrested for stealing the dog.

While I went with this couple to look for their German shepherd, this is a picture of a dog farm owned by Mr. Duggar who also supplies dogs to Mr. Beckam, and you can see the deplorable conditions, if these could be passed around, and a dog chained with no shelter standing in the mud and rain.

At another dog dealer in Oronogo, Mo., who also supplies dogs to Mr. Beckam, I found this dog lying in the mud in a convulsive state, white foam coming from his mouth. After some hassling around with the owner of the dog farm, I was able to take the dog to a veterinarian, and the veterinarian put it to sleep for humane reasons. I have a copy of his letter.

He says:

> The dog was presented in a comatose condition and it had distemper and cholera probably of some duration.

Although the American Medical Association emphasized its support of "programs which protect pets from theft and insure the humane care of laboratory animals," it urges that the bills be modified to exclude the licensing of research facilities.

In the State of Michigan we have a law for the humane use of laboratory animals. Under its provisions laboratories must be licensed. Its enforcement rests with the State commissioner of health. Dr. Albert E. Heustis, commissioner, wrote a letter to Congressman Poage relative to the licensing of laboratories.

In the interest of brevity I will just read one paragraph of the letter. He says:

> We in Michigan wish to strongly recommend the merits of licensing laboratories for the humane use of animals and to assure the laboratories that no particular hardships are involved.

To quote the last sentence in his letter:

> It would certainly appear to us that such a law would be desirable and would function on a nationwide basis as effectively as it has in Michigan.

Dr. Brewer, who preceded us by a few witnesses, testified for the Illinois State Society of Medical Research. I believe that he said, and I hope I am quoting him correctly, that the laboratories in Chicago are regularly inspected for the humane treatment of laboratory animals. Is this correct? I do not want to misquote.

Senator MONRONEY. That was my impression.

Mrs. DYCE. All right. Well, I would like to tell you that I have been in Chicago, and at Northwestern University Medical School, dogs, large dogs, are housed in cages which measure 30 inches by 30 inches by 26 inches in height. And I have seen dogs in these cages that have been housed there for 3 and 4 years.

I have seen fowl housed in cages only 10½ inches high. Their backs were touching the tops of the cages, and their heads were bent down because the fowl were taller than the cages.

At Presbyterian-St. Luke's Hospital in Chicago I have seen rabbits jammed into antiquated cages which measure 12 inches wide by 18 inches long and 10 inches high. The addition of a food bowl and a water bowl each 5 inches in diameter decreased the length of the cage to a very small 13 inches.

I was told by the caretaker at this hospital that these cages were there when he started working there in 1929.

William Hargrove, a dog dealer in Medina, Tenn., supplies animals to Chicago laboratories. I would hope that the Senators would look at these pictures of William Hargrove's dog farm.

I would also like to say that in 1959 a pack of 50 unvaccinated dogs was found near Medina, Tenn., and they were owned by the same dog dealer. You are looking at the picture of his establishment.

The State health department wrote to Dr. Dolowy of the animal care panel and veterinarian in charge of the animals at the University of Illinois, asking Dr. Dolowy to cooperate with the Tennessee Health Department by requiring that the Hargroves vaccinate the dogs before they delivered them to the university.

Dr. Dolowy in his answering letter refused, giving as the first of his three reasons:

> It increases the cost of the dog to us.

What does it matter if State laws are broken and the dogs are starved as long as the price is right? In essence, this is what Dr. Dolowy seems to indicate in his letter.

I have a copy of the letter if you would like to see it.

Senator MONRONEY. That will be received for the committee records.

Mrs. DYCE. Perpetual caging of animals is not restricted to Chicago. It is common and, unfortunately, accepted practice in institutions throughout the country. I took a professional photographer with me in accordance with the general public invitation issued by Dr. Kubicek for anyone to visit the animal quarters at the University of Minnesota, "announced or unannounced, with or without a camera," and the photograph which Mrs. Stevens has given you are the results.

Last year the University of Minnesota received Government grants which totaled $8,527,000.

Discarded cages from this university, which were rusty with age and even smaller than the ones in the photographs, were given to St. Joseph's Hospital in St. Paul. German shepherds, used for cardiovascular surgery, are housed in them. When I complained about this, I was told by hospital personnel that "dogs are not esthetic and have no conception of time."

It is unrealistic to think that negligent institutions will make improvements on a voluntary basis. Properly enforced legislation has worked well in Michigan without hampering medical research, and it can function equally well on a nationwide basis.

(The prepared statement of Mrs. Dyce follows:)

(NOTE: Photographs referred to in this statement are in the committee files.)

I am Dorothy Dyce of Detroit, Mich., and I wish to testify in favor of S. 2322 and S. 3059. In the last 6 years I have visited 94 institutions which use vertebrate animals in experimental research. The majority of these institutions receive Government grants. I have attended trade days and auctions and visited many dog dealer farms in various parts of the country.

Early this year a young couple from Joplin, Mo., made a frantic search of local dog farms in an effort to find their German shepherd who had mysteriously disappeared from their backyard. I went along with them accompanied by two deputy sheriffs who knew the locations of the various dealers. One of the biggest dealers in the area, Mr. O. L. Beckham, bragged that "the dog dealing business is the third biggest business in the Midwest." One of his drivers was arrested and convicted of cruelty to animals in 1957 while delivering dogs to the Anchor Serum Co. Fifty dogs were packed into a 1952 Chevrolet 2-door sedan; 33 in wired-shut crates behind the front seat and 16 dogs in a crate in the trunk. Three of the dogs were dead. The Anchor Serum Co. still buys their animals from Mr. Beckam.

One of the dealers who supplies dogs to Beckam's is out on bail after being arrested for dog theft. The dog in question was found on Tash's property by his owner in January of this year.

Here are photographs taken at the holding area of Mr. Duggar, another dealer we visited in Neosho, Mo. The pictures, as bad as they are, do not show how wretched the place really is.

The thin white dog is scrounging in the debris looking for food—the next photograph shows him with his prize, a bone which had already been picked clean. The cowering black dog chained to a post stands in the rain and mud because he has no shelter.

At a dealer establishment in Oronogo, Mo., I found the pitiful dying dog pictured here lying in the mud next to a broken-down doghouse. He was in a convulsive state and white foam was running from his mouth. I asked Virgil Harris, the owner-operator, if I could take the dog to a veterinarian. After much hasseling back and forth, he finally agreed. Dr. Swanson, the veterinarian, took one look at the mud-covered dog and recommended that he be put to sleep for humane reasons. His diagnosis appears on his statement—"The animal had distemper and chorea and was presented in comatose condition, probably of some duration."

Such shameful conditions cannot be justified. We must have effective Federal legislation requiring humane treatment in the dealers' premises, in transit, and in laboratories of all vertebrate animals sold to scientific institutions.

Although the American Medical Association emphasized its support of "programs which protect pets from theft and insure the humane care of laboratory animals" it urges that the bills be modified to exclude the licensing of research facilities. (The AMA News dated Mar. 14, 1966.) Without licensing and inspection of laboratories to enforce humane standards, how can humane treatment be brought about? Provision for removal of Federal funds for willful noncompliance is a necessary sanction.

In the State of Michigan we have a law for the humane use of laboratory animals. Under its provisions, laboratories must be licensed. Its enforcement rests with the State commissioner of health. Dr. Albert E. Heustis, commissioner, wrote a letter to Congressman Poage relative to the licensing of laboratories. His letter reads as follows:

"This in reference to H.R. 12488, the 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 directing the Secretary to issue licenses to research facilities and to dealers.

"We understand that a hearing will be held next Monday and Tuesday, March 7 and 8, and that undoubtedly there will be much opposition from laboratories as to difficulties encountered in the licensing and procedures involved.

"We in Michigan wish to strongly recommend the merits of licensing laboratories for the humane use of animals and to assure the laboratories that no particular hardships are involved.

"Michigan Act 241 of 1947, with the rules and regulations promulgated thereunder, and the simple application form for registration to keep or use animals for the diagnosis and treatment of human and animal diseases (copies attached) has been operating in an efficient fashion for almost 20 years. It would certainly appear to us that such a law would be desirable and would function on a nationwide basis as effectively as it has in Michigan." The letter signed by Dr. Heustis is dated March 1, 1966.

Under the provisions of this law, any member of the advisory committee is authorized to inspect any premise or property on which are kept animals for experimental purposes. The eight-member committee is comprised of the deans of Michigan's medical schools, veterinary college, and dental school; the secretary of the Michigan Board of Registration of Osteopathy; a representattive from a research laboratory within the State of Michigan and subject to the control of the Federal Department of Health, Education, and Welfare, and two member representatives of the State Federated Humane Society.

Although this law has been in effect since 1947, to my knowledge none of the six committee members in the field of research has ever registered a complaint about a laboratory's noncompliance with the rules and regulations of the law. I regret to say that the committee has been inactive and it was not until Miss Babcock (representing the State Federated Humane Society) and I started visiting Michigan laboratories in 1960 that major improvements were made.

I want to say that my statement is not meant as a blanket condemnation of the committee. I do say, however, that it is difficult to police ones' self. Two medical schools, headed by deans on this committee, were criticized for substandard care and housing of laboratory animals in the reports by Miss Babcock and me. Subsequently, improvements required by the health commissioner were made by both institutions.

I would like to add that through a recent reorganization program, meetings of the full advisory committee will be scheduled. It is my hope that these meetings will serve to generate enthusiasm which will further improve conditions for laboratory animals and promote a broader understanding between the six committee members engaged in research and the two members (of which I am one) representing the State Federated Humane Society.

In conclusion I would like to relate some of the serious deficiencies we discovered in our initial visits to Michigan dog dealers and laboratories. The substandard care and housing found in some laboratories was rectified through the enforcement of our Michigan law. It was not possible, however, to improve conditions in dog dealer establishments because of the absence of a State law requiring dealer licensing.

After receiving a complaint about a dealer in Hillsdale, Mich., I decided to visit his facility to determine whether the complaint was justified. Upon in-

vestigation, I found dogs walking in excrement which literally covered the dirt floor of an old garage. A dirty feed sack served as a cover for a broken window. Quantities of flies hovered over a large tub which contained an abundance of dried feces. It was a hot day and the stench was unbearable.

Other dogs were chained to makeshift doghouses at the rear of the property. Rusty cans—most of them empty, others with a little water unfit to drink—served as water containers.

The dealer boasted that he had a key to five different dog pounds and said that he could go into the various pounds at any time and pick out the dogs he needs. I could not help but wonder how many dogs are "picked out" before their owners have a chance to claim them.

After contacting the Michigan Department of Health and the Department of Agriculture I found that inspection in this case would have to be made at a county level. This puts the power of inspection in the hands of the local dog warden—the same man who supplies the dogs to the dealer.

This dealer is still operating—uncontrolled, unrestricted, and unlicensed.

On one of our fist visits to a Detroit hospital research laboratory we saw a group of dogs which had been supplied by a local dealer. One of the dogs, a thin, dirty cocker spaniel was wearing a heavy collar intended for a dog four times his size. The collar was encrusted with dirt and fur. Lumps of dirty, matted fur the size of eggs hung from his ears. The dog, having been in his cage when it was hosed, was soaking wet. We called the doctor's attention to the dog and expressed the hope that such a thin animal would not be used for surgery. The doctor said the dog had been supplied by a dealer and would look better after he was bathed and fattened up. He assured us that such an animal would not be used until he had been conditioned. Because the collar was heavy and dirty I asked the doctor if we could remove it. The caretaker was called and asked to take the collar off the dog. The caretaker, who was not present when we discussed the dog's condition, said that he had tried to remove it when he had prepared the dog for a recent surgical experiment. He said he couldn't get the collar off at that time because it was too encrusted with dirt. The dog had been used for surgery, dirt, collar, and all.

Fourteen other dogs were in this room—all of them in metal cages without resting boards. A dirty dustpan, a garden hose, and a pail were on top of a cage which contained a postoperative dog.

Twelve of fifteen rabbits were excessively crowded into two upper tier dog cages. Rabbit fur hung in billowy strands from the tops of the cages.

As a result of our complaint about the substandard animal care and housing in this laboratory, it was closed and was not reopened until recommended improvements were made.

At another Michigan laboratory we saw postoperative dogs tied to stakes in the dirt in back of the hospital. No shelter was provided for them. This served as part of the recovery area for immediate postsurgical dogs. This hospital was put on probation by the Michigan Department of Health and the care and housing of the animals has improved considerably.

At a medical school in Detroit a dog came out of an anesthetic to find himself alone and unattended in a cage in a hot, dark, dirty room in the basement of the medical school. The dog, crying in pain, was heard at a nearby hospital. The hospital patients were unable to sleep and after listening to the dog's cries for 3 hours, the head nurse called the police. The policeman, horrified at what he saw, reported the incident to the Anti-Cruelty Association. A subsequent investigation revealed that the dog had died during the night with no one in attendance. The medical school was put on a 30-day probationary period for serious neglect of postoperative dogs.

The care and housing of laboratory animals in Michigan has greatly improved because of our laws.

In my laboratory visits I've seen many newly arrived animals which had been supplied by dealers. Some were in such terrible condition that I could not help but wonder about their source.

When I visited the animal quarters at Presbyterian-St. Luke's Hospital in Chicago I saw a group of dogs which had just been received from a dealer. The dogs, housed in small metal cages in one room, were all sick—the majority were dirty, frightened, and thin. Signs on their cages confirmed the fact that all of the dogs had distemper.

Two days later I visited the animal quarters at Northwehtern University School of Medicine and noticed that their newly arrived dogs were exceedingly

thin and frightened. One large black dog still wearing a heavy rope around his neck was squeezed into a very small cage.

My concern about the pitiful condition of these animals prompted me to ask about the dog procurement program of these institutions. I discovered that both laboratories buy dogs from the same dealer, William Hargrove. Although Mr. Hargrove allegedly has two dog farms—one in Illinois and one in Tennessee—I visited only the Tennessee farm which is owned and operated by William Hargrove and his father, Roy.

The Hargroves, arrested for cruelty to animals are under a grand jury indictment. The trial is scheduled for May 2. At a preliminary hearing, one of the neighbors testified that the smell was terrible when the Hargroves burned the bodies of the dead dogs. An ex-mayor of Medina reported that the Hargroves went away for 2 weeks leaving the dogs unattended. When he went to the farm he saw live dogs eating the dead ones because they had nothing else to eat.

This is not the first time this dealer's activities have been publicized. In June of 1959 a pack of about 50 unvaccinated dogs owned by Roy Hargrove was discovered penned together with no apparent source of water or food. On numerous occasions the local health department officials urged Mr. Hargrove to comply with Tennessee State law by having his dogs vaccinated. When he refused, the State health department wrote to Dr. William Dolowy, a pillar of the Animal Care Panel, and veterinarian in charge of animals at the University of Illinois. Dr. Dolowy was asked to cooperate with the Tennessee Health Department by requiring Mr. Hargrove to vaccinate the dogs which he delivers to the university. Dr. Dolowy, in his answering letter refused, giving as the first of his three reasons: "It increases the cost of the dog to us."

What does it matter if State laws are broken and the dogs are starved as long as the price is right. In essence, this is what Dr. Dolowy seems to indicate in his letter.

Despite the plea of the Tennessee State Health Department to Dr. Dolowy to cooperate in preventing the spread of rabies, and the evidence of animal abuse, Mr. Hargrove still does a thriving business.

On Monday, March 7, Miss Kay Pittman, a reporter for the Memphis Press-Scimitar, covered a trade day at Ripley, Miss., where approximately 1,000 dogs were either auction or traded. Her front-page story described how the dogs are beaten, kicked, and prodded with metal poles into dog dealer trucks. She described it as a "nightmare of man's cruelty to living creatures."

The survivors of trade-day brutality are whisked across State lines to dog farms where they await delivery to a research laboratory. Is it any wonder they are sick, undernourished and frightened and not fit subjects for scientific research?

Primates, too, are victims of improper transportation and housing. Four small primates known as bush babies which can be seen in the accompanying photograph, were shipped airfreight from Liberia to the International Animal Exchange (a supplier of primates to research laboratories). They were shipped in a flimsy cardboard box [also pictured] with a few airholes here and there which had been made by a pencil or similar tool. Upon arrival at Metropolitan Airport in Detroit last month, one bush baby was dead and another was dying. Under properly managed transport conditions the mortality rate should not exceed 2 percent but this was 50 percent, due to improper handling and transport. Death of primates in transit is common.

Because I think it is pertinent to the legislation which is today being considered, I should like to point out that substandard care and housing does not end with the dealer—very often it continues at their final destination—the laboratories.

Northwestern University, Presbyterian-St. Luke's, and Washington University in St. Louis, another Hargrove patron, are recipients of large Government grants. In fiscal 1965 these three institutions received a combined total of $11,675,450 in grants from the National Institute of Health.

Our tax dollars pay for animal abuse by dog dealers. They further support the substandard care and housing which I regret to say exist in these institutions. At each of these laboratories the dogs are housed in cages and never released for exercise. They each follow the same callous pattern of housing the cages with the dogs in them. At Northwestern University I have seen large dogs crowded into cages which measure only 30 inches by 30 inches by 26 inches in height. I saw fowl in cages only 10½ inches high. Their backs were touching the tops of the cages, their heads bent because they are taller than the cages.

At Presbyterian-St. Luke's Hospital rabbits are jammed into antiquated cages measuring 12 inches wide by 18 inches long by 10 inches high. The addition of a food bowl and a water bowl, each 5 inches in diameter, decreases the length of the cage to a very small 13 inches. The rabbits could not move in any direction.

Perpetual caging of animals is not restricted to Chicago and St. Louis laboratories—it is common and, unfortunately accepted practice in institutions throughout the country. I took a professional photographer with me in accordance with the general public invitation issued by Dr. Kubicek for anyone to visit the animal quarters of the University of Minnesota "announced or unannounced, with or without a camera." These photographs are the result.

Last year the University of Minnesota received Government grants which totaled $8,527,253.

Discarded cages from this university (rusty with age and even smaller than the ones in the photographs) were given to St. Joseph Hospital in St. Paul. German shepherds, used for cardiovascular surgery, are housed in them. When I complained about this, I was told by hospital personnel that "dogs are not esthetic and have no conception of time."

It is unrealistic to think that negligent institutions will make improvements on a voluntary basis. Properly enforced legislation has worked well in Michigan without hampering medical research and it can function equally well on a nationwide basis.

Senator MONRONEY. Thank you very much, Mrs. Dyce.

You have other witnesses I believe.

Mrs. STEVENS. I think perhaps, since we are talking about the laboratories, Miss Artsay would be next.

STATEMENT OF HELENE ARTSAY, VETERINARY STUDENT, MICHIGAN STATE UNIVERSITY

Miss ARTSAY. A law designed to protect animals destined for research laboratories must include the institutions receiving the animals as well as the middlemen and dealers who procure, transport, sell, and deliver them. If the law sets minimum standards of treatment for the animals in transit, but fails to prevent these same animals from being subjected to the inadequate care and maintenance all too often found in many research institutions, it can only be partially effective.

In one institution in New York City I saw dogs in a dark, unventilated room which smelled so bad that I gagged and my eyes watered when I entered. The cages were so small that many larger dogs could not stand up straight or lie down except in a partially curled-up position.

The animals were never let out of the cages and their only exercise was to bounce up and down frantically in whatever area they had to maneuver. One female had a litter of puppies on the wire mesh. The pups were soiled with their own wastes and their only bedding was an old rag similarly filthy. The mother's mammary glands were streaked and caked with dirt and feces.

Most of the dogs were in poor physical condition—thin with poor coats of hair. Some were listless and dull; others were anxious and hyperexcitable. Some showed clinical signs of illness, such as exundate around the eyes and nostrils. There was no evidence of any attemps to isolate sick animals. This is an open and unchallenged violation of the Metcalf-Hatch Act regularly inspected under the Metcalf-Hatch Act.

In another instance a laboratory kept a constant supply of about 15 to 20 cats and kittens for a variety of experimental procedures.

These cats were housed on wire-mesh-floored cages, 7 to 10 animals per cage, with no bedding. Their only source of food was dry inch-thick blocks of hard meal, manufactured as a dog ration, which the cats' teeth were hardly capable of breaking. As a result, the kittens and cats chewed almost constantly to get a meager supply of nourishment into their systems—barely enough to keep them alive.

These animals were listless and cried plaintively when someone approached their cages. Many had chronic respiratory diseases, and whenever a new shipment arrived, a percentage would contract panleucopenia (cat distemper) and die. There was no provision for isolation or vaccination. These animals were treated as just so much meat by the pound, and the percentage lost from neglect as expendable spoilage.

A particular incident involved a blond female cocker spaniel, brought to a laboratory in a shipment of dogs from a city pound. Her long hair coat was tangled and knotted all over her body to the extent that she could barely move her legs without the pain of hair pulling on skin. She slept in an awkward half-reclining position, as she was unable to stretch out. She remained like this for 4 weeks because she was known to resent handling (no wonder) and the scientists passed her up for easier-to-manage dogs for their experiments. Finally, someone from outside the area passed through, spotted her, and arranged to have her clipped. The dog's disposition changed completely within 2 days after the clip, and she became active and friendly. No responsible person thought to or cared to take this simple matter upon themselves long before.

These are only a few of many incidents which occur endlessly in the majority of research institutions—things which simply would not happen if these laboratories would—or could—assume responsibility on their own for the adequate care and maintenance of research animals.

True, some institutions have very good facilities and treatment for their animals, but these, unfortunately, are few in number and only serve to show what laboratory animal facilities could be like universally if all institutions were sincere in their protestations of humaneness and concern for their experimental subjects.

Certainly, legitimate scientific research does not benefit if delicate experiments are carried out on animals in too poor a condition to respond physiologically as "normal" subjects.

Inasmuch as these bills, if passed in their entirety, would in no way affect experimentation but only the manner in which the animals are procured and maintained for the scientists, it can accomplish nothing but good, both for the welfare of research animals and for the endeavors of the scientific community as a whole.

Senator MONRONEY. Thank you, Miss Artsay, for your testimony. You have others accompanying you?

Mrs. STEVENS. Mrs. Kay Pittman of the Memphis Press-Scimitar will tell her experiences.

STATEMENT OF KAY PITTMAN, STAFF WRITER, MEMPHIS PRESS-SCIMITAR

Mrs. PITTMAN. First of all I would like to say that I am not a member of the humane society of any sort, although I am in favor now of some of their recommendations.

Following up on reports and pictures taken by members of the Memphis, Tenn., Humane Society, the editor of the Memphis Press-Scimitar, a Scripps-Howard newspaper, called me in the office and asked that we investigate a situation in Ripley, Miss., a first Monday trade day, that I understand has been going on some 50 years there.

Photographer Jim Reid and I went down in old clothes in the guise of buying a hunting dog or anything, a pet. He carried a concealed camera.

As I say, we did not expect to find what we found there. We found about a thousand dogs, half of which appeared to be stolen pets.

I would say that it would be rather hard to prove, of course, because I saw panel trucks coming in loaded with dogs from Alabama, with Alabama license plates, trucks and cars with maybe 40 dogs in the trunk of the car coming in from Mississippi, from Tennessee. These people were selling to the big dog dealers, and some of which had Illinois license plates on the cars.

They were mostly interested—the big dealers—in buying large dogs, shepherds, collies. And there were an abundance of these. Most of the dogs had blood on them somewhere or other around their neck. Their noses were skinned.

They were in cages that might hold 2 dogs, and you would see 40 to 50.

I saw one man who came in who took a Kentucky plate with the name "Sunny Boy" off a dog and put his own collar on it to sell to the dealer.

I do not see what good it would do to license dealers if you do not license the thieves too.

I talked to a number of people who, of course, did not know we were reporters, who said they were having a little bit of trouble with their men who went around on consignment in the area because they had not picked up enough dogs for them that week to sell.

I saw people coming in with what they call in Mississippi "tote" bags, burlap sacks filled with puppies and cats.

One of the dealers, Mr. Hargrove, who has the farm in Medina, had a sign bearing a Cicero, Ill., sign on his truck. One of his people who were throwing cats and dogs in this three-tiered truck, stepped on a bag that was loaded with cats and didn't even look down. And pretty soon a little blood seeped out of the bag, and instead of bothering with this—I'm sure there were some alive in there—I think they were kittens—he threw it in a trash can nearby.

These people were not auctioning dogs. They were in another area of this fairgrounds area in Ripley, Miss. They were near the gate. They had nothing to do with legitimate dogs that maybe came in, men with one or two dogs that they were auctioning and trading. They dealt among themselves.

The people who had picked up dogs out of people's yards, out of Lord knows where, and thrown them in, and in all kinds of condition, were dealing directly with the dealers, dragging dogs out.

And, of course, they would sell to you. They would sell to me for $5. I bought this dog, a wire-haired terrier. This, by the way, was a dog that was bought by Hargrove, a white German shepherd, for $5.

This dog, a setter of some sort, was nothing but skin and bones. I bought him for $5, and the photographer has the dog at home with

him now for his children. The dog was in such bad shape that when I saw him in this cage with about 40 to 50 other dogs I could just see his face. When they pulled him out to sell to me instead of the dealer, because they could only get about $3 from the dealer and they could get $5 from me, the dog could hardly walk. It was nothing but bones sticking out.

His hair was in such bad condition it was falling out in tufts.

Some of the people, after spending all day there, some of what I call thieves for lack of a better word, the people who bring in dogs to sell to the dealers, had heard I was looking for a pet. One man called me over and said that he had a good pet in his car that he knew was a pedigreed dog, in the trunk of his car, and he would sell it to me for $5.

In the trunk of this car in cages were about 50 dogs. Out of this he pulled this little wire-haired terrier. I have spent about $30 now. He has been in the veterinarian's for 3 weeks. He had such a bad ear infection he couldn't walk. He was walking sideways.

His nose had been beaten with steel poles that they use to pull the dogs out and loop a thing around their neck. They also use them to beat them in the nose and to hit them.

These "reputable dealers" that I have heard some of the people, doctors, talk about this morning are what we in Mississippi would call "Rednecks." I would hate to meet them in a dark alley. They are not the very best looking people. They chain the dog out all day on these sale days with no water, no food.

Some of the people there who were selling dogs to the dealers said they had had dogs 3 or 4 days. I asked what was going to happen to the dogs. Well, the dealers will get them and they will stay on the trucks.

One of the dealers said he had a consignment of dogs needed in Chicago and one in St. Louis. He bought about 500 dogs that day. And I said, "What are you going to do? Put them on your dog farm?"

He said, "No, we don't have time to. We are going to leave them on the truck. They will be on the truck all night until they get to their destination." No food, no water, no ventilation. Just pitched in on the top of things—big dogs, little dogs.

There was one pregnant boxer bought that looked like it was about ready for delivery. I don't know how it would have delivered the dogs in the truck, because there wasn't room for one dog to stand, much less to sit.

It was an experience that was very shattering to say the least.

I have had people freely admit to me that they were selling to medical schools.

In Memphis, Tenn.—and I have heard quite a bit on not buying from the pounds—the University of Tennessee does not buy dogs from dealers. This we investigated. The humane shelter in Memphis is the city dog pound. Many of the members of the humane society are on the shelter board. The director said that any dog who is licensed is kept in the shelter 3 days. Dogs that are sick are gassed. Dogs never claimed or that no one seems to want are sent under contract to the Memphis Medical Center. No dogs in the Memphis Hospital opera-

tion are bought from dealers. Dogs sold to the medical center are purchased for the regular $2 pound fee.

Last year 7,634 dogs were redeemed or adopted in Memphis. In addition, the shelter provided the University of Tennessee, which is the biggest medical unit, with 4,300 dogs. In addition to this, 4,800 dogs, those that was badly injured or diseased or had been run over by a car, brought in or something like this, were gassed.

The medical center people told me they could not get all the dogs they wanted at times but that there wasn't such a demand. Maybe they needed five or six extra one week, and they had to wait.

If the shelter sent them any dogs that seemed to be in bad condition, they sent them back.

Dr. Overman, who is in charge of the animal laboratory there, said he could not understand how these medical centers could buy dogs from dealers when they would be in such bad condition by the time they would get to the laboratories it would be his opinion they would have to spend at least a month getting these dogs in condition to use them for research because they needed a healthy animal.

I do not know really what solution this is.

I will give you these pictures that our photographer took. They are not the best, of course, because we had a concealed camera.

We were told by humane society people who had taken pictures that the Mississippi Game and Fish people were "cooperating"—the word they used. Anyway, they wouldn't let you take pictures or talk to the dealers. The dealers were very worried because of the proposed legislation, and so were the dog sellers.

Since the publication of our article we have had about a thousand calls at the paper and I guess 750 letters. I am sure our representative, George Gridder, from Memphis has had one of the biggest mails on any single issue than he has ever gotten.

We had reports from people who said neighbors saw a man in an old coat and panel truck taking their dog out of the front yard, and they did not realize until this where the dog was going.

First Monday sales like this occur in Trenton, Tenn. There are second Monday sales in Pontotoc, Miss. You will find the dealers coming in with empty trucks and leaving, dealers from Missouri with Missouri license plates, from Alabama. You will find people just coming in with all sorts of things.

The interesting thing is that half of these dealers and half of these people who travel the highways seem to make a habit of taking the license plates off their cars and maybe putting them on when they get to the trade day area. They drive down the highways across State lines without a license plate at all, and you will see them putting the license plate back on.

Some don't even bother. One truck with a Tipton County, Tenn., sticker on the front of it, had no license and, as far as we know, left the area without a license.

There are laws on the books according to the veterinarians that we have talked to in Memphis that these trucks and these things could be stopped as they crossed the State lines for health regulations.

I have talked to people; every State officer says, "We don't know who could enforce this."

The Mississippi Legislature now in session has some bills before it as a result of these articles to introduce more strict humane legislation.

The people in Mississippi have told me with the humane society and also one of the representatives that some of these dealers buy from the pound, in some areas of Mississippi, dogs that are picked up by the pound truck and never really get to the pound but go directly to the dealers who supply the University of Mississippi Hospital. I think they use 700 dogs a month.

(The prepared statement of Mrs. Pittman follows:)

Following up on reports and pictures taken by officials of the Memphis Humane Society, Photographer Jim Reid and I went to Ripley, Miss., on Monday, March 7, to look over the first Monday trade day there. Tips from the humane society and some pictures taken indicated to our editor, Charles Schneider, that there was something not quite right about the dog sale there.

We, however, did not expect to see anything like we saw at Ripley. I, for one, was horrified. Dog sale is not the word for it. Dog slaughter perhaps would be. There were nearly 1,000 dogs at the trade day. Some, of course, were "legit" dogs—those that belonged to the owners. These could be spotted immediately. There was one man selling one dog, or perhaps, two. These people would ask $25 to $50 for the dogs. These "legit" dogs made up about 10 percent of the total number of animals there.

Although everything from fishing tackle to grandfather clocks is auctioned or traded, the biggest single commodity at Ripley is dogs. I would judge that about half of the dogs there were stolen pets.

We arrived at the Ripley Fairgrounds, on the outskirts of town, about 8:30 a.m. Trucks—large ones—were pulling in. Some had triple-tiered stacks of cages. These big trucks, I learned, belonged to the big dog dealers—those who buy from the sellers and in turn sell to the research labs. Pickup trucks, filled with small wire cages in the backs, started arriving with sometimes 40 dogs or more. Other men came in old cars with dogs in their trunks. One car trunk, completed unventilated, held about 20 dogs. Some were big dogs, like collies, and they were crammed and bent double.

Out of such a trunk I saw a magnificent looking black collie with a shiny coat and thoroughbred lines come out. A child walked by and patted the dog on the head. The collie leaped to run after the child. That's when a rope attached to a long steel prodding bar was tightened to the strangulation point around the collie's neck, jerking the dog upward. His tongue hung out, and the dog made gagging noises. Then the steel bar came down hard on the dog's nose, and blood spurted from the wound. The dog was sold for $5 to a dog dealer. He was loaded into a truck that was so crammed and filled by dogs by noon that it didn't seem possible to stick another one into it. But more were. By late afternoon the 3-tiered truck, with cages so small there wasn't room for the big dogs to stand up, held almost 200 dogs and a great number of cats. The cats and puppies were brought to the dealers in big burlap sacks that were tied at the top. They were dumped on the ground. I saw one of the dealers step on the burlap bag. He didn't look down to see how many animals in the sack were squashed or for that matter look into the bag. But before long, blood stains appeared on the bag, seeping through. Some of the men freely admitted to me that they scoured the countryside picking up dogs. Pets. It was easy to tell that all were not unwanted dogs—there were many Dalmatians, collies, German shepherds, and so on, particularly beagles, among the scores of animals.

The men who have scores of dogs in their trucks never seem to get more than $5, most from $1 to $3 for the dogs bought by the dealers.

When the trade day opened, the trucks, many of them panel trucks, started arriving with chicken wire cages only big enough to hold one dog. Sometimes these cages held 20 dogs.

I caught a glimpse of one dog bearing a Kentucky license tag. I saw a man remove the license from him. Almost all the dogs there had some sign of blood on them, mostly cut noses where they had been beaten or stuck with these steel prodding bars so much in evidence with the dealers and sellers. I saw dogs beaten, kicked, and tied out behind cars and along fences for hours without food

or water. The dealers' trucks again had no food or water. I asked one dealer, who, of course, didn't know I was a reporter, what would happen to the dogs on the truck. The dealer said the dogs would stay on the truck during the whole process from Ripley onward, without food, water, or exercise.

I particularly am unable to get one dog out of my mind and have been haunted by visions of it. It was a pregnant boxer, looked like it had reached about time for delivery. One dealer bought it and took a steel prodding bar and jammed the dog in the stomach and then threw it up onto the topmost part of the truck. I know that the dog would probably have puppies before reaching the dog farm or hospital destination. There wouldn't be room in that truck for the poor dog to lie down and have the puppies, and I know the puppies would be squashed if they could be born at all. I suffered for the agony I knew that poor animal was going to have to endure and the horrible death the dog would probably have facing it. Perhaps only a woman could project that much into a dog, I don't know, but I did and do. And I think most women would and probably most men.

I saw a couple of good looking airedales there, as well as a fine looking and expensive white german shepherd. The shepherd was sold to Roy Hargrove of Medina and loaded on the Hargrove truck, which bears a Cicero, Ill., sign on its three tiered side. That truck was so crammed with animals by noon that you couldn't have squeezed a squirrel into it. Yet more dogs were thrown into it.

Following the publication of the Ripley article, on Thursday, March 10, with horrifying pictures, our phones at the paper and mine at home literally started ringing off the hook. It was like Pearl Harbor. More than 1,000 calls were received by the paper, and I received hundreds of letters.

Among the calls were many tips. Hundreds of people told me of seeing "men dressed in old clothes with trucks going into neighbors' yards and taking their dogs out of front yards." Just scooping up pets for sale and throwing them into cages behind pickup trucks.

I had a report that similar sales go on the second Monday of every month at the trade day in Pontotoc, Miss., and the first Monday of every month in Trenton, Tenn.

Jim Reid, the photographer, and I, complete with concealed camera and this time me wearing a blonde wig (my hair is normally black) went to the Pontotoc sale. There was little activity there. We were told by some of the men that "the big dog men won't be showing up today, won't be many dogs here, because we're expecting to see those reporters any time now." I saw only two dog sellers that I recognized from the big Ripley, Miss., sale. Both drove trucks with Tennessee license plates. Both made frequent trips to their pickups which were covered by a metal arrangement. From within this "tent" they would pull out some dogs—mostly hounds—for sale. One offered to sell me a coon hound for $1.

It was a rainy day, a bone-chilling and cold one. A pitiful sight was two pretty airedales, offered to me for $15, left out in back of a pickup truck. They were chained to the side of the truck, shivering and the rain beat down on them all day long.

The man who had the airedales had pulled them snarling and fighting into the auction bar and trade area. Another man told him he had better get "those dogs out of here, unless you want to get in trouble." Meaning, of course, that "those reporters" might be there. I asked the "airedale man" if the dogs were registered and if he had the papers on them. He said, "Yeah, they're registered. I don't have the papers on me but I can get them if you want the dogs. They belong to someone in Tupelo."

A man from Houlka, Miss., and his young son were going all around looking in trunks and cars and pickups. They were searching for their two beagles which disappeared the week before. The man said, "One of these dognapers has got my dogs. I wouldn't have taken $100 for those dogs. I'm going to search all day until I find them. I've had seven good dogs disappear in the last year and I'm fighting mad and plenty tired of it."

James M. Daniels of 5509 Benjestown, Memphis, Tenn., who lives near the Shelby Forest area, said he recovered his missing coon dog Sunday, March 13. He said, "It's getting fierce in the Shelby Forest area. As fast as we turn around someone is stealing our dogs. They sell them out of State if they can for good prices."

Daniels said he went to Covington, Tenn., where a dog sale and trade is held each Sunday morning at an auction barn, and spent the morning looking for his

dog. He said he saw a Missouri dog dealer, who didn't have a license on the back of his car, with a load of 14 dogs, one of which was a red bone hound.

"Well, I went that afternoon to South Memphis on a dead end of Nora Street where dog trades are held each Sunday afternoon, and saw that dealer again. He had put the Missouri license plate on his truck by then. And that red bone hound was lying dead in the back of the truck. It had died between Covington and South Memphis."

Daniels said he heard from friends that because of the publicity in the Press-Scimitar that the dealers and sellers were "running scared and turning some of the dogs loose, especially the real 'hot' dogs that might be recognized." He said someone told him his dog had been turned loose in Tipton County, Tenn., and he went up to search for it and found the dog. Daniels said he and his friends have lost "lots of dogs lately; some have been swiped out of our front yards."

Following the publication of the "Nora Street information," a middle-aged woman, Mrs. Ola Cooper and her son-in-law, L. C. Thornton and daughter, Jean, of Memphis, went to Nora Street, Sunday, March 20, in search of Mrs. Cooper's pet cat. Mrs. Cooper had reason to believe it had been swiped by these animal stealers because she found "cat traps" located on a vacant lumber yard in her neighborhood.

She said there were about six cars and trucks there loaded with dogs. Some of the men told her they would have plenty more "as soon as the big man comes. He's on his way." The man turned out to be the Missouri dealer, with the name Gene Willis on the side of the truck. He had a two-tiered truck that he pulled dogs out of. Nora is a dead-end street and these transactions were handled on the county street, and are each Sunday afternoon. The Missouri man accused the women and her son-in-law of being reporters and started using abusive language to them and telling them to leave. Thornton said the street was public and they had a right to stay. But they got scared, left, and called the Shelby County Sheriff's Department. The sheriff's men arrived, went into the street to talk to the dealers and sellers, and came back on the road and told Mrs. Cooper and her son that they would have to leave because the dealers and sellers said "they were disturbing the peace and had started everything." Mrs. Cooper said, "All I wanted to do was try to find my cat."

In a letter dated March 17, I received this from Eddie Morgan, Route No. 1, 300 Linda Drive, Clinton, Miss. (a city near Jackson, Miss.).

He wrote:

"I recently read the article on the Ripley, Miss., dog sales in the March 10, 1966, edition of your paper. I have always been proud of Mississippi but the existence of such a thing has diluted this pride a great deal.

"I recently had two bird dogs mysteriously disappear and I have not found them. I found that the Medical Center, Jackson, Miss., used approximately 400 to 600 dogs per month. These dogs are supplied by M. L. Little, of 1350 Bailey Avenue, Jackson, Miss., and Hollie Vanlandingham, of Vardaman, Miss., according to testimony given at the trial on March 15, 1966.

"It so happened that I had to file an affidavit against M. L. Little for failure to provide proper food and water for the dogs he had in a pen near Jackson because the law enforcement officers refused to even investigate the situation. The trial was on this date and the county attorney, district attorney nor any State official helped prosecute this man but a health department official testified for the defendants. After the trial, I found that the judge had drawn up a lease for M. L. Little whereby he leased the space for his dog pen from the other defendant. The lease was drawn in December of 1965 so the judge was aware of the entire situation ahead of time.

"When I found M. L. Little's dog pen with 40 to 70 dogs in it without any container for food or water, I was astounded. The next day another man was with me and we found some of the dogs actually eating a freshly killed brown colored chow.

"It is an understatement to say that Mississippi has inadequate humane laws. There seems to be a lack of common decency. The paper in Jackson, Miss., will not print anything adverse regarding the medical center. It is not necessary to say how the trial ended. M. L. Little testified that he bought the dogs at the city kennels at Laurel and Meridian, Miss., for $1 each and fed them 2 pounds of dog feed each day for 17 days, plus paying a man to drive his truck $8 per day. He also testified that he bought old bread to feed them and then sells them for $4 to $5 each. He has been doing this for 6 years. I am too ignorant to figure

out how he makes money at this one as an occupation but maybe it is just my ignorance. This is just a small portion of the pitiful conditions that exist. Please feel free to print any of this information. Any suggestions as to how this condition can be remedied would be appreciated." Signed, Eddie Morgan.

Senator MONRONEY. Thank you very much, Mrs. Pittman, for your testimony.

I believe you have Mr. Hughes with you, too.

STATEMENT OF TOM I. HUGHES, GENERAL MANAGER, ONTARIO HUMANE SOCIETY

Mr. HUGHES. Mr. Chairman, my name is Tom Hughes, and I am general manager of the Ontario Humane Society in Canada.

I realize it is a tremendous privilege for me to be here today to speak to you.

I think the reason why I am here is basically because our experience in Canada shows beyond all doubt that an increasing number of animals are being exported by dealers in Canada to institutions or to other dealers in the United States for subsequent use in scientific research.

I should say at the outset, Mr. Chairman, that the Ontario Humane Society is not an antivivisectionist society, and I am personally not an antivivisectionist. I think we are all equally concerned with the desire to improve medical science and the protection it gives to human beings.

However, we are also vitally concerned with finding some solution to this terrible problem of how to procure or how to arrange for a supply of animals for research from a legal and ethical and morally proper source.

Another reason why I'm here is because the U.S. public funds financed the greater part of research in Canada, and if you add to that U.S. private funds, this statement is even more true.

Finally, there is no shadow of a doubt in my mind that any legislation enacted by the United States of America would play a very predominant part in influencing the Government of Canada and other countries, particularly Great Britain and Japan, to consider similar legislation to deal with this particular aspect of the problem of procurement and use in certain phases of the laboratory of animals for research.

I think perhaps our experience in Canada may be of interest to you gentlemen in another way.

In many ways we are a miniature of the United States. Our experience in the last 10 years—my own personal experience in the last 10 years—has been that we have enforced in Canada special criminal laws that protect animals. And we have enforced these laws rigorously and with success.

We also have special laws giving to us as a humane society full police powers, the power of entry without warrant, power of seizure of animals under certain circumstances, and we have enforced these laws rigorously and firmly.

Yet, in spite of enforcing the special criminal law and despite the enforcement of special powers granted, we have been unsuccessful in our efforts to prevent the present dealers from carrying on in exactly

the same way you have heard previous witnesses testify they carry on in the United States.

I personally have raided a number of animal dealer establishments in Ontario. I have personally seized hundreds of animals from their premises. I have prosecuted them, and I have convicted them. I have obtained maximum fines against these men, and I have obtained jail sentences from courts against these men.

And yet all I have been able to do is temporarily inconvenience them as far as their trade of supplying animals for research is concerned.

Indeed, one man said in sworn testimony that he was earning between $35,000 and $45,000 a year from supplying animals for research and openly laughed at a fine of $500—the maximum allowed by Canadian criminal law for this class of offense.

He said, in effect, "I can keep on paying this as long as you fine me."

I think this in brief sums up the problem. No matter what criminal law you have, what special powers for humane societies exist, this problem cannot and will not be solved until and unless government passes special legislation designed to specifically deal with this particular problem.

In the last 4 years, in an attempt to find amicable solution to this problem, the Ontario Humane Society has had a joint committee participated in by all universities in Ontario. The universities have sent to this committee their leading administrators, many of them deans of the medical schools and this type of person.

We have tried in 4 years of negotiation and discussion to come up with some format which we can all recommend to the Government of Canada in good faith.

You would imagine people of this caliber would eagerly find the format which would be acceptable to all concerned. I regret to have to say, despite 4 years of negotiations and discussion, that we have failed to find any common ground.

We finally agreed to disagree and asked the Government to set up another committee of broader representation.

It would be I think presumption on my part, Mr. Chairman, to even comment on the legislation before this committee as a Canadian. However, I can say that anything you pass will undoubtedly set the pattern, will undoubtedly create strong leadership to other countries.

I personally, as an individual, and as an ardent admirer of America, hope you will indeed give that leadership which I think we need.

Certainly as long as the United States continues to finance so much of our research, I think you have got a very good reason to say to Canada and to Canadian institutions that until such time as Canadian law is passed—I think you have got every right to say to them, "If you want to receive American public funds to finance research, your institutions must come up to American standards."

I think that is perfectly legitimate and highly desirable.

The actual legislation is difficult to comment on because, as I say, it isn't any of my actual business. But I do think that the main basic problem we are faced with in this whole business of procurement of supply is, in fact, the profit element. If we could remove the profit element from it, the whole trade would collapse overnight.

How you can do this in a country as vast and complex as the United States I don't know. Indeed, I don't even know how to do it in Canada, which is so much smaller.

But, if in some way this aspect could be considered, I think it would be very well worth while indeed.

Finally, then, Mr. Chairman, I think there is one small point I would like to bring to the attention of the committee.

In considering the form of legislation, if you could consider the fact that animals are being imported into the United States from other countries, and if there is some way you could either prohibit the importation of these animals from Canada or something, I think this would be a major step forward in dealing with the whole overall complex problem.

Thank you.

(The prepared statement of Mr. Hughes follows:)

I am very honored and privileged to have the opportunity to present to the committee my experience in connection with the problem of procuring animals for scientific research. I appreciate that this submission by a Canadian is unusual but I feel that the circumstances are such that our experience in Canada will be of interest to the committee. In addition, I think it is important to state clearly at the outset that we have every reason to believe that an unknown number of dogs and cats, both alive and dead, are transported from Ontario to different locations in the United States for use for scientific research.

I am the general manager of the Ontario Humane Society, Inc. by public act of the Ontario Parliament, and given ample authority to enforce the laws that protect animals, and to take appropriate action when any animal has been ill treated or neglected. The society has some 46 local organizations in the Province with a combined membership in excess of 100,000.

The Society operates 25 animal shelters with a total operating budget of just over $1 million. From these statistics you will see that the society plays a very important role in the field of animal welfare in the Province.

In the last decade the number of animals, and in particular dogs, required for various forms of scientific research and teaching, has risen sharply with the increase in research and teaching activity in the Province. A very good reason for my submission to the committee is that research grants from the United States finance the larger part of experimentation in the Province.

I am enclosing with this submission a copy of the act of incorporation of this society. From this you will see that the inspectors appointed by the society have full police powers, and in addition, have powers of entry to property without a search warrant and the power to seize and remove animals under certain circumstances.

The Criminal Code of Canada makes certain abuses of animals an offense. Attached to, and forming part of this submission is an extract from the Criminal Code of Canada of the appropriate sections. This criminal law is enforced firmly and with success.

During the last 6 years the activities of dealers in animals for scientific research have increased parallel to the demands. During the period in question a number of these dealers have been investigated by inspectors of this society, and as a result of the investigation five of the most prominent dealers have been prosecuted under the Criminal Code of Canada, and charged with willful neglect of the animals in their care. All the dealers convicted have been fined, one of them repeatedly. The dealer in question has been charged on no less than six separate occasions with willful neglect of animals, during the last 4 years. This man has been fined the maximum fine permitted by law, i.e., $500 on each occasion, and on the last occasion was sentenced to 14 days in jail.

Inspectors of this society have visited this man's premises and seized large numbers of animals, including on one occasion, 65 dogs. Since the society has an obligation to keep seized animals for a period of up to 30 days, considerable expense has been incurred by the society both in the actual seizure of the animals, their transportation and subsequent care and veterinary attention.

Civil action has been taken by this society against the man concerned and judgments have been obtained for the amount of the expenses involved.

To a lesser degree, the same routine has been followed against other dealers in animals for research.

Despite the criminal action taken against these men, and despite the expensive costs that have been awarded against them in civil actions, all these men are still operating as dealers in animals for research, and supplying animals to the universities in Ontario.

I think the important point therefore, that we have learned from our experience is that the ordinary criminal law process, even supplemented by the special powers given to our society, has not been sufficient to clean up the situation in Ontario and prevent this abuse of animals from occurring and continuing to occur.

Animals, particularly dogs and cats, are procured for research from three basic sources. Dogs and cats are found at large, possibly contravening a local ordinance, but nevertheless only at large in a technical sense. These animals are picked up by persons who know that they can dispose of them to a dealer for cold cash. These men or women know perfectly well that no questions will be asked by the dealer. Purebred dogs can be, and are in my opinion, deliberately stolen, often because the person concerned knows that there is a special demand for a certain breed of dog for which the dealer will pay an unusually high amount.

Animals are purchased from dogcatchers, poundkeepers, or whatever other description is used to describe a person appointed by a local municipality, to pick up and impound dogs as a part of that municipality's animal control program. Since many of these animal control officers are not supervised in any way at all, there is the great danger that this demand will encourage the dogcatcher to impound dogs that are not breaking the bylaw, and to sell all dogs that he impounds to the dealer without waiting for the period of time stipulated by the bylaw, and therefore giving the owner his opportunity, also stipulated by the bylaw, to reclaim his dog.

Finally, animals can be purchased in the ordinary way, but this is not believed to be an important source of these animals. Universities of Ontario pay between $7.50 and $15 for any crossbred animal supplied to them by their wholesale dealer. The economics of the trade therefore, are such that it is not possible for animals to be purchased in the ordinary way, kept by an intermediate dealer, transported to a wholesale dealer and still sold at a profit. Since most dogs that are used for research in Ontario pass through two, and quite often three separate person's hands, and since almost all dogs are transported varying distances, it must be clear that the dog must be originally obtained without cost or for a very nominal amount. This simple fact precludes any possibility of the animals being obtained properly, ethically and morally. The only assumption that one can reach is that the majority of the animals used for research in this Province are obtained either improperly or by outright theft.

There are enough animals obtained in Ontario by these dealers to permit export of animals to the United States. At least two of the well known wholesale dealers in animals for research in Ontario have admitted to me personally that they do sell animals for research to other dealers in New York State. In fact, on one occasion, to be precise in August 1963, a number of dogs were intercepted at the border at Niagara Falls, Ontario, consigned to a dealer in Jamestown, N.Y. These animals were in very bad condition, were seized and subsequently destroyed.

One of the largest companies supplying biological specimens to schools has informed me that they are receiving ever-increasing demands from schools in the United States for suitable specimens, particularly cats. This trade is of sufficient concern to cause the New York State Police to allocate a trooper to investigate this trade, and this trooper has interviewed me in my office in Toronto. I have also been asked to testify to the grand jury for Erie County in the State of New York, which is holding inquiries into the overall problem.

The society has four animal shelters located very close to the international boundary on the Niagara Peninsula. These are located at St. Catharines, Niagara Falls, Welland, and Fort Erie. All four shelters are within a few minutes' drive of the international boundary bridges. All these shelters report repeated attempts by persons driving vehicles with New York State plates, to purchase dogs in abnormal numbers. These attempts have been sufficiently

numerous to warrant issuing specific instructions to all personnel employed at these shelters, warning them to be alert for this practice, and instructing them not to sell animals to such people under any circumstances.

In 1962 the Ontario Humane Society attempted to find a solution to this problem by negotiation with the universities concerned. A meeting was held in Toronto at which all universities in the Province were represented. At that meeting a committee was formed. The terms of reference of the committee were to consider the present means of acquiring animals for research, and to recommend a solution which could be submitted to the government of Ontario, which, if adopted by the government, would have the effect of creating an ethical, legal, and morally proper source of supply of animals for legitimate research, and yet one which would not permit the existence and operation of unscrupulous, cruel animal dealers.

The Ontario Humane Society, at the same time, prepared a separate submission to the government of Ontario, recommending the government to license dealers in animals for research and to insert safeguards in the licensing regulations to make certain that animals were obtained properly, that adequate records were kept, that the animals would be given proper facilities and care, and that any person convicted of cruelty to animals would be deprived of the license. The recommendations were obviously in more detail, but this is a general summary of them.

One might well expect that a committee consisting of responsible citizens and persons in high position in the universities of this Province would have little difficulty in agreeing on the format of the submission to the government of Ontario.

I regret to have to say that some 4 years later, and despite numerous meetings and varied drafts, that the committee has failed to agree on the form recommendation to the government. It seems incredible that responsible scientists, educators, and administrators could not eagerly find a formula which would be acceptable to this society and yet which would not interfere with the legitimate source of supply. I want to emphasize again that 4 years of negotiation have produced little, if any progress. In fact, at its last meeting the committee, after 6 hours of deliberation, decided to simply recommend to the government that they should set up another committee with wider representation to "study the problem." This, despite repeated prosecutions of animal dealers who have been convicted by the criminal courts of Canada of willful neglect and cruelty to animals. This, despite the fact that these men are still the source of supply of dogs and cats to universities in Ontario. However, this exercise in futility has at least shown that the problem cannot be solved by ordinary negotiation and discussion.

It seems a strange reflection on the ethics and morality of our day that responsible citizens are unwilling to voluntarily regulate a trade which they have created.

It seems perfectly clear, therefore, that the only solution to this particular problem is special legislation enforced by independent inspectors.

May I emphasize once again that in some ways our experience in Ontario is a perfect miniature of the problem that exists in the United States. Despite criminal law which protects animals, and which we as a society have no difficulty in enforcing, and despite the sweeping powers given to the society to seize animals that are being ill treated, neither of these existing forms of legislation have been adequate to do anything other than to cause the dealers some temporary inconvenience. One dealer in question, testifying at his own trial, voluntarily admitted that he was earning $35,000 and $40,000 a year from selling dogs and some other animals to universities. It must be obvious that this man could well afford to pay the maximum fine of $500, and that this was only a license to continue his ways.

In our opinion, therefore, the only solution remains special legislation designed to deal specifically with this problem. There is no doubt that the demand for animals will continue to increase year by year. The demand will coincide with the increase in research, and in particular, teaching activities. The need to introduce legislation, therefore, is growing more urgent every day. Unless this problem can be solved, and solved soon, we can expect more violent differences of opinion and public exposés of what is essentially an immoral and basically dishonest practice.

There is no doubt that a section of the Canadian public is watching with great interest the attempts being made by certain Senators and Congressmen to intro-

duce bills which would have the effect of controlling this particular abuse of animals. There is no doubt, of course, that any action by the United States would have a very strong immediate reaction in Canada. Certainly if the U.S. Government enacts legislation, this will encourage the Canadian Government and Provincial parliaments to consider similar legislation.

It would be entirely presumptuous on my part to urge this committee to favorably consider the bill now before the committee. I think I have made it abundantly clear however, where my sympathies and the sympathies of all Canadian humanitarians lie.

May I again express my most sincere appreciation for the privilege and honor of making this presentation to the committee.

Excerpts From the Criminal Code of Canada

CRUELTY TO ANIMALS

Causing unnecessary suffering—Causing injury by negligence, abandoning, baiting, poisoning, field trials, punishment

387. (1) Everyone commits an offense who—

(a) Willfully causes or, being the owner, willfully permits to be caused unnecessary pain, suffering, or injury to an animal or bird;

(b) By willful neglect causes damage or injury to animals or birds while they are being driven or conveyed;

(c) Being the owner or the person having the custody or control of a domestic animal or bird or an animal or bird wild by nature that is in captivity, abandons it in distress or willfully neglects or fails to provide suitable and adequate food, water, shelter, and care for it,

(d) In any manner encourages, aids, or assists at the fighting or baiting of animals or birds,

(e) Willfully, without reasonable excuse, administers a poisonous or injurious drug or substance to a domestic animal or bird or an animal or bird wild by nature that is kept in captivity or, being the owner of such an animal or bird, willfully permits a poisonous or injurious drug or substance to be administered to it, or

(f) Promotes, arranges, conducts, assists in, receives money for, or takes part in a meeting, competition, exhibition pastime, practice, display, or event at or in the course of which captive birds are liberated by hand, trap, contrivance or any other means for the purpose of being shot when they are liberated, or

(g) Being the owner, occupier, or person in charge of any premises, permits the premises or any part thereof to be used for a purpose mentioned in paragraph (f)

(2) Everyone who commits an offense under subsection (1) is guilty of an offense punishable on summary conviction.

PUNISHMENT

694. (1) General penalty. Except where otherwise expressly provided by law, everyone who is convicted of an offense punishable on summary conviction is liable to a fine of not more than $500 or to imprisonment for 6 months or to both. (S–1052(2).)

Senator Monroney. Thank you very much, Mr. Hughes.

Do you mean that these animals coming in are stolen animals or strays or animals raised by dog breeders?

Mr. Hughes. The animals now being obtained by our dealers in Canada are being obtained from three major sources.

A number of them are being stolen, outright stolen. Now we have actually laid charges against people for dog theft where, in the one case, a tattooed animal has crept through or slipped through.

Under certain Canadian laws, certain animals have to be tattooed, and this has provided us with a secret to this problem of dog stealing—a means of identification.

The reason why many more charges of dog theft are not laid is that it is impossible to identify the stolen object, and we are not dealing with a television set or something with a serial number on it. If we were there would be more charges laid before now.

Unfortunately, the whole thing is complicated by the fact that people have built up a reputation for being humanitarian by finding animals before they are lost. It is very easy for a person to say, "I found this animal. I love animals. That is why I picked it up from the street, and I am looking after it now." This complicates the thing.

We have laid charges for dog stealing in Canada.

Another sort of place is through the public pound through the back door. Unfortunately, many of the pounds in Canada are nothing more or less than private premises of dogcatchers. They are not supervised properly, and they listen very readily to any approach by a dealer who will pay them personally so much a dog for any animal which is given over to them.

I think you will readily see the dangers of any such system in which the dog dealer pays a dogcatcher a private sum of money for each dog that he makes available for research.

Thirdly, of course, they are obtained by purchase from legitimate sources. These are basically the animals which are obtained from persons who want to dispose of an animal.

But our own information—and I have been involved in this inspection work for some 14 years now—is that when the dealer buys an animal from this source he rarely if ever discloses the ultimate purpose for which the animal is to be used.

I think these are the three main sources of animals which are now being exported to the United States.

I can say, Mr. Chairman, that in the charges that I have laid personally against these dealers the conditions which I have found in their camps are simply unbelievable. I have personally seen the animals cannibalizing each other, eating each other.

I have witnessed immediate post mortems of these animals in whose stomachs were almost undigested parts of other animals which have been removed from their stomachs.

I have been able to obtain criminal convictions under the criminal law of Canada successfully despite very, very extensive defenses. And I think this proves beyond all shadow of a doubt that if you can do this and that all you can do is temporarily inconvenience these dealers, criminal law by itself isn't the answer.

Senator MONRONEY. In other words, for Canada—you are not suggesting the United States ought to—it would take regulation of dealerships and revocation of licenses and that would extend to your user institutions as well?

Mr. HUGHES. Yes.

Can I say, Mr. Chairman, if Canada were to enact legislation similar to that before the committee, this would immensely improve the position of Canada.

Senator MONRONEY. I see. Thank you very much for your testimony, Mr. Hughes.

I would like to ask, if I might, Mrs. Stevens, a question. The heavy criticism that has been made during the hearings by most of the op-

position witnesses has been in respect to the inclusion of the research institutions in the licensing provisions of the Magnuson bill. I would like to have you address yourself to that subject, if you will, if you think the bill could possibly work without the user being also under a license and under Federal regulation.

Mrs. STEVENS. Well, first of all, it is, of course, necessary for the institution to be licensed in order even to deal with the matter of theft, which is only one part of what we are considering.

In my opinion, the most serious problem is the humane treatment of these animals throughout their collection, their holding by dealers, their transportation, and finally in the laboratories. This is the major problem.

Theft is a very serious problem too, but it applies to a very much smaller number of animals.

In order to control theft you must license laboratories, because otherwise the stolen animal may go to the laboratory and that is the end of it. Or the dealer can pretend it has gone to a laboratory. Failure to license laboratories would give no end of ways out to a dishonest dealer.

The laboratory should be licensed in order to have the kind of decent treatment which you have mentioned, Senator Monroney, about giving animals enough space to stand up, to lie down, to exercise. It cannot be obtained in any other way.

Those are the two reasons it is necessary.

Senator MONRONEY. And your position is that without regulation or licensing of the ultimate user, the legitimate, newly licensed dealer would have competition still from the unlicensed and illegitimate dealer who could sell with impunity to the unlicensed laboratory?

Mrs. STEVENS. That is right.

Senator MONRONEY. To buy these animals from wherever they could get them at the best price or in the greatest quantities?

Mrs. STEVENS. Exactly. And I think it would be very desirable to license pounds and animal wardens because of the reason mentioned briefly by Mr. Hughes—that there is a great deal of fraud involved in providing animals from pounds and wardens.

The warden is in the easiest position to go out and pick up a dog. He looks authentic but if he does not hold a dog for the owner to reclaim it but simply sells it to another dealer or a laborator, he is, in effect, stealing it.

If he were licensed like the other dealers, this would be stopped, and also his premises would have to be decent, and many, many pounds have terrible premises now.

Senator MONRONEY. The bill does not in any way affect in your judgment, the right to conduct legitimate research?

Mrs. STEVENS. Certainly not. Emphatically on the contrary. It would greatly improve research rather than harming it.

Senator MONRONEY. Do you feel that the production of dogs would increase by breeders and other sources of supply if this theft could be reduced by the licensing of the dealers and the licensing of the user research institution?

Mrs. STEVENS. Yes; I believe it would be, but the numbers bred would not have to be so great as the numbers currently used because,

as I pointed out, so many animals actually die before they are ever used. Up to 50 percent actually die. If they were bred, this would not be the case because they would be healthy in the first place.

Not only is that important from the humane standpoint, but many experiments are certainly thrown off because they don't know why the dogs are dying.

Senator MONRONEY. To your knowledge, the full cost of the acquisition of research animals as well as the maintenance in a humane way is chargeable directly to the Federal or State sources supporting their care and their acquisition?

Mrs. STEVENS. Yes.

Senator MONRONEY. And so this means nothing really to the institution particularly, except for that portion of its funds that it might put up.

Mrs. STEVENS. That is correct. And as I mentioned, we have always favored having animals for nonsurvival experiments under full anesthesia come from pounds, and they could also in our opinion, come from shelters if the laboratories were carefully regulated so there would be no question but what the animals were actually anesthetized, used, and never allowed to recover from anesthesia. This would save a great deal of money if this system were employed, because these animals would not have to cost anything. They would be animals that were about to be destroyed.

But a very serious question arises if the animals are going to be used for painful experiments, and this is where all the controversy that you have heard referred to, in perhaps not too clear a way, has arisen.

Because when people lose an animal and it goes to a pound, and they think perhaps it went into a medical institution, they are greatly concerned.

For example, I have a clipping here about a dog that went in the University of Minnesota after being held for only 3 days, when Minnesota law requires 5 days, and the owners were extremely unhappy, of course.

They went to tremendous lengths to find it, but, of course, it had been used before they were able to do so.

Senator MONRONEY. Finally, the key step, according to your testimony and the testimoney of your associates, would be the Federal licensing of dealers which would have to include the laboratories as to the kennel care——

Mrs. STEVENS. Right.

Senator MONRONEY (continuing). Of the animal, not the laboratory care or the operation?

Mrs. STEVENS. That is not included in this legislation. We believe that animal experimentation does require regulation but not in this piece of legislation before you.

Senator MONRONEY. I see. It would be the subject of another committee and another recommendation?

Mrs. STEVENS. That is correct.

Senator MONRONEY. Senator Cannon.

Senator CANNON. Thank you, Mr. Chairman.

Do I understand your testimony that you favor the pounds and the shelters being able to make animals available for one-time experi-

ments; that is, where the animal will be presumably put away as a result of the experiment?

Mrs. STEVENS. Yes. That is to say, one has to be absolutely clear it has to be a painless experiment. The dog would be brought to the laboratory, anesthetized completely, used for any physiological, pharmacological—there are many, many nonsurvival surgical experiments—and killed while still under anesthesia.

In other words, he would under no circumstances suffer any pain, and he would have to be used promptly after delivery to the laboratory so that we would not be subject to any other discomfort.

Senator CANNON. Now what is your position with respect to legislation like New York, Illinois, and California have permitting the research institution to make a call on the pound or the shelter for animals that have not been claimed after the holding period?

Mrs. STEVENS. We have no objection to permissive legislation, but we object to compulsory legislation forcing humane societies to turn over animals for the reasons that I have outlined.

I would point out that my father was head of physiology at the University of Michigan Medical School, and he got dogs always from the Detroit dog pound. They simply sold them there with no law involved at all.

He sent his men in with a truck. They got what animals he needed and came back.

Now, strangely enough, the University of Michigan, although the Detroit dog pound is just as much open for purchase of dogs as ever, now purchases from dealers.

When my mother telephoned recently to find out exactly where they came from, Dr. Cohen refused to say where.

Senator CANNON. But they still could use that as a source?

Mrs. STEVENS. That is correct. It is perfectly open to them.

Senator CANNON. Mr. Hughes, what does Canada do in the way of furnishing a supply for the research institutions? Do they have an arrangement with the pounds?

Mr. HUGHES. Yes, Senator Cannon. In certain parts of Canada, primarily in Vancouver, which I think is unique, they have what is known as a Vancouver medical agreement, in which the animals are obtained from the city pound for nonsurvival experimental use.

They also agree to open all the laboratories in British Columbia to inspection by a qualified inspector of the local Society for the Prevention of Cruelty to Animals, and then they also agree to only obtain animals for survival work, chronic, painful survival work, by the appointment of a purchasing agent.

This person is paid a salary, not a commission. He is not paid so much an animal. He has no personal financial stake in the deal. He is paid an adequate salary, and he is given certain ground rules under which he can go out and purchase animals.

The prime ground rule is that he must declare the animal is going to be used for research when he buys the animal.

He is also required to keep certain records.

This is the only other source of chronic survival animals in British Columbia.

In other parts of Canada the situation varies. In Ontario, where I am presently stationed, I regret to say the position is just as bad as it

is anywhere in the United States, to my knowledge—in other words, because of demand.

I think this is interesting. Because of the phenomenal growth of demand for animals in recent years, the supply has not been able to meet this demand without the introduction and the encouragement of dealers. And I think we can also anticipate this demand will continue to increase in the years to come as it has done in the last 10 years, and the situation, instead of getting better, will tend to get a darned sight worse.

I cannot see any solution to this except some form of legislation that would create a moral, ethical, and legal source of supply which both humane societies and scientific groups can equally support.

I wish I could report that we were further ahead in Canada than this, but, frankly, we are not except in one Province, British Columbia.

Senator CANNON. Thank you, Mr. Chairman.

Senator MONRONEY. Senator Dominick.

Senator DOMINICK. Thank you, Mr. Chairman.

Mrs. Pittman, in your investigation that you made in Mississippi, did you ask any of the dealers that you were talking to what they were going to use these dogs or cats for?

Mrs. PITTMAN. Yes; I did.

Senator DOMINICK. What kind of reply did you receive?

Mrs. PITTMAN. They said they were taking them to medical centers.

Senator DOMINICK. I beg your pardon?

Mrs. PITTMAN. They had consignments to take them to medical centers a couple of the dealers told me.

Senator DOMINICK. Mrs. Stevens, in the process of your work, have you found any other large market for what would be considered as the generally familiar pet-type animals other than research or medical laboratories?

Mrs. STEVENS. I think the only other market of any size at all is hunting dogs, but that is strictly seasonal.

Many of these dealers do both things. They steal a hunting dog hoping to sell him for a big price to a hunter. If they don't get the big price, he goes in with the mass of dogs to the laboratories.

This is the mass area of theft.

Senator DOMINICK. I am a little at a loss to know what this committee can do legislatively to control State pounds or municipal pounds. Agreeing a hundred percent with you on the fact something ought to be done, I would like to know what.

Mrs. STEVENS. I hoped under the bill that it would be possible to have a license given by the Government to the pounds which supply animals to laboratories so that the same standards would be maintained throughout on the care and housing of animals to insure that a third person is looking at any possible dishonesty on the part of the poundkeeper or the employees who also sometimes pick up a dog.

I believe Mrs. Pittman had a letter to that effect—where the employee picks up the dog and sells it directly to a laboratory or to a dealer and never takes it into the shelter or to the pound.

This is still another form of fraud to get this great mass of animals that is required.

Senator DOMINICK. Have you found it difficult to get the local authorities to control the municipal pounds?

Mrs. STEVENS. The real trouble is that there isn't enough organized effort to do it. The societies are not adequate to do it. They are in certain localities, but you need something like the Department of Agriculture that has an adequate number of inspectors and also the power of the Federal Government.

If they just walk in and say, "You have got to do this," then it will be done. Whereas a society may have to spend months or even years trying in vain to improve a local situation because they do not have the strength.

Mrs. PITTMAN. It might be interesting to the Senator that in Ripley the dogs that were not sold at the end of the day, that they could not give away to the dealers, sometimes 50 or 60 or 100 of these are turned loose at the gates of the fairgrounds to run in the city.

The city has no pound. The dogs are shot by the policemen. These are dogs who are probably from Alabama, Tennessee, Kentucky, as I saw one dog. They could have any number of diseases.

The ones that they don't find and shoot could run loose and bite someone or anything, you know. They can have anything, the condition the dogs are in by the time they arrive there.

Senator DOMINICK. Thank you, Mr. Chairman.

Senator MONRONEY. Thank you, Senator Dominick.

Senator Hart.

Senator HART. No questions.

Senator MONRONEY. Thank you very much, Mrs. Stevens and your associates, for appearing and giving us this picture of the situation as it exists in this shadowy field.

Mrs. STEVENS. I will submit these things and some statements from several medical doctors in favor of the bill for the record if I may.

Senator MONRONEY. If the statements are short we can publish those in the record. I am afraid we would be unable to print some of the longer documentation.

Mrs. STEVENS. Yes. This will be for the record [indicating].

Senator MONRONEY. That will be received for the record. The others will be received for the committee's files.

(The documents referred to follow:)

STATEMENT OF GULIELMA FELL ALSOP, M.D.

Look the other way. Turn your head away and avoid all knowledge and responsibility for the misery of imprisoned animals, cats, dogs, living creatures, small or great. Cruel fate has overtaken them because their bodies resemble those of human beings; their muscles contract and expand; their nerves carry stimuli; their lungs breathe; their hearts beat as ours do.

They also sicken and suffer and die. Therefore they are valuable to us—these thousands of animals in captivity—that we may learn more certainly how to be well and free. In this logical search for the understanding and cure of human disease, the animals, as well as we, have benefited. As a result of knowledge obtained through animal research intended primarily for human beings, animals receive preventive injections against enteritis, hydrophobia, and other diseases, and also curative antibiotics and vitamins.

But almost overnight a new business has sprung up in connection with animal research, almost, one might say, an adult delinquency of extraordinary ferocity and virulence. Thousands of dogs are snatched. These stolen animals are transported in bulk to prisons where they are left to live or die, as the case may be, before the survivors are sold for experimentation. This unlawful business, growing throughout our countryside, brings shame to our national prosperity. The suffering of the animals is incalculable.

In our lawmaking, we answer the age-old question, "Am I my brother's keeper?" with an emphatic yes. We must now go the extra mile and accept our responsibility for all the helpless dwellers in our land, be they animals or human.

We want new laws to stop these cruelties, with trained inspectors to enforce their regulation and to prevent further atrocities. No legal tradition or political bargaining should stand in the way of justice and mercy to defenseless creatures.

These new laws should be written and safeguarded with consummate skill to close all loopholes to cruel gain, for the mind of a "get rich quick" modern operator is endlessly fertile in a frenzy of contriving methods to gain. His heart has not yet been touched by sympathy or compassion. The prevention of such atrocities by law should run out, like water, into all channels of enforcible safety for animals. A broad statement should lay down the program of humane care at all times, in all places, and then specify in detail required care. All dealers with animals must be licensed as fit to be so employed by training and experience, with testimonials of adequate conduct. In other words, cause should be shown that such persons can be trusted with precious living dynamite—all laboratories should be constructed according to a humane standard of space, air, warmth, protection against heat and cold, rain and excessive dryness. Laboratories should be open to inspection without notice by certified inspectors.

Moreover, a fine and the withdrawal of Federal funds; i.e., of taxpayers' moneys to laboratories should take place, when standards are not met.

There is a living bond of love between men and women and cats and dogs, one of these mysterious, powerful emotions with which we are born. We take them into our houses; they eat at our tables; they walk through the woods with us; they give their lives for us. No dog can be only a cur, a yellow dog. Again and again he protects his master's goods, his children; he saves his master's life. Once again, down the centuries, go the hundreds and thousands of these animals.

We don't want uncertain and ambiguous laws; we want strong, unbreakable laws that will keep our dogs and cats in comfort and decency. Our care of our animals is a measure of our humanity. Albert Schweitzer said we must have "reverence for all life."

The law of the land is our defense in time of need, a time like the present. Behind the law lies public opinion, the demand in the hearts of people for justice and mercy, protected by the law from all violators.

We, your constituency, call upon you, our representatives and lawmakers to pass these laws for the protection and humane care of our animals used in biochemical research by the hundreds of thousands.

STATEMENT OF BENNETT M. DERBY, M.D.

I would like to heartily endorse bills S. 2322 and S. 3059, the sole qualification being that the first should incorporate—as does the second—"other animals," defined as any vertebrate. The effect of these bills can only, in my opinion, provide better animals for experimental use, leading in turn to more accurate research by requiring humane standards by dealers and scientific institutions.

Well-planned research today consists of careful observation of induced situations with controlled variables. It is a source of amazement to discover the major variable—the animal itself—virtually uncontrolled as a result of animal procurement practices involving enormous ranges, not only in size and age of animals, but in their state of health and nutrition. I have on occasion seen tiny dogs and large dogs, some half starved or unable to eat because of their unique circumstances, others weak and infected, being utilized as a group for an investigation involving major surgery and expensive, time consuming, delicate chemical studies. The stage has thus been set for prohibitive operative mortality and an excessively wide standard deviation for the laboratory determinations. These features together are responsible for wasted work and conclusions (where possible) more limited than might otherwise have been the case.

Research is far better conducted on healthy groups of animals of single species standardized for age and weight, purchased for these criteria from creditable suppliers whose ability to provide consistent material is based on long-term investments in equipment, breeding, and reputation.

Safeguards for the welfare of procured animals and those being shipped have a goal identical to that of rigorously controlled research: the provision of a

stable group of animals enabling precise investigation and conclusions. Objections to these aims by definition can arise only from laboratories in which a major variable in biological research, the health of the host, has not been scrupulously guarded in a manner befitting scientific experiment. The proposed bills, S. 2322 and S. 3059, can be highly recommended for the mutual aims of protection of research, protection of the animal, and, by regulation of dealer practices, a high caliber of research.

Statement of Nell G. Fahrion

I, Nell G. Fahrion, am an assistant professor in the department of psychology at the University of Colorado. I hold the Ph. D. degree in general and experimental psychology with a specialty in physiological psychology, and I have been on the full-time faculty at the University of Colorado's Denver Center since 1957. I am a member of the American Psychological Association, the American Association for the Advancement of Science, and other professional organizations.

I consider it a vital necessity to regulate the activities of dealers and handlers of animals which are to be used for research purposes, and I strongly urge your support of S. 3059 or, as an alternative, S. 2322. Either bill, properly enforced, should go a long way toward improvement of present conditions; but I should especially like the bill to specify humane conditions of treatment for all vertebrate animals.

More and more of my colleagues in the behavioral sciences are coming to realize the need for effective legislation to provide for adequate care of animals on dealers' premises and in laboratories, not only for the sake of humaneness as such, but for the very practical reason that animals kept under stress react differently to experimental procedures than do animals kept under nonstressful conditions. Since the publication of Hans Selye's work on stress, hundreds of papers have been published on research which confirms his findings. The stress experiments are, themselves, lacking in humane treatment of the subjects under study; but if this can be justified at all, it can be justified for the very important findings that animals subject to isolation, crowding, cold, heat, poor nutrition, and lack of light and air depart markedly from the norm, both in their behavior and in the physiological functions. Hence, they could hardly be considered suitable subjects for experiments which presuppose normal functioning.

Passage of legislation this year to correct at least some of the current abuses on the part of dealers and handlers of research animals will be hailed by many humanitarians and many scientists.

Statement of Olga Steinecke, M.D.

During my many years in the practice of psychiatry the eventual arrival of medication for treatment of our patients has been a potent weapon which no doubt could never have come about without intensive medical research.

However, humane standards from every angle certainly should be accorded the millions of living creatures who by such research are sacrificed in behalf of man. And obviously only we can protect them. It is, therefore, my urgent plea that the above bills S. 3059 and S. 2322 be offered prime consideration at this time.

Frankly I am anxiously awaiting action as well as reaction at this session of Congress.

Statement of Ernest P. Walker

I wish to testify in support of legislation to empower the Secretary of Agriculture to enforce humane standards of care and housing by dealers and scientific institutions for all vertebrate animals and for experiments and to prevent theft of dogs and cats.

For many years I was engaged in wildlife protective work, and for 26½ years I served as Assistant Director of the National Zoological Park, Smithsonian Institution.

Mammals, including people, are built essentially the same, their main differences being in size and proportion of the parts to perform the function of help-

ing the species survive. Of course, there is great differences in size between tiny shrews and big whales, and their food and habits are radically different. In spite of the differences between the great number of species, they obviously have the same sensations of pain, hunger, thirst, taste, hearing, etc. For some, their senses, such as sight, hearing and smelling, are obviously far more acute than ours. Therefore, we can well question the reliability and usefulness of many experiments on mammals when the real object is to ascertain what effect the treatment will have on people. Of course, use of mammals in experiments has often pointed the way for the experiment to be improved, abandoned, or has suggested that it might be useful on people. However, because of the differences between mammals in foods used, metabolism, and functions of the parts, the experimenter cannot know the full effects of the materials or techniques, and often is so callous that he or she is not capable of detecting reactions in the animal that may tell some of their feelings.

If people generally knew the tortures that are inflicted on mammals that have committed no crime, there would be such a revulsion of feeling that much more drastic legislation would be demanded.

We sometimes hear cited the barbaric acts of the Spanish Inquisition and the more recent war crimes, but all those were mild compared to the refinements of torture that are now regularly practiced on innocent creatures under the guise of scientific experiments.

I strongly urge the passage of S. 2322 or S. 3059 as the best substitute we can now obtain.

Senator MONRONEY. We have one other witness for the morning, Dr. Bennett J. Cohen, associate professor of physiology and director of the animal care unit, University of Michigan.

STATEMENT OF DR. BENNETT J. COHEN, ASSOCIATE PROFESSOR OF PHYSIOLOGY AND DIRECTOR, ANIMAL CARE UNIT, UNIVERSITY OF MICHIGAN

Dr. COHEN. Thank you, Mr. Chairman.

Mr. Chairman, members of the committee, I am Bennett J. Cohen, associate professor of physiology and director of the animal care unit at the University of Michigan. As a veterinarian and a scientist concerned with laboratory animals I am a member of the animal care panel, a national society of more than 200 institutions and nearly 2,000 individual members professionally involved in the production, care, and study of laboratory animals.

The principal work of our organization is to provide a national forum for the exchange of information in the laboratory animal field and to contribute to the betterment of laboratory animal care. Many institutions and individuals affiliated with the animal care panel use animals from sources subject to regulation in the legislation pending before this committee. I am grateful, therefore, for the opportunity to present the views of the animal care panel on S. 2322 and S. 3059.

May I state at the outset that the animal care panel opposes pet stealing. It does not condone the unauthorized sale or use of anyone's pet for any purpose. It will support any bill which may reasonably be expected to protect animal owners from the theft of their pets if in the judgment of the Congress existing State and local laws are inadequate for this purpose. This we understand to be the main purpose of S. 2322 and S 3059.

In my statement I should like to deal with those aspects of one or both bills which appear to us to be self-defeating and which detract from their laudable purpose.

(1) The matter of other animals in addition to dogs and cats.

The inclusion of other animals in S. 3059 seems to us to be unnecessary, as other witnesses have testified this morning and on Friday. Species such as mice, rats, guinea pigs, hamsters, rabbits, pigeons, goats, frogs, alligators, and boa constrictors, all of which are used in research, are not objects of theft. There may be a minute number of individuals who would steal dogs or cats and attempt to sell them for illegal profit; but no one seriously can believe that pigeon napping," "frog napping," "rat napping," or "alligator napping" is a problem necessitating Federal legislation.

An additional complication with the "other animals" aspect of S. 3059 is section 7 which states: "All dogs, cats, and other animals delivered for transportation, transported, purchased, or sold in commerce to any dealer or research facilities shall be marked or identified in such humane manner as the Secretary may prescribe."

We do not know, really, whether it is feasible to mark or identify uncontestably the thousands of dogs and cats which might fall within this bill; but the prospect of marking and identifying millions of white mice and rats is stupefying. There is serious question whether section 7 of S. 3059 could be implemented meaningfully for cats and dogs; but it is clearly unworkable for the more than 50 million rodents used annually and which fall within the bill as now written.

On the grounds, therefore, of a clear lack of necessity and of an inoperable and self-defeating extra burden imposed by inclusion of the phrase "other animals," the animal care panel respectfully suggests that all references to "other animals" be deleted from S. 3059.

(2) The matter of licensing research facilities as provided in section 3 of S. 2322 and in section 3 of S. 3059.

The animal care panel sees no reason whatsoever for requiring research facilities to be licensed in order to purchase or transport animals in commerce from licensed dealers, as proposed in section 3 of S. 2322 and S. 3059. This licensing requirement appears to us to be an aspect of the regulation of animal research, a problem distinct and separate from the one under consideration here, and a subject of other legislative proposals. Senator Scott and Senator Magnuson appear to recognize this by including in section 5 of their bills the statement that, "This authority shall not be construed to authorize the Secretary to set standards for the handling of these animals during the actual research or experimentation."

Mr. Chairman, the scientific community has moved constructively and rapidly in recent years, within the limits of its resources, to assure the best possible care for animals used in the service of man and other animals. For more than 15 years the animal care panel has been a leading force in this area within the scientific community. It is proud of the progress which has been made. We are prepared to document our view that we have our house in order, but this is not the time or place for this discussion.

Today we are dealing with another matter—the commercial traffic in dogs and cats and the possibility that a small unknown number of such animals may be stolen and sold for illegal profit.

As citizens and as scientists we recognize the public interest in protecting pet owners. The animal care panel has considered the implications of the scientific community's responsibility in the area of animal procurement, and respectfully offers the following suggestion.

Let all licensing of research facilities be deleted from S. 2322 and S. 3059 because such licensing serves no useful purpose and would add an unnecessary administrative burden on research laboratories and on the office of the Secretary of Agriculture. Retain, however, the licensing requirement for dealers in dogs and cats to promote an orderly control of the commercial traffic in these animals for all purposes. Since all dealers would be licensed, research facilities would be purchasing, in fact, animals only from sources meeting standards established by the Secretary of Agriculture and duly licensed by him.

In essence, the suggestions we have made are incorporated in H.R. 13406 and H.R. 13426 and in Senate bill S. 3138 recently introduced in the Senate. Mr. Chairman, we support these bills. S. 3059 and S. 2322, modified as we have discussed above, would, we believe, serve a constructive purpose and would also merit our strong support.

Mr. Chairman, the animal care panel believes that three approaches exist for protecting the public interest in the area of dog and cat procurement. All of these have been mentioned this morning.

(1) Regulation of dog and cat traffic by licensing and setting standards of trade for dealers and enforcement by a Federal agency such as the Department of Agriculture. This is the present reality we have been considering here.

(2) A second approach is the extension and expansion of State and local laws providing for the release to scientific institutions of unwanted, unlicensed, or unclaimed dogs and cats from public pounds. As has been pointed out, more than 10 States and many local communities have such laws or policies. If all States did, and the animals were truly made available, the commercial market in these types of dogs and cats for research would disappear. In our view, this is one of the best ways to protect the public from the possible loss of pet animals.

(3) A third approach is the establishment of centers for breeding dogs and cats. This needs to be done on a larger scale within the scientific community, because for certain types of research it is essential to know the complete life history of the animals. To some extent it may also be accomplished within the framework of private commerce. At the moment the barrier to enlargement of this approach is an economic one. Few scientific institutions have the financial or physical resources to embark on such breeding programs, nor do they have the resources to buy large numbers of dogs and cats from private breeders, if they were available.

In considering the problems of commercial traffic in cats and dogs the committee may wish to consider these points which the animal care panel has been honored to make.

Finally, the animal care panel will gladly assist the committee in any way it can through its committees on animal transport, care, and facilities.

Thank you.

Senator MONRONEY. Thank you very much, Dr. Cohen, for your testimony.

On page 4 you say that, since all dealers would be licensed, research facilities would purchase animals only from sources meeting standards established by the Secretary of Agriculture, and duly licensed by him.

Don't you think there will still be some that would stay out around the fringe if their principal market research institutions were taken out of the purview of the law?

Dr. COHEN. No sir. I do not.

Senator MONRONEY. Why not? Perhaps supply would be available more in the illegitimate than in the legitimate field; would it not?

Dr. COHEN. The purpose of medical and biological research is such that I cannot conceive of scientific institutions knowingly and willfully purchasing animals from sources that do not meet the standards which would be established for this purpose under the bill.

We support the concept of licensing dealers. It is not possible in all parts of the country for institutions to get all of their animals from public sources such as pounds, so there is a need for dealer sources. The problem has been that we have not had in the past a reasonable framework for traffic in these species, and this is the reality that we are working on today.

Senator MONRONEY. What would be wrong with requiring the laboratories to buy from the licensed dealers. Being licensed themselves, they would complete the chain of ownership of the dogs without having it suspected they came from stolen sources?

Each dealer would be responsible to the purchaser through the chain of distribution until the dog reaches the laboratory, and the laboratory would also be bound by its license to see that the dog is not a stolen dog.

Dr. COHEN. Sir, the purchase of a license implies the existence of standards and penalties. What we are concerned with is the application of the standards for dealers to the rather different situation in laboratories. There is also a problem of the jurisdiction of the Secretary of Agriculture as related to the jurisdiction and interests of the Department of Health, Education, and Welfare or the space agency or other agencies which support scientific research.

So I think that this is a complicating factor. If, in fact, we achieve regulation of dealers and establish standards for procurement, housing, and care, I believe that scientific institutions will follow the standards and do their best to deal only with sources meeting the standards.

Senator MONRONEY. But this would allow, would it not, the nonmember research institution, whether it be public as a university or pharmaceutical or some other, to acquire its dogs without requiring the dealer from which it acquired them to get a Federal license? Thus, many of the dealers who would be required to come under Federal licensing and inspection would not feel themselves compelled to get a license in order to continue the sale of dogs if the recipient institution was not a member.

Dr. COHEN. I believe one of the other witnesses, Dr. Rich, raised the question whether the requirement for purchasing only from licensed dealers would exclude the possibility of pound sources. I think this is a legitimate question.

Senator MONRONEY. If there is such an objection it can be remedied by a very simple amendment to the bill making it clear that pound sources can supply them. This is not what we are driving at, of course.

Do the institutions object to the section that provides humane treatment in the housekeeping of the kennels with regard to experimenta-

tion? Is that why you don't wish to see the research institutions brought into the licensing?

Dr. COHEN. We think these are two separate issues, and since many bills are pending in the Congress to regulate animal use and care in research laboratories, separate hearings should be scheduled.

We would be prepared and eager to testify and present our position at such hearings.

Senator MONRONEY. That has been pending a long time, and, of course, it deals with the treatment of the animals inside the laboratory and during the operations and experiments. This bill specifically exempts that portion of the laboratory's work from it.

Dr. COHEN. Yes.

Senator MONRONEY. Therefore, we are dealing only with the humane conditions, and I do not see why the research institutions are so unwilling to submit to some kind of Federal standards as to the treatment of these animals in their off period of recuperation from the research and experimentation.

Dr. COHEN. The language of the introductory statements in both S. 2322 and S. 3059 refers to protecting the public interest in the area of pet stealing, and this is the subject to which I have tried to address myself this morning, sir.

If this committee or any other committee of Congress wishes to deal with the subject of care of animals in the laboratory, we are very eager to state our case and to testify on that subject.

Senator MONRONEY. This bill, of course, includes the dealers, and under the dealer licensing it would include the research user.

Dr. COHEN. Our position is that control of laboratories has no place in this particular bill. It is a subject that is outside the framework and real intent of the legislation.

Senator MONRONEY. Senator Hart.

Senator HART. Doctor, what is your comment to the testimony that earlier was given that included the comment by Dr. Heustis, our State health director? Perhaps you did not hear it. In any event, he pointed out that Michigan does have regulations that affect you at Ann Arbor, and he suggests that the extension of that sort of control on a Federal basis would be desirable.

Dr. COHEN. Yes; I believe that many of the features of the Michigan law could usefully be applied on a wider scale.

We are subject to inspection by the State health department under the law which was passed in 1947. We have very cooperative relationships with the State health department, and I think a constructive purpose is served by our law.

Senator HART. Isn't one of the purposes the purpose that the chairman of the subcommittee was just discussing—the adequacy of the care given the animals while not under experimentation?

Dr. COHEN. Senator Hart, separating the question of care of animals from that of the actual use of the animals is, in fact, a very complex question. The approach of incorporating inspection and control of laboratories in a bill designed to prevent the stealing of dogs and cats, does not seem to me and to the organization I represent to be a useful or, in fact, a desirable way to approach this problem.

As you know a large number of bills are pending on this subject.

Our position is that should hearings be held, that would be the time and the place to consider this aspect of the regulation of animal research.

Senator HART. Well, I take it that you think there are at least three activities which I take it you suggest should be treated separately.

One is: What do we do to prevent the theft of pets?

Second, what do we do with respect to supervision of scientific treatment or research treatment given?

Dr. COHEN. Yes.

Senator HART. And, third, what do we do about the care of them quite aside from their use for science?

Dr. COHEN. Yes. It is the first of these which it seems to me we are considering in the legislation before this committee.

Senator HART. Then let me ask you what you think the Federal Government's role is with respect to the third subject, namely, the care of the animal not while under treatment but while in the hands of an institution.

Dr. COHEN. I would like to see the Congress pass a bill which would provide for the support of research and training in the area of care of animals so that we can have more and better qualified people to take care of animals and to provide for their professional supervision.

I would like to see a bill which would include in its provisions the possibilities for construction of new animal facilities where these are needed or for remodeling facilities that do need such improvement.

I would like to see a bill that would call for the accreditation or approval of laboratories by agencies such as our own State health department or by the functioning organization of the scientific community which has been set up for this purpose. I am referring to the American Association for Accreditation of Laboratory Animal Care.

And I would like to see a bill which would require institutions to develop internal committees to assess the adequacy of each institution's animal care and use program.

As you know, the National Institutes of Health has recently adopted policies concerning human experimentation, and any institution that receives Federal funds for research in which man is used as the subject of the experiment must have a responsible committee to see to it that the conditions and circumstances are adequate.

Now, I see nothing unreasonable with having the same type of internal regulation within the institutions in the area of animal research.

But the crucial point, Senator Hart, is that the regulation has to be by peers. These are the people who are competent to make the judgments. Who else can we turn to except our peers? And there is no more powerful sanction in the entire scientific community than the critical judgment of one's peers.

This point seems to have been lost on some of the people who have spoken today.

Senator HART. Well, as a layman, I think I am qualified to determine when an animal is abused by reason of the surroundings in which it is permitted to live. I don't think you have to be a Ph. D. in anything.

Dr. COHEN. I would agree, yes.

Senator HART. And speaking as a scientist engaged in the field, haven't you seen instances where institutions of scientific research

have permitted conditions to develop which are indefensible in the surroundings?

Dr. COHEN. One has to ask: What are the reasons for having permitted this? And when one goes into——

Senator HART. No, my question was: Have you seen it?

Dr. COHEN. I have seen conditions which do not meet the standards in the Health, Education, and Welfare guide for laboratory animal facilities and care. I regret this very much, and I am working with my colleagues to try to overcome the deficiencies that do exist.

But one must ask: What is it that is causing the deficiencies? And if you do that you find that the deficiencies are the result not of willful callousness on the part of research laboratories, but they are due to the inadequacies in facilities for which funds simply are not available, the lack of trained personnel, and so forth.

This is what we are getting at when we say this is the real issue in the subject of treatment of animals in research laboratories.

Senator HART. Suppose the Federal law required these laboratories to be licensed? Don't you think that would have an effect of immediately bringing improvement even in the areas you are discussing? Would not boards of trustees make more money available, get better people?

Dr. COHEN. You mean in the bills on animal procurement?

Senator HART. On this bill. If we leave in the bill the license requirement for institutions of higher learning, would that not in itself have the effect of upgrading the things that you have been discussing?

Dr. COHEN. You would ask the Secretary of Agriculture then to set the standards of licensing of research facilities, and this would require a set of standards very different, I suspect, from the standards that would be required of the dealers in animals where the entire circumstances are very different, and none of these provisions are in the bills as we see them now.

It seems to me, Senator Hart, that this would unnecessarily complicate the issues. If the Congress wishes to deal with this problem as a totality, it ought to deal with it in logical units, I believe that dealing with the animal procurement issue as a separate issue makes sense, as does dealing with animal care and treatment in laboratories as a separate issue.

Senator HART. Thanks very much.

Senator MONRONEY. It is now 1:30. We appreciate your appearance here, Dr. Cohen. The committee will stand in recess until 2:30, when we will hear Mrs. Peyton Hawes Dunn, Mr. H. J. Sloan, Mr. R. T. Phillips, Mr. Jo V. Morgan, Jr., Mr. William T. Maloney, and Dr. L. Meyer Jones.

(Whereupon, at 1:33 p.m., the committee recessed, to be reconvened at 2:30 p.m., this date.)

AFTERNOON SESSION

Senator MONRONEY. The Senate Commerce Committee will resume its hearings.

We have Mrs. Peyton Hawes Dunn, secretary of WARDS here. We would appreciate your coming forward and giving us your statement Mrs. Dunn.

STATEMENT OF MRS. PEYTON HAWES DUNN, SECRETARY OF WARDS (WELFARE OF ANIMALS USED FOR RESEARCH IN DRUGS AND SURGERY)

Mrs. DUNN. My name is Peyton Hawes Dunn and I am secretary of WARDS. We are grateful for your interest. The national neglect of the research animal has created a federally induced and supported disaster area. Since 1953 WARDS has worked to establish a professional system of animal care and observation.

Our first drive was to help change the shocking conditions for the housing of research animals at Georgetown University. We have contributed to George Washington University and the Washington Hospital Center in the same way. At Howard University we have a program to study humane ways to handle the research animal. We are giving scholarships to encourage a high quality of work in laboratories.

This brief history is to assure you that animal welfare people want to work constructively for research animals. Our program has consistently separated the use of the animal from its care and observation like a nursing department does in a hospital.

One necessity must be standardmaking and investigation under independent auspices. The area to be covered starts when the animal is picked up on the street and ends when it dies without professional observation at the research center. To stop at the door of the laboratory is to fragment and destroy this service. As we see it, this is the thinking of the unamended Magnuson-Clark bill and the Scott bill.

Ignorance of animals does not stop at the door of the laboratory. It is seen in the cruel storage of animals, the lack of quarantine, the archaic means of anesthetizing, the lack of pre- and post-operative care, and finally in the failure to obtain the scientific facts from autopsies on animals. We are enclosing a letter to Mrs. Monroney which describes the condition of a dog that had been used by a Harvard Medical School student. This student could have no clear knowledge of this animal while ignoring its deplorable physical condition. Sunny was a stolen pet, part of that single gigantic wasteful flood from dealer through laboratory that spreads across the country.

Life magazine pictured this cruel flood of animals in the hands of the dealers. It has also shown the end of this callous flow for one animal in a research laboratory. We have a photostat copy of this for you. As you see the calf is held standing by means of four chain pullies connected to its back by rods secured through the flesh. The article reads:

> Festooned with compressed-air lines and monitoring and control equipment but showing no signs of suffering, the fully conscious calf at the far right was kept alive for 31 hours.

If the experiment had permitted, a veterinarian could have at least brought some pain relieving comfort to this animal during its last ordeal.

Finally we include a photostat copy of a recent article in Newsweek to demonstrate the unscientific procedures in the laboratories of two drug companies. This could have happened anywhere since there are

no guidng principles in operation in this lawless area of animal care and observation. The article says:

> It took 4 months after the dogs were killed to pin down the findings and another 5 weeks to report them.

The explanation was:

> Their organs revealed no lesions, so a more thorough examination—which ultimately revealed cancer—was not pressed.

As we all know the detection of cancer has reached such speed and is so precise that a surgeon keeps his patient on the operating table and waits for the analysis of tissue to guide his further procedures. In the same article we read of another delay. This one involved the discovery of damage to the eyes of test animals. You must agree that this ignorance or false economy is wasteful, dangerous, and unscientific.

The ruthless dealer is only one of the shocking results and not the cause of the present disorder. This single stream of ignorance and callousness from dealer inept autopsies exists because scientists and researchers, who are busy specialists, control animal care and its funds as a part-time chore. This should be the full-time job of animal specialists. Unlike now the veterinarian in charge should be supported to practice his profession by housing normal animals with the necessary trained assistants.

This will not just happen. The medical authorities that ask us to drift into good care never drift into their plans to use the animals for research. These authorities put their needs under professional leadership and back it directly with billions of dollars to do the job. They never divide their organization into unworkable segments the way they would divide the simple service of investigation and standard making which is before this committee. If their program to drift continues it could be the death of many of us through doubtful findings, quite apart from the waste and cruelty involved. Again we are grateful for your help.

Senator MONRONEY. Thank you very much, Mrs. Dunn, for your very constructive statement.

As I understand, your organization raises money and contributes it to better the care of animals used in research. That is what the word "WARDS" stands for.

Mrs. DUNN. That is right.

Senator MONRONEY. And in no way do you try to dictate the type of research that is carried on or the conduct of the research within the experimentation area.

Mrs. DUNN. That is right.

Senator MONRONEY. But only when they are preparing dogs to be used, and then taking care of them afterward.

Mrs. DUNN. That is right. To be allowed to help the animal if consulted, just as a nurse. She never interferes with the operation.

Senator MONRONEY. Like so many other organizations that have testified on behalf of the bill, you are not antivivsectionist, and are not trying to stop experimentation. In fact, you are trying to help it out by more healthful and humane care of the animals as they undergo these research operations?

Mrs. DUNN. That is right. In other words we feel that there is a great waste in this. Actually in having one agency handle the standards for the animal will mean this service is not fragmented.

In addition to that, it is the same animal. It doesn't matter who handles it, there should be a consistent system of care in our country for the research animal. This is important because findings differ according to the care the animal has had. So we should begin to reach a means to obtain consistenly qualified animals in our research programs.

(Attachments follow:)

DEAR MRS. MONRONEY:[1] I am delighted to send you something for your fine cause. It comes very close to my heart as we have a most beautiful yellow labrador whom you might call a "graduate of the X medical school animal farm."[2]

My son used him for surgical experiment. He fell in love with his beauty and endless courage and brought him home for me to care for. He weighed 43 pounds, a living skeleton. He now weighs 80 pounds. He was kept, who knows how long, in a cage in which he would not stand upright or stretch out lengthwise. He was loaded with fleas and worms. His whiskers looked as if they had been singed with a cigarette. I did not want to make life difficult for my son so I said nothing. Besides all this, the dog was very carelessly treated at operations. Dirty black silk sutures were used. For a year at the school, he had three large openings in him weeping pus and black stitches at the incision.

We took him immediately to the X veterinary hospital where a fine veterinary surgeon opened him up and cleaned out all the old sutures. In 3 months he was completely healed.

We returned him to the veterinarian again, this time to remove the original piece of research. A lucite tube, which was placed in the prostate, finally slipped back into the bladder where it was a constant source of trouble. Now Sunny is in good shape again, enjoying life to the full.

The original piece of research was sound in theory. It never had a chance to succeed. All animals should be given the same clean care that human patients are given. Without this, the animals just become useless sacrifices to really nothing at all.

If I can be of any use to you in arousing interest in your work or helping to found a chapter in X, I would be glad to help. My donation is small. I wish it could be more.

Sincerely yours,

——— ———.

TESTING, TESTING

The U.S. Food and Drug Administration has one of the most difficult and demanding jobs of any Federal agency—keeping ineffective and harmful drugs off the medicine shelf. And as past investigations have shown, FDA has too often proved inadequate to the task. Dr. James L. Goddard, the agency's new Commissioner, has promised to make the FDA operate more effectively. Last week, hearings before a House subcommittee revealed that effectiveness is badly needed.

To cite one instance, the FDA told the committee that human testing of MK–665, an experimental birth-control pill, was stopped in January after Merck, Sharp, & Dohme reported that four dogs that had received massive doses had developed cancer symptoms. Dr. Joseph F. Sadusk, Jr., medical director of the FDA, said it took Merck, the sponsoring drug company, 4 months after the dogs were killed to pin down the findings and another 5 weeks to report them. Meanwhile the drug was being tested, in much smaller doses, on 340 women. Merck maintained that when the dogs were killed in July, their organs revealed no le-

---

[1] Mrs. A. S. Monroney is the chairman of WARDS.

[2] Through subsequent correspondence we learned that Sunny must have been a family pet. He loves children. Those worried about the prevalent stealing of dogs and cats to sell for research, should support WARDS. The best way to stop this traffic is to have professional people in these laboratories who can recognize a stolen animal and refuse to buy it. The present lack of trained supervision invited lawless cruelty.

sions, so a more thorough examination—which ultimately disclosed the cancer—was not pressed. "I don't believe any kinds of delays are acceptable," Goddard told the subcommittee.

BAN

Last November, the FDA also stopped Wyeth Laboratories from continuing to test DMSO on humans. The drug, which the company called an antiarthritic and painkiller, had been damaging the eyes of research animals. Wyeth, Sadusk said, had noted the side effects in September 1964 and waited more than a year to report them. In addition, the FDA admitted, human testing of the drug was allowed to get out of hand. It gave permission to try the drug only on several hundred patients but actually it was used on 20,000.

Just before the 2-day hearings began, Goddard announced a ban on sales of hundreds of brands of antibiotic throat lozenges. Although the safety of the lozenges was not at issue, Goddard said they had been on the market for as long as 15 years without their sponsoring companies ever proving their effectiveness. The FDA also admitted it had proposed halting sales of some of the lozenges as far back as June 1964, but then let the matter drop.

In Goddard's eyes, the FDA's principal problem is lack of manpower. This summer he expects to have 100 doctors from the U.S. Public Health Service working on the FDA staff. But he makes no excuses for the agency's past performance. As he frankly admitted last week, "There has been laxity."

Senator MONRONEY. Thank you, Mrs. Dunn, for your appearance and helpful testimony.

Our next witness is Dr. H. J. Sloan, director, Agricultural Experiment Station, University of Minnesota. We are happy to have you before the committee, Mr. Sloan. You may brief your statement as you desire and it will appear in full in the record.

STATEMENT OF H. J. SLOAN, DIRECTOR, AGRICULTURAL EXPERIMENT STATION, UNIVERSITY OF MINNESOTA

Mr. SLOAN. Mr. Chairman, we are grateful for the opportunity to present a point of view which I think in some respects is a little different than some of the points of view that have been presented before, because we in the experiment stations think we have a somewhat different problem than some of the folks in some of the other laboratories.

My name is H. J. Sloan. I am the director of the Agricultural Experiment Station of the University of Minnesota. I am speaking on behalf of the 53 agricultural experiment stations of the United States and Puerto Rico.

Scientists along with most other people deplore the theft of pets or any other animals for any purpose. Therefore, aside from the legal hazards with which the use of such animals might be associated, the scientific community would support reasonable means by which this vice could be minimized.

While claims have been made of the widespread theft of pets for research, it should be pointed out that theft of pets for use in scientific laboratories has not clearly been demonstrated to be more prevalent than theft for other purposes.

To imply that all pets which disappear are stolen for research or are in fact stolen for any purpose is to overlook the important fact of biological, and mechanical, attrition. A trip along most any highway would confirm this observation.

Those of us in the experiment stations have no less concern for the proper regard for pets than others, but we do have concerns when we face the possibility of being subjected to regulations which are aimed

at a vice, theft, which for all practical purposes does not exist among the species predominantly used in the research of the experiment stations.

While there are scattered instances of theft of livestock for food, we are not aware of any instances of the theft of any species of animals for sale as experimental animals, except dogs and cats.

As a consequence, burdening those who use animals other than dogs and cats in research and those who sell such animals to experiment stations and others with a complex of regulations, licenses, and fees aimed at preventing a condition which does not in fact exist seems an unnecessarily harsh burden, as well as stigma, to place on this group of research workers.

The term "and other animals" used in some proposed legislation has no real application or needs from the vast majority of animal research done in the agricultural experiment stations.

The inevitable effect would be to greatly complicate the acquisition of experimental animals by experiment stations, since they frequently do not raise their own supplies, particularly some of the smaller species such as chickens and turkeys and often also in cases where cattle, sheep, and swine are purchased for feeding and other experiments when relatively large numbers are needed.

The sellers, according to some of the legislation now proposed would need to be licensed and it is questionable whether for these purposes, they would feel justified in buying licenses and subjecting themselves to the regulations and fees involved. They would prefer not to sell to the stations especially in the many instances in which the animals are sold as a convenience to the experiment stations rather than as a source of profit. For farm classes of livestock there are few if any suppliers or dealers selling the various species especially for research purposes.

Let us take an example. If we were to require 500 western lambs for a feeding experiment in Minnesota, these would probably be acquired through a commission firm.

The firm is neither the buyer nor the seller; it might not transport or deliver; and they might be delivered directly to the research center from the rancher. Presumably, then under some of the legislation proposed, the rancher would be the one required to have the license. The difficulties in such a situation seem obvious.

Again, we may buy several hundred chicks of a particular strain for breeding experiments. These would have been produced by a breeder whose business is not primarily the production of chicks for research, but for the use by other poultrymen. In all probability he would not even be aware of laws or regulations concerning the need for a license and therefore could be quite unjustly penalized.

This same principle would apply to most of the species with which the experiment stations do research. The question might even be raised concerning the position of units within a university. The poultry department, for example, frequently sells to other units within the university. Does it then become a dealer?

While such transactions may not be made for "profit," they are commonly made at the market price which hopefully, at least, includes an allowance for profit.

The matter of recordkeeping is also of some concern. Aside from the physical problem of the identification of such vertebrates as amphibians and reptiles, there is the simple weight of numbers. This would even be true for the livestock species as well as the laboratory species.

We at Minnesota, for example, use tens of thousands of individual animals in the course of a year, and to keep individual records of these would seem to place on us an unnecessarily heavy burden.

The term "research facility" also causes us difficulty. An experiment station may, in fact, have several hundred "persons," a term included in the definition of "research facility" and defined separately, involved with research with animals, including graduate students.

It would not seem in the best interest of the educational process and thus in the best interests of the public to require the licensing of students who might be conducting experiments with livestock under conditions quite normal for the species.

We feel also that in view of the fact that in the great majority of cases the experimental animals are kept under conditions which are considered to be quite normal for the particular species, the matter of inspection and approval of facilities for the research workers in the experiment stations to insure proper care, does not seem to be a justifiable issue.

Animal care in research laboratories in our view is a separate issue and should be dealt with in separate legislation, if at all.

In order to reaffirm our position of sympathy with those who have concern for pet stealing, may I say that we do in fact support legislation aimed at this vice.

There has been introduced into the House of Representatives a bill, H.R. 13406, which we believe will provide helpful legislation for the control of pet stealing. We believe also that it eliminates the features which would impose extraordinary hardships on those parts of the research community in which the various species of livestock are the principal experimental animals, and which for the most part are kept in conditions essentially normal.

Thank you very much.

Senator MONRONEY. Thank you, Mr. Sloan.

Do you use dogs and cats in your research?

Mr. SLOAN. Essentially not at all. Of course we do support some research in the veterinary schools where they are part of the agricultural experiment stations. At Minnesota we have a separate college of veterinary medicine. But we do support some research. At Minnesota, and I can't speak for the other stations——

Senator MONRONEY. Dogs and cats are used in a very minor part of your research?

Mr. SLOAN. Very minor.

Senator MONRONEY. The rest is livestock, generally?

Mr. SLOAN. Yes. We, at Minnesota, do not support research with dogs and cats. We think this is outside our province.

Senator MONRONEY. So if the bill is limited to dogs and cats, it is something which is beyond your usage or knowledge.

Mr. SLOAN. By and large this would be true.

Senator MONRONEY. You state, however, that while claims have been made of widespread thefts of pets for research, it should be pointed out

the theft of pets for scientific laboratories has not clearly been demonstrated to be more prevalent than theft for other purposes. Can you cite any other purposes for which there has been a nationwide traffic in stolen pets, such as has been demonstrated before this committee?

Mr. SLOAN. Only from the people with whom I associate that are involved in hunting, whose hunting dogs on occasion they think were stolen for resale as——

Senator MONRONEY. Undoubtedly there have been some. However, we have had testimony about thousands of animals used in research that came only from dealers who, the testimony has indicated, have profited greatly by the very prevalent nationwide operation of theft of pet dogs and cats from their owners.

Mr. SLOAN. What I mean to say, Mr. Chairman, is simply——

Senator MONRONEY. You don't know about——

Mr. SLOAN. We haven't seen any figures.

Senator MONRONEY. You don't know the percentage or anything. You have just been told that by others.

Mr. SLOAN. Yes, sir.

Senator MONRONEY. So if the bill doesn't apply to animals other than dogs and cats, it would inconvenience your agricultural experiment stations in a very minor way at most.

Mr. SLOAN. That's correct.

Senator MONRONEY. Senator Hart?

Senator HART. I have no questions at this time.

Senator MONRONEY. Senator Morton?

Senator MORTON. Mr. Sloan, you are speaking for the 53 agricultural experiment stations of the United States?

Mr. SLOAN. That's correct.

Senator MORTON. You want to narrow the coverage of this bill as it might apply to your buying a thousand chickens for experiment in, say, the elimination of coccidiosis or something of that kind?

Mr. SLOAN. That's correct.

Senator MORTON. Without these experiments carried on at Purdue, Minn., Lexington, Ky., and other places, we wouldn't have made the progress that we have made in eliminating some of these diseases that we have been troubled with in the poultry, swine, and cattle field.

Mr. SLOAN. That's correct.

Senator MORTON. As to the dogs and cats, they are used at some of these instituions as training in the veterinary field, because we have to train veterinarians in the care of dogs and cats. If this bill is restricted to the real pet area and gets away from the apprehension that you have that it might make it more difficult for you to buy a thousand white leghorns or 500 white-faced cattle, it would be something that you could live with?

Mr. SLOAN. Yes, I think this is correct.

Senator MONRONEY. Thank you very much. We appreciate your coming before the committee, Mr. Sloan. Thank you for your testimony.

Our next witness is Mr. R. T. Phillips, executive director of the American Humane Association, who will be accompanied by Mr. Jo V. Morgan, Jr., Washington counsel for the American Humane Association. We are happy to have you before us, Mr. Phillips and Mr. Morgan. You may proceed in your own way.

STATEMENT OF RUTHERFORD T. PHILLIPS, EXECUTIVE DIRECTOR OF THE AMERICAN HUMANE ASSOCIATION; ACCOMPANIED BY JO V. MORGAN, JR., WASHINGTON COUNSEL FOR THE AMERICAN HUMANE ASSOCIATION

Mr. PHILLIPS. Thank you, Mr. Chairman.

The American Humane Association is the national federation of the various child and animal welfare organizations and agencies which comprise the humane movement in America. April 10, 1966, I might add, is the 100th anniversary of the beginning of animal welfare work in the United States. Throughout these 100 years our organizations have been waging war against all forms of cruelty. One problem has been the mistreatment of stolen animals. We are most hopeful of favorable action on legislation as proposed by S. 2322 or S. 3059 to control dealers who handle stolen animals.

We estimate that at least 55 percent of the American people are pet owners. Working animals and livestock increase the percentage of animal ownership even more. No animal and no animal owner is immune from animal larceny.

We have reports involving the stealing of practically every species of living creatures. We don't have to dig back into the files to the days of the Wild West to find that cattle rustling is a problem. It is, indeed, a problem today—in 1966. Dogs and cats are stolen, possibly by the millions. Horses, rabbits, and almost every kind of domesticated animal and bird disappear.

We hestitate to say for sure that animal larceny is more of a problem today than it was 20, or 50, or 100 years ago. It is likely, however, that more animals are being stolen today than ever before. A more affluent American society, with more leisure time, has created a greater demand for pet dogs, hunting dogs, show dogs.

Apparently, bogus dog registration papers are available so that a purebred—a stolen purebred—can be matched with bogus papers and sold at bargain basement prices. The unsuspecting purchaser thinks that he has obtained a fine, registered purebred when, in reality, he has acquired a stolen animal and a spurious pedigree. There have even been instances where valuable purebreds have disappeared from dog shows while the owners' attention was momentarily distracted.

When hunting season opens in any geographic area, we invariably receive more reports of "missing" hunting dogs.

The problem of animal larceny is well known to the American public. Fully documented cases have recently been reported through newspapers, radio, television, and magazines. The American Humane Association has coordinated the efforts of its affiliates in localities where individuals or groups have been active in pet stealing, attacking the problem on a case-by-case basis. Of course, larceny, per se, is a difficult thing to establish. All identification is removed whenever a dog is picked up by a so-called "dognaper."

Our experience has been that truckloads of these animals are rounded up and quickly spirited across county lines, then across State lines. It is almost impossible to move quickly enough to establish larceny before the stolen animals have been taken into another jurisdiction. And, of course, it is impossible to locate the owners of

hundreds of animals which are being held at a collection point—in Pennsylvania, for example—when these animals have perhaps come from Ohio, Minnesota, possibly from pounds and other sources as far away as Texas.

We have had some success in prosecuting for cruelty to these animals, but as a rule the actual thieves are not involved, because the cruelty usually takes place at the collection points. The animals on these farms are rounded up by a great many different individuals and they move through various channels, including auctions, and from dealer to dealer until they reach the collection points. This is where we find dead dogs, starving dogs, sick dogs, frozen dogs, dogs which have been virtually broiled alive in the hot sun with no shade, no water, no food.

Some of the most serious cases involving 100 or more animals which have been prosecuted recently occurred in Wisconsin, Tennessee, and Maryland, and—just 2 weeks ago—in Buffalo, N.Y., where our affiliate had to remove 100 animals that were ill and starved. Twenty-five animals were in such bad condition the SPCA had to destroy them. We found an abandoned truck in western Pennsylvania a year ago, loaded with 75 dogs and cats—most of them probably stolen. Twenty were dead; the survivors were eating the carcasses. These cruelty prosecutions can usually be handled under existing anticruelty laws, but the victim of larceny has little chance of recourse.

What is sorely needed, is a strong Federal law to help us stop the interstate traffic in stolen animals. This is not just a local or regional problem. It is a national problem which affects animals and their owners in every State. In the humane field, we feel just about as desperate and helpless as some of the publicized animal victims, because we don't have the authority or manpower to go it alone on the nationwide cleanup campaign needed to end such shocking abuses.

Strong State laws, such as the recently passed Illinois and Pennsylvania laws, show that it is possible to obtain agreement between those in research and in humane work for a fair dealer licensing proposal which protects everyone. But the most essential first step in helping to eliminate animal stealing is a Federal law setting standards and requiring licensing of dealers who transport vertebrates across State lines.

We feel that such a law could be most effective in stopping the nefarious activities of these individuals—who have sometimes been called "small-time bums." Actually, most of these stealers realize only a couple of dollars for each animal they take—a bit more, perhaps, if a dog appears to be a quality purebred. They leave in their wake a trail of tears and heartbreak—hardly a fair exchange for such a small financial gain.

Most knowledgeable medical people tell us that strays, stolen animals and pound animals are of virtually no use in terms of medical research. This may be true in theory, but in actual practice we find that these animals are literally going by the thousands into medical schools and laboratories.

Michael Kredovski, of the Lone Trail Kennels in Pennsylvania, recently testified before a House subcommittee that he supplies 60,000 animals each year for laboratory use. It is said that most of these animals come through a rather elaborate collection system embracing pounds and dealers over a wide area.

In 1962 one of our affiliated organizations stopped two men in a car carrying four dogs. The men said they were going to the Lone Trail Kennels—a moot point, perhaps. However, one of the dogs was later identified by its owner, the case was tried, larceny was established, and the two men were sentenced to 1 year in a Pennsylvania county jail.

The question here today, as far as the American Humane Association is concerned, is not vivisection or antivivisection. We are not talking about the experimental use of animals in medical research and medical schools. We do hope that legislation will be passed also to regulate the care of animals in laboratories. This, we feel, is covered in S. 2576 before the Senate Labor and Public Health Committee, which we unreservedly support and which has the support of practically all the local humane organizations in the country.

Today we are urging you to join with the humane movement in extending Federal help and protection to many millions of animal owners. You can do this by enactment of legislation which will set standards and provide for licensing of animal dealers to prevent the interstate transportation of stolen animals. Such legislation will deal a severe blow to the "smalltime bums" who are engaged in animal stealing.

Senator MONRONEY. Thank you very much for a very fine statement, Mr. Phillips. You are advocating the law apply only to dogs and cats; is that correct?

Mr. PHILLIPS. We would like to see it apply to all animals.

Senator MONRONEY. To all?

Mr. PHILLIPS. Yes, sir.

Senator MONRONEY. All vertebrates?

Mr. PHILLIPS. Yes, sir. We feel as long as such a law is being considered, we might well plug up the loopholes that occur in certain other animals that are stolen and transported across State lines.

Senator MONRONEY. Very few other types of animals are stolen, according to the testimony, for research or other purposes. It would be quite difficult to maintain any satisfactory kind of identification of fowl, mice, guinea pigs and things of that kind.

Mr. PHILLIPS. Yes, I think you would have difficulty identifying, although I doubt it is as important to have them individually identified as it is dogs, horses, and cattle, and we are already having some means of identification on them.

Senator MONRONEY. Does your association support laboratory use of pound animals for medical experimentation?

Mr. PHILLIPS. No, not specifically in the use of pound animals. We are not opposed to the use of animals.

Senator MONRONEY. You are not opposed to using them?

Mr. PHILLIPS. That is right.

Senator MONRONEY. Neither are you in favor of using them?

Mr. PHILLIPS. That is correct.

Senator MONRONEY. In other words, a great many thousand of the animals used now do come from pounds, as I understand it, and these pounds are a fairly important link, perhaps supplying 25 percent of the total supply of laboratory animals.

Mr. PHILLIPS. I don't know the percentage. I do know as I mentioned here, that there are still many animals being supplied by dealers

to New York State, which has the pet procurement law. We don't feel that there has been evidence that passage of the procurement law puts the dealers out of business.

Senator MONRONEY. Since the bills we are considering, particularly the Magnuson bill, specifically prohibit any interference with the activities of laboratories in their scientific research, would you favor the bill applying to conditions in the kennels of these research facilities, in such a way that the Secretary of Agriculture could prescribe regulations to assure humane treatment of laboratory animals?

Mr. PHILLIPS. Our feeling is that this is covered or should be covered in a more encompassing piece of legislation which would regulate the care before and after, as well as during experiments, and all the facilities.

Senator MONRONEY. Hasn't this legislation been pending for some 6 years, and hasn't moved at all in the committees? The time comes when you might have to try other means rather than continue to hope for correction in a bill which, though it applies more broadly doesn't get anywhere. The bill of Senator Magnuson provides that housekeeping facilities within the kennels be sanitary and clean, and that humane treatment be provided for the animals when they are outside of the laboratory operating room. Have you taken no position on that section of the bill, or are you opposed to it?

Mr. PHILLIPS. We have taken a position in support of the McIntyre bill and felt that this should be all encompassing as far as the care and use of laboratory animals is concerned, rather in HEW than in the Department of Agriculture.

Senator MONRONEY. Failing to get that bill up, you would rather wait on it?

Mr. PHILLIPS. No, sir. I wouldn't say that. I don't object to it.

Senator MONRONEY. Do you feel the bill should include in its provisions the licensing of research facilities so that they would not be free to buy from unlicensed dealers of lab animals?

Mr. PHILLIPS. I see no objection and an advantage from carrying out the enforcement over the dealers in having the research facilities follow some pattern, such as licensing, so that they can be called upon to report on their sources.

Senator MONRONEY. Sources of supply?

Mr. PHILLIPS. Yes, sir.

Senator MONRONEY. In other words, something less than licensing, such as requiring that they keep open books and know from whom they bought their animals and under what conditions.

Mr. PHILLIPS. Yes, sir.

Senator MONRONEY. Senator Morton?

Senator MORTON. On page 4 of your statement, Mr. Phillips, the end of the first full paragraph, you say that:

> But the most essential first step in helping to eliminate animal stealing is a Federal law setting standards and requiring licensing of dealers who transport vertebrates across State lines.

I assume that you are trying to get at this question of stealing pets and so forth. Let's say that one, who fattens cattle in Maryland, goes to West Virginia, picks up 400 or 500 head and marshals them, trucks them into his own place, then sends them to the Pennsylvania Dutch

country where he has a contract with a packinghouse, and he finishes these cattle out to certain specifications as nearly as he can. You don't want to get this farmer in the position of having to have a Federal license, do you?

Mr. PHILLIPS. No, sir. Our concern is with the transportation of stolen animals.

Senator MORTON. I think the statement is a little broad in that it would apply to—I don't know whether a chicken is a vertebrate or not—a lot of legitimate farm operations that have nothing to do with stealing. I am sure you don't want to get into that.

Mr. PHILLIPS. No, sir.

Senator MORTON. We have enough Federal licenses in this country now, although I am sympathetic to the purposes that I think you are trying to obtain. Let's not get it so broad that we don't get anything passed.

Senator MONRONEY. Senator Dominick?

Senator DOMINICK. Thank you, Mr. Chairman.

I want to thank Mr. Phillips for coming here. I know of the great work which your organization has done. I wrote you a letter saying I first heard of it in London, on work you were doing on children. It is truly great.

Let me ask you a couple of questions on this specific bill, if I may.

I have tried to develop something this morning as to whether or not there is any other market for the dogs and cats which are picked up and resold by these dealers, other than research experimental work.

Mr. PHILLIPS. Yes, Senator Dominick, there is quite a traffic in stolen dogs or pet dogs, the dogs at hunting season. The difficulty of course in coming up with any specific figure or estimate is that these cases that are finally prosecuted occur spread out in various spots and the difficulty of proving larceny.

As an example, I spent 18 years in an operating society in Pennsylvania. We periodically turned up dogs that had been stolen, transferred down into the south during hunting season, then someone would either sell them again or turn them loose at the end of the hunting season. This does go on.

I think more and more there are purebreds, or apparent purebreds, being involved in this traffic.

Some of these dealers sell to the typical pet shop operated in a large city. This is the source of some of their dogs.

There is definite traffic there. It sometimes is more difficult to prove just how this goes on, or how many are involved.

Senator DOMINICK. Is it your estimate from your work that the research in the experimental field is the largest field, however, for the ultimate disposition of these animals?

Mr. PHILLIPS. It would appear that the larger numbers from the dealers go to the laboratories, yes, because here you have a buyer who is in a spot, so to speak, a limited number of buyers, as opposed to, in the other instance, where you are dealing with only an individual who may want to buy a hunting dog or a pet dog or that sort of thing. So that there is no question of the percentage of animals handled by dealers is larger than those going to——

Senator DOMINICK. So the major impact, taking this as a premise, would be to make sure that the dealers are licensed and therefore have some supervision over their method of operation.

Mr. PHILLIPS. That would be the main value in it. And of course this is one reason, with this sort of legislation, we hope we can plug up some of these other spots that are so bad.

Senator DOMINICK. Thank you very much.

Senator MONRONEY. Thank you very much. Does Mr. Morgan have a statement?

Mr. MORGAN. Yes, Mr. Chairman.

Before I make my statement, I would like to ask that the statements of the others of the American Humane Association, who are not here with us, be placed in the record. That would be our president, Mr. Thomas C. Justice; the chairman of our special committee on laboratory animal care, Dr. Carlton Buttrick; and the chairman of our general animal legislation committee from the Anticruelty Society in Chicago, which Dr. Brewer is a member of, and J. Shaffer's statement. I would like those to be included in the record as well as our statements that we are presenting here today.

Senator MONRONEY. They will be included.

STATEMENT OF JO V. MORGAN, JR., ATTORNEY FOR THE AMERICAN HUMANE ASSOCIATION

Mr. MORGAN. I have a statement of a somewhat more technical nature. I am Jo V. Morgan, Jr., attorney for the American Humane Association, with my offices here in Washington, D.C. I am also a director of the Montgomery County Humane Society, so I have had some personal experience.

The American Humane Association supports this type of legislation overwhelmingly. We urge that a suitable bill be favorably reported by this committee. In a moment I will refer to a personal experience on the Eastern Shore of Maryland which I had in 1963 which I think underlines the necessity for this sort of legislation.

First, maybe I could refer to the specific points in the bill that we feel might be amended in a way which we believe will strengthen the bill.

We are interested that the bill not be strictly limited to dogs and cats. There is much to be said, of course, about not letting it apply to fish and perhaps when we use the word vertebrate animal we are thinking of mammals, we are thinking of higher type animals which would be included in the bill. Not necessarily with the same degree of control and regulation as dogs and cats, but because there are so many loopholes in Federal legislation concerning stolen animals, we think this is a wonderful opportunity to plug those loopholes up.

I have prepared and there has been turned into the committee a list of the major Federal legislation concerning livestock, for instance.

We think this bill should apply to livestock, except in those cases where they are already regulated by Federal legislation such as the Stockyard Act, and such as the 28-hour law. But the 28-hour law, which is 45 U.S.C. 71 to 76, no longer covers most of the transportation of livestock because it doesn't apply to truck transportation.

The penalties for rustling, the Federal penalty for carrying stolen cattle in interstate commerce, is strictly limited to cattle, and doesn't include horses or other animals and also requires a knowledge on the part of the defendant that the animal is stolen.

It is true that we don't have the problems with respect to these other animals that we have with dogs and cats. But while you are passing this legislation, something could be put in the bill to merely fill these loopholes up. Surely no one is stealing cattle and horses to take to laboratories. But as respects the stealing of horses, our local humane society in Montgomery County, right outside of Washington, has had to go over to Virginia looking for stolen horses many times.

We think if it were possible, this ought to be done. But we don't want to detract you gentlemen from your major purpose, which, of course, is the regulation of the care of dogs and cats by dealers and the prevention of stealing dogs and cats.

I would like to say that we think that the reference in the bills to animals "intended for research" should be eliminated, not for the reasons perhaps that have been advanced here today and Friday by the representatives of the research attorney, but because of the fact that it doesn't serve any useful purpose.

Why should a dog, which is stolen for some other purpose, be released from control? How are we going to tell when you pick up a carload of dogs, say beagles, that they are going to research? How are you going to dispute with the man who says these dogs are going to be sold as hunting dogs? How are we going to enforce a law which makes such an intent on the part of the person who steals or transports or acts as a dealer a necessary element?

Any dealer who was raided, for instance, who did not comply with this law, would say, "I don't know that any of my dogs go to research, I have a lot of hunting dogs here," or "I presume these dogs are going for pets." It doesn't make it any more difficult to enforce this law if you have it apply to all dogs and cats in interstate commerce.

In other words it is not essential to protect the dogs and cats stolen from research, that it be limited to research, because in many cases you would have the same people involved, you would have the same holding points, you would have the same collections, the same people stealing dogs and turning them in. While 90 percent, perhaps, may be actually going to research, let's make it easy for ourselves, let's not make it necessary to prove they are going to research in order to prosecute or license these people.

We would submit that there would not be any weakening of the act by taking out the reference to research, but that it will actually be strengthened and easier to enforce.

We still think we should license the research establishment because they are the main purchasers; to license them to make them buy from registered dealers. That doesn't mean we can't cover all dogs and cats in the registered dealers, whether or not the dogs and cats are intended for research.

We feel—and this is in answer to the chairman's question—that the subject of the care of the animal in the laboratory is a very complex one. While we certainly do not want to prevent any Federal legislation being passed which will help one animal be protected in a laboratory, we feel that this question is so complex that it cannot adequately be covered by the provisions that are in these bills. Rather than take a chance of holding this legislation up, we prefer to continue our efforts to obtain the other legislation where we have been trying to ob-

tain it, in the other committee, and get this legislation through on the dealers and on a mere registration of laboratories to determine that they are not taking dogs from unlicensed dealers.

One thing that hasn't probably been brought out strongly here, even by the laboratory people, is that the exception now in these bills exempting the actual experimentation in the laboratory is a much broader exemption than it appears, because many animals which are for years and years in the animal keeping facilities of one of these research establishments, are actually in research almost the entire time because the experiment may go on for years.

All of such animals are exempted from the bill. So in that type of a research establishment, saying that the animals be taken care of prior to and after experimentation, would only mean the first day or two after it got there, and maybe a period 9 years later when they were putting it to death. This would be a very confusing situation.

We are really afraid of a too simple and unsophisticated attempt to solve a very complex problem by the provision in this bill, relating to care in the laboratory.

We would rather see the legislation that we are supporting, such as Senator McIntire's bill, S. 2576, put in this bill as an amendment and if it were passed we would love it. We are, however, afraid that if that were done, this bill would be delayed. We would like to get this legislation through as soon as possible. We really urge you to take up the subject of the dealers and the stealing of the dogs in this bill, and let us hopefully try to get the other bill through. Maybe we are wrong in that. I hope not. It was a very difficult decision for us to make.

At least 90 percent of the humane movement, I think, is behind us in this respect, even though it was a very hard decision to make.

I would like to state a personal experience which I had in 1963. We received a request from the Talbot County Humane Society on the Eastern Shore for the American Humane Association to help them with an investigation. I went over, and Mrs. Henry A. Gardner, then president of the Montgomery County Society, went with me, with some people from the Talbot County Society, to Caroline County, Md., on the Pennsylvania and Delaware border, which has no humane society. We found one of these places, very much like the one that was written up in Life. I think it was probably, if anything, worse than the one that was in Life. There were hundreds of dogs jammed in the cages. They had been fed, if anything, scraps from an abattoir. They were fighting, they had no water, they were out in the broiling sun, there were sick and dying dogs in the barn. There were hundreds and hundreds of dead dog carcasses in the woods behind this establishment.

I had some pictures which I gave to the other committee, and maybe I should have brought them here. These are horrible pictures of just what we found in that place.

This man was prosecuted under State cruelty laws. He was convicted by a trial magistrate and given a $50 fine. He appealed his conviction and the jury let him off. He has been convicted within the last 2 months and he has again appealed. He is still in business.

That sort of thing illustrates how hard it is to regulate these people with the local criminal laws.

Even a local law of the Pennsylvania or Illinois type, which would license some dealers, is not effective in this day and age of the automobile and the quick crossing of State lines. We really need Federal legislation. We certainly do urge this committee to favorably report strong legislation out.

Thank you, Mr. Chairman.

Senator MONRONEY. Thank you, Mr. Morgan.

Do you think a supplement beyond the State law, the licensing of dealers, would have a great deal to do with their cleaning up this intolerable inhuman situation that you described?

Mr. MORGAN. I think there is no question about it. I don't think any Federal, State, or local organization with any licensing power would have ever licensed the place that I saw on the Eastern Shore of Maryland.

Senator MONRONEY. Should not the research institutions also be influenced not to buy and help these people prosper?

Mr. MORGAN. I think so. This is why this section is in the law, requiring the research facility to also be licensed so far as procurement of its animals is concerned. We absolutely agree. Not only should they be licensed, there should be a distinct prohibition against it and they should lose their licenses, and whatever penalties may be attached. We are not disagreeing at all with the licensing of the research establishment with respect to their procurement. We just feel that it is probably too complicated a question to be dealt with any further than that in this legislation.

So, we would license them, but with respect to their procurement only, in this bill.

Senator MONRONEY. You say any further than that you support the bill up through the point where they would have the right to prescribe humane regulations within the research institute for the care of dogs, both preoperative and postoperative.

Mr. MORGAN. I say, I fear that that is oversimplification. I don't think you will get very much out of that. Rather than prejudice other legislation and perhaps risk the passage of this, we would prefer to stop at the place in this bill where they have procured their animals and attempt to get full coverage in other legislation.

Senator MONRONEY. I am about to give up hope that you will ever get that legislation that you speak of. We have waited 6 years or more and the bill hasn't moved.

Mr. MORGAN. There is this point which may not be generally known. It has only been in the last year that the great majority of the humane movement has gotten behind that legislation. Prior to that there was very little action.

There seems to be more action now. We are hopeful, but perhaps we are more optimistic than we should be.

Senator MONRONEY. Senator Dominick?

Senator DOMINICK. Mr. Morgan, if we take out the reference to research purposes, as has been suggested here, you say a lawyer could help us, or help me at least, in telling me how the Federal Government is going to get jurisdiction over local pet shops.

Mr. MORGAN. If the Federal Government doesn't have jurisdiction over the local pet shops, then the bill will not, of course, apply to the local pet shops.

What we are attempting to do is to have legislation which will regulate the dealer who is in commerce. In other words, that is the limit on Federal legislation.

I don't say we shouldn't license the laboratory. But I see no reason for the dealer who is in commerce to limit this bill to animals intended for research because it makes it very difficult to administer or to prosecute under the bill. We would be able to cover some more animals, maybe not the majority, some more, if it was not so limited.

I don't think that weakens the bill. I look at it as a broadening of the bill rather than taking anything away.

Senator DOMINICK. I agree with you. I look at it as a broadening of the bill also. The problem that I have is, have you made it so broad at that point that it becomes either unenforceable or unconstitutional.

Mr. MORGAN. I presume that the bill, as administered, and under the regulations of the Department of Agriculture, is pretty much like the National Labor Relations Act, and could easily have some limitations in it as to local application. Certainly the courts would not permit it to be extended further than Federal jurisdiction.

I realize as a lawyer, like yourself, what the limit of Federal jurisdiction is now, it may be a very nebulous concept.

Senator DOMINICK. That is my problem. I don't want to broaden it any more than we have to.

Mr. MORGAN. If the Senator would like, we would be more than happy to try to submit something to the committee which would perhaps answer the Senator's question as far as the actual wording.

Senator DOMINICK. My problem is this: With all due respect to the statement that was made by Mr. Phillips, we haven't had any real evidence that any substantial number of animals are being treated inhumanely by these dealers except for those who are apparently, at least, gathering them for the purpose of experimental work for resale.

Mr. MORGAN. That is because we assume that all those animals are going to research. We certainly know a lot of them are going to research. As Mr. Phillips pointed out, at the beginning of hunting season hunting dogs suddenly start disappearing, as my beagle did some years ago. Right after hunting season you start getting vast quantities of this type of dog picked up by the humane societies and the pounds.

There isn't any question that these dogs are being taken to be used for hunting.

Whether those are put in the same collection points, whether this is a different organization, I don't know. But I don't see that there could be any harm done by extending this to cover all animals which are being moved in interstate commerce of this type, especially if you didn't follow our suggestion to broaden this to other animals than dogs and cats.

Why would one want to regulate a dealer so that the Federal law says if this dog is going to research, you have to put him in a kennel such and such dimensions, and give him water but if this dog is going to be sold as a pet, you can pack him in a box, pack him in with another dog on top, and generally abuse him.

I have an idea it is almost impossible to make that differentiation in practice when you are trying to regulate this thing. It certainly

gives the little operator, who is sneaking around in the dark, and grabbing people's pets, a wonderful "out" because he will say this dog is not going to research. I am going to sell him. If you catch him he will say I am going to sell him to somebody as a hunting dog.

Senator DOMINICK. As you well know, every State in the Union has laws against stealing.

Mr. MORGAN. Yes, sir; and it is awfully difficult to prosecute anybody.

Senator DOMINICK. I don't know that a Federal law against stealing will help. What we have had to do is regulate dealers.

Mr. MORGAN. We have Federal laws not against stealing automobiles, but against carrying them in interstate commerce. We have a Federal law not against stealing cattle with knowledge, but transporting the cattle in interstate commerce.

Perhaps your restriction might be so worded that it shall be a Federal crime to transport a stolen animal in interstate commerce. This could be an adjunct to the bill without weakening the other parts of the bill.

Senator DOMINICK. Thank you.

Senator MONRONEY. Thank you very much, Mr. Phillips and Mr. Morgan. We appreciate your testimony.

Mr. PHILLIPS. Thank you, Mr. Chairman.

Mr. MORGAN. Thank you.

(The full text of Mr. Morgan's statement follows.)

STATEMENT OF JO V. MORGAN, JR.

I am Jo V. Morgan, Jr., an attorney, having my office at 815 15th Street NW., Washington, D.C., and I am Washington counsel for the American Humane Association, a national federation of over 500 humane societies, SPCA's, and animal rescue leagues, as well as a director of the Montgomery County (Md.) Humane Society.

The American Humane Association supports enactment of the type of legislation now being considered by your committee designed to prevent traffic in stolen animals; namely, S. 2322 and S. 3039. I, and the other representatives of the American Humane Association who are here in Washington today, will refer to our experiences which underline the necessity for the enactment of such legislation. However, first we should like to suggest the following points with respect to the legislation which we trust you will include in any bill which you favorably report:

(1) It should not be limited to dogs and cats. While these animals are very important in this regard, we suggest also that the legislation cover all living vertebrate animals, including livestock. It sometimes is surprising to learn that in many parts of this country rustling is still a major problem.

(2) It should not be limited to animals intended for research. Our experience leads us to believe that the stealing of hunting dogs, especially just prior to and early in the fall of the year, is a very serious element of this matter, as well as the stealing of valuable pedigree pets for resale often with forged or switched pedigree papers. To limit the law to research animals, will, moreover, make administration and prosecution very difficult. It may be impossible to prove whether or not stolen animals are going to be sold to research developments, or as pets, or as hunting dogs.

(3) Care should be exercised that this legislation, essential for the prevention of the stolen-animals traffic, does not overlap the proposed legislation now being considered by the Senate Committee on Labor and Public Welfare for the setting up of standards in laboratories. The American Humane Association unreservedly supports, and has supported, S. 2576, introduced by Senator McIntire, which covers this problem. It is much too complex to be covered as an adjunct to the legislation now before you. This bill should stop at the laboratory door.

We urge that wording like that found in section 5 of H.R. 9750, a bill otherwise identical to S. 2322, be incorporated in any bill favorably reported by your committee, to assure that they are not two Cabinet members, the Secretaries of Agriculture and of Health, Education, and Welfare, with overlapping authority to promulgate standards for the humane care of research animals within the laboratories.

If I may, I should like to relay a personal experience which brought home to me the present need for the type of legislation you are considering. In August 1963, at the request of the Talbot County (Md.) Mumane Society, I went to Caroline County, Md., on the Eastern Shore, near the town of Goldsboro and near the Delaware State line, to investigate a suspected dog collection station. What we found was fully as horrible as the similar installation pictured in the recent Life article. Hundreds of dogs were jammed into small wire enclosures with no water, fed by beef heads or entrails from a near-by abattoir thrown among them, with many sick and dying animals chained to stalls in an old dairy barn, and no one in attendance during the day.

In this particular instance, the operator was prosecuted and convicted by a trial magistrate and fined $50, but this conviction was reversed by a jury on appeal. I noticed from a recent newspaper that he had just been convicted again by a trial magistrate, and I am informed that he has again appealed his conviction to obtain a jury trial.

Our investigation, at that time in 1963, indicated that dogs were collected all through the week until the pens were jammed and on Sunday were sold and shipped out, mostly across State lines. Among the dogs, were not only dogs which would have been suitable for use by research establishments, but other dogs which were obviously the type to be used as pets, or as hunting dogs.

Mrs. Henry A. Gardner, then president of the Montgomery County (Md.) Humane Society and the American Humane Association's Service Council representative for Maryland, accompanied me that day. I have her statement, which I ask be included in the record. She is here today in the audience.

There are also present today members of the Talbot County Humane Society. Their president, Mrs. William E. Shannahan, has asked me to request that her statement concerning the investigation to which I have referred, be included in your record.

In conclusion, I might add that the American Humane Association is wholeheartedly in favor of legislation to meet this problem. We urge that a bill be favorably reported.

Senator MONRONEY. Our next witness is Miss Elizabeth S. Thorp, representing the Animal Breeders Association. We are happy to have you before the committee. You may proceed in your own way.

STATEMENT OF ELIZABETH S. THORP, SIMONSEN LABORATORIES, REPRESENTING THE LABORATORY ANIMAL BREEDERS ASSOCIATION

Miss THORP. Thank you, Mr. Chairman.

My testimony is pretty much like that of Mr. Phillips except, of course, we do not wish to include other animals.

I am Elizabeth Simonsen Thorp, of Simonsen Laboratories, California, and Minnesota corporation, and a charter member and past president of the Laboratory Animal Breeders Association. The Laboratory Animal Breeders Association is devoted to the interests and needs of commercial laboratory animal breeders for the exchange of ideas and problems of interest and importance to laboratory animal producers and to promote and maintain ethical practices in regard to the production and marketing of laboratory animals.

The association is in agreement with portions of these bills now under consideration, namely, that the buyer-seller of companionate species, dogs and cats, be licensed and controlled in such way as to obviate the possible irregularities in procurement and selling practices. S.

3059, however, contends that licensing with as yet undetermined regulations and fees would be required of all those who sell, transport, and purchase or receive animals for research and testing purposes. Since the practice comprises approximately 16 million animals used for research purposes last year, I can hardly imagine the ramifications of this legislation at its inception.

Further, the scope of administering such a bill would be far greater than the authors intended. No more than 1.6 percent of the furred vertebrate animals used in 1965 in all phases of biomedical research testing and development of new drugs in the United States were dogs and cats. More than 20 million amphibians, reptiles, and avian species are estimated to be used annually. These are all vertebrates. Cockroaches aren't vertebrates.

It follows then that the breeder of animals as well as the consumer of animals and the general public would be unnecessarily penalized through the alleged actions of a very few dealers in dogs and cats. The labor costs to identify individually the weekly average of 36,000 laboratory animals my company alone supplies to research scientists would have to be reflected in the price of these animals. This not only would be an unnecessary added cost to institutions and the Government but would unduly distress the animals.

The various species and strains of laboratory animals provided to the research community by the commercial laboratory and breeders are bred specifically for research purposes under controlled conditions utilizing specialized techniques and facilities. We are not dealers. In fact we are members of the LABA and do not purchase animals for resale or sell animals for resale. The breeder cannot afford to be identified in any way as a dealer in animals and remain a member of the Laboratory Animal Breeders Association.

Animals of differing genetic background in various states of contamination and infection are of no use to the discerning investigator. A dealer collects animals from many sources and delivers them as one shipment. In our field of endeavor it would be business suicide to resell or sell for subsequent resale any of our animals. I realize that the disciplines of producing animals for reserach are naturally little understood by the general public since our products are utilized in the highly specialized beomedical areas.

If any of you have any questions regarding the business of raising laboratory animals if you will just get a hold of Mr. Maloney or myself we will glad to give you further information. I thank you very much.

Senator MONRONEY. Thank you, Miss Thorp. Can you give us any idea of the volume of cats or dogs that are bred specifically for research purposes? What is the supply that could be expected legitimately from the breeders?

Miss THORP. From a true breeder? I imagine probably not any more than 5,000 or 6,000 a year. I am just grabbing that out of a hat. I can get you better statistics on that by writing a few of the legitimate breeders.

Senator MONRONEY. Most of the work of the breeders association is accomplished with other types of animals?

Miss THORP. Yes.

Senator MONRONEY. Like mice, rats, and hamsters and guinea pigs?

Miss THORP. Yes. We would, of course, like to see this confined to cleaning up the dealers and to obviating any stolen animals. We don't feel that mice or rats or guinea pigs are really ever going to be stolen. I have never heard of a mouse being stolen. I don't know what Mr. Phillips meant by this covering up any of the loopholes that would be in this bill.

Senator MONRONEY. Senator Dominick?

Senator DOMINICK. I have no questions.

Senator MONRONEY. We thank you very much for your appearance and appreciate your courtesy in coming, Miss Thorp.

(The statement follows:)

STATEMENT OF ELIZABETH S. THORP, SIMONSEN LABORATORIES

The legislation proposed by S. 2322, S. 3059, and similar bills purport to be concerned with pet stealing. They are, however not confined to this and contain restrictive legislation dealing with facilities and care of laboratory animals. If this legislation was confined to dog and cat stealing and unethical procedures by a few dealers in these animals, this would be an entirely different matter.

The fact that S. 3059 includes "and any other animals" means that it would be necessary for the legitimate animal producers as represented by the Laboratory Animal Breeders Association who are producing inbred strains for cancer research, special strains of mice, rats, hamsters, and guinea pigs would be subject to unnecessary licensing and expenditure in order to meet the demands of the medical research community.

As another example, one of the main producers of laboratory animals on the west coast is under contract with the National Institutes of Health to maintain certain trust stocks of the more important strains of the small laboratory animals used by many medical centers. This legislation would require licensing to ship the animals that are actually the property of the National Institutes of Health.

A further review of these bills under consideration here indicates that much has been added as far as licensing that is not necessary to the control of those few dealers that have caused difficulty. The recent publicity in the general press has been greatly magnified and has given the general public the impression this is the rule rather than the exception.

The members of the Laboratory Animal Breeders Association have spent millions of dollars in establishing facilities to produce the common laboratory animals under disease-free conditions, optimum conditions of care, feeding, and environment thus resulting in a high-quality animal for medical research. There are many instances in which the producer of these types of animals has worked hand in hand with the research worker to assure that a high quality of care and facilities are being used for their product.

We have every confidence that the Congress of the United States will not pass legislation which will hinder medical and biological research so important to the health and welfare of the Nation. Additionally, the passage of this type of legislation restricts services and animals essential to all biomedical research.

The magnitude of this activity is indicated by the following table:

Estimated laboratory animal consumption, 1965, 1970

[In millions]

Breed	1965	1970
Mice	36.84	59.56
Rats	15.66	25.32
Guinea pigs	2.52	4.07
Hamsters	3.30	5.34
Rabbits	1.56	2.52
Exotic species	.12	.19
Total	60.00	97.00

NOTE.—Dogs and cats used for research are estimated at 500,000 to 1,000,000 annually, or 1.6 percent of the total mammals used. Survey does not include nonmammalian vertebrates (reptiles and amphibians)

Source: Breeders and users of laboratory animals.

Senator MONRONEY. Our next and last witness is Dr. L. Meyer Jones, American Veterinary Medical Association.

Dr. Jones, we appreciate your being here and your giving us the advantage of your testimony.

STATEMENT OF DR. L. MEYER JONES, AMERICAN VETERINARY MEDICAL ASSOCIATION

Dr. JONES. Thank you, Mr. Chairman.

Senator MONRONEY. Do you have a prepared statement for the committee?

Dr. JONES. Yes. I thought it was in your possession. The statement would be signed by Dr. Spangler, president of the association. I am appearing in substitution for Dr. Spangler.

Senator MONRONEY. You may go ahead as you see fit.

Dr. JONES. My name is Dr. L. Meyer Jones. I am director of scientific activities for the American Veterinary Medical Association.

We interpret the provisions of these bills to be directed toward prevention of thefts of dogs and cats and the protection of such stolen animals from inhumane handling. These laudatory purposes are supported by the American Veterinary Medical Association and, we hope, by every thoughtful person.

Each theft brings its own heartache to grieving owners. The American Veterinary Medical Association has always been and continues to be alert to every opportunity to prevent such thefts, to strengthen ways to apprehend and punish the thieves, and to prevent or to relieve inhumanity to animals involved.

Our members work closely with local officers enforcing State and local laws in pursuit of these objectives. Most localities have inadequate legislation for these purposes. The strength of legislative authority and subsequent enforcement depends upon the interest and activities of the local people.

Recently, widely known exposés of theft of dogs and cats have involved certain irresponsible animal dealers. If this committee deems Federal action necessary, such action should be directed toward supervision of animal dealers to eliminate theft by unscrupulous individuals and to protect animals, owners of animals, and research scientists.

It appears that a legitimate animal dealer and an occasional research facility have unknowingly purchased a stolen animal. We hope that this committee in its deliberations will recognize that most animal dealers do not stoop to theft and that the research facility needs to be protected against the unwitting purchase of an unidentified, beloved pet.

We hope that a research facility will not be hampered or chastised in obtaining experimental animals to be used for collecting data required by Federal regulations for establishing the safety and effectiveness of medicines for man.

The American Veterinary Medical Association is opposed to the provisions in S. 3059 and S. 2322 which would license, regulate, and police a research facility purchasing dogs and cats for scientific experiments. These provisions seem unnecessary and unfair to scientists who in good faith purchase animals from dealers.

The procurement, transportation, handling and sale of a stolen animal is the responsibility of the dealer. The correctness of this philosophy is substantiated by the several laws and regulations for the licensure and control of dealers in livestock administered for years by the United States and a majority of the State departments of agriculture. Furthermore, these measures provide a pattern and even a mechanism for licensure and control of dealers in dogs and cats.

The Federal authority (USDA) guards the welfare of animals—

(1) By controlling disease under the various Animal Quarantine Acts;

(2) By assuring the public of fair dealing in a federally approved and supervised market ("posted market") under the Packers and Stockyards Act of 1921; and

(3) By preventing inhumane handling, exposure and overcrowding principally under the "28 hour law."

The authority of the various States supplements the Federal regulations above by regulations adapted to local conditions, viz, smaller stockyards and sales barns, special geographic problems, et cetera.

The philosophy, pattern and to a considerable extent the machinery exists now at both the Federal and State levels to license and regulate dealers in dogs and cats.

The existing livestock regulatory apparatus has adapted itself in recent years to the dispersion of livestock dealer operations from a large rail center into multiple small units scattered over a given locale.

On the other hand, the volume of sales in dogs and cats is claimed by proponents of S. 3059 and S. 2322 to have reached huge proportions and to involve increasingly large dealerships. These inverse developments emphasize the logic, propriety, and economy in using existing Federal and State facilities for the supervision of animal dealers in dogs and cats.

Repeatedly during past decades, the public, through its congressional representatives, has directed that new medicines and procedures must be proved both safe and effective, which requires animals, before being used on man or other animals. Enlargement of the medical welfare and research programs by congressional mandate has required increased use of test animals by scientists.

It is both fitting and proper that this committee consider measures to protect the scientific community by licensure and supervision of dealers in dogs and cats.

It is the responsibility of this committee to study the question of whether to utilize existing State and Federal legislation and personnel or to create new machinery needing new personnel to protect the general public and the scientific community against the use of a stolen dog or cat in a scientific experiment.

We favor omission of the word "vertebrate" from all proposed legislation. Application of S. 3059 and S. 2322 only to dogs and cats would protect species of animals of concern to the general public and subject to theft.

All State and Federal Governments already have laws applying to dealers in farm animals. In our opinion, S. 3059 and S. 2322 do not adequately recognize existing State and municipal laws regulating traffic in animals.

The language in S. 3059 and S. 2322 make them apply almost exclusively to "animals to be used for purposes of research." Apparently ignored are thefts of dogs and cats for various other purposes, viz, the unscrupulous hunter who steals a good birddog for a weekend and then leaves the dog to fend for itself in a strange countryside. Ignored also is theft of purebred dogs and cats for sale in a distant community as pets. We think that the proposed legislation should apply to all thefts of dogs and cats.

If the committee should believe that legislation is necessary, we recommend that the provisions of S. 3059 and S. 2322 be modified for the reasons given above.

As of the present, we prefer to support S. 3138, recently introduced by Senator Mondale.

As an aid to the committee, our staff has prepared amendatory language for your consideration. If the committee desires, members of our staff will be glad to work with the committee staff in further review of the proposal. A copy of our suggested amendments is attached to this statement.

(The above-mentioned amendments follow:)

SUGGESTED AMENDMENT TO S. 3059 AND S. 2322

A BILL To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats in interstate and foreign commerce, to cooperate in the enforcement of State and local laws, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to protect the owners of dogs and cats from theft of such pets and to prevent the inhumane handling, or other improper use of stolen dogs and cats it is essential to regulate the transportation, purchase, sale, and handling of dogs and cats by persons or organizations engaged in transporting, buying, or selling such animals.

SEC. 2. DEFINITIONS.—When used in this Act—

(a) The term "person" includes any individual, partnership, association, or corporation.

(b) The term "Secretary" means the Secretary of Agriculture.

(c) The term "commerce" means commerce between any State, territory, or possession, or the District of Columbia or Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, but through any place outside thereof.

(d) The term "cat" means any live domestic cat (Felis catus).

(e) The term "dog" means any live dog of the species Canis familiaris.

(f) The term "State officials" means any person duly employed or authorized by State or local authorities to enforce requirements pertaining to the protection and humane handling of dogs and cats.

(g) The term "dealer" means any person who, for compensation or profit, delivers for transportation, transports, boards, buys, or sells dogs or cats in commerce.

SEC. 3. It shall be unlawful for any dealer to buy, sell, offer to buy or sell, transport or offer for transportation in commerce or to another dealer under this Act any dogs or cats, unless and until such dealer shall have obtained a license from the Secretary in accordance with such rules and regulations as the Secretary may prescribe pursuant to this Act, and such license shall not have been suspended or revoked.

SEC. 4. The Secretary is authorized to promulgate standards to govern the handling and transportation of dogs and cats by dealers to promote their health, well-being, and safety.

SEC. 5. The Secretary may require that all dogs and cats delivered for transportation, transported, purchased, or sold in commerce shall be marked or identified in such manner as the Secretary may prescribe.

SEC. 6. Dealers shall make and keep such records with respect to their purchase, sale, transportation, and handling of dogs and cats, as the Secretary may prescribe.

SEC. 7. The Secretary may require that persons or organizations engaged in the purchase, sale, or transportation of dogs or cats in commerce keep such records as may be necessary to effectuate the purposes of this Act and such records shall be available for inspection by the Secretary or his representative for a period of one year.

SEC. 8. The Secretary shall take such action as he may deem appropriate to encourage State officials to cooperate with him in the enforcement of this Act and the Secretary is authorized to cooperate with the officials of the various States in effectuating the purposes of this Act and of any State legislation or local ordinance on the same subject.

SEC. 9. The Secretary shall take such action as he may deem appropriate to assist State, county and city authorities in the adoption of laws and ordinances to effectuate the purposes of this Act within their respective jurisdictions.

SEC. 10. The Secretary is authorized to promulgate such rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this Act.

SEC. 11. Any person who violates any provision of this Act and any regulation promulgated thereunder shall, on conviction thereof, be subject to imprisonment for not more than one year or a fine of not more than $10,000.

SEC. 12. When construing or enforcing the provisions of this Act, the act, omission, or failure of any individual acting for or employed by a dealer, within the scope of his employment or office, shall be deemed the act, omission, or failure of such dealer as well as of such individual.

SEC. 13. If the Secretary has reason to believe that a dealer has violated any provision of this Act or the regulations promulgated thereunder, the Secretary may suspend such dealer's license temporarily, and, after notice and opportunity for hearing, may revoke such license if such violation is determined to have occurred.

SEC. 14. If any provision of this Act or the application of any such provision to any person or circumstances shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be effected thereby.

SEC. 15. In order to finance the administration of this Act, there are authorized to be appropriated such sums as may be necessary. The Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued to dealers in amounts reasonably calculated to defray the costs of administration of this Act. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

SEC. 16. EFFECTIVE DATE.—This Act shall take effect one hundred and eighty days after enactment.

Dr. JONES. Mr. Chairman, this completes our statement. Again, we express our appreciation for this opportunity to make known our views and to offer any further assistance that the committee may desire.

Senator MONRONEY. In what respects does S. 3138 differ from the Magnuson bill? It was just introduced, I believe.

Dr. JONES. Yes, last Friday, I believe, and I haven't had an opportunity to study it thoroughly. It is my understanding that this bill does not license laboratories.

Senator MONRONEY. Does not license laboratories?

Dr. JONES. Right.

Senator MONRONEY. Either as purchasers or for purposes of insuring humane treatment within the kennel facilities of the laboratory?

Dr. JONES. That is my understanding.

Senator MONRONEY. Those are the two major changes?

Dr. JONES. Yes.

Senator MONRONEY. You support this bill in preference to the Magnuson bill?

Dr. JONES. Yes, we do.

Senator MONRONEY. Senator Dominick?

Senator DOMINICK. I have no questions.

Senator MONRONEY. I have no further questions. We do thank you, Dr. Jones, for appearing before us.

The committee will stand in adjournment. The record will be kept open for a week in order for any additional statements to be submitted.

I thank the witnesses who have appeared before us.

The committee stands adjourned.

(Whereupon, at 3:45 p.m., the committee adjourned.)

ANIMAL DEALER REGULATION

WEDNESDAY, MAY 25, 1966

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C.

The committee met at 9:43 a.m., in room 5110, New Senate Office Building, Hon. Warren G. Magnuson, presiding.

The CHAIRMAN. The committee will come to order.

We have several witnesses today. The chairman would like to make an opening statement.

This is, of course, an additional day of hearing on the animal care legislation for the specific purpose—and I underline specific—of hearing further testimony on the issue of rgeulating the care, treatment, and handling of dogs, cats, and other animals in the medical research laboratories, which is only one part of the legislation.

The committee has already held hearings on the subject of dog and cat theft and the humane treatment of animals destined for use in medical research. These earlier hearings clearly indicated the need for legislation to regulate dealers in order to prevent the existing cruel and inhuman treatment of animals by some dealers.

Today, however, we are limiting the testimony to the amendments to be proposed by Senator Monroney to S. 2322, as presented in a Committee Print No. 3, of which we have copies available for the witnesses and others interested. Without these amendments, S. 2322 would be a very strong dealer bill, but the committee desires to know whether the regulation of the treatment, care, and handling of animals in medical research laboratories should be included.

(Committee Print No. 3 will be inserted in the record at this point:)

[COMMITTEE PRINT NO. 3]

May 19, 1966

Text of proposed Monroney amendments are shown as follows:

New matter is in bold italic type. Matter proposed to be omitted is in black brackets.

[S. 2322, 89th Cong., 2d sess.]

AMENDMENT

(IN THE NATURE OF A SUBSTITUTE)

Intended to be proposed by Mr. Magnuson to S. 2322, a bill to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes, viz: Strike out all after the enacting clause and insert in lieu thereof the following:

That, in order to protect the owners of dogs, cats, and certain other animals from theft of such animals, to prevent the sale or use of dogs, cats, and certain

other animals which have been stolen, and to insure that certain animals intended for use in research facilities 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 the transporting, buying, or selling of animals intended for use in research facilities.

SEC. 2. When used in this Act—

(a) the term "person" includes any individual, partnership, association, or corporation;

(b) The term "Secretary" means the Secretary of Agriculture;

(c) The term "commerce" means commerce between any State, territory, possession, or the District of Columbia or the Commonwealth of Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, or the Commonwealth of Puerto Rico, but through any place outside thereof; or within any territory, possession, or the District of Columbia, or the Commonwealth fo Puerto Rico;

(d) The term "cat" means any live cat (Felis catus);

(e) The term "dog" means any live dog (Canis familiaris);

(f) The term "research facility" means any school, institution, organization, or person that uses or intends to use animals in research, tests, or experiments, and that (1) purchases or transports such animals in 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;

(g) The term "dealer" means any person who, regularly and for profit, transports, except as a common carrier, or buys and sells animals intended for use in research facilities;

(h) The term "animal" means live dogs, cats, monkeys (nonhuman primate mammals), guinea pigs (Cavia cobaya), hamsters (Cricetus), and rabbits (Oryctolagus cuniculus).

SEC. 3. It shall be unlawful for any research facility to purchase animals from any dealer unless such dealer holds a valid license issued by the Secretary pursuant to this Act.

SEC. 4. It shall be unlawful for any research facility to purchase or transport animals in commerce unless such research facility has obtained a license from the Secretary in accordance with such rules and regulations as the Secretary may prescribe pursuant to this Act.

SEC. 5. It shall be unlawful for any dealer to buy, sell, offer to buy or sell, transport or offer for transportation in commerce any animal unless such dealer has obtained a license from the Secretary in accordance with such rules and regulations as the Secretary may prescribe pursuant to this Act, and such license has not been suspended or revoked.

SEC. 6. No department, agency, or instrumentality of the United States which uses animals for research or experimentation shall purchase or otherwise acquire animals for such purposes from any dealer unless such dealer holds a valid license issued by the Secretary pursuant to this Act.

[SEC. 6. The Secretary shall establish standards of humane care to govern the handling and transportation of animals by dealers. Such standards shall provide for that care, as determined by the Secretary, which a humane owner would ordinarily provide for a household pet to prevent sickness, injury, and suffering, and shall include, but not necessarily be limited to, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation by species and sex, and adequate veterinary care.]

[SEC. 7. Every research facility shall register with the Secretary in accordance with such rules and regulations as he may prescribe.]

SEC. 7. The Secretary shall establish and promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers and research facilities. Such standards shall include, but not necessarily be limited to, minimum requirements with respect to the housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation by species, and adequate veterinary care. The foregoing shall not be construed as authorizing the Secretary to prescribe standards for the handling, care, or treatment of animals during actual research or experimentation by a research facility.

SEC. 8. All dogs and cats delivered for transportation, transported, purchased, or sold in commerce by any dealer shall be marked or identified in such humane manner as the Secretary may prescribe.

SEC. 9. Research facilities and dealers 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 dogs and cats as the Secretary may prescribe, upon forms supplied by the Secretary. Such records shall be made available at all reasonable times for inspection by the Secretary, by any Federal officer or employee designated by the Secretary.

[SEC. 10. The Secretary shall issue a license to any dealer upon application therefor and payment of the license fee prescribed pursuant to section 20 of this Act if the Secretary determines that the facilities of such dealer comply with the standards prescribed by the Secretary pursuant to section 5 of this Act. The Secretary may license as a dealer any person who is not a dealer within the meaning of section 2(g) of this Act, upon application and payment of the prescribed fee, if such person enters into a written agreement with the Secretary under which such person agrees to comply with the requirements of this Act and the regulations prescribed hereunder.]

SEC. 10. The Secretary shall issue a license to any dealer or research facility upon application therefor and payment of the license fee prescribed pursuant to section 22 of this Act if the Secretary determines that the facilities of such dealer or research facility comply with the standards prescribed by the Secretary pursuant to section 7 of this Act. The Secretary may license as a research facility any facility which is not a research facility within the meaning of section 2(f) of this Act, and may license any person as a dealer who is not a dealer within the meaning of section 2(g) of this Act, upon application and payment of the prescribed fee, if such facility or person, as the case may be, enters into a written agreement with the Secretary under which such facility or person agrees to comply with the requirements of this Act and the regulations prescribed hereunder.

SEC. 11. The Secretary shall make such investigations or inspections as he deems necessary to determine whether any person has violated or is violating any provision of this Act or any regulation issued thereunder. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confiscate or destroy animals found to be suffering as a result of a failure to comply with this Act or any regulation issued thereunder.

SEC. 12. The Secretary shall take such action as he may deem appropriate to encourage the various States of the United States to adopt such laws and to take such action as will promote and effectuate the purposes of this Act, and the Secretary is authorized to cooperate with the officials of the various States in effectuating the purposes of this Act and any State legislation on the same subject. The Secretary is further authorized to cooperate with any other Federal department, agency, or instrumentality concerned with the welfare of animals used for research or experimentation.

SEC. 13. No dealer shall sell or otherwise dispose of any dog or cat within a period of five business days after the acquisition of such animal, except pursuant to regulations prescribed by the Secretary.

[SEC. 14. The Secretary shall issue rules and regulations requiring licensed dealers to permit inspection of their premises and records at reasonable hours upon request by representatives of legally constituted law enforcement agencies in search of lost animals.

[SEC. 15. No dog or cat may be sold or offered for sale in commerce at a public auction or by weight, unless the sale or offer for sale of such animal is made (1) in accordance with regulations prescribed by the Secretary, and (2) by a dealer licensed under this Act.]

SEC. 14. The Secretary shall issue rules and regulations requiring licensed dealers and research facilities to permit inspection of their premises and records at reasonable hours upon request by representatives of legally constituted law enforcement agencies in search of lost animals.

SEC. 15. No dog or cat may be sold or offered for sale in commerce at a public auction or by weight, and no research facility may purchase a dog or cat at a public auction or by weight, unless the sale or offer for sale of such animal is made (1) in accordance with regulations prescribed by the Secretary, and (2) by a dealer licensed under this Act.

SEC. 16. (a) Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders for the handling, care, treatment, or inspection of animals during actual research or experimentation by a research facility.

(b) The Secretary is authorized to promulgate such additional standards, rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this Act.

SEC. 17. Any dealer who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both.

[SEC. 18. (a) If the Secretary has reason to believe that any research facility has violated or is violating any provision of this Act or any rule or regulation prescribed hereunder, he may, after notice and opportunity for hearing, order such research facility to cease and desist from continuing such violation.]

SEC. 18. (a) If the Secretary has reason to believe that a dealer or any person licensed as a dealer has violated or is violating any provision of this Act or any rule or regulation prescribed hereunder, he may suspend such person's license temporarily, but not to exceed thirty days, and, after notice and opportunity for hearing, may revoke or suspend such license for such additional period as he may specify if such violation has occurred, and may order such person to cease and desist from continuing such violation.

(b) Any person 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 manner provided in section 10 of the Administrative Procedure Act (5 U.S.C. 1009).

Sec. 19. Whenever the Secretary has reason to believe that any research facility has violated or is violating any provision of this Act or any rule or regulation prescribed thereunder, he shall cause a complaint in writing to be delivered to such research facility, describing the alleged violation or violations. If the Secretary, after the expiration of twenty days following the day on which the complaint was delivered to such research facility, has reason to believe that such research facility is continuing to violate the provisions of this Act, or any rule or regulation prescribed thereunder, as described in the complaint, he shall apply to the District Court for the district in which such research facility is located for a court order directing such research facility to cease and desist from committing the violations described in the Secretary's complaint.

SEC. 20. When construing or enforcing the provisions of this Act, any act, omission, or failure of any individual, while acting within the scope of his office or employment for a dealer, shall be deemed to be the act, omission, or failure of such dealer as well as of such individual.

SEC. 21. If any provision of this Act or the application of any such provision to any person or circumstances shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 22. The Secretary is authorized to charge, assess, and cause to be collected reasonable fees for licenses issued to dealers *and research facilities.* All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

SEC. 23. The regulations referred to in section 7 and section 10 shall be prescribed by the Secretary as soon as reasonable but not later than six months from the date of enactment of this Act. Additions and amendments thereto may be prescribed from time to time as may be necessary or advisable. Compliance by dealers with the provisions of this Act and such regulations shall commence ninety days after the promulgation of such regulations. *Compliance by research facilities with the provisions of this Act and such regulations shall commence six months after the promulgation of such regulations, except that the Secretary may issue provisional licenses to research facilities which do not comply with the standards prescribed by the Secretary pursuant to section 6 of this Act provided that the Secretary determines that there is evidence that the research facilities will meet such standards within a reasonable time.*

Today's testimony will be limited to the following points:

1. Whether regulation of animal care and housing in research laboratories should be carried out by the Department of Agriculture or by the Department of Health, Education, and Welfare.

2. The cost to the Federal Government of regulating animal dealers and medical research laboratories.

3. The costs which medical research institutions might be expected to incur in conforming to proposed regulations concerning animal care.

4. How much time would be required for the research institutions to meet any new regulations concerning animal care.

5. If the regulation of the care and housing of animals is provided, who would be required to determine when the animal is exempt from regulation because it is undergoing actual research.

Before proceeding with the hearing, the chairman would like to point out that Senator Monroney's amendments specifically exclude regulation by the Department of Agriculture of any care of treatment of animals during actual research or experimentation. The Senator from Oklahoma has pointed out that the intent of his amendments is only to insure the improved treatment of animals while they are held in the kennels, both before and after experimentation. As to who should decide when an animal has actually entered into the research phase of its laboratory sojourn is one of the issues for today's hearing that we would like to explore.

The witnesses for today have been selected in order to give the committee answers, we hope, to the five points that I have enumerated. We have before us spokesmen from the two Departments intimately concerned with the pending legislation, and two witnesses in favor of the Monroney amendments, and two witnesses who oppose the amendment.

That is about all we will have time for today in this hearing.

Members of the committee, the distinguished Senator from Pennsylvania, who is one of the original sponsors of bills pertaining to animal care and who has long espoused the cause of humane treatment of animals in his own State for many years, is here to testify. He is actually the main architect of the original bill. We will be glad to hear from Senator Clark.

STATEMENT OF HON. JOSEPH S. CLARK, U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Senator CLARK. Thank you very much, Mr. Chairman.

I have a prepared statement which in order to save time I would like to have printed in the record.

The CHAIRMAN. We will put that in the record in full.

Senator CLARK. Also an editorial from the Louisville Courier-Journal and the New York Times. I would supply the staff this morning with an editorial from the Philadelphia Inquirer for the record.

The CHAIRMAN. That will go in the record in full.

(The editorial follows:)

[From the New York Times, May 23, 1966]

PROTECTING RESEARCH ANIMALS

The Senate Commerce Committee has scheduled additional hearings this week on the difficult problem of drafting legislation to protect the hundreds of thousands of animals used each year for medical research.

The House of Representatives has already passed bill—limited to dogs and cats—requiring that the Department of Agriculture license and inspect dealers who sell these animals to laboratories. Representative Joseph Y. Resnick of New York and others interested in this problem have presented distressing evidence that some dealers have failed to provide adequate food and water or sufficiently large pens for these animals. As a result, many animals have died or suffered needlessly without serving any medical purpose whatever.

The controversial question before the Senate committee is whether the Federal standards should also apply to laboratories in the period before and after the actual experiments. In our view, this is a reasonable requirement. It would be desirable to extend the coverage of the bill to include monkeys, rabbits, and other vertebrates.

The pending bill in no way regulates animal experiments, but many respected doctors vehemently oppose Federal supervision of animal facilities in laboratories because they view it as the first step toward Government controls over the conduct of experiments. As we have stated in the past, we believe it would be possible to devise criteria affecting the duration and painfulness of experiments without stifling research. However, that question does not arise under the pending bill, and Congress at present shows little disposition to consider it. On its own merits, a bill to regulate the facilities for animals before and after the experiments deserves enactment.

[From the Courier-Journal, May 16, 1966]

WE OWE DECENCY TO THE ANIMALS THAT DIE FOR US

Last month, Kentuckians were shocked by an incident that took place on a Lexington street. Police stopped a truck which was cramed with 151 dogs. A veterinarian called to examine them said they were "stuffed in cages" that were cruelly overcrowded. He found one dog dead, and no food or water whatever for the wretched survivors.

More than 500 animal lovers rushed forward to try to ransom the dogs out of their prison. The drivers of the truck explained, however, that they were under contract to deliver the animals for laboratory experimentation in another state. Each of the drivers was fined $100 for cruelty to animals, but the truck rolled on to its destination.

This is the kind of incident that has produced more letters on protection for laboratory animals than on any legislation before the current session of Congress. A large majority of Americans believe in the necessity of animal experimentation for the benefit of human health. Millions who hold that view, revolt, however, when such work is allowed to entail needless anguish for the animals involved.

Proper, decent safeguards are written into two bills now before the Senate Commerce Committee. They are S. 3059, sponsored by Senator Scott, and S. 2322, sponsored by Senators Clark, Magnuson and Brewster.

WHY ACTION IS BLOCKED

These measures require humane standards of care for animals in the hands of dealers, in transmit, and in laboratories. They do not touch the issues of controls over actual laboratory experiments.

Bills for the protection of laboratory animals have been grinding along in Congress for the past six years. They have been blocked in various committees. Public sympathy is aroused, but it has been diffused and dissipated among the various measures. Now it is possible to get a vitally needed reform into effect this very year. Such a simple and forthright measure as S. 2322 or S. 3059 could be released quickly from the Commerce Committee and voted into law without further long delay.

The frantic barking and howling of the dogs trapped in the truck on the Lexington street continued to haunt those who came near, long after the vehicle had lumbered away. Such cries of help from animals marked for laboratory use ring in the ears of men and women of conscience everywhere.

We exact from these animals the sacrifice of their lives for our welfare. Surely we owe them in return a humane standard of care until they meet their death.

(The editorial from the Philadelphia Inquirer will be a committee insert.)

Senator CLARK. Mr. Chairman, I appreciate the opportunity to appear before you to speak in support of the Monroney amendment to S. 2322.

My commitment to animal welfare legislation is one of long standing. I have introduced animal welfare bills in the 87th, 88th, and 89th

Congresses. With a small band of my colleagues, I have worked hard to have these bills considered in the Congress. At long last, I now see a serious intention on the part of the Congress to give more than perfunctory attention to the enactment of regulatory legislation.

Last July, Mr. Chairman, as a result of a pet stealing case in my own State of Pennsylvania, I introduced S. 2322. Coincidentally, you, Mr. Chairman, were moved to go to the floor with identical legislation, on the very day I came to the floor with my bill. Thus you and I became cosponsors of S. 2322. The enormous volume of mail I have received from all over the country has convinced me that the people want a change for the better in the treatment of research animals. They want meaningful animal welfare legislation.

Today this committee is considering the Monroney amendment, which would require research laboratories to conform to the same standards of care and housing of laboratory animals as those required of animal dealers. It is my strong conviction that the omission of this provision would reduce significantly the effectiveness of this bill.

I wish now to emphasize once again that the laboratory standard applies to care and housing of animals before the time of an experiment, not during or after the experiment. To be specific, there is no control exercised over postoperative care of an animal—I wish there were, but there isn't—nor is there control of the care and treatment of an animal during the experiment. Since this amendment involves neither the experiment nor the care of the animal in the process, I fail to understand the consternation expressed by scientists with this amendment.

Organized medicine and science, strongly supported by NIH, have been actively lobbying to remove any requirement for humane treatment of animals once they enter the laboratory. Their spokesmen have not hesitated to misrepresent the content of the legislation in giving interviews to the press and in seeking by other means to create opposition to the provision. In the bill's present form, laboratory standards were deleted. The Monroney amendment restores it. The Monroney amendment or similar language should be included in the bill as reported out by this committee.

It has been alleged that the Department of Agriculture, charged with the responsibility for enforcing the law, would not be capable of knowing how to take care of animals prior to experiments. Yet the bill, if passed, will be administered by USDA's Agriculture Research Extension, a scientific group, headed at present by a biochemist who was trained at Cornell and George Washington.

It is patently ridiculous to charge that the vets and animal husbandmen who would work under his direction are not capable of enforcing minimum humane standards of care and housing for animals in scientific institutions as well as in the premises of dog dealers. The standards would be the same. If they can do it with a dog dealer of course they can do it with a laboratory. What do the research scientists propose in place of Federal regulation? They offer self-regulation. That is what the bankers and brokers wanted when it became necessary to pass the Securities Exchange Act. That is what the medical profession said they could do when they fought medicare tooth and nail. It doesn't work.

The reason for the need for Federal legislation is the shocking failure of self-policing. HEW has failed to require decent standards of animal care in institutions receiving thousands or even millions of dollars of NIH grants. According to Medical World News, the American Association for Accreditation of Laboratory Animal Care, AAALAC, would "accredit" laboratories applying to use experimental animals. But first, AAALAC would itself get Government funds in order to establish itself as the accrediting agency. I never saw a situation more inclined to the cliche that you are setting a fox to watch the chicken coop.

Unless we are prepared to accept the dictates of a medical and scientific oligarchy, we cannot tax the public to pay for the self-policing coverup of conditions in experimental laboratories.

There is a concerted attempt by a group with a vested interest in keeping the Monroney amendment out of S. 2322 to make it appear that animal care is an esoteric science revealed only to itself; the inner circle of scientists. Yet research scientists who have supposedly been attempting to set humane standards, and who indeed claim that humane standards now prevail, have not yet reached the point of being able to formulate an acceptable program of proper care of laboratory animals. It would seem, therefore, that if these gentlemen of science wish to continue philosophizing and studying the question, it should not be at public expense and they should not be permitted to make laboratory inspections.

There is no question that the Department of Agriculture is capable of setting minimum humane standards and enforcing them. And there is no question in my mind that those who have been quibbling about the need for any regulation should be kept out of any Government program designed to enforce laws relating to humane treatment of experimental animals.

A further objection has been raised that the cost of animal quarters which would meet set standards is too great for scientific institutions to bear. This objection is raised by institutions now receiving over a billion dollars from the Federal Government for research, most of which involves animals. Not only can grant money now be used for providing the proper care of animals, there is also a 50–50 matching grant provision under the present Public Health Service Act for the construction of research facilities, including animal quarters. However, it is estimated that only about 10 percent of these available funds go to animal quarters construction because the demand for funds for this purpose is small.

In other words, the will to give animals decent quarters is, to a great extent, lacking within the institutions themselves. In order to secure decent quarters, an impartial agency should be entrusted with this function. The Department of Agriculture with its well-established inspection service is ideally suited for this task.

The plain fact is that the American people are outraged by disclosures of brutal treatment, inadequate care, and callousness in our attitude toward this problem. The Congress appropriates the major share of research money. It is clearly the obligation of the Congress to insure that research animals are cared for in the laboratory as well as in the kennel in a manner consistent with the high standards set by Americans for the compassionate treatment of all living creatures.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Clark.

Do you have any questions, Senator Monroney?

Senator MONRONEY. Do you conceive any reason whatsoever that the Department of Agriculture would be unqualified to conduct the survey and the supervision of the animal care portion of this bill in the laboratory kennels?

Senator CLARK. I think the suggestion is ridiculous. They have been in the business for over a hundred years.

Senator MONRONEY. Isn't almost all legislation concerning humane care of animals turned over to the Department of Agriculture under present statutes of humane slaughter and under present statutes of transportation of animals in commerce?

Senator CLARK. That's correct.

Senator MONRONEY. Do you feel that there is an inherent built-in danger of accepting the status quo which is not satisfactory and then passing it to a supragovernmental institution privately organized but publicly financed?

Senator CLARK. I think that is a ridiculous solution, Senator Monroney. Let's take a look at what we had to do in connection with the inhumane slaughter of animals.

Senator MONRONEY. This is an easy matter to enforce, is it not?

Senator CLARK. I think it is.

Senator MONRONEY. Once the people using animals in research become accustomed to it, it will be quite easy if the authority is there to bring those willful violators of normal humane practices in line.

Senator CLARK. I entirely agree.

Senator MONRONEY. You point out very forcefully that anyone who has made any effort to construe the amendment which we are proposing to include more than the research kennel facilities and care, postoperative and preoperative, in this bill is misleading the public. This is borne out by language in the bill, section 7, page 5, where it plainly states: The foregoing, which are the minimum requirements—

> with respect to the housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation by species, and adequate veterinary care.

And then it says:

> The foregoing shall not be construed as authorizing the Secretary to prescribe standards for the handling, care, or treatment of animals during actual research or experimentation by a research facility.

Furthermore, on page 8, another section, section 16 of the bill, we wrote a separate section saying:

> Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders for the handling, care, treatment or inspection of animals during actual research or experimentation by a research facility.

Senator CLARK. I think the amendment is very carefully drawn to give protection to the experiment, and even the postoperative care. So if they want to start torturing them they can start during the experiment and afterward. But for goodness' sake, let's not let them do it before.

Senator MONRONEY. The bill is drawn so that when the research is complete, the animal can be turned back then to the humane care of the regulating portion of the bill under the Department of Agriculture.

Senator CLARK. That's correct.

Senator MONRONEY. If the animal is so far gone that it needs to be destroyed, having completed all of the experimentation, this being upon the statement of the researcher himself, then it is up to this facility to either try to nurse the dog back to health or to put it painlessly to sleep.

Senator CLARK. That is correct.

Senator MONRONEY. That is all that I have. I thank you for your interest, Senator Clark. You were the original author of the bill.

Senator CLARK. It is really curious that Senator Magnuson and I met by coincidence on the floor of the Senate and popped up and put in practically identical bills. I didn't know he was interested in it and he didn't know I was.

The Chairman. It looks like we had had almost written them together, in concert.

Senator CLARK. We might have had the same conspirator.

The CHAIRMAN. It shows great minds think in the same catergories [Laughter.]

Senator CLARK. The east coast and the west coast.

The CHAIRMAN. Senator Neuberger?

Senator NEUBERGER. I have no questions.

The CHAIRMAN. Senator Monroney?

Senator MONRONEY. This bill also provides for the licensing of facilities as to the acquisition of dogs in commerce, which would require them to be careful to check that they purchase only from listed dealers who are in turn carefully checked to be sure they are not handling stolen pets. But the research institution license may not be revoked.

Under the amendments in the bill it can be enforced against the research institution only by a cease and desist order.

It seems to me that we are placing the minimum amount of requirements for the care and acquisition of the animals on the research facilities.

Senator CLARK. I think it is very mild, Senator. You will recall that there was a notorious pet-stealing case in Pennsylvania last July, which is really what got me started on this bill.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Clark.

The Chair will call for the next witness, somewhat out of order on the list.

Dr. Hogness, who is dean of the school of medicine of the University of Washington, has come a very long way. I would like to have him testify now, while the chairman can still be here.

Doctor, we are glad to have you here.

I want to introduce to the committee the dean of the medical school of my home State.

Dr. Hogness.

STATEMENT OF DR. JOHN R. HOGNESS, DEAN, SCHOOL OF MEDICINE, AND CHAIRMAN, DIVISION OF HEALTH SCIENCES, UNIVERSITY OF WASHINGTON

Dr. HOGNESS. Senator Magnuson, Mrs. Neuberger, gentlemen, I am John R. Hogness, dean of the school of medicine of the University of

Washington in Seattle and chairman of the division of health sciences at the institution.

I appear before you to speak in support of the unamended Magnuson bill (S. 2322) or the Poage bill (H.R. 13881), and, in addition, I would like to mention my support of the Hill bill (S. 3332), although I recognize this is not up for discussion at the present time.

I believe that a combination of either the Poage or the unamended Magnuson bill, plus the Hill bill, would provide excellent protection against unlawful theft of pets, inhumane treatment of such pets, and additionally, would provide reasonable regulation of research facilities which house cats and dogs.

I feel, and have felt for some time, that there is a need for the establishment of some Federal standards for the procurement and care of laboratory animals. Receipt of Federal support for biomedical research involving the use of such animals should be contingent upon compliance with these standards. The bills just mentioned will provide such protection and control.

With specific reference to the unamended Magnuson bill, I believe it is important that there be one bill which provides for the establishment of standards for the handling and care of animals before they reach the university or other research institution. Such a bill should give proper attention to the licensing of dealers, to the transportation of animals, and to the sale of such animals.

The unamended Magnuson bill——

The CHAIRMAN. For the record, the bill hasn't been amended. There is a proposed amendment.

Dr. HOGNESS. Excuse me.

The Magnuson bill, without proposed amendments, will provide adequate regulation and control of these circumstances. It seems reasonable to me that the Department of Agriculture be the regulating agency for these conditions and circumstances outside of the academic institution or experimental facility.

I think it is important, as is the case with both the unamended Magnuson bill and the Poage bill, that the regulating authority of the Secretary of Agriculture not extend into the research institution.

Although there has been very rapid improvement in recent years in the field of experimental animal care, and definite progress has been made throughout the country, I believe that there is a need for the establishment of some Federal standards for experimental laboratory facilities as well.

The Hill bill, S. 3332, does provide for the establishment of such standards and, in addition, provides the means whereby substandard facilities can be improved.

It seems most appropriate to me that the establishment of conditions which guarantee adequate and humane care of experimental animals within the experimental facility should be the function of the agency which grants Federal funds to such facilities, the Department of Health, Education, and Welfare.

Throughout the years the Department of Health, Education, and Welfare, and the National Institutes of Health in particular, have done an outstanding job in establishing controls, both financial and scientific, over their extensive operations—controls which also might be considered in some respects to be self-policing.

The system of review developed by the National Institutes of Health has resulted in a first-class, quality operation and in high standards of performance. There is every reason to believe that this form of review-by-peer established some years ago will be effective in the area of animal care as well.

The pressure to do a good, conscientious, and humane job will come, and is coming, from the American scientific community, a community which has responded to every similar challenge in the past.

I believe that the establishment and administration of regulations applying to all of the operations within an experimental animal facility should be in the hands of the Department of Health, Education, and Welfare.

It is extremely difficult to determine when an animal within such an experimental facility is actually being used in an experiment and when it is not. For example, experimental animals may be involved in the long-term evaluation of dietary factors related to a given physical disorder.

Such an experiment may go on for months or years. Is this animal involved in an experimental situation or is it not? I would maintain it is, but others might disagree.

Similarly, when a surgeon has placed a new type of heart valve in the heart of an experimental animal, it might be necessary or even essential to observe this animal over a period of years to determine the effectiveness of the valve.

This observation would be an essential part of the experiment, but there might well be some disagreement as to whether the animal is under experimental conditions only during the surgery when the valve was implanted and during the immediate postoperative recovery period or whether the experimental conditions continue for years afterward.

I believe it is important that in the research laboratory there be no attempt to distinguish arbitrarily between an experimental period and a period which is not experimental. Therefore, all regulations which pertain to the care and management of experimental animals while they are in the research facility should be under the aegis of one agency, the Department of Health, Education, and Welfare.

Finally, I should like to speak to the matter of cost. The amount of money necessary to bring any animal care facility up to ideal or near-ideal standards will depend, of course, upon the requirements imposed by regulating bodies and upon the adequacy of the current facility.

Therefore, any estimates of cost must be rough until more specific guidelines are developed. In this matter I can speak best by referring to the facilities at the University of Washington.

I would like to add to my statement a remark and reference to a recent article published 3 days ago in the Seattle Times which refers to our animal care facility. I would like to present this to the committee.

The CHAIRMAN. We will see that all the members of the committee get that.

Dr. HOGNESS. I have copies. Not necessarily for the record, but for the file.

At the University of Washington we have a first-class animal care facility which conforms to presently accepted standards of animal

care. We have our own rigid standards and requirements for the care and handling of animals; standards which are applied on a university-wide basis.

I am submitting to this committee copies of our statement on animal care which must be posted throughout the university wherever animals are used in experimental circumstances.

For many years now the University of Washington has had an animal care committee which supervises and regulates the level of care of experimental animals. The immediate supervisor of all animal care facilities is a doctor of veterinary medicine and all animal technicians must have passed a course in the humane and proper handling of animals before they are certified to work in our facilities.

I cite these examples to indicate what can be done and is being done at many university medical centers and do not mean to indicate that the University of Washington is alone in establishing these requirements.

Even at the University of Washington, however, because of the expansion of our programs, not because of the inadequancies of the programs, but because of expansion, and because of the continuing need to modernize, new facilities need to be added and existing facilities need to be improved.

In addition, in order to provide an ideal animal facility, we should develop an experimental animal farm at a site removed from the university campus. It is my best estimate at this time that it would cost approximately $500,000 to renovate and expand the already adequate animal facilities located at the medical center.

Further, it would require approximately $960,000 to establish and develop an appropriate, remote animal farm. It would take approximately 18 months after money is granted to complete these additional facilities.

I would like to depart again for just a moment from my prepared testimony to give you a few more estimates of cost, since that is one of the items before the committee.

I would estimate that if our animal facilities were to be built—and I would emphasize they are adequate, good animal facilities—if they were to be built fresh, now, it would cost approximately $5 million. Or, if we had a shell which was available to house animal facilities—in other words if we had a totally inadequate facility which needed renovation, to renovate space equivalent to that we have for the housing of animals would cost about $2.5 million. This is based on the cost for renovation per square foot.

In conclusion I should like to reaffirm by support of the Magnuson bill without amendments, or the Poage bill and of the Hill bill. I believe these complementary measures will provide excellent and comprehensive supervision over the procurement and handling of experimental animals both outside the walls of the experimental laboratory and inside.

Thank you very much for the opportunity to appear before this committee.

The CHAIRMAN. Doctor, in this article in which there were interviews with several of the people at the medical school and the laboratories, you say the university dogs and cats are bought only from official pounds and animal shelters in Washington and Oregon.

Your purchases are but a small fraction of the unclaimed animals which eventually will be destroyed each year in various pounds.

What do you mean by animal shelters?

Dr. HOGNESS. These are Humane Society groups.

The CHAIRMAN. That wouldn't include dealers?

Dr. HOGNESS. No. We do not buy from dealers.

The CHAIRMAN. I should know this, I used to be a director of the King County Humane Society. None of UW animals are from the Seattle area. The King County trustees prevent the sale of animals to the university. Why?

Dr. HOGNESS. I wish I knew why. We would like very much to obtain animals from them.

The CHAIRMAN. I was a trustee many, many years ago. Maybe this is a new policy. There must be some reason.

Dr. HOGNESS. I think it is primarily emotional.

The CHAIRMAN. We will write the Humane Society and see why they do this.

Dr. HOGNESS. It seems to me a shame that animals which are otherwise sacrificed are not made available to an adequate facility and adequately supervised facility.

The CHAIRMAN. This is a startling thing to me. Somebody said in the article that dog pounds generally suffocate their animals by pumping all the air out of the room.

Dr. HOGNESS. I didn't say that. That is in the article. I don't know where that came from.

The CHAIRMAN. I don't think you would approve of that.

Dr. HOGNESS. No, I certainly wouldn't.

The CHAIRMAN. I don't think anybody in the room would.

Senator NEUBERGER. That is cruel.

The CHAIRMAN. We will put the article in the record in full, because the chairman likes to point out that at the University of Washington you do have some facilities that come up to any standard that either the Department of Agriculture or HEW would suggest.

Dr. HOGNESS. I think so.

The CHAIRMAN. If we had only the University of Washington, a comparatively, relatively new facility, to deal with, our problems here would be minimal.

We will put this in the record in full. It is a very interesting article.

(The article referred to follows:)

[From the Seattle Times, May 22, 1966]

DOG'S LIFE? HAH! HUMANS SHOULD HAVE IT SO GOOD

(By Al Dieffenbach)

Dogs used for research at the University of Washington have a rather comfortable life, considering they were due to be destroyed after being unclaimed in a pound for 15 days.

The tiled walls and floors of their quarters are immaculate. Their diets are watched carefully. The U. W. Vivarium, where the experimental animals are kept, has its own kitchen.

The dogs also have two faculty committees and Dr. Tommy W. Penfold, a veterinarian, to look to their welfare.

Animal handlers at the university are hired as apprentices. They become permanent employees only after taking courses their first year and passing a test.

Dr. Penfold estimates that the U. W. has about 2,000 dogs and cats in the Vivarium at all times. The animal quarters on the seventh floor of the Health Sciences Building also contain chickens, rabbits, rats, sheep, pigs, a calf and other animals.

Dogs and cats are bought only from official pounds and animal shelters in Washington and Oregon. The U. W. purchases are but a small fraction of the unclaimed animals which eventually will be destroyed each year in the various pounds.

None of the U. W. animals is from the Seattle area. A policy of the King County Humane Society trustees prohibits sales of animals to the university.

There have been repeated rumors that the U. W. "buys pets" and, indirectly, encourages dog-stealing.

"We support the bill now before Congress to curb and punish pet stealers," Dr. Lowell E. White, associate dean of the U. W. School of Medicine, said. (The university has not yet voiced its position on a laboratory-animal-care-and-treatment bill.)

"We accept donations of pets only when the donor can prove the pet is his own. Dogs and cats needed in studies which have paved the way for such advances as artificial heart valves, irradiation for leukemia, the artificial kidney and other notable advances, are obtained from official pounds and shelters . . ."

In 20 years, Dr. White said, only three pets have been found at the U. W. by their owners. Dozens of owners of missing pets have been shown through the Vivarium seeking their pets.

Dogs bought by the university are quarantined in groups for three weeks. They are kept uncaged in tiled rooms. The floors are covered with sawdust, which is changed every other day.

They receive immunization shots, are placed on a balanced diet and observed by Dr. Penfold, who can spot a runny nose in a forest of wagging tails.

About 20 per cent of the animals are found unfit for research. "Obviously a sick animal would be useless in research," Dr. White said.

Before an animal is allotted for research, the proposed experiment must be detailed. Animals have been denied for research projects on several occasions.

A copy of the university's strict code for animal-handling is posted in every laboratory and must be signed by the researcher in charge.

A dog may be chosen for a diet experiment to study a metabolism problem or he may undergo surgery in one of the several spotless operating rooms. The dogs even have their own recovery room.

Surgical procedures are little different from those used on humans. Anesthetics, heart-lung machines and all aspects of sterile procedure are routine.

Some research animals are "sacrificed"—the scientists way of saying killed—to study the results of the experiment.

At the U. W., this is accomplished painlessly under anesthesia. Dog pounds generally suffocate their animals by pumping air out of a room.

Many U. W. dogs, on the other hand, are sent to the university's South Seattle holding kennel to live out their lives as guests of the state.

The men in the U. W. animal-research programs reflect the pressures and tensions (plus some tender spots) in discussing the emotion-charged situation.

But they have three solid points in their favor:

1. The work with animals is necessary.
2. The U. W. animals receive the best care and treatment.
3. Mankind has been the beneficiary.

The CHAIRMAN. Are there any questions of Dr. Hogness?

Senator MONRONEY. May I ask a question, Mr. Chairman?

The CHAIRMAN. Yes, go right ahead.

Senator MONRONEY. You in your conclusion affirm your support of the unamended Magnuson bill. However, the original Magnuson bill did provide for laboratory animals to be under the bill, but not spelled out for the exempting research purposes.

The Poage bill also was introduced with laboratory animals being included but not during research.

The Hill bill doesn't have any enforcement in it, does it, on the care of laboratory animals?

Dr. HOGNESS. It provides for the laboratory regulations in the care of animals in the research facility.

The CHAIRMAN. I also want to put in the record the University of Washington, Division of Health Sciences, posters which are posted every place. It is quite important.

(The above mentioned document follows:)

UNIVERSITY OF WASHINGTON DIVISION OF HEALTH SCIENCES

GUIDING PRINCIPLES IN THE CARE AND USE OF ANIMALS

Animals in these laboratories must receive every consideration for their bodily comfort; they must be kindly treated, properly fed and watered, and their surroundings kept in sanitary condition.

Appropriate anesthetic agents must be used to eliminate sensibility to pain during operative procedures. Where recovery from anesthesia is necessary during any investigation, acceptable techniques to minimize pain must be followed. When the animal's life is to be terminated, it will be done in a humane manner.

The postoperative care of animals shall be such as to minimize discomfort and pain. In every case this care shall be equivalent to accepted practices as outlined in the *Guide for Laboratory Animal Facilities and Care*, published by the U.S. Department of Health, Education, and Welfare.

When animals are used by students for their medical education or medical research, such studies shall be under the direct supervision of an experienced teacher or investigator.

Only animals that are lawfully acquired shall be used in the laboratories of the divisions and departments of the Health Sciences Division of the University of Washington. Their care and use shall be in every case in strict compliance with state and local laws and regulations.

Senator MONRONEY. The only enforcement in the Hill bill would be the withholding of research grants if these standards were not met; is that correct?

Dr. HOGNESS. I presume so. I think Dr. Shannon would be able to speak to that better than I would.

Senator MONRONEY. Would that not be more severe punishment than a cease and desist order by a Federal court asking or ordering the institution to correct its care of these laboratory animals?

Dr. HOGNESS. In response to two points you made, one, as Senator Magnuson pointed out, it was somewhat difficult for me to know how to refer to the bill before the recent proposed amendment.

Senator MONRONEY. It has been amended so much it is a question of which draft we are referring to.

Dr. HOGNESS. I was referring to the bill as amended before the recent proposed amendments.

The CHAIRMAN. For clarification, the bill we distributed, and the proposed amendments, are in both phases.

Dr. HOGNESS. Without those amendments.

Secondly, I think it would be a very effective way to assure adequate control and adequate care of animals by tying in the granting of Federal funds, or the withholding of Federal funds, to the conditions in the laboratory as proposed and under the supervision of the Department of Health, Education, and Welfare.

Senator MONRONEY. If they ever exercise this, I think you would be perhaps punishing the innocent, that is the researcher, because of failure in the kennels or of the custodian of the animals. I think it would be a great loss.

I certainly am in favor of research. I voted for it for many, many years. I am on the committee.

When the 50-percent sharing of costs for animal care quarters was proposed, I proposed the amendment. But I would hate to see us withdraw any grants for research because of failure in the kennels. This is one of the reasons for my amendment, to substitute the cease and desist order which merely tells the laboratory that they must give better care, postoperative, and preoperative of these animals.

Dr. HOGNESS. I would propose not that research grants be withheld because of problems with the suppliers. But that if there are problems in the experimental facility itself, then the granting of research grants by the Federal agency should be conditional upon adequate facilities within the experimental institution.

Senator MONRONEY. But not once they start. These programs go on from year to year. You wouldn't stop them in midstream.

Dr. HOGNESS. Before a research proposal is approved it must be contingent upon adequate facilities in the research institution.

Senator MONRONEY. Wouldn't the enforcement in the amendments, which I am proposing, be less severe than the withholding of research funds from an institution that is engaged in a research program and finds that the animals are not being properly cared for. Is that not a fact? We don't like to lose the research people or the work they have done or stop a research program in midstream.

Dr. HOGNESS. I am talking about the granting of funds——

Senator MONRONEY. New funds?

Dr. HOGNESS. To do a research program, that's correct, or renewal, for example.

Senator MONRONEY. Those come about generally every year in many cases.

Dr. HOGNESS. That's correct.

Senator MONRONEY. So with the research program only partly finished, when stopped in midstream because of failure of proper animal care, it would be better, I think, to have a cease and desist order so we wouldn't lose the talents and important information which has been developed in the first year of the research program.

In fact, I am in favor of stronger help to research rather than less help or interruption of research as a punishment for improper animal care.

Dr. HOGNESS. I am in favor of research too, Senator.

Senator MONRONEY. I know you are. You do a great job out there.

Dr. HOGNESS. We disagree on the means of control.

Senator MONRONEY. I just cannot see why you are not satisfied with the exemptions in the bill since they will have no force and effect on any research, either undertaken or being engaged in. The bill only provides for preoperative and postoperative regulation of animals.

Dr. HOGNESS. No, sir.

Senator MONRONEY. You raise a good point, when does it stop in a heart transplant? We will take any kind of language necessary. It stops for the animal at such time as the man in charge of the research says that he has completed the experiment with this particular animal and turns it back to the housing or animal care section of the research institution. Wouldn't that be satisfactory?

I realize there is a very difficult time, but we are prepared to lean over backward and say that the research man decides when the animal is in research.

Dr. HOGNESS. In our facility, as an example, we could reasonably say that all the animals in the facility are in the research circumstances, because we don't have a holding type facility.

Senator MONRONEY. When you finally get through with the animal he is turned back to the kennel portion of your facility, and discharged from the research work, is he not?

Dr. HOGNESS. He doesn't have a kennel.

Senator MONRONEY. What happens when they are through with it?

Dr. HOGNESS. Usually the animal is sacrificed if it is a rat or something like that.

Senator MONRONEY. Suppose it is a dog?

Dr. HOGNESS. Or there is a holding facility within our own area, the animal is put in the holding facility right in the building itself. We don't have very many animals that go on that period of time. Sometimes of course animals are used in a number of research procedures, one after the other.

The CHAIRMAN. You say you send them down to the south King County place, where some of them live until they die.

Dr. HOGNESS. That's right. That is not our kennel.

The CHAIRMAN. You send them there?

Dr. HOGNESS. That's correct.

The CHAIRMAN. You say they are guests of the State. [Laughter.]

Dr. HOGNESS. No, sir; they are not. It is a holding facility, but does not belong to us.

The CHAIRMAN. That is what we prosecutors used to suggest when we would send somebody to jail, that he be a guest of the State.

Senator MONRONEY. Do you consider that the provisions in S. 3332 calling for HEW to assume full charge of the care of animals is a matter of self-regulation rather than the type of regulation which we have applied to outside agencies and most other Government operations?

Dr. HOGNESS. I think it is a matter of regulation by peer. I understand it is possible that there could be a regulating body approved by HEW which could be involved in this.

Senator MONRONEY. As a matter of fact, they propose to farm it out, do they not, if they are given this concept?

Dr. HOGNESS. Dr. Shannon can speak to that.

Senator MONRONEY. That is all I have, Mr. Chairman.

The CHAIRMAN. Senator Cotton?

Senator COTTON. I would like to get a mental picture of the facility where animals are kept. I have a lot of correspondence from people who write about dogs being kept for long periods of time in cages. Where do you keep your dogs, for example, prior to experiment? You referred to kennels. What sort of quarters?

Dr. HOGNESS. Our dogs at our institution are kept in large rooms with tiled walls and tiled floors, which are approximately as large as from me to the wall behind you, and about half that wide, allowing them adequate space to run and so forth.

Senator COTTON. Are they ever taken outdoors?

Dr. HOGNESS. No, sir, not during the time they are in our institution.

Senator COTTON. I was somewhat startled at the amount of money you mentioned as being necessary to furnish facilities that might be required, I understand what is the cost of purchasing a remote farm.

What do you visualize is necessary to be done in your institution if this bill were passed with amendments, for instance?

Dr. HOGNESS. I think as far as coming up to standards for our current facility, that we would not need to do anything. As far as needing to expand some of our facilities, because of course as we get bigger we do need, and we have more programs, we do need more facilities which we would need to add. We would like, of course, to do some minor renovation which would not—some renovation which would not be involved in the current proposed standards as recommended by HEW, and so forth.

Senator COTTON. Are your cats kept in similar rooms?

Dr. HOGNESS. No. I shouldn't give the impression no dogs are kept in cages. Some are in very large, adequate cages immediately after surgery, for example, and so forth. The cats are kept in cages.

Senator COTTON. How large?

Dr. HOGNESS. As I remember, they are about—I can't tell you the measurements—something like this [indicating].

The CHAIRMAN. The cages in this newspaper picture are about 3½ feet high, and maybe as wide.

Dr. HOGNESS. Something like that.

The CHAIRMAN. That is approximately the size.

Senator COTTON. Doctor, have you been connected with other laboratories during your career before you took over your present responsibiliteis at the University of Washington?

Dr. HOGNESS. Not really, except as a medical student. I have been in Washington some 16 years now. I graduated from medical school about 20 years, ago, the University of Chicago, and I remember some of their facilities.

Senator COTTON. Have you had occasion to observe the facilities in laboratories other than your own?

Dr. HOGNESS. Yes, I have, on site visits and things like that.

Senator COTTON. Without indicating the name of the institution or laboratory, have you observed facilities that seemed to you to be much less commodious and much less pleasant and advantageous for the animals?

Dr. HOGNESS. Yes, I have.

Senator COTTON. And you have observed facilities in laboratories that seemed to you to be exceedingly inadequate?

Dr. HOGNESS. No, I can't honestly say that I have seen laboratories that are exceedingly inadequate. There are some that certainly should be renovated and brought up to—improved.

Senator COTTON. In some of these laboratories they are kept in relatively small cages—dogs, for example—for long periods of times?

Dr. HOGNESS. I didn't really go into the periods of time the dogs were kept in cages. I have not seen any laboratories, although, of course, I haven't seen more than say a half dozen or something like that, where the dogs were kept in totally inadequate cages, cages too small, and so forth.

Senator COTTON. But you would probably say that your institution was in the forefront in the matter of the kind of facilities in which you keep your animals?

Dr. HOGNESS. We have better facilities than many, although there are many institutions that have facilities that are at least as good.

Senator COTTON. You wouldn't regard yours as typical, or would you?

Dr. HOGNESS. I think they are typical of newer medical institutions, yes, that have had the opportunity to build animal facilties which are good facilities.

Senator COTTON. The Chairman says no, he doesn't regard anything in the State of Washington as typical. [Laughters.]

The CHAIRMAN. Mrs. Neuberger?

Senator NEUBERGER. I appreciate that the doctor has brought us information concentrating on the very thing we are interested in today, namely the Monroney amendment.

We have had a surfeit of letters on emotional appeals. Now we really want to get down to business on this amendment.

Senator Cotton asked a question about dogs being found in inadequate cages. I remember when I first became interested in the animal care and protection that the place where this condition was discovered was at the Department of Agriculture, right here in the city of Washington, D.C., and now it is proposed that the Department of Agriculture take over the management of these animals, which seems to me a rather strange conclusion to come to.

The main question I want to ask you about is the cost element which concerns a lot of us. Are you familiar with the University of Oregon animal farm?

Dr. HOGNESS. No, I am sorry, I have never seen it.

Senator NEUBERGER. Mr. Chairman, at this time I would like to put into the record a report on the animal care at the University of Oregon Medcial School.

Senator CANNON (presiding). Without objection.

Senator NEUBERGER. It cites the animal farm.

(The report referred to follows:)

ANIMAL CARE AT THE UNIVERSITY OF OREGON MEDICAL SCHOOL

The University of Oregon Medical School has been deeply concerned with the problems of care for experimental animals and has devoted thought, energy and money to the development of adequate facilities for this purpose. This concern has stemmed from the recognition of several facts: 1) that an important part of the mission of the institution is to contribute new information in the field of the biomedical sciences; 2) that the experimental animal has held and continues to hold a key position in the fight against biomedical ignorance; 3) that waste can be avoided and efficiency attained in the use of experimental animals only if these animals are healthy at the outset and continue in good health throughout the period of observation. This concern has resulted in the establishment of a Standing Committee of the Executive Faculty to guide the operations of an Animal Care Department. This Department consists of personnel and facilities devoted entirely to the objective of acquiring and maintaining the best possible quality of animals to be used in biomedical research.

The Facilities: The facilities available for this task comprise two major installations, an Animal Farm in the country-side near Portland, and an Animal Quarters in the Research Laboratories Building.

The Animal Farm is on a tract of 180 acres of low, rolling hills. The installations consist of a small home for the farm superintendent, fenced pastures, hay and grain fields for herbivores, separate storage buildings for felines, canines, fowl and herbivores, and kennels with outside runs for a breeding colony of dogs. The farm serves several purposes. It offers the opportunity to receive new animals in quarantine quarters. In these quarters, dogs and cats can be given an initial physical examination, cleaned, deparasitized and immunized against infectious diseases. Once through their quarantine period, the animals can be held until ready for use. It offers the opportunity to maintain a breeding

colony of pure bred dogs from which it is hoped to develop an inbred strain particularly suitable for long term experimentation. At the farm, animals which have been subjected to surgical procedures can be held after convalescense at low cost until sufficient time has elapsed to permit evaluation of the effects of the procedure. The farm is also equipped to care for larger and smaller varieties of herbivores whose maintenance would be so difficult and inconvenient within the confines of the medical school. The average animal population at the farm approximates 700 animals among which are represented 10 species. The total staff at the farm consists of 8 people. The investment in this installation is close to 250,000 dollars, derived from gifts or grants from the Medical Research Foundation of Oregon, the National Institutes of Health and from Medical School funds.

The Animal Quarters at the Medical School occupy the two, expanded lower floors of the Research Laboratories Building, opened in 1964, and three smaller animal rooms on the sixth, eighth and ninth floors. In this space, comprising 22,500 square feet, there is a variety of facilities for the care of experimental animals. Smaller rooms hold cage racks for small animals such as rats, mice and hamsters. Larger cage racks are available for cats and rabbits. Still larger rooms contain pens formed of fencing barriers where dogs, monkeys, sheep and goats have the opportunity to move freely. Approximately ¼ of the total area is devoted to supporting facilities such as food preparation rooms, room for storage of food and bedding, large mechanized cage and rack washing and sterilizing equipment and a modern surgical suite and recovery rooms. This installation offers investigators the facilities which are necessary for those kinds of investigation requiring the animals to be close at hand under frequent or constant surveillance. The entire animal quarters is air conditioned. Odor control is achieved by exhausting air from corridors, through the animal rooms, to exhaust stacks. Animals are not admitted to these quarters until it has been possible to demonstrate at the Animal Farm that they are free of vermin and infectious diseases which might have a deleterious effect upon other animals in the colony. Bedding and food supplies are subjected to careful quality control before being accepted for storage. The average animal population in the Animal Quarters approximates 5,500 individuals representing 18 different species. The total staff in the quarters is approximately 18 people of all grades. The capital investment in this facility was derived in part from a matching grant of $125,000 from the National Institutes of Health. Operating funds for the Animal Quarters, totalling $250,000 annually, are drawn in part from the grants in aid of research to individual investigators and in part from the Institutional General Research Support Grant.

Personnel: The Animal Care Department is headed by a full-time faculty member whose total responsibility is the management of this department. He discharges his responsibilities with the aid of a full-time veterinarian. These two people cover problems at the Animal Farm as well as at the Animal Quarters. The Animal Farm is under the direct operational control of a full-time superintendent with a staff of 7. The Animal Quarters are operated by a highly trained any very capable Assistant Director and a staff of 17. Included on the staff are laboratory technicians, surgical assistants, and animal caretakers of several grades of training and competence. It is the duty of these people to maintain the physical facilities in a state of cleanliness and repair, to feed and water animals, to report on the condition of the animals to the Director or to the investigator concerned, and to assist in the proper handling and transport of animals to various portions of the institution and to maintain careful records of the source, use and disposition of all animals.

Policies: Certain operating policies are of major importance to the successful operation of this Department. One is the "open door" policy which encourages guided visits by individuals or groups at any time during the normal working day. This policy has recently been publicized nationally in the pages of the Bulletin of the National Society for Medical Research. The second is the invariable requirement of any animal vendor that he sign a statement attesting to his ownership of the animals undergoing sale to the Animal Care Department. This "open door" policy, coupled with the 10-day quarantine period and evidence of ownership, minimize the possibility of a pet being introduced into an investigational laboratory so fast that the owner has no opportunity to reclaim it. Thirdly, the Animal Care Department, in recognition of the value of certain species as pets, has entered vigorously into an effort to find suitable species which can be substituted for the forms commonly used as pets. To this end,

the East African Pygmy goat is under intensive investigation and a breeding program for these animals is under way.

Unsolved Problems: Problems of several kinds remain to be resolved. One of the more pressing is the problem of acquiring, training and remuneration of staff adequate to the demands made upon them. Workmen of inferior quality and inferior potential for learning are relatively easy to find. Trained personnel are extremely rare; personnel who respond to on-the-job training soon become discouraged by the financial limitations of their positions. There is a very real need for the increased recognition of the important role played by these personnel in the total picture of biomedical research—a need which can be met by training and support programs.

Problems of procurement are probably second in order of magnitude. This is particularly true with respect to those species of animals commonly used as pets. Various legal restrictions in effect in this area condemn thousands of animals to useless and futile death each year. Other forms or restrictions increase significantly the original purchase costs of animals. We regard this, however, as a problem best solved at the state level.

The third sort of significant problem is financial in nature. The necessary and valuable rules regarding preparation of animals to be admitted to the medical school quarters have had a very significant effect on the costs of both research and teaching. The use of animals for acute experiments in teaching laboratories has required significant alterations in teaching budgets which are difficult to achieve. The costs of animals to investigators has required alterations in grant budgets which are difficult to justify to granting agencies. The cost of research animals has made it almost impossible for investigators to carry out pilot or feasibility studies without first seeking special financial support for their studies. This seems to be the sort of problem which can be solved only through increasing awareness on the part of both investigators and granting agencies. And finally, the total operations of the Department are currently hampered by the lack of a facility for the maintenance of animals whose environment must be controlled with respect to the agents of infectious disease. This applies to animals infected as a part of an experiment as well as to animals which must be kept in germ-free environments. This lack can be corrected only with construction and operating funds.

In summary, at the University of Oregon Medical School, significant and successful efforts have been made to improve the quality and quantity of care afforded to experimental animals. This has been demanded by the nature of biomedical research and has taken place as a result of the urging of the investigators themselves. It has not required legislation of a restrictive nature; it has been facilitated immensely by legislation of an enabling nature through the establishment of the Health Research Resources and Facilities Division of the National Institute for General Medical Sciences. Further enabling legislation directed toward filling the needs for personnel seems indicated.

Senator NEUBERGER. In light of what the dean has said, and my own experience, I think one of the things that the Congress of the United States should do is to urge more money to be appropriated through NIH to establish animal farms. This seems to me to be the ideal way to handle this problem.

But, in connection with this—I am not going to read this whole thing because it is going into the record—I really was astounded when the operating funds for the animal quarters totaled $250,000 annually. That is not for building the animal farm or acquiring the animals, as most of them are acquired there, but just for the operating funds.

I haven't discussed the HEW bill. I don't think we have had a hearing on it, or I have looked at it. But the fact that it does provide money—and this bill doesn't—seems to me an important difference. I don't know where we are going to fund these facilities, really.

Would you say that that was an excessive amount? In the way you testified, do you think that would be a reasonable cost for maintaining good facilities?

Dr. HOGNESS. It sounds reasonable. I can only give you the figures, the operating costs of our facilities, which is our combined factilities, including the vivarium and the primate center. They run $567,000 a year operating cost.

Senator NEUBERGER. Does any of that money come from your research grant money?

Dr. HOGNESS. Oh, yes, a great deal of it does.

Senator NEUBERGER. I talked to the veterinarian at the Harvard Medical School about this problem. He complained that in the NIH grant money there is no allowance made for training people to take care of the animals. Is money allowed under our grant program for facilities?

Dr. HOGNESS. You mean for the operation facility? Yes, for operation.

Senator NEUBERGER. What about the building facilities?

Dr. HOGNESS. It is my impression, and I think Dr. Shannon can correct me if I am wrong, that there is money available under specific categorical groups such as cancer, heart, but no money at the moment available for construction on an across-the-board basis.

I would like Dr. Shannon to correct me.

Senator NEUBERGER. The reason I brought this up was, on page 4 of your testimony you said "The immediate supervisor of all animal care facilities is a doctor of veterinary medicine and all animal technicians must have passed a course in the humane and proper handling of animals before they are entitled to work." Who gives that course? And do you have a school of veterinary medicine?

Dr. HOGNESS. No, we do not. We have a special course, which our faculty has established, with the help of people in veterinary medicine for this very purpose. I might say that there is a school of veterinary medicine at Washington State University and we have been negotiating with them with the idea that we might develop a graduate course in experimental animal medicine with a degree program.

Senator NEUBERGER. Evidently some facilities would like to have a course such as you have, but they say their grant money cannot be spent for this.

Dr. HOGNESS. That's correct.

Senator NEUBERGER. This is something I am glad you brought out because it should be spent. I don't care what kind of bill we pass here, there ought to be facilities for this.

That is all, Mr. Chairman.

Senator COTTON. Pardon me, Mr. Chairman.

That amount of money you mentioned, was it $500,000?

Dr. HOGNESS. Approximately.

Senator COTTON. A year?

Dr. HOGNESS. That's right.

Senator COTTON. That includes the salaries you pay these rather technically trained people to take care of the animals?

Dr. HOGNESS. Yes, sir. That is the entire maintenance and operation of the facility.

Senator COTTON. What are the largest expenditures, in salaries?

Dr. HOGNESS. Yes, salaries. To operate a facility the size of ours, and to do it, to operate a first-class facility and operate a first-class kitchen with good, clean facilities, takes a lot of personnel.

Senator COTTON. Does any part of that money cover the activities in preparing these animals for experiments, or in caring for animals that are, as you have already mentioned, in the kind of experiment where they are on a certain diet, where they have been injected with something, or where they have something put in their bodies? Does some of that money cover that part of it?

Dr. HOGNESS. That part is included in the expense of maintaining animals and expense of maintaining a sterile surgery and this sort of thing.

Senator COTTON. So that the whole $500,000 certainly isn't used up in just the care of animals waiting for experiments?

Dr. HOGNESS. Oh, no. This is the entire operation of the facility.

Senator COTTON. Thank you.

Senator CANNON. How many animals do you have in a waiting category? Do you keep just the number of animals that you are using in experimentation?

Dr. HOGNESS. I can't answer that directly, sir. I can tell you how many animals we have. Most of them are either in a chronic, long-term experiment, or are immediately available for experimentation. For example, we have some 25,000 mice, almost all of which are in a long-term experimental situation, diet control, or something like that.

Senator CANNON. Can you give us a breakdown of the other animals you have?

Dr. HOGNESS. These are approximate. Some 3,000—about 4,000 rats, about 600 or 700 guinea pigs, about 900 rabbits, about 400 dogs, about 160 cats, 200 hamsters, about 375 primates—monkeys of various types, and then we have possums, sheep, chickens, frogs, and turtles in lesser numbers.

Senator CANNON. What type and size of a staff do you have to handle this?

Dr. HOGNESS. I don't have those figures. I can't give them right now. I can send them to you.

Senator CANNON. Would you apply that for the record so that we can have some idea of what kind of a staff load it requires to handle this type of facility?

Dr. HOGNESS. Yes, sir; I will.

(The information referred to follows:)

In all of the animal care facilities at the University of Washington, there are a total of 45 full-time people working. Of these two are doctors of veterinary medicine, five are office personnel, and the remainder are animal technicians.

Senator NEUBERGER. In the testimony I reported from the animal farm in Oregon, it says a population of 5,000. This does not include rats or mice. It is mostly dogs, because we raise our own dogs. And it takes a staff of 18 to take care of them. They are dogs, cats, a few rabbits, and some sheep——

Senator CANNON. Does the facility care for animals as well as raise them?

Senator NEUBERGER. No, that is even more expensive.

Senator MONRONEY. It is a very good plan because you get healthy animals for research. You need not be fearful of acquiring black-market animals.

Senator NEUBERGER. That's right.

Senator MONRONEY. Do you agree with me, that funds for animal farms such as the doctor recommended should be made available to research agencies?

Senator NEUBERGER. This is the answer to a lot of them.

Senator MONRONEY. This doesn't affect care within the animal facilities of the research institution.

Senator NEUBERGER. No, but anybody that would go to that extent and expense of providing good, clean animals isn't going to mistreat them in the laboratory. That is what I was thinking.

Senator CANNON. Doctor, one final question. In your opinion would the adoption of the Monroney amendment impede the research programs that are being carried on in the medical schools?

Dr. HOGNESS. Yes, sir.

Senator CANNON. Any further questions?

Senator MONRONEY. I would like to know specifically how the amendment would impede research programs. I don't agree with a blanket condemnation of every NIH grantee.

Dr. HOGNESS. Senator, I tried to limit my remarks to the questions raised by the committee and therefore did not go into a number of other areas. However, I think first of all there would be problems in terms of the numbers and types of animals covered. I think it would be very advisable to have the control tied in with the granting agency.

As I mentioned, I think it is very difficult, if not impossible, to determine whether or not an animal is in an experimental situation. I think this would be a very difficult problem for us.

Senator MONRONEY. Wouldn't it be proper to rely on the researcher himself? He would know. That is what we have always admitted, and we would be glad to write language into the bill to insure this. No one wants to interfere with research.

Dr. HOGNESS. I feel that it would be very difficult even for the researcher to determine this. We might end up with the situation where he would feel that all the animals involved were in an experimental condition.

Senator MONRONEY. How is HEW going to determine then?

Dr. HOGNESS. I don't think HEW proposes to distinguish. In other words, the situation——

Senator MONRONEY. If HEW had it, they would really be the long arm of Washington which could reach in and say you can't do any more work on this animal.

Dr. HOGNESS. No, I think they would do this, sir, by saying that a grant cannot be made for research until you have demonstrated that you have adequate facilities.

Senator MONRONEY. Not just adequate facilities, which is one thing, but the care of the animal in the facility, for example, whether he gets water, whether there is air ventilation, whether there is drainage, things of that kind.

Dr. HOGNESS. That's correct.

Senator MONRONEY. This is as important as the facility itself.

Dr. HOGNESS. That's correct.

Senator MONRONEY. I can't see why the research is completely exempt nor can I see why there will be any interference, regardless of whether it is Agriculture or HEW that is enforcing it. I don't think you made that clear, Doctor.

62-317—66——15

Senator CANNON. I think he expressed his views clearly. If any of the committees have any other questions, let's put them in question form.

Is there anything further?

Senator COTTON. You have described your own facilities. I think you should be complimented upon them, as well as upon your testimony.

Can you conceive, if either the Secretary of Agriculture or the Secretary of HEW were given the authority contemplated by the amendments to this bill, that they would require anything more from you than you are now furnishing?

Dr. HOGNESS. I doubt that they would require more from us.

Senator COTTON. So that your concern is for laboratories and experimentation in general, rather than your own institution?

Dr. HOGNESS. In terms of the facilities presently available; yes.

Senator COTTON. You have plenty of facilities unless you increase the number of animals?

Dr. HOGNESS. That's correct.

Senator COTTON. Thank you.

Senator CANNON. Anything further?

Senator MONRONEY. I have nothing further.

Senator CANNON. Thank you very much, Doctor. We appreciate your appearing and giving us your views.

Dr. HOGNESS. Thank you.

Senator CANNON. The next witness will be Dr. Albert Sabin.

Dr. Sabin, Senator Lausche requested that you be put on as the next witness. We are very happy to have you here. You may proceed with your statement.

STATEMENT OF DR. ALBERT SABIN, DISTINGUISHED SERVICE PROFESSOR OF RESEARCH PEDIATRICS, UNIVERSITY OF CINCINNATI COLLEGE OF MEDICINE, AND CHIEF, DIVISION OF VIROLOGY AND CANCER RESEARCH, CHILDREN'S HOSPITAL RESEARCH FOUNDATION, UNIVERSITY OF CINCINNATI

Dr. SABIN. Mr. Chairman, distinguished members of the committee, I am a professor of research pediatrics at the University of Cincinnati College of Medicine, and I am presenting this statement on behalf of the National Society for Medical Research, which is made up of practically all professional societies of the United States—medical, dental, veterinary, and of almost all the scientific societies; also on behalf of the University of Cincinnati College of Medicine and on behalf of members of the Armed Forces Epidemiological Board whose mission includes research in the interest of the health of the Armed Forces.

The words that I shall now give you are my own. I am not reading a statement that some society prepared for me—merely indulging in an exercise in elocution. However, my statement was read and approved by the president of the National Society for Medical Research, the dean of the University of Cincinnati Medical School, and by the members of the Armed Forces Epidemiological Board whose executive session I have just attended.

Before I start I should like to say that I will address myself to only one of the questions before your committee; namely, Should regulation of animal care and housing in research laboratories be carried out by the Department of Agriculture or by the Department of Health, Education, and Welfare?

Forty years of my life have been spent in research on the nature and prevention of various infectious diseases, including poliomyelitis. Currently I am engaged in work on the possible role of viruses in human cancer. I am a member of the National Academy of Sciences, of the Advisory Council of the National Institute of Allergy and Infectious Diseases, and of the Armed Forces Epidemiological Board. This is the background of my familiarity with the problems of animal care and housing in research laboratories and medical schools.

The need for laboratory animals and appropriate facilities for their care is constantly increasing in proportion to the tremendous continuing increase in the number of biomedical scientists and in the number of schools that must provide our Nation with an ever larger number of medical, paramedical, and veterinary personnel. I stress this growing need because, in my judgment, the concern for adequate standards of housing and care for laboratory animals cannot be dealt with as something apart from provision of funds for building better facilities and for training the people to do an adequate job.

The biomedical scientists have much more reason than any other group to want maximum progress in laboratory animal care, because they know better than anyone also how their work can be impeded by poorly housed, poorly fed, and poorly cared for animals, quite aside from their natural humane inclinations. I have not encountered any torturers during the 40 years of my exposure to my colleagues.

The biomedical scientists are, therefore, especially appreciative of the constructive help that their representatives in Congress can provide in this field just as they are full of admiration for the help that the Congress has provided in making possible the extraordinary expansion in biomedical research during the past 25 years.

The present committee hearing is obviously designed to permit the Congress to be helpful in the most constructive manner. On the specific issue on which I am now testifying the organizations, whom I have the privilege to represent here, believe that the Department of Agriculture is indeed the appropriate agency of Government to insure that commercial dealers in cats and dogs for use in research facilities and schools observe prescribed standards of decent behavior. The bill recently passed by the House of Representatives (H.R. 13881, introduced by Congressman W. R. Poage) with the latest modifications contained in the Senate version (S. 2322, Committee Print No. 3) proposed by Senator Warren G. Magnuson—without, however, the inclusion of animals other than dogs and cats and without most—I want to stress, most—of the other amendments of Senator A. S. Mike Monroney—provides reasonable provisions for meeting the problem of the unscrupulous animal dealer that has justifiably aroused the anger of so many decent people in this country.

But why not most of the amendments of the honorable Senator from Oklahoma? His motives in suggesting that the Department of Agriculture establish standards and licensure for research facilities, as

well as for dealers, are undoubtedly well intentioned or else he would not have included an amendment (sec. 16(a)) which reads:

> Nothing in this Act shall be construed as authorizing the Secretary of Agriculture to promulgate rules, regulations, or orders for the handling, care, treatment, or inspection of animals during actual research or experimentation by a research facility.

I should like to submit some of the reasons why the objectives of improved housing and care for laboratory animals that Senator Monroney wishes to achieve by his amendments are not likely to be achieved under the operating procedures he has proposed for the Department of Agriculture. One can make out a good case that the Department of Health, Education, and Welfare, which because of its responsibility for funding most of the biomedical research in this country already has the most intimate relationship with most of the schools and research facilities as well as the best information regarding their varying problems, and which through many advisory groups already has the most expert knowledge of the varying needs in this field, is the proper agency for providing and enforcing the standards for adequate care of laboratory animals in research facilities. But if there were some good reason why the Department of Agriculture should handle the whole business of laboratory animals, this agency could also avail itself of the best advice obtainable in this country.

This, therefore, cannot be the main issue. The main issue, as I see it, is that Senator Monroney's amendments call for the establishment of certain standards which have to be fulfilled for a research facility or a school to obtain a license. And, of course, no license—no work.

I would, therefore, respectfully ask Senator Monroney and this committee to consider the fact that almost one-half of the existing schools and research facilities would not—I stress—would not be in a position to fulfill all desirable—and I stress desirable—requirements, not because they are ornery or against Government interference in private affairs, but because they just wouldn't have the money or the people with which to do it.

Let me depart from my statement and say that not all medical schools and research facilities are as fortunate as those more recently built in the Northwest.

A few years ago a survey by the Institute for Laboratory Animal Resources of the National Academy of Sciences indicated that about half the research facilities in this country would not be fully eligible—I stress fully—for accreditation without new construction or renovation of existing facilities. I am sure Senator Monroney does not wish to stop the work of these facilities as he indicated this morning, if there is any need to stress it still more and I doubt that he would be opposed to helping such institutions obtain the necessary funds to make life happier not only for their laboratory animals but also for the laboratory scientists.

Consequently, the organizations that I represent believe that no law setting up new and improved standards for laboratory animal housing and care should be enacted unless it carries with it authorization for appropriation of adequate funds to accomplish the objective without stopping research which is in the public interest. It might be argued that such authorization might be given to the Department of Agriculture, and of course it could be. However, this would

ignore the fact that the Department of Health, Education, and Welfare already has responsibility not only for funding medical research but also for providing for resources and facilities. It has the greatest knowledge of the varying needs and capabilities of medical research institutions and I believe very sincerely that it is in the best position to do what is necessary and proper in this field.

As this committee well knows, Senator Lister Hill, at the request of the Secretary of Health, Education, and Welfare, just introduced a bill (S. 3332)—the Laboratory Animals Act—that is designed to provide special assistance for the improvement of laboratory animal facilities, and to otherwise assure humane care and treatment of laboratory animals. The organizations, which I represent here, have authorized me to say that they fully support this bill, and I hope very much that the honorable Senator from Oklahoma and the other members of this committee may find some justice in our viewpoint.

Many thanks for your efforts on behalf of the laboratory animals as well as on behalf of the dedicated scientists who use them to give us greater insight into the mysteries of life and greater power to alleviate human misery.

Thank you.

Senator CANNON. Senator Monroney?

Senator MONRONEY. Thank you, Dr. Sabin, for coming here, and also for the great things that you have done on behalf of humanity in your research and in your development of vaccine and all of the other things that you are now doing in a search for the cure for human cancer. No one appreciates this more than the Members of Congress and this committee.

We are trying to correct an evil which we think is detrimental to the medical profession as well as to our society, and to search for ways to alleviate the suffering that goes on as a result of the research. To eliminate the unnecessary suffering is our goal.

I feel that there is nothing in the licensing provision of the bill that is in any way detrimental to the procurement of animals through licensed dealers. There is no test of competence for the laboratory. They are merely listed and there is no way a license can be revoked. I don't understand the danger that you say exists in that section of the bill.

Dr. SABIN. It is that the Secretary of Agriculture, as I understand it, and I hope Senator Monroney you know I am not in this business; I had to study this late at night over the weekend because I spent the last 3 days here in Washington attending meetings of the Armed Forces Epidemiological Board, so if you catch me in something——

Senator MONRONEY. I am not trying to catch you in anything. I want to find out if we are in error.

Dr. SABIN. I think I read your amendment correctly as indicating that research facilities and medical schools would have to be licensed by the Department of Agriculture. It is not a question of buying animals from licensed dealers. There is no problem there at all. The problem is that they would have to be licensed by the Secretary of the Department of Agriculture, and I don't care by whomever else they might have to be licensed. The real point is this: That in order

to obtain such a license one would have to fulfill certain desirable, and I am sure they would be reasonable, requirements for animal care and housing.

If we all had the money and the people with which to do it, I don't think that there would be anyone that would do it sooner than the medical schools or the research facilities. But the fact of the matter is that a great many of our medical schools were built long ago. Many of our research facilities were built long ago. And they would not, we know, on the basis of survey, be able to fulfill all the desirable requirements for such a license.

So my point is that if such facilities would be unable to get a license because they wouldn't have the money, or the people with which to do what they really want to do, and what you want them to do, they would be out of business.

Senator MONRONEY. There is nothing in the bill, as I read it, that would require a precondition that the facilities, the physical facilities, of the laboratory must be up to standards prescribed by anyone. There was no intent in the amendments to do that. It is merely to regularize procurement of animals and have this licensed so that the user of the animal would be bound not to foster the unlicensed trade in interstate shipment of animal pets that are used for research.

Senator CANNON. Would the Senator yield?

Senator MONRONEY. Yes.

Senator CANNON. I think the language does meet just exactly what the doctor mentioned. I refer you to section 10, page 6:

> The Secretary shall issue a license to any dealer or research facility upon application therefor and payment of the license fee prescribed pursuant to Section 22 of this Act if the Secretary determines that the facilities of such dealer or research facility comply with the standards prescribed by the Secretary pursuant to Section 7 of this Act.

I think that is the point the doctor is making. It certainly spells out that licenses can be issued only if the regulation is met.

Senator MONRONEY. Section 7 reads:

> The Secretary shall establish and promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers and research facilities. Such standards shall include, but not necessarily be limited to, minimum requirements with respect to the housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation by species, and adequate veterinary care. The foregoing shall not be construed as authorizing the Secretary to prescribe standards for the handling, care, or treatment of animals during actual research or experimentation by a research facility.

I can see no danger of the Secretary failing to certify any research institution in the language of the bill. If there is, I am sure it will be corrected not only by myself but by this committee.

Dr. SABIN. Senator Cannon put his finger on the point toward which I was addressing myself, that this amendment calls for the establishment of certain standards—and I think whoever is going to help us improve the situation will have to establish better standards and that the Secretary of Agriculture shall establish these standards. There is nothing wrong with that. But the point is that you don't get a license if you can't fulfill all the desirable standards. My point is that everybody wants to fulfill the desirable standards, but that a legal requirement for improved standards should be accompanied by

the provision of funds for making it possible for them to fulfill the desirable standards.

Senator MONRONEY. They still have the funds. They now receive, if they wish, as grants, 50 percent of the cost of housing facilities, do they not? Senator Hill's bill will increase that to 2 to 1, 66⅔ as against 33⅓.

Dr. SABIN. I am glad you think that is a good provision in the Hill bill.

Senator MONRONEY. I feel it is good because I had the pleasure of writing the 50–50 provision many years ago when I was on Senator Hill's committee.

Dr. SABIN. The issue therefore is whether or not the process of licensure is a needed act, whether it would not in effect greatly impede—and I believe that the organizations for whom I speak, which include the people who are doing the teaching and the research in this country—believe that the licensure requirement would be greatly detrimental; that it would not only fail to achieve the better care and housing of laboratory animals, but would, in the process that would be involved in its implementation, impede the necessary teaching and research.

It may be difficult for some to realize that to provide what is needed in the way of education and research for a nation of 200 million people is big business. You hear of $500,000 being spent for animal quarters operations and may think that it is a lot of money. Sure it is a lot of money for an individual, but it is not a lot of money for a big school and research facility.

The other day I heard that at the University of Minnesota, for all their research and teaching, they have to use something like 10,000 dogs a year. That costs a lot of money. There are many schools that wouldn't be able to meet such requirements; therefore licensure, based on the desirable standards already in effect in many of our schools and research facilities, could be withheld from many schools and research facilities.

Senator MONRONEY. Is it a greater threat, Doctor, than the withdrawal of research funds as provided for in the Hill bill?

Dr. SABIN. The withdrawal of research funds would take place only, as I see it, and as I have indicated I am on one of the advisory councils of the NIH—if the conditions necessary properly to utilize those research funds were not available. And it would not mean that if all desirable standards for which a license might be given could not immediately be met, that that would necessarily be a basis for withdrawing funds.

One is very much interested in seeing that the people's money that is being given to support research and education will be used in facilities that can use them properly, by people that can use them properly. We don't now have enough money to support all the needed biomedical research. Somebody said here, what are you doing with the billion dollars that we provide for you. Well, it isn't enough. It isn't enough, because at the present time almost 30 to 40 percent of the scientifically approved research grant requests are being turned down because there is no money. And it isn't enough because we are constantly growing, and when we grow, we have to have more.

Senator MONRONEY. I would hate to see a threat of removal of research funds because someone in the kennel department failed to take care of the dogs properly. I would much prefer to see the enforcement of the cease-and-desist order as provided in my amendment which merely warns the laboratory to correct the situation in its animal care department.

Dr. SABIN. I know that those are your intentions, sir.

Senator MONRONEY. One of the reasons I proposed these amendments was to get away from the withdrawal of research funds. This I felt was extremely dangerous to the future of this program. You have had more experience with this than I have. But I look on this as a necessary force to bring about independent inspection of the housing facilities for the animal care departments of these research laboratories. A great many of these facilities are certainly far below the standards that the researchers would like to see. Do you agree, Dr. Sabin?

Dr. SABIN. Senator Monroney, I not only admit it but I make a point of it. I make a point of it because this is something which can be helped and it can only be helped by provisions which will make available the funds and the training. I just don't know any ornery people in this field. They want more than any other people that I know to improve the present animal care situation, because they know what it means.

Senator MONRONEY. Since 1950 we have been providing the funds for facilities on 50–50 matching, rather than the two-thirds–one-third. The situation we face, which you say is bad throughout the Nation, has been corrected by the major institutions which we fund. Certainly the HEW has not yet shown any great interest in correcting this as a part of its duty. It is concerned with research and they have not concerned themslves with the animals in research or with their care when they finish the laboratory experiments. This is why the bill, as introduced originally, should come to passage in both Houses. The Department of Agriculture, which has done a good job of providing for the humane treatment of animals in shipment in interstate commerce, humane slaughtering and other things, would be competent to administer this part of the animal care legislation.

Dr. SABIN. I am sure that there are representatives here of the NIH who would be prepared to comment on the statements you have just made, so I shall not take the time to do it except to say that proper animal care has been a constant concern not only of the National Institutes of Health but the whole scientific community. As a matter of fact, everything doesn't happen at once. There has been tremendous improvement. You go into some of those animal quarters that some of our newer institutions have now, and they are much better than the slums in which the people who take care of them have to live. And they sometimes wish that they could get an apartment in the penthouses in which the dogs are being kept.

Improvements take time. A tremendous amount of improvement has taken place over the years by this search for improved conditions. Why? Not because of pressure from outside, but because the people know that this is necessary to make their work adequate, and also because they are humane, just like everybody else.

I think scientists go in for much of this because there is a humanitarian streak in them.

Senator MONRONEY. The scientists can't be expected to care for these dogs after they leave the laboratory. You need skilled animal handlers that are not the research people. As long as they are under their care I am sure they receive competent treatment.

Dr. SABIN. Senator Monroney, scientists make "rounds" on their laboratory animals just like a physician makes "rounds" on his patients. He is very much concerned that the animal that is going to give him the information that he is seeking is properly handled. He is more concerned than anyone else and he makes sure that the animal handler will carry out orders in the same way that a nurse carries out orders when a doctor makes rounds in the hospital. I used to make rounds in my animal quarters in the morning and evening, and very often came back late at night because I wanted to see what was going on. I have been doing it for an awfully long time, and I have seen many of my colleagues do the same thing for a very long time. I am sure that you will appreciate the concern, the real concern of the people who use the laboratory animals, to have them cared for in the best possible way. I don't want to dilute the issue, Senator Monroney. There is no question at all of the intentions of the amendments. The real issue is whether licensure which is requested or proposed in one of the amendments here, will not actually be tremendously tdisruptive of the important activities currently in progress. The organizations that I represent honestly and sincerely believe that it would disrupt present activities and impede future progress.

The second issue is whether HEW, with all the background and all the knowledge that they have of the various requirements, actually is the best agency to help bring about the things that we all want. And it is the judgment of the groups that I represent that it is. These are agencies, professional organizaions of all kinds, the scientific organizations of all kinds, who have been working with NIH. And if NIH were an arm of the Federal Government that was somehow tyrannical, I don't think they would come out——

Senator MONRONEY. Does NIH intend to do this inspection itself?

Dr. SABIN. I would prefer, Senator, that you get the precise information from NIH. You will notice in my statement that I am not speaking on behalf of NIH. I am only speaking on behalf of the National Society for Medical Research, my colleagues, and members of the Armed Forces Epidemiological Board.

Please note also that it says "members of the Armed Forces Epidemiological Board." Another agency of the Government is not supposed to lobby the way I am doing now. But the members, who are civilians, are free to do it as private citizens. And they wanted me to bring to you the message that they also believe what I am saying. [Laughter.]

Senator MONRONEY. If the licensing provisions were modified, do you feel the bill would then be acceptable to the group that you represent?

Dr. SABIN. It would not be acceptable on another ground. It would not be acceptable because it would impose an entirely new set of duties on the Department of Agriculture, which would be new. There is already an agency in HEW that has been struggling with

this problem that has the responsibility for providing funds for facilities, and that is why I stressed that one cannot separate the provision of funds for improvement from requirements for improvement. This is the other point.

Senator MONRONEY. Would you be opposed to the amendment?

Dr. SABIN. Only certain ones.

Senator MONRONEY. You do not think this would prevent the research going in? Do the amendments in the bill satisfy you to that extent?

Dr. SABIN. I am sorry, I want to be certain.

Senator MONRONEY. Are the amendments contained in the two sections of the bill exempting the actual research, as it is underway in the provisions of the bill, satisfactory to you?

Dr. SABIN. Yes, sir; I think that is very good and it shows great insight on your part of the problems.

Senator MONRONEY. We realize that you cannot apply normal standards to this work, and that the researcher should be the one who should determine when the animal is undergoing laboratory research and when it is free to return to the housing facility.

Dr. SABIN. That is right.

Senator MONRONEY. That is all that I have. Thank you very much, Doctor.

Senator CANNON. Doctor, referring you back to section 7 that Senator Monroney read, which provides for licensing and the prescribing of standards, and then has the exemption provision "the foregoing shall not be construed as authorizing the Secretary to prescribe standards for the handling, care, or treatment of animals during actual research or experimentation by a research facility." Do you believe that there would be any conflict in that section as to when the regulations would apply for the actual handling, care, or treatment during actual research or experimentation, vis-a-vis the regulations that must be met prior to licensure?

Dr. SABIN. I think the second part of section 7 that you just read is perfectly all right. But the problem is in the first part which calls for "minimum requirements with respect to housing, feeding, watering, sanitation, ventilation," and so forth. This problem is one that does not make provision for funds with which to achieve this very desirable objective.

In other words, the organizations for whom I speak here, feel that you cannot separate the two; that you cannot say in order to get a license you should have these desirable requirements, which section 7 calls for. And they should be desirable requirements that are set up. That you cannot do that without at the same time providing the funds and the personnel with which to achieve these objectives.

Senator CANNON. In other words, standards might be such that a research facility couldn't meet those standards to get a license.

Dr. SABIN. Some.

Senator CANNON. Even though they would be exempt while they were actually performing the experiments under the latter wording of the section.

Dr. SABIN. That is precisely right.

Senator CANNON. I would like to put to you the same question I did to Dr. Hogness. Based on your 40 years of experimentation work

in this field, in your opinion, would the Monroney amendment impede research in medical facilities?

Dr. SABIN. With all due respect and contrary to the Senator's deepest wishes, I think it would.

Senator CANNON. Senator Neuberger?

Senator NEUBERGER. After such an eloquent presentation, I hesitate to ask any questions. I do think I should comment about the outside pressure.

I have been interested in animal care for a long time. We had nothing but opposition from some of your colleagues in the profession for any kind of consideration for animal care.

I always remember an eminent doctor coming here often to persuade us to vote more money for NIH, said to me when I was connected with the bill, "Senator, I don't approve of your bill, but I think a great educational process is going on by introducing it. It will make a lot of these laboratories sit up and take notice." Actually the reason we are in the state we are today is because members of the profession wanted no legislation whatsoever concerning animal care. And the situation wasn't getting any better fast.

I think the very fact that the Congress of the United States is taking an interest in this problem has brought us to the better state where we are today.

Dr. SABIN. Senator, I will retract that portion of my statement which said that this was without some effect.

Senator NEUBERGER. In section 7 to which Senator Cannon just referred, page 5, line 6, would it strengthen the amendment any if the word "actual" were taken out at the end of line 6? "Prescribe standards for the handling, care, treatment of animals during research or experimentation"?

Dr. SABIN. Senator, I am not accustomed to reading very fine print, and therefore I look at the larger issues. [Laughter.]

The larger issue to me is—I am not in disagreement with Senator Monroney's wording—no license, no work. If you cannot have provisions for money and training to achieve the desirable objectives, and you put up requirements that many who want to fulfill them, cannot fulfill—where are you? It isn't right to say that the money is there.

Senator Monroney, I am sorry, I wish it were. If it were, there would be no need for the Hill bill.

Senator NEUBERGER. I am in sympathy. I think you have presented a very eloquent case. My objection to the Monroney amendment is that it does delve into the area of research. We have had discussion within the committee and I tried to accommodate the Senator. This saving clause interested me a great deal. In case the Monroney amendment is adopted, the worry we have had is that somebody from the Secretary of Agriculture's office—let's say a veterinarian, who is trained in knowing animal welfare and all—might feel incumbent to go into the research facility and say, "OK, actual research is no longer being done on this animal." The question is, Would he who knows about sick and well animals, be versed in determining whether or not that research had been finished?

As you have stated, and as the dean before you stated, in the minds of the scientists, the research is still going on, even though he is not right there in the laboratory. So that word worries me.

Dr. SABIN. Just as no doctor can be an expert in all things as regards the illnesses of man, so no veterinarian can be an expert not only in all the natural diseases of experimental animals, but in the things that are going on, under study.

During the course of my career I have had to be a monkey doctor, a rabbit doctor, a chimpanzee doctor, and also a human doctor. In learning also to be a mouse doctor, guinea pig and hamster doctor, I had to know more than the general practicing veterinarian. Just as in my inquiries and studies on human disease I had to get to know certain aspects better than any other physician. So with my experimental animals, also, in order to make the work meaningful, I had to get to know more than any veterinarian did.

Senator CANNON. Senator Brewster?

Senator BREWSTER. Let me draw a parallel and make an example and see if it is applicable. Government at one level or another, licenses saloons, restaurants, pool halls, doctors, lawyers, or in the field of animals. I happen to race horses—raise them and breed them. I have to have a license to own them, a license to train them, my jockey has to have a license to ride them, the van company must have a license to van them, and the black shoe man must have a license to shoe them. In other words nearly every aspect of this activity is licensed in one way or another by the same governmental agency. Usually the standards are not spelled out in the legislation, merely a board or bureau is charged with the responsibility to see that reasonable standards are met. You now argue, sir, that the laboratory should be completely unlicensed in view of the fact that most all areas of human endeavor are solicited?

Dr. SABIN. No, Senator. Everybody in the laboratory is already licensed. I am not arguing against licenses. Civilization without some permission for certain activities would be impossible. I agree with you. But I think that the corollary that you are drawing does not really apply because the laboratory is not a saloon. You may license a saloon not because of the capacity of the man behind the bar to make certain drinks. I wish they would. [Laughter.]

But rather that it be clean. Actually I have no experience. I shouldn't say that. [Laughter.]

But my real serious answer to your statement is that everyone who is working in such a scientific laboratory is already licensed except those who might be equivalent to nurses' aids. We are trying at the present time to do away with the equivalents of "nurses' aids" and get real "nurses" for our animals. And for that also we need more money. A great deal of work is already in progress to make certain that people who will have the responsibility of acting as "nurses" to the investigator, who is the real doctor, after all, that they will have a certain amount of training so that they will be better able to do their job.

The situation here is that the animal caretakers are not the responsible people for the animals. The man who works with them is the responsible person. And he is already licensed.

Senator BREWSTER. In most laboratories is the chief administrative or executive officer a physician or a doctor, or is he a type of administrative personnel that hires and fires janitors, et cetera?

Dr. SABIN. I would not be able to say "most." In our own institution you not only have a full-time veterinarian in charge, and veterinarian consultants, but at the University of Cincinnati College of Medicine we have a veterinarian who is a professor on the faculty, professor of animal care. And he teaches. And he has the responsibility also of helping all other departments who might need his help.

Senator BREWSTER. In your statement, Doctor, you argued vigorously against the Secretary of Agriculture having any supervisory responsibility over your research laboratories. Would your objection go equally strongly to the Secretary of HEW?

Dr. SABIN. In the first place, Senator, I didn't argue vigorously against the Secretary of Agriculture. As a matter of fact, I said if there was some good reason why the whole business of laboratory animals should be in the Department of Agriculture, I am sure they could tool up and do a good job. But I personally haven't found a good reason. The organizations that I represent haven't found a good reason. And furthermore, this would represent creating a new responsibility for a department which has already been worked on and developed to a very high level in another department.

We don't want to create unnecessary work. I think we don't want unnecessary prescriptions and licenses and inspectors and records that don't do anybody any good.

I worked for a year in England in 1934 at the Lister Institute for Preventive Medicine. Before I could get started I had to have a license for working with animals. They have had licenses in Britain for a long time. The amount of paperwork is incredible. Who looks at those papers? Nobody. Whose time does it take up? The people who have to work.

I am not suggesting that the "brain drain" from England is entirely due to that. But this is one of the contributing factors, like Senator Neuberger said some of the other pressures were contributing factors in another sphere.

Senator BREWSTER. I gather from the bottom of page 3 of your prepared statement that if this Congress decided to license laboratories, and on the fourth line from the bottom of the page you say "Is the proper agency," you mean there that HEW would be preferable to Agriculture.

Dr. SABIN. Yes.

Senator BREWSTER. To get down to a finger point. At the bottom of page 2 you indicate that some provisions are acceptable that cover dogs and cats. But you oppose the inclusion, I gather of other animals.

Dr. SABIN. Without the inclusion of other animals.

Senator BREWSTER. What is the difference, if you are going to license the sale and transportation of dogs and cats, and monkeys, guinea pigs, or other types of research animals?

Dr. SABIN. I understand that this was a problem which was well fought out on the floor of the House of Representatives when the words "other animals" were stricken from the Poage bill. I wish I could give you the gist of the arguments that led the House of Representatives to strike that from its bill. I would say, if I were asked personally why not other animals, the simplest reason I would give is because there is no need.

In the case of dogs and cats, there is a need, and the whole scientific community is in sympathy with the Poage bill, is in sympathy with doing away with the situation that has given rise to unscrupulous dealers in cats and dogs. No one is against that. But there is no need for similar measures for the other animals. The people who raise mice, the people who import monkeys, the people who raise hamsters, the farmer who raises rabbits, do not present comparable problems to the dealers in stolen cats and dogs. And when there is no need for doing something, my philosophy is don't do it.

Senator BREWSTER. It seems to me that monkeys could be treated under filthy and intolerable conditions in much the same way that a dog or cat could be. I have heard in testimony before this committee that in some cases this has happened.

Now on another subject, Doctor, I have heard, and I don't have the exact figures, that under the NIH grants we have at present, you already have 50 percent matching funds for improving facilities. But in many, many cases only a small amount of these funds for improving facilities have actually been utilized. Would you comment on that general proposition?

Dr. SABIN. I am not competent, sir. I think there are other people here who are competent to answer your question. I wouldn't want to say anything.

Senator BREWSTER. Thank you, sir. Thank you, Mr. Chairman.

Senator CANNON. Senator Monroney?

Senator MONRONEY. Doctor, are your animal quarters open for inspection to recognized humane groups?

Dr. SABIN. We do not encourage the migration of people who do not have any business in the animal quarters to go there. We have enough trouble keeping our animals healthy by just having the people who need to be there. But we always have guests, and we are very friendly to friends, and sometimes also to enemies. [Laughter.]

Senator MONRONEY. Is it open for any humane group?

Dr. SABIN. But, sir, let me say this: There have been situations where certain people have come and have photographed a poor corner of the animal quarters, and then said "Look at the horrible situation." My work has taken me a great deal behind the Iron Curtain. I have seen horrible parts of the United States photographed and shown in the press behind the Iron Curtain as representing the United States. Of course what they photographed was there. But it wasn't the United States. And because comparable misrepresentations have been committed quite often by so-called humane groups I think the privilege of visits by unauthorized people to laboratory animal quarters is often justifiably restricted.

We have also had situations where people have been sent to ask for a job, and they say I love animals, I need a job, and they come to work. And then they photograph some god-awful corner or situation that you can find any where—just go out in Washington and you can find some awful things to photograph, too—and then that gets splashed in the newspapers as representative of the terrible conditions that obtain in the laboratories.

That is why the privilege of some visitors is restricted.

Senator MONRONEY. You reserve that right of course.

Dr. SABIN. I think it is a natural right.

Senator MONRONEY. If a humane group, well recognized, was asking for permission to come in, it would seem to me that you would be glad to welcome them.

Dr. SABIN. They would have to have a good record. If a newspaper photographer committed some atrocities in the performance of his duties, I would not welcome him back a second time.

Senator MONRONEY. That is all.

Dr. SABIN. I used strong language at the end and wish to say that on the subject of "visitation rights" I was expressing my own views which may not necessarily coincide with those of the groups I represent here.

Senator CANNON. Doctor, thank you very much. We appreciate your appearance here and for your taking time from a very busy schedule.

Dr. SABIN. Thank you.

Senator CANNON. The next witness is Dr. Shannon. Dr. Lee, Assistant Secretary for Health and Scientific Affairs, will make the opening statement.

STATEMENT OF DR. PHILIP R. LEE, ASSISTANT SECRETARY FOR HEALTH AND SCIENTIFIC AFFAIRS, U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; ACCOMPANIED BY DR. JAMES A. SHANNON, DIRECTOR, NATIONAL INSTITUTES OF HEALTH; DR. G. B. MIDER, NATIONAL INSTITUTES OF HEALTH; DAVID TILSON, NATIONAL INSTITUTES OF HEALTH; AND RALPH HUITT, ASSISTANT SECRETARY FOR LEGISLATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Dr. LEE. Thank you, sir.

I am Dr. Philip R. Lee, Assistant Secretary for Health and Scientific Affairs. I am accompanied on my right by Mr. Ralph Huitt, our Assistant Secretary for Legislation, and on my left by Dr. Shannon, Dr. Mider, and Mr. Tilson from the National Institutes of Health.

We appreciate the opportunity to appear before you to express the wholehearted support of the Department for your efforts, and those of other Members of Congress, to develop legislation that will effectively curb the theft of dogs and cats, that will improve the handling, sale, and transportation of animals used in laboratory research, and will, at the same time, insure an adequate supply of healthy animals for needed medical research.

We are concerned with the humane care and handling of animals used in research laboratories. We believe that we share the view of members of this committee that humane care, handling, and treatment of laboratory animals is not only important for its own sake; it is an essential condition for insuring that adequate supplies of healthy, high-quality animals are available for the medical research which is needed to improve the health of the American people and people throughout the world. Our concern for the humane treatment of animals used for laboratory research is, therefore, inherent in our broad mission of promoting, protecting, and improving the health of the people of this country.

Although we agree with the broad purposes of the bills being considered by this committee, we have grave concerns about a number of specific issues, and we do not support S. 2322 as it would be modified in Committee Print No. 3.

We are convinced there is need for legislation to regulate interstate commerce and transportation of dogs and cats used in medical research and to eliminate the theft of pets. We also believe legislation is needed to provide for the establishment of standards for laboratory animal care in research facilities. We believe this latter problem is dealt with appropriately by S. 3332 introduced recently by Senator Hill.

With your permission, Dr. Shannon will present a more detailed explanation of the Department's position on the legislation before this committee, particularly S. 2322, as modified in Committee Print No. 3.

Senator CANNON. Thank you very much, Dr. Lee.

All right, Dr. Shannon, you may proceed.

Senator BREWSTER. Mr. Chairman, might I ask one question, since I may have to leave?

Senator CANNON. Certainly.

Senator BREWSTER. Dr. Lee, you say in the third paragraph of page 2:

> We also believe legislation is needed to provide for the establishment of standards for laboratory animal care in research facilities.

I believe you have heard the witness from the University of Cincinnati.

Dr. LEE. Yes, sir.

Senator BREWSTER. He seemed to object to the governmental establishment of any standards. Would you take exception with the most recent witness and say that some Government agency should establish some standards for animal care in laboratories?

Dr. LEE. I would not have interpreted Dr. Sabin's statement as indicating he was opposed to standards. I think we all feel that high standards of care are needed and that the establishment or approval of those standards is a responsibility of the Federal Government.

Senator CANNON. I think Dr. Sabin's statement was that he objected to licensing by any agency of government, and not that he objected to standards being established.

Dr. LEE. We would clearly differentiate between the licensing and the standards. And, of course, there already are standards which are being applied in the care of laboratory animals. These have been developed in cooperation with a number of groups.

Senator BREWSTER. As I interpret this discussion, we all agree we want to have high standards. Now we are arguing as to who should establish the standards. You and I would agree that the Federal Government has the responsibility.

Dr. LEE. The Federal Government has the responsibility.

Senator BREWSTER. Thank you, Doctor.

Thank you, Mr. Chairman.

Senator CANNON. Dr. Shannon, you may proceed, sir.

STATEMENT OF DR. JAMES A. SHANNON, DIRECTOR, NATIONAL INSTITUTES OF HEALTH

Dr. SHANNON. Mr. Chairman and members of the committee, we appreciate this opportunity to express our views on S. 2322 as modified in Committee Print No. 3. Let me reiterate that we share the com-

mittee's concern regarding humane treatment of animals. We know the chairman and all of the members of this committee are deeply interested in developing constructive and responsible legislation in this complex field. We hope we can be of assistance to the committee in this task. We are deeply grateful to the individual members of this committee for the strong support that many of you have given to Federal support for medical research and for programs that would bring the benefits of this research to the American people.

We agree with the purposes of the bills being considered by the committee, including Committee Print No. 3 of S. 2322. We are convinced there is a need for legislation to regulate interstate commerce and transportation of dogs and cats for medical research and to provide for establishment of standards for laboratory animal care in research facilities. Both needs have emerged clearly in recent years. They stem largely from the growth of medical research that has taken place in the past 10 years.

In fiscal year 1955 the national expenditures for medical research totaled $261 million. Today the total national expenditures on medical research are about $1.9 billion, of which the Federal Government's expenditures account for about two-thirds.

This rapid growth in a relatively short period of time has substantially increased the need for laboratory animals. In our view, the allocation of resources for laboratory animal production, procurement, management, and care has not kept pace with this growth in the need for animals. Faced with pressures to expand their physical facilities in research and health manpower development, the universities, the medical schools, and related institutions have tended to give animal facilities a lower priority.

Given a choice of allocating their funds for research laboratories, classroom buildings, or other facilities versus using these same funds to modernize or remodel animal facilities, many institutions chose the former as being higher priority projects. Similarly, systematic efforts to develop or expand the reservoir of properly trained subprofessional and professional personnel required to handle laboratory animals has not taken place on a scale commensurate with the expanding needs.

This situation is not unique to animal care. As you know, grave concern is now being expressed about health manpower shortages and about the need to modernize the Nation's hospitals. About one-third of our hospital beds are in hospitals that need to be completely replaced or undergo major renovation.

The need to improve the facilities for the care of laboratory animals was indicated in a study published in March 1964 by the Institute of Laboratory Animal Resources of the National Academy of Sciences-National Research Council. The report, entitled "Animal Facilities in Medical Research," was based on a survey conducted by a committee of the Institute and covered the examination of laboratory animal facilities, space, equipment, budget, personnel, and training in 561 nonprofit, non-Federal, medical research institutions in the United States. Fifty-eight of these institutions were site visited by highly qualified professional personnel and 503 institutions supplied information through mail questionnaires. The data reflect conditions in the years 1960 and 1961.

The survey revealed that a majority of those (58) institutions site surveyed were in need of renovation or new construction. Renovation

needs included surfacing of walls and floors, installation of better ventilation and air handling equipment, enlargement of sewer drainage and reduction of animal population density in some areas.

Although these data are over 5 years old, and conditions have unquestionably changed, we are still convinced that a substantial proportion of research facilities will have to have funds for construction and renovation if they are to comply with the standards likely to be prescribed under Federal legislation.

Research institutions are generally nonprofit organizations, and without Federal assistance in upgrading their facilities so they can comply, these institutions would be forced to divert needed funds from important research, which might save many human lives.

The members of this committee are familiar with some of the great advances in medical knowledge which have taken place in recent years, such as the broad advances in vascular surgery, in heart surgery, including the complex procedures involving the open heart, development of the artificial kidney, management of trauma and shock encountered in war injuries and serious accidents, and the development of many drugs for the management of high blood pressure, heart attacks, and other disorders.

Most of these advances have in common their dependence on the use of large numbers of animals in research. The advances in research on heart surgery, for example, are very dependent upon the availability of large numbers of dogs observed over long periods of time under conditions that support the health and vigor of the experimental animals. Thus, we feel very strongly that the question of proper care and treatment of laboratory animals is an integral part of the conduct of much, if not all, medical research.

The Department, in the Public Health Service and the Drug Administration, has attempted to develop its facilities and animal research and care programs as a model for other biomedical research institutions. We have in the National Institutes of Health developed facilities and resources which have been used by many other institutions in the design, construction, and maintenance of animal facilities and systems for managing and care for laboratory animals. In 1962 we established an Animal Resources Branch in the Division of Research Facilities and Resources to serve as a focal point for identifying and meeting the requirements for animal facilities and resources in the grantee institutions.

The Branch administers research grants directed at such problems as improving animal care techniques, diseases of laboratory animals, and improved diagnostic services for detecting diseases of laboratory animals. The Branch also gives technical assistance to grantees in the organization of laboratory animal programs and in the design of facilities. The staff of the Branch participates in the review of applications and plans submitted to the NIH for the construction of laboratory animal facilities under the health research facilities construction program.

From 1957—the year in which the health research facilities program was inaugurated—to the present time, NIH awarded 115 matching grants totaling $24.1 million for construction of laboratory animal facilities. These grants have made possible construction of animal facilities costing $55.6 million. About half of this amount was

awarded during the past 3 years for facilities which therefore are not yet completed for the most part. It normally takes about 3 years from the time an award is made until facilities are completed and in use.

Senator NEUBERGER. Would Dr. Shannon mind a question?

Dr. SHANNON. Not at all.

Senator NEUBERGER. I don't like to interrupt. Right now I think you have reached the crux of some of our discussion, which is narrowed down to two things: Shall the Department of Agriculture inspect animal research, and what about money for facilities. This part seems in contradiction to me, that some universities and research facilities claim that they can't get NIH money for construction. You say that you have issued these grants.

Dr. SHANNON. Senator Neuberger, I would like to be very specific about that. Our authorization for research facilities and construction, mentioned by Senator Monroney, began in 1957. At that time it was limited to $30 million a year on a 50–50 matching basis. In 1960 it was increased to $50 million on the same basis. In 1965, $100 million. We are now under a current authorization for the expenditure for this purpose of $280 million in a 3-year period.

There seems to be a general lack of information on the competitive nature of these funds. In other words, there seems to be the impression that institutions simply have not been willing to apply for these grants, that they have been unwilling to put up matching funds.

This construction program on July 1 will enter the next fiscal year with a backlog of unfunded applications, the Federal component of which will be $69 million.

I point out that our interest and our concern with the construction of adequate laboratory animals stem from the information we obtained from the survey I quoted. Up until that time minimal funds had indeed been made available for the construction of shelters. But beginning in 1962 animal construction was given high priority, and at the present time we have in the pipeline approximately $30 million worth of construction for animal facilities. This is at the rate of approximately $4.5 million a year. You realize it takes approximately 3 years between the grant of funds and their actual use in the completed facility. And realize that in general our matching ratio is not 50–50 but actually there is usually $6 of non-Federal money for $4 of Federal money.

The grants we have made over the past 3 years where the research resources for the care of animals are just coming into being now, in 1964—I can correct these figures for the record—were approximately $4.6 million, approximately the same for 1965, and approximately the same for 1966.

The matching provision as such means that at the present time there is in the pipeline $30 million of construction specifically aimed at suitable care and treatment of animals.

This in the face of a backlog of approved but unfunded applications for construction grants of $69 million over and above our $50 million appropriation hardly is consistent with the thought that we have been disinterested in attempting to provide adequate facilities.

As Dr. Sabin indicated, there must be limitations on funds. One cannot have everything. But we feel that during the past 2 or 3 years,

and within the capabilities of the institutions, about as much can be done as has been done.

I might say that in our discussions with the Bureau of the Budget we had extensive discussions as to how one could stimulate more adequate construction. It was our belief and our advice to the Bureau of the Budget, which was accepted, that the provision of adequate care for animals was so critical to the effectiveness of our total research program that they were willing to accept a special matching provision which would make two Federal dollars available for one private dollar in order to encourage the expansion of animal facilities. This is contained in the bill introduced by Senator Hill.

The remainder of the program will be penalized somewhat by that because we agreed with the Bureau of the Budget that in developing this program our overall matching would be no more than 50–50, which means that our matching for laboratories and for other resources for research would be substantially less than it would have been otherwise.

I would like to say very clearly that I cannot agree with the comments that have been made, formally or informally, that the National Institutes of Health has conducted its business in a manner which has not been one of compassion and one of full appreciation of the needs of sound animal care as a basis for sound research.

I think on the other hand, as I will probably read when I get through another half page or so, we are convinced that we have gone about as far as we can, short of Federal legislation, in correcting a situation that we feel should be corrected.

Senator NEUBERGER. I am sorry to have interrupted you. The other point I wanted to ask was can you construe your authorization to give money for animal farms?

Dr. SHANNON. Our general provision will not permit the purchase of land, but it will indeed permit the construction of buildings on land which is owned by the university. Indeed, we can construct buildings there. And the purchase of the land is only a small part of the total cost.

We have our own experience in that we have been developing over recent years an animal farm at Poolesville, about 20 miles outside the District line. The cost of the land will come probably—again I can furnish precise figures for the record—to perhaps as little as 15 percent of the total cost of the installation, or perhaps as low as 10.

We would encourage the development of farms of this sort. Indeed, the medical schools in the Boston area, the medical schools in the New York area, have been discussing the development in cooperation with one institution with the other of such farm areas for the more suitable care, particularly of those animals that require long holding periods.

I would definitely favor this, and our program could certainly support it.

Senator NEUBERGER. My question seemed extraneous to the amendment, but it seemed timely to ask it. Thank you.

Senator MONRONEY. Did I understand that you made 115 matching grants totaling $24 million?

Dr. SHANNON. Yes, sir.

Senator MONRONEY. For construction? This is grants that have been made up to now?

Dr. SHANNON. Yes, sir.

Senator MONRONEY. You have averaged, over the past 7 or 8 years, around $3 million.

Dr. SHANNON. Yes, sir. I think that the detailed figures are more meaningful, Senator Monroney, because they represent an executive decision to emphasize animal care.

Senator MONRONEY. Did you start in 1957?

Dr. SHANNON. Yes, sir. In 1961, grants totaling $1.1 million were made available; in 1962, grants totaling $49,000 were made available; in 1963, $3,071,000; in 1964, $4,631,000; in 1965, $4,319,000; 1966, so far, $4,497,000. So that with the availability of information such as in part was stimulated by us through the National Research Council-National Academy of Sciences, in the survey of laboratory animal facilities conducted beginning in 1961—and the committee may be interested in these reports—although these published documents have a dateline of March 1964, the beginnings of that information was available to us much earlier. As a matter of policy we placed animals facilities especially high on our list in terms of priorities.

I might say that that also took place at about the same time as we created within our Division of Research Facilities and Resources a group which would pay particular attention to this problem. These actions in part reflect the development of this group.

Senator MONRONEY. The fact remains that since 1957 you granted 115 grants for $24 million.

Dr. SHANNON. That is the figure, yes, sir; $24.1 million.

Senator MONRONEY. What is your authorization now?

Dr. SHANNON. The authorization for fiscal years 1967–69 is $280 million.

Senator MONRONEY. You are going to have to step up a lot, because in 9 years you have funded $24 million out of——

Dr. SHANNON. Senator Monroney, the Congress willing, we are quite prepared to step up the sum.

Senator MONRONEY. Doesn't this part of the law that you are acting under now authorize a great deal more than that each year?

Dr. SHANNON. No, sir; the law we are operating under now has a limitation of $50 million.

Senator MONRONEY. $50 million a year is not outstanding.

Dr. SHANNON. Yes, sir.

Senator MONRONEY. You have done $24 million in about 8 years?

Dr. SHANNON. That's correct.

Dr. LEE. Senator Monroney——

Senator MONRONEY. Is that out of a total budget for your research work of $1,900 million?

Dr. SHANNON. No, sir. Out of our total construction authorization of $50 million we have spent for purely animal facilities roughly 10 percent of our appropriation of research construction for purely animal facilities.

If one also includes in our more complex facilities those animal areas that are part and parcel of the research facilities, and add this in on a square foot basis, we would approximately go up to an equal additional amount, or approximately 20 percent.

Dr. LEE. I think it is important in this consideration for you to recognize that the administration's requested appropriation for health

research facilities was $15 million for fiscal 1967. This is well below the authorization which was made by the Congress. The request at this level was made because of a variety of factors, including the problem of inflation, which we are all very well aware of, in the construction industry, and other priorities such as the need for hospital facilities with respect to the medicare program.

There were a number of considerations. And the desires of NIH and the Public Health Service, I should make it very plain, were clearly not met by the Department's requested appropriation.

Senator CANNON. I hesitate to ask a question here until the doctor finishes his statement. But I think it is important to get one thing clear. Dr. Shannon, what is this $50 million authorization you are talking about, that Senator Monroney asked you about? Is this an authorization that you had for animal facilities?

Dr. SHANNON. No, sir. This is an authorization for construction of research facilities.

Senator CANNON. That is of all research facilities?

Dr. SHANNON. Yes, sir.

Senator CANNON. What you are saying now is that out of this year, for example, you have spent $4.5 million, roughly, out of $50 million available for all research facilities, for the animal facility care?

Dr. SHANNON. That's correct.

Senator CANNON. Will you proceed with your statement?

Dr. SHANNON. I would like to pick up and say that the Public Health Service also contracted with the Animal Care Panel, a non-Federal group of professional persons interested in laboratory animal care, to develop "A Guide for Laboratory Animal Facilities and Care," which contains sound guidelines for the care of laboratory animals. I have a copy of such guide and I would be glad to make it available to the committee.

This guide was recently revised under the auspices of the Institute of Laboratory Animal Resources of the National Academy of Sciences-National Research Council. It is currently sent to each recipient of an NIH research grant and is followed in the animal units within the Public Health Service and the Food and Drug Administration.

The guide offers the qualifications of personnel, materials, and design for facilities, biological safety, and animal care procedure. We are confident it can serve as initial basis for the development of federally prescribed standards for laboratory animal care.

At the same time, we are aware that reliable standards for certain species of animals have not yet been developed, and research is needed to develop them.

In addition to being officially distributed by the Public Health Service as a guide for its grantees, the "Guide for Laboratory Animal Facilities and Care" is also used by the newly established American Association for Accreditation of Laboratory Animal Care in the new program of voluntary accreditation of laboratory animal care facilities.

Among the sponsors of this program are the American College of Physicians, American College of Surgeons, American Association for the Advancement of Science, American Hospital Association, American Medical Association, American Dental Association, Association of State Universities and Land Grant Colleges, American Veterinary

Medical Association, and the Association of American Medical Colleges.

The program, which is similar in operation to the hospital accreditation program of the Joint Commission on Hospital Accreditation, is the outgrowth of earlier activities by the Animal Care Panel.

The Animal Care Panel also has undertaken, through its local branches, a program of laboratory animal technician training and certification. This program was launched in recognition of the necessity for having well-trained animal handlers to provide quality laboratory animal care.

With sufficient support it could be expanded to satisfy an unquestioned national need. Two of the Institutes of the National Institutes of Health also have supported specific research-oriented training programs in laboratory animal medicine. These programs have provided postdoctoral research training for a limited number of laboratory animal specialists.

In another area we have some seven grants with an aggregate of $300,000 which are aimed at straightforward training of animal care specialists.

I have described these activities of the Department primarily to demonstrate that our deep concern for proper care and handling of laboratory animals is not new. But we are now convinced we cannot deal adequately with the problem without additional appropriate legislation.

From this general background I would like to turn to the legislation under consideration by this committee; namely, Committee Print No. 3 of S. 2322.

Several issues are raised by this bill which concern the DHEW. First, the bill combines under one legislative authority two matters which, in our view, should be treated separately: (1) the regulation of transpostation and sale in interstate commerce of dogs, cats, primates, guinea pigs, rabbits, and hamsters; and (2) the licensing of all research facilities on the basis of standards for human care and handling.

The Department of Agriculture would be an appropriate agency to regulate interstate transportation and sale of animals; we hope that any such legislation would be limited to the transportation and sale of dogs and cats.

We are confident this approach would eliminate any abuses in procurement of these animals that may exist. We do not believe that transportation and sale of guinea pigs, hamsters, and rabbits pose problems requiring Federal regulation and to include these other kinds of animals will add to the expense of administration for all parties concerned.

The committee may therefore wish to consider whether there is sufficient evidence to justify the additional costs and administrative burden involved in the recordkeeping, inspection and licensing procedures for these latter animals.

There is now pending before you committee H.R. 13881 which the House of Representatives has passed and which is limited to regulating transportation and sale of dogs and cats intended for research. We would hope that any legislation reported out by your committee would be similarly limited.

We strongly urge that the inclusion of research facilities, as proposed in Committee Print No. 3, be omitted. There are several reasons for our recommendation.

First, the proposal to license research institutions—including educational institution—is, in our judgment, both unnecessary and undesirable. The sensitive relationships between the Federal Government and institutions of higher education are a matter of continuing concern.

With the increase in the number of institutions receiving financial support from the Federal Government, particularly in programs funded by the Public Health Service and the Office of Education, we have been careful to structure our relationships so as to keep to the essential minimum Federal regulation of educational institutions.

We feel the licensing provision of this bill would set an unwise precedent in relationships between the Federal Government and the universities. Moreover, we do not believe licensing is necessary to assure that research facilities achieve reasonable standards of laboratory animal care.

The best way to accomplish this, in our judgment, is the kind of accreditation procedure with which educational institutions in particular are familiar. Accrediation would provide an overall mechanism for inspecting facilities and insuring compliance with standards. Such a mechanism is embodied in a bill introduced by Senator Hill, S. 3332, which has been referred to the Committee on Labor and Public Welfare.

Second, the definition of research facilities contained in section 2, paragraph (f) of Committee Print No. 3 is so broad that it would encompass perhaps 7,000 facilities in the United States.

There are about 2,000 research facilities receiving Federal grants and contracts for biomedical research involving animals.

But, by including all establishments using rabbits, guinea pigs, and hamsters for tests, it will be necessary to include a large number of hospitals, private clinical pathology laboratories, pharmaceutical and other industrial laboratories, State testing facilities, and many secondary and undergraduate schools. This will add at least 5,000 establishments to be inspected and licensed, thereby greatly complicating administration and increasing costs.

A third point of concern raised by Committee Print No. 3 relates to the need for additional Federal funding required by the imposition of standards of laboratory animal care, if federally supported research is to be continued at its present and projected levels.

The introduction of standards for laboratory animal care to which all research facilities would be required to adhere will generate requirements for construction and renovation of animal facilities which we estimate will cost about $100 million.

Substantial additional Federal, as well as local, resources will be needed to meet these requirements. S. 2322 does not offer a way for the Federal Government to assist in meeting these needs for improved facilities.

Senator MONRONEY. Would you yield, to be sure we understand each other?

Is the present law still in effect for 50–50 matching?

Dr. SHANNON. Yes, sir.

Senator MONRONEY. So we do not interefere with that. I didn't want the impression left that there is no funding unless we take the new bill.

Dr. SHANNON. No, sir.

Senator MONRONEY. It is a difference between 50 percent or a higher authorization and a higher percentage—66⅔ percent—under the Hill bill.

Dr. SHANNON. Senator Monroney, it is our best judgment on the basis of a very careful study of the past 2 years that with the rather rapid rise in enrollment in our institutions of higher learning, these institutions are hard put to come up with adequate matching funds for a program such as this. One must provide classrooms for our developing young people. We feel that the situation on the other hand, with respect to the soundness of our medical research operation, is so critical that we would prefer in this area to solve this problem by making matching more attractive than other problems.

We are prepared to do this without at the same time altering the 50–50 matching for the overall expenditure of the $280 million that has been authorized.

I point out, as Dr. Lee did, that for reasons stated by Dr. Lee, the proposal for research facilities construction for 1967 has been limited to $15 million. It has been further limited in the intent to support primarily the development of new educational institutions. So that as the President's budget now stands, it has no provisions to satisfy this particular need.

Dr. LEE. I should add——

Senator MONRONEY. There is authorization?

Dr. SHANNON. There is authorization; yes, sir.

Senator MONRONEY. This would be an authorization under the Hill bill for a two-thirds matching?

Dr. SHANNON. Yes, sir.

Senator MONRONEY. And it would either have to come out of the budget—the budget will not provide for two separate funds.

Dr. LEE. The Secretary of Health, Education, and Welfare directed the Surgeon General in the use of these health research facilities funds to give priority to new medical schools, so that the health manpower needs, which are so critical, could be more rapidly met.

Dr. SHANNON. One has limitations on budget, with competing demands. This was the decision, and was very understandable

Senator MONRONEY. Thank you.

Senator CANNON. You may proceed, Doctor.

Dr. SHANNON. Fourth, section 11 of the bill would authorize inspectors to confiscate or destroy animals found to be suffering as a result of a failure to comply with standards.

It would appear that the judgment of whether an inspector was authorized to confiscate or destroy animals being held by research facilities would rest with him rather than with the research facilities.

The operational distinction between animals merely resident in research facilities' animal quarters from those undergoing actual research and experimentation is, in my opinion, at times impossible to make by anyone other than those in charge of the research facilities. This provision of the bill is ambiguous and could be quite troublesome.

Finally, we believe it would be much more appropriate for the Department of Health, Education, and Welfare to have primary responsibility for legislation involving such significant relationships with the medical and educational community.

HEW is already administering programs to expand health research facilities and resources for training of professional laboratory animal personnel, for research on laboratory animal care, and for overall improvement of laboratory animal resources. Humane care and treatment of laboratory animals is intimately related to all other aspects of laboratory animal resources.

It is in the interests of the medical research community to have access to adequate numbers of healthy laboratory animals and the introduction of standards for laboratory animal care would facilitate achievement of this objective.

But an effort to improve laboratory animal care through establishment and enforcement of animal care standards must, for the reasons I have already outlined, be coordinated closely with programs to expand facilities and resources to facilitate orderly achievement of these standards without jeopardizing important programs of medical research and education.

We feel that this Department, with its resources and relationships in every area of health and medicine, can most effectively carry out the intent of Congress and should, therefore, be responsible for administering the program.

We want to emphasize that in our view there is a necessity for establishing national standards for laboratory animal care to be met by all institutions as a condition for receiving Federal support for research involving the use of animals.

We fully support the bill recently introduced by Senator Hill, S. 3332. It would require all institutions receiving Federal support for medical research involving the use of animals to comply, within a reasonable time, with standards prescribed or approved by the Secretary of Health, Education, and Welfare.

The bill also would require each research institution to establish a formal committee of qualified scientists to review policies and procedures covering the care and use of animals in the institution's research program.

In establishing standards for care under S. 3332, the Secretary would be required to consult with other interested Federal agencies. The standards would apply to Federal laboratories as well as to nongovernmental research facilities.

S. 3332 would also amend section 706(a) of the Public Health Service Act to authorize up to 25 percent of the appropriation for construction of health research facilities to be used for grants to pay up to 66⅔ percent of the cost of construction or renovation of laboratory animal facilities in research institutions.

In addition, the Department of Health, Education, and Welfare would make use of existing legislative authorities to stimulate the training of personnel needed to staff laboratory animal facilities.

Existing authorities in the PHS Act will be used to train professional personnel. For subprofessional personnel we will use the authority contained in the Manpower Development Training Act, administered by the Department of Labor.

I might say, Mr. Cannon, we have had discussions with the Department of Labor. They are quite willing to participate in such training program.

In addition to providing for humane care and treatment, S. 3332 would provide the basis for much-needed expansion and support of laboratory animal resources to assure that these resources keep pace with the expanding needs of the medical research community for adequate supplies of healthy laboratory animals.

Under S. 3332 the whole program would be administered under the leadership of HEW, the agency most concerned with development of adequate animal resources. It would be coordinated with plans to increase the training of animal caretakers and professional laboratory animal personnel, as well as to increase research on laboratory animals. The laboratory animal program would be an integral component of the overall biomedical research program.

We feel this is a workable, reasonable, overall approach to the animal care problem which can and will produce results consistent with the concern of Congress in considering needed legislation in this area.

In summary, we feel that the theft of dogs and cats and their care and handling by dealers and during transportation can best be handled through a bill along the lines of H.R. 13881; that is, one limited to regulating the transportation and sale of dogs and cats for research purposes. Separate, complementary legislation should be enacted to govern the care and handling of laboratory animals by research and education facilities. We support S. 3332 for this purpose.

Senator CANNON. Thank you very much, Dr. Shannon, for a very fine statement.

Senator Cotton?

Senator COTTON. I had the privilege as a member of the HEW Subcommittee on Appropriations of discussing this with you previously, Dr. Shannon. It seems to me that the immediate crux of the situation is your reference on page 11. HEW and NIH were instrumental and have the task of awarding many research contracts to many institutions.

Dr. SHANNON. Yes, sir.

Senator COTTON. If you exercise reasonable authority in making a condition precedent, do you feel that you are justified with or without new statutory justification, in taking reasonable precaution and insisting on the institution receiving this award, exercising at least diligence and care in preventing animals from suffering and from undue hardship in their institutions?

Dr. SHANNON. I think we can go a long way in that direction, as indeed I think we have in recent years. I think short of giving the responsibility to the Secretary of HEW for the promulgation of objective standards that regulate the care of animals, that it is difficult for an executive agency to so determine that any institution is derelict in its responsibility because there is no objective measurement against which this responsibility can be compared.

Regardless of what legislation goes through, and I hope indeed that some will, the key to this is a set of reasonable objective standards that will stand the test of measurement.

I think in the absence of that, and in the absence of full support of the Congress and the use of funds that they make available for the support of research, that the Secretary, the Surgeon General, and I myself, are quite powerless to go into an institution and say we will not make a grant available now because we are not convinced that you are handling animals properly.

Indeed, this is done in project site visits. But the primary purpose of the project site visits, as Dr. Hogness mentioned, is to determine whether it is possible, within reasonable standards, undefined, to accomplish the work that is proposed to be performed. To my mind this is not a satisfactory answer to the problem.

Senator COTTON. We recognize, as you have testified here and as you have testified before our Subcommittee on Appropriations many times, that money is needed to provide suitable accommodations and suitable care of animals in institutions. And you can only move so fast because it is going to require a lot of money to take care of all the institutions in the country that are engaged in research.

We want to move as fast as we can. However, short of trying to compel institutions to improve the expenditure of their own money, and the money they can raise, in improving their quarters, if the Secretary of HEW were vested, either in the bill coming out of this committee or the Hill bill coming out of his committee, with the responsibility and the authority of inspection, in that case you could make sure that as humane care of these animals is being given as the quarters permit, at least they were not being neglected before you awarded the contract, could you not?

Dr. SHANNON. Indeed we could.

Senator COTTON. Would you do so?

Dr. SHANNON. Yes, sir.

Senator COTTON. Would you welcome the opportunity to do so?

Dr. SHANNON. Yes, sir.

Senator COTTON. Thank you.

Dr. LEE. Senator Cotton I might add one thing at this point. The National Institutes of Health has as Dr. Shannon indicated in his testimony, made an effort through the circulation of the guide and through many contacts with the investigators who have received grants, to get them to improve the care of animals used in medical research.

With respect to the inspection of the laboratories I think that we see a principle followed here that is similar to that which we follow with universities under the Health Professions Education Assistance Act, and indeed with the medicare program where the actual accreditation process is done by a voluntary, nonprofit, non-Federal agency.

We accept voluntary accreditation for certain institutions in the medicare program, for example, with hospitals. This is done by the Joint Commission on Accreditation of Hospitals.

With respect to the Health Professions Educational Assistance Act, we aid those that have a program accreditation, if you will, for their medical school or other health professional school. So that our approach is not one of Federal inspection but rather voluntary accreditation. And this has been true in education as well as in health care.

Senator COTTON. To your knowledge, has NIH or HEW ever withheld or delayed the awarding of a contract for research until some institution complied with better standards of animal care?

Dr. SHANNON. Senator Cotton, it has been done but not in precisely that way. When a project site visit is made to consider the capability of a group to undertake research, one of the things that they examine is the resources that are available to the group. If the resources are not available, their recommendation to the study section, subsequently to the Council, is that the grant be reduced in amount or not be made.

I would find it very difficult, sir, to document that by individual example or to give you a given number. This is one of the factors that is considered by groups such as Dr. Hogness mentioned. He said he had been to some six institutions. This is one of the things they must learn: Are the resources adequate to do the work.

Senator Cotton, as Dr. Hogness said, some of them are not optimum. And they indeed can stand expansion, extension, and renovation, which we would like to be put in a position to help them do.

Dr. LEE. I think it is important also, Senator Cotton, on this point to clearly differentiate between the research grant, which is the mechanism used by the National Institutes of Health primarily, and the contract, which has been used by NIH and the Public Health Service and the Department generally, for what we would call directed research.

In that instance you could write into the contract certain conditions or standards. But this is not the case in a grant which, of course, goes to the individuals investigator or the institution to support the research which he wishes to carry out.

Dr. SHANNON. There is another thing, Senator Cotton. I would like extend that a bit more.

When we contract with industry—and we have a contract program not large in relation to the research grant program but an amount of about $80 million a year—we have full capability of supplying funds for complete renovation of animal facilities, and we have complete ability to insist that they comply with whatever standards we set. Indeed, in starting up contracts with any new contractor, a very substantial amount of the initial expenditure is to place the resources in readiness to perform under the contract.

Our approach to medical schools is via another device, via a grant. The Federal Government in this case joins with the university in common purpose, rather than employing a contract to do a specific thing. We have certain limitations imposed upon these relationships and on our ability to use funds for construction or for renovation.

In point of fact, because we have a program that is specifically authorized by the Congress for construction, we limit the ability to use research funds via the grant program except insofar as it is immediately pertinent to the performance of research. We have both a percentage and a dollar figure that is quite restrictive. We feel that this is the intent of Congress in providing special authorization for renovation and construction.

So we are much more liberal, quite frankly, with our industrial contractors because of the nature of our relationships with them, than we can be with the university.

Senator COTTON. You mean you are much more exacting with them.

Dr. SHANNON. We are both exacting and more liberal because we exact the standards, but then we provide the funds whereby they can meet these standards in the performance of the work.

Senator COTTON. If you were given the authority, would it not be a fact that the most potent weapon, no matter how much inspection you had by any Department, by the Secretary of Agriculture or anybody else, that the most potent weapon to insure not only proper and suitable facilities but an adequate number of people and proper care of dogs and cats and other animals in laboratories connected with institutions, would be if that were really a factor in their obtaining Government money?

Dr. SHANNON. Indeed it would, sir.

Senator COTTON. Thank you.

Senator CANNON. Senator Monroney?

Senator MONRONEY. Dr. Shannon, thank you for your statement. I am concerned with the thrust of this statement, on page 6, the bottom of the page, where you discuss the people who would enforce it.

The responsibility would be turned over to an outside organization to seek voluntary compliance with the need for humane treatment. I understand AAALAC would be developed as a cooperative institution as the principal enforcer of whatever humane standards may be prescribed by this organization. They would then seek voluntary enforcement of it.

Dr. SHANNON. Senator Monroney, I would like to clarify two things. I think the term "vountary accreditation" has been used very loosely this morning. I would like to be very precise about it.

Accreditation would be precedent upon making a grant valid. If you say this is voluntary accreditation, then it must be said in that context. It is voluntary on the part of the institution, but we would make accreditation precedent upon making the grant available.

Senator MONRONEY. I didn't understand your last comment.

Dr. SHANNON. We would make accreditation precedent upon our making a grant to the institution.

Senator MONRONEY. That accreditation would be done by the voluntary group, policing themselves?

Dr. SHANNON. No, sir. The standards would be formulated and even enunciated by the Secretary. Indeed the Secretary, in Senator Hill's bill, would have the authority, if at such time as he decided that the proper agency was not operational, he could accept the responsibility of operating the accreditation process by such other means as he deemed wise.

I don't think——

Senator MONRONEY. Would the Secretary do that if he found it unsatisfactory?

Dr. SHANNON. Yes, sir.

Senator MONRONEY. How could he find it unsatisfactory if the only reporting he gets is by the voluntary association which is reporting on itself.

Dr. SHANNON. Senator Monroney, I think that you must credit us with good faith.

Senator MONRONEY. I do. I admire you for your achievements and accomplishments. I am sorry to find myself in disagreement on the animal care sections of the bill.

Dr. SHANNON. We have an extraordinarily competent staff of our own. We would set up a group in the Division of Research Facilities and Construction to monitor the operation of this agency. But at the present time I would like to go over the personnel we have at NIH that concern themselves with the actual performance of our laboratory functions that relate to animal care and not research.

We have 11 veterinarians, including 3 with advanced degrees; we have 3 nonveterinarian doctors in genetics, physiology, and microbiology; we have 7 graduate animal husbandmen; we have 2 graduate biologists; 7 biological technicians; we have 146 animal technicians; and we have 7 clerk-administrative personnel.

Senator MONRONEY. How many of those are in the NIH-owned facilities?

Dr. SHANNON. They are completely, the ones I have talked about.

Senator MONRONEY. They don't do any inspecting of other research——

Dr. SHANNON. No, sir. We have an extraordinary breadth of experience on the care of animals under conditions that we deem to be essential for good research and at the same time the care of animals under a situation and circumstances that allow some compassion to be included in the thinking of the scientist.

What we would propose to do is to expand, taking this nucleus as a base. The present provision we have in the Division of Research Facilities and Resources, the group that I mentioned, that is designated as the Animal Resources Branch, would be principally to monitor the effectiveness of any outside agency that we accept as the accrediting body. This is only prudent management. We have contract project officers for every contract we have. We monitor the performance of a contract in a much closer way than we monitor the performance of a grant. And any support we gave would be very closely monitored from thhe standpoint of performance, and monitored by very knowledgeable people.

So that the Secretary will not be in a position simply to depend up reports from this private agency as to how effective they thought they were.

Senator MONRONEY. There are 2,000, I think you said, research institutions receiving Federal aid.

Dr. SHANNON. Yes, sir.

Senator MONRONEY. There are 5,000, I think you said, in addition to it receiving no Federal aid.

Dr. SHANNON. No, sir; there are 5,000 if the amendments are to include guinea pigs, rabbits, monkeys, and hamsters used in tests, because there you bring in 2,000 or 3,000 community hospitals, a large number of commercial test laboratories, and the like.

If you omit those designations or modify or take out the use of tests, then you substantially reduce the number. But in relation to dogs and cats that relate primarily to the research process, there are approximately 2,000 such.

Dr. LEE. Senator Monroney, I would like to make an additional comment on this from the standpoint of the Department because this

provision is a significant departure from present policies with respect to both universities and, as I indicated, the hospitals of the country, and indeed all of the institutions with which we deal. We have a number of relationships with these institutions, and we use this combination of Federal standards and voluntary accreditation. We do not make the funds available if the institution doesn't meet the standards.

There is another very important safeguard in this process; namely, congressional oversight. I think that Senator Neuberger's earlier comments about the role of Congress and the general public in the development of this legislation illustrates the same relationship that would exist with respect to this program once in was underway.

Congress has on many occasions conducted special studies of agency programs and keeps under continuous review many of our program operations. We would certainly expect that in this area we would find no exception.

I think that this provides an additional protection for the Congress and certainly for the public with respect to this program.

Senator MONRONEY. You say you set the standards. I know that you have in some of the new buildings. But isn't it a fact that the HEW operates the supervisory control over the Food and Drug Administration?

Dr. LEE. HEW does; yes, sir.

Senator MONRONEY. We are turning this over to you. Contrary to what has been said here, the beagles, which caused quite a great deal of discussion several years ago, were not owned by the Department of Agriculture as a part of their experiments; they were owned by the Food and Drug Administration and the experiments were under their supervision.

Dr. LEE. I am not certain of that, Senator Monroney. If you say so, I am sure it is correct.

Senator MONRONEY. It is my impression that it was Food and Drug Administration research going one, while using the basement of the Department of Agriculture as tenants. When they were moved it was determined that they build new kennels and housing for the animals. But still this branch of HEW programed them almost identically like the cages they were being removed from. They had no outdoor exercise facilities, and they were in windowless rooms with all metal cages, and would probably never be removed for any outdoor experience. Yet this planned building that was going up in the old style had to be changed, and it was changed by Congress. I think we have a very modern, practical and humane housing as a result of Congress' intervention in the program plans initiated by the Food and Drug Administration. Is that correct?

Dr. LEE. I am not familiar with that situation personally, Senator, but I would certainly think that you are and these would be the facts.

I would also like to add that we have a new Commissioner who was formerly the Director of the Communicable Disease Center at Atlanta. Under his direction at that Center they developed some of the finest animal care facilities in the world. He is a person who is deeply concerned and committed to the humane treatment of animals. In addition, the new FDA animal facilities at Beltsville are equally outstanding.

I think this is a very important development with respect to the Food and Drug Administration.

Senator MONRONEY. There are many, many people who have been closely associated with animal care and various humane activities who feel that the HEW as an agency had been dragging its heels, not trying to move forward in providing for the kind of humane care that is possible and at very reasonable expense. When the complaints were made about a very ugly situation in New York, Senator Keating took it up with Mr. Dean W. Coston, Deputy Assistant Secretary of the Department of HEW, and he got a letter back offering no assistance whatsoever, I quote:

> The Public Health Service has continuously stated its concern with animals which serve as subjects for medical research projects and deserve humane treatment, and every consideration in their welfare consistent with the objective of the experiment.

He went on to say:

> However, with specific regard to the animal quarters at "X" hospital we believe that the primary responsibility for insuring the proper care of laboratory animals should reside with the grantee institution, that if animal facility housing for dogs used in Dr. "X" 's research are inadequate, the institution is in the best position to investigate and remedy the situation. This hospital having failed over the years to investigate itself, the position of N.I.H. is calmly to continue to issue the money for this research.

Mr. Coston went on to say:

> We understand that the State of New York does have laws which deal with the humane treatment of animals, and these laws should be invoked if adequate evidence supports the charge of mistreatment of animals.

Thus they have bowed out of the case.

These things have been going on. People are aware of the failure of HEW to take an aggressive stand to try to clean up this situation which existed for years. People oppose turning over the enforcement and also the preparation of standards for humane care to HEW—for they believe that HEW is not going to be aggressive in trying to bring about the necessary reform.

Dr. SHANNON. Could I make a very specific comment, Senator Monroney?

Senator MONRONEY. Yes.

Dr. SHANNON. I don't like to emphasize specifics, because one can go from one to the other.

Wouldn't it be your belief that a State that has laws on its books, as has New York State for some years, that governs the care and use of animals—and this is the case in New York State, where the institution is licensed by the department of health of the State and inspected—wouldn't you think that it would be more proper for the Federal Government to look to the State authority to implement its own laws than for the Federal Government with much less information to take action in vacuo. At least this would be our attitude—it is our attitude.

Senator MONRONEY. It would be if something happened. But the reason for these bills apparently is that nothing has happened in this field. Theft of pets is against the law in most States but they have been unable to cope with it. They have been unable, I think, to go in and inspect the quarters of research facilities. Some are not under the ordinary humane law.

62-317—66——17

We need, I think, separate treatment by someone in the Federal Government to try to prescribe the specialized humane standards that should apply in handling these research animals after their use. We think that the bill properly places the authority with the Secretary of Agriculture who handles humane matters, humane slaughtering, and interstate transportation of animals. You feel it should belong to the Secretary of Health, Education, and Welfare. The very people who are supporting the research would then be prescribing the terms under which the animal care will be had.

Dr. SHANNON. That's precisely the point. You cannot separate the care of the animals from the research process itself however you try. I think that it is your belief that HEW had been remiss in its responsibility in the past, and there is nothing I can say at this point in time to modify that opinion.

My own opinion, indeed, is that within the limitations we have, that we have not been remiss. On the other hand, we have come to the Congress in support of a bill introduced by Senator Hill with a deep conviction that we do not now have the authority to assure the American people that on the one hand one can have a vigorous research program, and on the other humane treatment of animals on a level that is acceptable to them.

Finally, as I say, we are in disagreement, Senator Monroney. You don't feel we can administer it; I would hope we could. This can't be argued.

Senator MONRONEY. I understood you to say that the local people in law enforcement were involved in this as well. The voluntary groups are also involved. Finally it boils down to where no responsible agency of Government seems to be taking this under their jurisdiction and trying to work out a program that everybody can agree on.

Dr. SHANNON. Senator Monroney, you continue to use the words "voluntary accreditation," voluntary groups. There is nothing voluntary about the Secretary of Health, Education, and Welfare requiring that an institution meet certain standards precedent upon receiving a grant. I might point out that this is not in Federal law at the present time. The Secretary has no authority to do that. It is a matter of opinion as to whether resources are or are not adequate. I would point out further that in the bill proposed by Senator Hill, the institutional responsibility is pinpointed by the mandatory development of a committee to be concerned with both the care and use of animals within that institution. And I might say such committees exist very broadly in many of our institutions today, and within many they do not.

Senator Monroney, I know I won't convince you. I just want to reiterate that I think we have given very thoughtful concern to this over a substantial number of years. We are convinced that with our present authorities this cannot be done adequatley, and this is why we seek further authority.

Senator MONRONEY. Could you tell me a little bit more about how much of this control of humane treatment will be passed out to AAALAC?

Dr. SHANNON. In the first place there will have to be established a guide or regulations for the handling of animals. We have been

working with the Institute of Laboratory Animal Resources for the better part of the last 5 years in the development of guidelines for the care of animals.

Presumably in the normal course of events these guidelines or these standards for the care of animals would be published in the Federal Register and there would be a period of some 30 to 60 days for comment by various groups as to their adequacy and the like. Once they were promulgated they would have in effect the force of law. These would be the guides that the Secretary would insist would be used by the accrediting group in their assessment of the institutions which sought accreditation. The important thing here is that these be objective guides. They deal with air turnover, the handling of refuse, with the size of cages, with the composition of walls, with ventilation, drainage, food, and the life. Being of this nature, they can be used as an objective assessment of the job that can be done.

This does not necessarily mean that the job indeed will be done. But then one has the ability of assuring that the physical facilities are right, assuring that the standards for professional care, which also can be well defined or satisfied, and assuring that there is a senior committee established to oversee the care and use of animals in the institution.

Those who have reason to believe that an institution is not living up to the requirements do indeed have the right to appeal first to the accrediting agency, and if not that agency then the Secretary for redress of any real or imagined wrongs. There is the ability of the Secretary, by direct observation, to determine the extent to which the situation does indeed need correction.

In other words, the Secretary has the capability of using such means as he deems essential to carry out the purposes of this act. It is important, on the other hand, that it does involve as the preferred form of carrying out this act, the establishment of an accrediting body as the means of obtaining the basic factual information upon which accreditation is based.

Dr. LEE. I would like to reemphasize, Senator Monroney, this is the identical procedure that we followed with respect to hospitals, and extended care facilities in the medicare program. We used the resources of the private sector to help us set the standards. These were then published in the Federal Register, and the hospitals and extended care facilities must meet these standards if they are to receive payment under the medicare program. Thus, this is not a new type of procedure with respect to the Department.

Senator MONRONEY. Mr. Chairman, there is one witness who cannot be here this afternoon for the other side of this issue, Dr. Derby. I will reserve the balance of my questions if someone from the staff would be here at a later time. I wonder if you could accommodate Dr. Derby before he must leave.

Senator CANNON. Would it be possible for you to come back this afternoon?

Dr. SHANNON. Surely. We would be delighted.

Senator CANNON. The Chair was going to recess the hearings until this afternoon.

Senator MONRONEY. No witnesses have been heard from the other side. Dr. Derby will have to leave.

Senator CANNON. I certainly have no objection.

Senator NEUBERGER. Could I ask one question on the money business of Dr. Shannon?

Senator CANNON. Certainly.

Senator NEUBERGER. I think the point that you brought out which alarms me most is the fact that money is available for construction of facilities, but the States or laboratories are evidently unable to make use of it because they don't have the money.

Dr. SHANNON. Senator Neuberger, the amount of money that will be available, for instance next year, is undetermined. If the budget as submitted obtains, there will be very little money for animal construction.

Senator NEUBERGER. I am talking about matching funds. You are available to give Ohio University, say, some money. But Ohio's State Legislature has not allowed that university to have the matching money. So therefore they cannot receive a grant from you for construction. We can interpret this two ways. This would show more than ever that the Federal Government should have some standards set up, and maybe that would force them to comply or else curtail their research.

Dr. SHANNON. Senator Neuberger, we would like to do this as painlessly as possible. In the final analysis, if the State provides the funds or the Federal Government provides the funds, or if the private individual provides the funds, the funds in the final analysis come from the private sector. We don't print the money or the like.

We feel that very serious effort has been exerted by us in 1961 to try to improve this situation, and indeed we think it has improved. We do not think it has improved fast enough. So we would like to provide preferential matching to entice State legislatures and private donors to join with us in remedying what we consider to be an inadequate situation.

Senator NEUBERGER. So if we pass some kind of bill, this sets up a model to which the States should attempt to conform.

Dr. SHANNON. Precisely.

Senator NEUBERGER. This would be one of the useful things here.

Dr. SHANNON. Yes.

Senator CANNON. Did I understand you to say that you have quite a backlog of funds now that you are not able to meet because of your limitations?

Dr. SHANNON. Going into July 1, the backlog is $69 million.

Senator CANNON. How much?

Dr. SHANNON. $69 million.

Senator CANNON. In other words, you do have people from the private sector that are willing to put up funds to match funds that you could grant in the sum of $69 million if you had the money?

Dr. SHANNON. Yes, sir.

Senator CANNON. And you don't have the money?

Dr. SHANNON. Yes, sir.

Senator CANNON. And next year, according to what you say now, it looks like you will have $15 million total for all construction of research facilities.

Dr. SHANNON. Mr. Cannon, this is uncertain, because the House Appropriations Committee, and indeed the House, by a vote of some

450 to 30, voted to increase those appropriations, and part of the increase was in research facilities and construction. They increased it from 15 to 50. I do not know what the Senate will do. So I cannot say.

Senator CANNON. The way it stands now the funds have been increased in the House to $50 million for all research facility.

If you use the same proportion that you have used, for example, this year, it would be in the neighborhood of $5 million that you would be using in the animal——

Dr. SHANNON. We would be fully prepared for this legislation if we had preferential matching to use up 25 percent, if we had the higher matching level.

Senator CANNON. So you would be willing to use up to 25 percent of whatever Congress approves at the higher matching level of Senator Hill's bill which is 66⅔ percent. Is that what you are saying?

Dr. SHANNON. Yes, sir. And I would say furthermore, if we had suitable applications at a lower matching level, we would fund those, too.

Senator CANNON. But irrespective of whether you received authority for the higher matching level and whether you received the full $50 million, this would not come close to satisfying the backlog that you now have on hand?

Dr. SHANNON. Senator Cannon, of this I am convinced.

Senator CANNON. Thank you very much. Would you mind stepping aside now?

Senator MONRONEY. I think what we had better do is finish with Dr. Derby, and then recess for lunch.

Senator CANNON. Could you be back at 2:30 this afternoon?

Dr. SHANNON. Yes, sir.

Senator CANNON. Then your part will be over until 2:30.

Dr. LEE. Thank you very much.

(The following letter was subsequently submitted for the record:)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 6, 1966.

Hon. WARREN G. MAGNUSON,
Chairman, Senate Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: We appreciate the opportunity we had to testify before the Senate Commerce Committee on May 25 to present the position of the Department with respect to S. 2322.

I am writing to clarify one point which we feel we did not explain clearly at the hearings. This is the question of the contemplated use of an accrediting body, such as the American Association for the Accreditation of Laboratory Animal Care, (AAALAC) under the terms of the Hill Bill (S. 3332). AAALAC is now a voluntary accrediting group. But this should not lead to the assumption that if we contract with AAALAC for accreditation services we would be relying on a voluntary compliance mechanism. This is not what we have in mind. S. 3332 provides that standards relating to laboratory animal facilities or the care of animals, including standards for purposes of accreditation "shall be prescribed or approved by the Secretary of Health, Education, and Welfare." To determine whether or not facilities meet these standards, the Secretary would have the option either of (1) having the inspections performed directly by the Federal granting or contracting agency, or (2) recognizing an already established accrediting body such as AAALAC to carry out this function for him. In

either case, the same standards would apply and the Secretary would be responsible for them.

Thus, the provisions of S. 3332 would (1) in effect require the promulgation or approval of specific standards, and (2) require compliance with these standards by all Federal research grantees and contractors using animals in research.

I trust this information will prove helpful to the Committee in considering this matter.

Sincerely yours,

PHILIP R. LEE, M.D.,
Assistant Secretary for Health and Scientific Affairs.

Senator CANNON. Dr. Derby will be heard next.

Senator Monroney?

Senator MONRONEY (presiding). Dr. Derby, we welcome you here. We apologize for the lateness of the hour. With the scope of this bill it is hard to move rapidly.

STATEMENT OF DR. BENETT DERBY, HEAD OF NEUROLOGY, VETERANS' ADMINISTRATION HOSPITAL, NEW YORK

Dr. DERBY. Thank you for your courtesy in having me appear at this time. I will try to be brief.

I am an assistant professor of clinical neurology at the New York University School of Medicine, and chief of neurology at the Manhattan Veterans' Administration Hospital.

I have in the past devoted full time to experimental investigations, using animals, and I am now associated with groups involving projects utilizing animals. I wish to express my personal support of S. 2332, with the Monroney amendments. I have followed with intense interest and concern the proposed bills in the past and the present, to both protect animals from theft and to guarantee animals humane care and treatment before and after arriving at the medical laboratories.

Although much has been said on the subject of interference, the proposed bill in my opinion, for from interferring with responsible research, has as an end result an aim identical to that of all investigators—accurate experiment.

A law which will rectify undesirable dealer practices and promote a standard of care for ese experimental animals in the laboratory will help to guarantee sound animals, the only kind of animal appropriate for first-class research.

I would like to depart—to save time—from my written statement.

Senator MONRONEY. We have time. I would like to have it all in the record, for those who are attending here.

Dr. DERBY. Very well. I will continue.

The use, and even reuse, of weak, infected and injured animals can only lead to high mortality rates and inaccurate or even misleading conclusions, and waste of time, effort, and money. The necessity of requiring maintenance of proper animal care in r esearch facilities, after the experimental subjects are received from the dealer, is obvious. I have in the past repeatedly seen conditions of illness, malnutrition, pain, and extreme restraint in experimental quarters. Such neglect is in my experience not typical, but it is by no means rare.

Provision must be made to regulate these exceptions to the rules of scientific commonsense, as well as principles of decent animal care. Workers in those laboratories in which these principles are main-

tained will not be affected by the proposed bill. It is notable that where poor conditions exist, they are associated with indifference on the part of handlers directly reflecting their lack of supervision, and it is inevitable to suppose that the supervising scientist is either unaware or uninterested in the very conditions that form the framework in which his experiment is conducted. The fallibility of individuals is ever present regardless of the best efforts and ideals of the scientific community as a whole.

I reiterate that the animal must be protected both "outside" and "inside" the laboratory, for both humane and practical reasons. To license dealers serves as a protection to scientific interest as well as that of the individual pet owner, as both are affected adversely by the criminal practices of unscrupulous dealers and pet thieves. To license the laboratory will not inconvenience those which already meet the requirements of such supervision and will only affect those in which research has been conducted in substandard conditions. The AAALAC plan, as I understand it, would, on fee, accredit laboratories which would then be on their own morally for the amazingly extended period of 5 years. Self-policing equates with self-penalty, a dubious guarantee. This hardly seems adequate to the problem, especially as the officers would be drawn from the same scientific community involved in being inspected, a situation in which no serious impartiality would be derived.

Much has also been said about the expense and burden of the paperwork involved under the proposed legislation. We are in an age of paperwork, and the processing of research grants alone already occupies, in large, medical school-affiliated institutions the services of full-time assistants. This is an objection difficult to take seriously. A working example of the feasibility of licensing laboratories was brought out at the House hearings by the letter of Dr. Albert E. Heustis, director of the Michigan Department of Health, pointing out that such licensing has successfully been in effect there since 1947. As to expense, the availability of pound dogs and the establishment of more cat and dog breeding farms for research, coupled with the elimination of such outright waste as the present overbuying to offset 30 percent higher mortality rates in dealer-purchased animals, would in the long run be the basis for a reasonable financial balance. The present spiraling cost of research animals is due to the widespread and lucrative market which has arisen and flourished with the expansion of medical research. It seems logical that a law to control "blackmarket" animal sales will result in control of both the quality of the animals handled by reputable dealers and the unit cost. It might also be added that a truly effective monitoring system, whether run by a nongovernmental agency or by a Government agency, will cost an equal amount of money.

The agency ideally suited to enforce the proposed legislation is the Department of Agriculture. Broadly experienced in animal husbandry and regulation of interstate commerce, the Department of Agriculture is equipped with the experience and personnel for this task. Moreover, not immediately involved in medical research, the requisite degree of objectivity will be attained.

Senator MONRONEY. Thank you very much, Dr. Derby, for the splendid statement and for the help you are giving this committee in a better understanding of our problem.

Would self-policing and noninvolvement in research on the part of the Department of Agriculture lead to a more objective handling of this problem by the prescription of proper animal care requirements and standards?

Dr. DERBY. I feel so for several reasons. I think immediately I would point out that it is impossible to separate inspecting the dealers for their facilities on the one hand without immediately asking what the facilities wll be in the laboratories in which they will be received, as a 50–50 proportion of the same job. I don't think it is possible to separate one from the other. To require a thing of dealers, it seems to me, we should require the same of facilities in which the animal will be received.

There is another item and that is that Federal or other funding for specific research projects involves only those portions immediately germane to the specific project which is discrete in time. Animal care, on the other hand, is something involving both permanent facilities and permanent ongoing maintenance workers and so forth. It seems to me that the possibility of linking NIH or other Federal grants to animal care is not quite as logical as it might seem at first.

I think the Department of Agriculture, which is experienced in animals, is already, so to speak, in the business and would, I think, very smoothly fit into the area in which both dealers and laboratories would be required to establish much the same standards.

Senator MONRONEY. The Department of Agriculture would not require more funds to enforce it than any other organization, whether it be one organized by private sources and passed out through the authority of the Secretary of the HEW, or whether HEW would have to organize a separate staff to do it themselves; is that correct?

Dr. DERBY. It would seem, since NIH project site visits, which I have experienced, do not specifically at this point in time inspect animal care, obviously some revision of their staff would be in order.

I would like at this point to also emphasize the confusion between any resources in the sense of large sunny rooms and an appropriate number of handlers and an appropriate number of buildings, and so forth, from the care itself, and how the animal handlers do their work.

By this I don't mean that one knows there is going to be a visit one week from next Tuesday. I think there has to be a little more thorough and a little more sudden checking in this area.

The business of construction has been moved into this.

An earlier speaker said that a reasonably large number of laboratories are operating even at this time in not fully standard situations, and validly worried about the fact that the work might be cut off. Although I know this was not his intent, he left the impression that the alternative would be to let the substandard work continue.

I repeat, I know that was not the intent, but this impression does require us to inspect this premise, and wonder if we can't do something about it now, separate and distinct from the more long-range idea of providing funds for construction and so forth.

Senator MONRONEY. Construction funds will be greatly needed, and their relationship to the $1.9 million should come closer to the $2 or $3 million that we are now spending on construction in a cooperative way or matching away with the research facilities.

Do you feel that the medical schools would suffer any diminishment of their research activities by the inclusion of the amendment which gives the Secretary of Agriculture the right to prescribe these standards?

Dr. DERBY. No, sir; I emphatically do not.

I will repeat one point and then make another, and that is merely to say once again that those laboratories which are already adhering to reasonable standards cannot, after all, be inconvenienced since they have already met those standards.

My second point is that any way in which we can provide better animal care thereby improves the experiment. These are multifactorial, incredibly complex models, in which we are trying to introduce one variable, and control all the rest. If we do not pay strict and specific attention to animal age, animal weight, animal sex, animal hydration and so forth, we are not doing a good experiment.

Far from impeding medical schools, I think that the requirements as laid out in your amendment will improve medical research.

Senator MONRONEY. Thank you very much, Doctor, for your very helpful appearance and for the information you have given us. I am sorry to have delayed you. The schedule was previously arranged before we knew of your afternoon engagement.

The committee will stand in recess until 2:30.

(Whereupon, at 1:10 p.m., the committee was recessed to reconvene at 2:30 p.m. the same day.)

AFTERNOON SESSION

Senator MONRONEY. The Committee on Commerce will resume our hearings.

We are honored to have a statement by the distinguished Dr. Nicholas S. Gimbel, chief of surgery, Detroit Metropolitan Hospital, and professor of surgery, Wayne State University School of Medicine.

Dr. Gimbel, we apologize for being late in hearing you, but we are very grateful for your appearance here and for your testimony in behalf of this legislation.

STATEMENT OF DR. NICHOLAS S. GIMBEL, CHIEF OF SURGERY, DETROIT METROPOLITAN HOSPITAL, DETROIT, MICH., AND PROFESSOR OF SURGERY, WAYNE STATE UNIVERSITY SCHOOL OF MEDICINE

Dr. GIMBEL. Senator Monroney, a great deal has been said this morning about money. Money is essential and the provisions for animal quarters embodied in the Hill bill are vital.

The problem is not one of money alone, however. Even if half of the facilities are inadequate, they could be used more wisely. Animal neglect and disinterest in this by some investigators is presently avoidable. If a scientist puts a big dog in a small cage——

Senator MONRONEY. Are you reading, Doctor?

Dr. GIMBEL. No; I am ignoring my statement, sir.

Senator MONRONEY. Fine. You want the statement incorporated in full in the record?

Dr. GIMBEL. Yes, sir.

If the investigator neglects to water on Sunday, ignores the animal's postoperative comfort, fails to treat his diseases, he is not following humane standards.

Dr. Sabin told us of making rabbit rounds morning and evening, but there are dog cages that have been occupied for weeks and the keeper of the laboratory never saw the doctor supposedly responsible for the dog.

The scientific community is not so spotless as it represents itself to be.

At the hearings in the House, Dr. Bernard Zimmerman said:

> Surgical achievements would not have been possible without wisely planned and humanely executed animal experiments. A surgical investigator has no interest in animals which have been abused, injured, frightened, or malnourished. His studies require performance, very exacting procedures, in many instances under more rigorous control than can be achieved in hospital operating rooms. If the operations are to be meaningful then the animals must live, eat, and perform normal activities, without pain or debilitation. If this does not occur, the animal is promptly relieved of his discomfort.

He goes on to talk about residents in the dog lab.

He says:

> If, when they finish their training, they are as considerate of their patients as they are of their laboratory dogs, they will be very successful practitioners.

That is a fine piece of poetry. In many instances it is an accurate description. And yet in my prepared statement I note that the laboratory which Dr. Huestis had to suspend temporarily at Wayne University was under the guidance of a member of the association that Dr. Zimmerman was describing in this eloquent language.

Both Dr. Shannon and Dr. Sabin have testified that half or more of the animal research facilities are inadequate. But on an overall basis they are probably not even improving.

The reasons are these: Research is being taken on more rapidly than facilities are being expanded. And rising costs of construction have often given less space to the animals in new facilities than they had in the old ones. That is to say, they may have allowed room for pens before; in the new buildings they are putting the dogs only in cages. I therefore emphasize the negligence by many scientists and expediency by deans and administrators. Dr. Shannon has mentioned the competition for the budget dollar and the research dog has been left to suck the hind tit.

If we agree in many instances inhumane animal care is going on in laboratories, we have next to consider whether certification by AAALAC is likely to remedy the situation. The organizations represented are the same which currently follow the practices of expediency, compromising standards of animal care to their other interests.

Dr. Shannon this morning read into the record his animal care booklet, which is dated in 1965. I would like to read first from the

1949 booklet put out by the National Institutes of Health on the subject of exercise:

The animals should have the chance to enjoy a short period of exercise outside every day when weather conditions permit. It is not always possible to have outside runs for the dogs, especially in a crowded metropolitan locality. However, they are always desirable and should be provided if possible.

In 1965 the booklet says:

One of the most widely debated questions in the field of animal care concerns that need for exercise in the housing of dogs. The concept of exercise frequently is confused with that of cage size.

Then after a bit he says:

Whether dogs and other animals are exercised and what form it should take is a matter of professional judgment.

Now what does this mean? The dogs' reasonable requirement for exercise was obviously necessary 6 years ago, and now has become a matter for the professional judgment of the researcher.

Does this mean that the dog is a different type animal, or that the administrators have recognized the disparity between the early standards and the present practices and have adjusted their standards to the practices?

Let us consider for a minute the composition of a committee which is to carry out the accreditation under the AAALAC.

The chairman, for example, Bernard J. Cohen, associate professor of physiology at the University of Michigan.

On October 8, 1962, the commissioner of health in the Michigan Department of Health, wrote a letter to the dean censuring the dean on the animal care practices in his institution, and asking him to take remedial steps.

It is apparent that the chairman of this committee on accreditation has problems in his own house.

The second member on this committee I should like to comment on is Dr. N. W. Brewer, associate professor of physiology, University of Chicago. In 1961 in the federation proceedings, Dr. Brewer made a survey of the question of exercise for research dogs. He says:

There are a significant number of qualified scientists who testified that dogs have lived for years in cages and have remained in apparent perfect health. Their testimony cannot be ignored.

Then a little further down he says:

Exercise or the lack of exercise does affect many body tissues, but the relative importance of exercise, even to dogs, that are able to accept confinement, is not known.

Senator MONRONEY. Who is writing this now?

Dr. GIMBEL. This is Dr. Brewer, another member of the committee on accreditation.

Now I submit that even if it is compatible with dog health to live in a cage for 9 years, as some of the people whom he quotes in his article say they have done, it is not compatible with what we at this hearing would consider humane standards.

Our feeling for example is that if an animal has to be kept for a long period of time, it should be kept on a farm, as Mrs. Neuberger said this morning, or in an area where it can move around.

But I think it should be fairly apparent to the committee that the point of view that Dr. Brewer has described in this article gives us no guarantee what his personal feeling is, whether he would agree with these standards or not.

"The Guide for Laboratory Animal Facilities and Care" does not include certain minimum standards which I personally think are required for humanity; for example, when you are carrying out a metabolic study and you need to collect all of the urine of a dog, you have to have him in a cage, so you can get a complete collection. But otherwise, I see no justification for keeping a dog in a cage when he can be on a solid floor and have a resting board on which to lie.

It is a common experience in caged animals for example to have the pads of their paws fall through the mesh of the cage, and swell as they are trapped there, and they have to have amputation of these pads.

I feel that the welfare of animals should be the responsibility of a body which is primarily interested in them. This is the Department of Agriculture. The organization comprising AAALAC and HEW itself are primarily interested in research. If I were a dog, I would have no doubt as to who would be more likely to give me a decent shake.

If the scientists and organizations represented in AAALAC had done their job properly, we would not be holding hearings here today.

The time has come to bring in independent auditors.

Now the question was raised this morning, if half of the laboratories are unfit and are incapable of living up to the standards which the Department of Agriculture might institute, wouldn't that research grind to a halt because they wouldn't be eligible for licenses?

I think we have seen many pieces of legislation recently where it is recognized we are dealing with a very difficult situation that cannot be immediately corrected "and a formula has been arrived at for correcting it, with all deliberate speed." And it seems to me a formula of this type would get the job done without a definite time requirement, but nevertheless even if it took 5 years, which in the life of a nation is not a very long time, we could work toward the goal we need.

The next question that was raised this morning is, how can you specify animal care without interfering with the experimental research itself? I think the difficulty of this distinction was exaggerated. I would define it as follows: "Ordinary animal care is what pertains in all fields apart from the experimental protocol."

Now if a man operates on a dog and wants to study what the effects on the dog are of laying in a pool of water for 48 hours without food or water, this is a perfectly legitimate experiment, let's say. He is trying to study let's say what might happen to a Navy flier who is ditched and is under those conditions.

But if it is a perfectly standard experiment and he doesn't specify any particular postoperative conditions that he wants, then animal care would step in and specify that the dog should have a warm, soft, dry place to lie.

And so far as the diet goes, if he's doing a dietary study and the protocol of the experiment says the diet goes on for 10 years, all right, but if it doesn't then he should get ordinary standards of food and water. I think this problem is not a very real one.

In conclusion, I should like to submit a number of letters that were given to me to submit into the record. The most prominent person on the list of writers is Dr. Frank Adair, who for 10 years was president of the Cancer Committee of the American College of Surgeons and is an earnest advocate of the Monroney amendment.

Senator MONRONEY. Thank you, Dr. Gimbel. I think you have made a very brief but a very effective statement pointing out that the AAALAC has quite a ways to go to measure up to its job, because they are a part of the same professional group that today is in charge of the research facilities of most of the research agencies in our various medical schools. Their difficulty in agreeing on the types of standards that are needed and the minimal care is open to question.

I am reading from the booklet of the AAALAC, on page 10, in which it says:

> AAALAC will assume the attitude of helpful and constructive evaluation of facilities and care of animals according to the standards in the Guide of the U.S. Public Health Service. AAALAC will try to promote an understanding of the problem in laboratory animal medicine and give advice and time for improving conditions. The 26th trial site visit made in 1964 demonstrated many, if not most, of the problems and conditions to be found. AAALAC believes it is prepared to deal with these problems in a constructive and reasonable way.

It also says:

> The most important reason is to improve laboratory animal care on a voluntary basis for the benefit of both animals and scientists conducting experiments. Scientific communities should support the voluntary accreditation program of AAALAC. No other constructive alternative is available at present and the mood of the public is clearly in favor of positive constructive action.

I agree that the public is in favor of constructive action, but they are sincerely worried, as I am, over the voluntary approach to this matter.

You have dealt with these in the laboratories for many years, as a surgeon in the Metropolitan Hospital of Detroit and associate professor of surgery at Wayne State University School of Medicine. Would you say we have made the progress in the last 10 years that we should have made toward animal care?

Dr. GIMBEL. I really don't think so. One thing Dr. Sabin said this morning that seemed to me a little bit topsy-turvy was that people go into animal research because they are humane. But my experience has been that the people who are the most humane find the inevitable discomfort which the animals are suffering in the course of research so unpleasant to them that they prefer to go into some kind of research other than animal research.

Senator MONRONEY. This is quite difficult for me to understand. The men who must perform this research and all should set their own ground rules for the humane care that is necessary. It seems the animals give so much and expect so little, and they could at least expect a dry cage.

Dr. GIMBEL. As I think of it in practical terms, I am sure if Agriculture were responsible for this job, that there would probably come up some conflict at times between the Agriculture Department and the research institution, but I don't think this is an insoluble problem. I think it would be healthy. But I can't see any friction at all in the Hill bill plan. I think it would go on smoothly as it has. I am sure we would get some excellent new dog quarters built, which, of

course, I am in favor of. But I think there woud be this expediency going on all of the time that would compromise the dogs' legitimate interests.

Another thing, I think that whatever bill is passed that specifies animal construction, the proviso should be attached that the architecture be cleared with whatever accrediting agency will be involved, because if you just give the money without making sure that, let's say, there are runways and things of this type, you may have a fait accompli on your hands of a $10 million institute that is still no damn good.

Senator MONRONEY. It would have no runs or exercise pens such as were placed originally by the Food and Drug Administration in their Beltsville facility. And had it not been for outsiders who were not associated with research, I doubt very seriously if the model facilities that were made available by the Congress would have been built at all.

With regard to the deliberate speed that you mentioned, I would call your attention to the language of the bill, one of the amendments on page 11, which states:

> Compliance by research facilities with provisions of this Act and such regulations, shall commence six months after the promulgation of such regulations except that the Secretary may issue provisional licenses to research facilities which do not comply with the standards prescribed by the Secretary pursuant to Section 6 of this Act, provided the Secretary determines that there is evidence that the research facilities will meet such standards within a reasonable time.

This is what you were saying, when you said that all new programs have to take time for compliance, time for construction of the necessary facilities to qualify.

But aside from the facility part, there is nothing that should prevent the humane care or the feeding or watering of the animals or even the separation by sex or by speci.

Dr. GIMBEL. Yes. More could be done with the present facilities than is done.

Senator MONRONEY. You feel that even within our present facilities, including the new and the old, that we could make the hnmane treatment considerably better for the animals?

Dr. GIMBEL. Yes.

Senator MONRONEY. Would you favor limiting the bill to dogs and cats only, as has been recommended by those who sponsored the Hill bill?

Dr. GIMBEL. I would like to see the monkeys in on the deal, too.

Senator MONRONEY. They are rather sensitive animals, I presume.

Dr. GIMBEL. Yes, I think there have been real problems in monkey transportation in the past, which would warrant improvement of those conditions.

Senator MONRONEY. Thousands of them, I understand, have been lost by careless storage in an airport during the heavy rainy season and they are susceptible to colds and have been lost.

I don't know about their fate in the laboratories. I presume they also need some exercise room.

You have testified about the change of attitude concerning the caging of animals, and their need for exercise. I wish you would reemphasize the change from the 1945 declaration by Public Health Service.

Dr. GIMBEL. The 1949 Bulletin on Animal Care.

Senator MONRONEY. By Public Health Service?

Dr. GIMBEL. Yes. Surgery Study Section, National Institutes of Health, Public Health Service.

The early form just flat-footedly comes out and accepts exercise as a matter of course and the modern version says it is kind of up to the judgment of the experimenter, a matter of professional judgment.

Senator MONRONEY. Of course, no one expects the animal being experimented on to be exercised, but before he is used and after he is used, he would benefit greatly, would he not, from exercise?

Dr. GIMBEL. Yes.

Senator MONRONEY. The medical fraternity in general would not oppose normal humane care for animals, would they?

Dr. GIMBEL. I don't see how this would be possible. I think the answer to that has to be no. I think the opposition is based on really groundless fears and I can't make much rational sense out of it.

Senator MONRONEY. Is it the fear that an outside agency will be interfering in things that properly should be classified as medical?

Dr. GIMBEL. I don't know. I think it is hard to psychologize about other people. I prefer to say it does not make too much sense and leave it at that. I don't know why.

Senator MONRONEY. Certainly it is within the competence of an agency such as the Department of Agriculture, who assumes the huge nationwide task of humane slaughtering for hundreds and thousands if not millions of animals. Could they do this job?

Dr. GIMBEL. There is no question about it. And the veterinarians attached to a particular research institute naturally can't have the total objectivity because they are working for the dean and so on, and it makes it difficult for them. This is the value of an outside accreditation.

Senator MONRONEY. And they would be perhaps better judges of this than those who are looking at only the animal for use in the experiments and not as a living thing that needs to be given some humane care?

Dr. GIMBEL. Correct.

Senator MONRONEY. We thank you very much, Dr. Gimbel, for your helpful interest in this and for your appearance here. I regret the committee was delayed in getting to hear you, sir.

(The prepared statement of Dr. Gimbel follows:)

PREPARED STATEMENT OF NICHOLAS S. GIMBEL, M.D.

I am Nicholas Gimbel, surgeon-in-chief at the Metropolitan Hospital in Detroit and Clinical Associate Professor of Surgery at Wayne State University School of Medicine. I have taught and done research in medical schools for twenty years, and for a time was acting department head and responsible for the animal research of the surgical department at Wayne. My own animal work has been in developing an extracorporeal circulation, in burn research, and in the physiology of bile.

An adequate supply of animals for our mounting national research effort is of the first order of importance. Although there is nothing in the proposed legislation which prohibits city and county dog and cat pounds from being licensed as animal dealers, I am in favor of a specific stipulation that they may be so licensed. If animals in city and county pounds were more widely available for research purposes, there would be less incentive to steal pets. In localities where humane societies function as animal pounds, the local scientific community should be successful in obtaining the consent of the society to use their unclaimed

animals for non-survival experiments. In the event that such consent should not be forthcoming, a city or county pound would have to be established. Ultimately, it will probably be necessary to breed some dogs and cats for research purposes as we now do guinea pigs and hamsters. It would be expensive, but reliable results in long-term studies are a sufficient justification.

It is my belief that the Congress should adopt the proposal of Senator Monroney, which requires research facilities to maintain certain standards of animal care and provides for inspection by representatives of the Department of Agriculture. Research facilities at which I have worked and others which I have visited have rarely met minimum standards. Common deficiencies are cramped quarters; little or no exercise; only a wire mesh surface to lie or stand on; haphazard or absent Sunday care; and keeping in cages for months or years animals which should be boarded in the country where space is less expensive. It is not sentimentalism to correct such deficiencies. We do not expect the inhabitants of our jails to be happy, but they should not be mistreated.

Laws can be helpful in getting us to take care of matters which otherwise are likely to be postponed. I recall that when I joined the Wayne Medical School faculty in 1952 and saw the animal quarters in my building, I was shocked by their filth, discomfort, and neglect. The Dean was no less humane a person than I, yet he could not find the money to carry out the program of renovation which I submitted. It is not surprising that debarked and voteless dogs have been left to suck the hind teat of the medical schools' budgets, and require some sort of legislative protection.

Unfortunately the inadequacies of the 50's have not all been rectified in the 60's. In August 1964 Dr. Albert Heustis, Commissioner of the Michigan Department of Health, was constrained to suspend Wayne's full registration for animal research for a 30 day period. The grounds were small cages, inadequate postoperative supervision of operated dogs, insufficient exercise for caged dogs, and failure to keep long-term experimental dogs in boarding kennels with runways available. Other laboratories have been suspended on similar grounds.

I have said enough to indicate that there is a need for improved animal care at research institutions. What of alternative approaches to the control of animal care standards, such as relying upon a certifying agency like the American Association for Accreditation of Laboratory Animal Care? Essentially, this is self-inspection, and is rather like allowing students to grade their own examination papers. This sort of Protective Association tends to protect its members rather than the animals. To suggest that it does away with the need for external inspection and legislation is equivalent to claiming we have no need for fire or building codes because construction engineers are competent and know what ought to be done.

It is absurd to oppose this legislation on the ground that research would be endangered by redtape. It is no great strain for physicians to keep their registration to practice in good standing, nor to renew their narcotic licenses annually. So far as cost is concerned, I envisage standards of animal care as a blessing to our medical school administrators rather than as a curse. They will be in the position to obtain the funds they need for animal care, because continuation of research requires it. Our kindly and humane deans will no longer be frustrated in their ambitions to have animal care programs of which they can be proud. With matching Federal funds available for animal quarters it is preposterous to imply that research would grind to a halt.

Some members of the medical profession and the so-called scientific community have done themselves a disservice by misrepresenting a proper concern for animal welfare as an opposition to medical research or a covert antivivisectionism. Our American scene has witnessed many changes in the ways of doing things that physicians bitterly opposed at the time but later came to be very happy about. In the 30's the Blue Cross insurance program was fought as a threat to private practice, yet today it is the mainstay of private practice. I believe that although medical school deans now are squawking about externally imposed standards of care for their experimental animals, the time will come—after they have spent some money and made overdue reforms—when they will be as happy with this program as they are with the N.I.H. funds that keep them solvent.

I am Nicholas Gimbel, surgeon in chief at the Metropolitan Hospital in Detroit and clinical associate professor of surgery at Wayne State University School of Medicine. I have taught and done research in medical schools for 20 years, and for a time was acting department

head and responsible for the animal research of the surgical department at Wayne. My own animal work has been in developing an extracorporeal circulation, in burn research, and in the physiology of bile.

An adequate supply of animals for our mounting national research effort is of the first order of importance. Although there is nothing in the proposed legislation which prohibits city and county dog and cat pounds from being licensed as animal dealers, I am in favor of a specific stipulation that they may be so licensed. If animals in city and county pounds were more widely available for research purposes, there would be less incentive to steal pets.

In localities where humane societies function as animal pounds, the local scientific community should be successful in obtaining the consent of the society to use their unclaimed animals for nonsurvival experiments. In the event that such consent should not be forthcoming, a city or county pound would have to be established. Ultimately, it will probably be necessary to breed some dogs and cats for research purposes as we now do guinea pigs and hamsters. It would be expensive, but reliable results in long-term studies are a sufficient justification.

It is my belief that the Congress should adopt the proposal of Senator Monroney, which requires research facilities to maintain certain standards of animal care and provides for inspection by representatives of the Department of Agriculture. Research facilities at which I have worked and others which I have visited have rarely met minimum standards. Common deficiencies are cramped quarters; little or no exercise; only a wire mesh surface to lie or stand on; haphazard or absent Sunday care; and keeping in cages for months or years animals which should be boarded in the country where space is less expensive. It is not sentimentalism to correct such deficiencies. We do not expect the inhabitants of our jails to be happy, but they should not be mistreated.

Laws can be helpful in getting us to take care of matters which otherwise are likely to be postponed. I recall that when I joined the Wayne Medical School faculty in 1952 and saw the animal quarters in my building, I was shocked by their filth, discomfort, and neglect. The dean was no less humane a person than I, yet he could not find the money to carry out the program of renovation which I submitted. It is not surprising that debarked and voteless dogs have been left to "suck the hind teat" of the medical schools' budgets, and require some sort of legislative protection.

Unfortunately the inadequacies of the fifties have not all been rectified in the sixties. In August 1964 Dr. Albert Heustis, commissioner of the Michigan Department of Health, was constrained to suspend Wayne's full registration for animal research for a 30-day period. The grounds were small cages, inadequate postoperative supervision of operated dogs, insufficient exercise for caged dogs, and failure to keep long-term experimental dogs in boarding kennels with runways available. Other laboratories have been suspended on similar grounds.

I have said enough to indicate that there is a need for improved animal care at research institutions. What of alternative approaches to the control of animal care standards, such as relying upon a cer-

62-317—66——18

tifying agency like the American Association for Accreditation of Laboratory Animal Care?

Essentially, this is self-inspection, and is rather like allowing students to grade their own examination papers. This sort of protective association tends to protect its members rather than the animals. To suggest that it does away with the need for external inspection and legislation is equivalent to claiming we have no need for fire or building codes because construction engineers are competent and know what ought to done.

It is absurd to oppose this legislation on the ground that research would be endangered by redtape. It is no great strain for physicians to keep their registration to practice in good standing, nor to renew their narcotic licenses annually. So far as cost is concerned, I envisage standards of animal care as a blessing to our medical school administrators rather than as a curse. They will be in the position to obtain the funds they need for animal care, because continuation of research requires it. Our kindly and humane deans will no longer be frustrated in their ambitions to have animal care programs of which they can be proud. With matching Federal funds available for animal quarters it is preposterous to imply that research would grind to a halt.

Some members of the medical profession and the so-called scientific community have done themselves a disservice by misrepresenting a proper concern for animal welfare as an opposition to medical research or a covert antivivisectionism. Our American scene has witnessed many changes in the ways of doing things that physicians bitterly opposed at the time but later came to be very happy about. In the thirties the Blue Cross insurance program was fought as a threat to private practice, yet today it is the mainstay of private practice.

I believe that although medical school deans now are squawking about externally imposed standards of care for their experimental animals, the time will come—after they have spent some money and made overdue reforms—when they will be as happy with this program as they are with the NIH funds that keep them solvent.

Senator MONRONEY. Our next witness is the representative of the Department of Agriculture, Dr. George W. Irving, Jr., Administrator, Agricultural Research Service.

STATEMENT OF DR. GEORGE W. IRVING, JR., ADMINISTRATOR, AGRICULTURAL RESEARCH SERVICE, U.S. DEPARTMENT OF AGRICULTURE; ACCOMPANIED BY DR. EARL JONES, ANIMAL HEALTH DIVISION, AGRICULTURAL RESEARCH SERVICE; MISS LOTUS THERKELSEN, OFFICE OF GENERAL COUNSEL, USDA; AND RICHARD F. ADELMANN, LEGISLATIVE STAFF, AGRICULTURAL RESEARCH SERVICE

Dr. IRVING. Mr. Chairman, I appreciate the opportunity to appear before your committee to present the Department's views on bills designed to prevent dog and cat theft and to provide for humane care and treatment of animals intended for use in research facilities. I would like to introduce the lady and gentlemen with me, Senator Monroney, if I may.

On my right, Miss Therkelsen from the Office of General Counsel; next to her, Dr. Jones of our Animal Health Division; on my left, Mr. Adelmann of our legislative staff.

Since the Department has previously reported to your committee on March 25 on S. 2322, I shall direct my remarks to these specific questions involved with committee print No. 3 dated May 19, 1966.

1. Whether regulation of animal care and housing should be carried out by the Department of Agriculture or by the Department of Health, Education, and Welfare?

The Department of Agriculture conducts programs in research related to animal production and animal diseases. In addition, it is charged with the administration of programs for the control and eradication of infectious, contagious, and communicable diseases of livestock and poultry; for the prevention of the introduction into and dissemination within the United States of such diseases; and for the prevention of the exportation of diseased livestock and poultry. It also administers laws regarding the humane slaughter and treatment of livestock. In addition, the Department also has the responsibility of administering the 28-hour law, an act approved June 29, 1906, to prevent cruelty to animals while in interstate transit by railroad or other means of transportation. It has been administratively determined that cattle, sheep, swine, horses, mules, buffalo, elk, and deer are covered by the act. Dogs, cats, reptiles, and poultry do not come under provision of the act.

The Department of Health, Education, and Welfare makes grants-in-aid for health research facilities construction, institutional grant programs for primate centers, general clinical research centers, special resources centers, and general research support. In addition, HEW provides facilities, equipment, and a wide variety of scientific, technical, and supportive services essential to the needs of the medical investigator and research administrator.

This Department believes that the administration of regulations pertaining to laboratory animal care and housing should be the responsibility of the Department of Health, Education, and Welfare.

The USDA is qualified, through its experience in regulating the interstate movement of livestock and poultry to promulgate humane standards and other regulations affecting dealers in dogs and cats intended for research. On the other hand, HEW is presently more qualified to establish and enforce humane care standards for laboratory animals in research facilities. Although, USDA could gain the necessary competence to fulfill provisions of the legislation, HEW already has knowledge of the facilities involved as well as an established relationship with the research facilities that would be affected. HEW is also familiar with the kinds of research underway and in many instances is responsible for actually supporting the research.

We therefore, believe that when the legislation is enacted the Department of Health, Education, and Welfare through its primary mission and current authorities is better qualified to regulate and administer humane animal care and housing regulations at the research facility.

2. The cost to the Federal Government of regulating animal dealers and medical research laboratories.

The Department of Agriculture has neither anticipated nor sought enactment of such legislation as is being discussed, and accordingly, has made no budget proposals regarding it. However, wherever the responsibilities under this legislation are placed, additional personnel and funds will be required for its administration. Our estimate for the first year of administration is as follows:

Professional personnel, 100–185; nonprofessional personnel, 51; total appropriated funds, $2–$3 million.

This estimate covers only the cost of administering the proposed legislation and does not include the cost of remodeling and renovating facilities to comply with animal care standards.

In the absence of proven numbers of dealers and users that might be involved, we feel that this is the best estimate that can be made at this time. Our projection of the numbers of animal dealers and users is based on the lists from the Institute of Laboratory Animal Resources, National Research Council, National Academy of Sciences. Their figures were compiled from postcard questionnaires for use within their offices to furnish researchers with legitimate supply sources, and vice versa. The best total figure that can be projected at this time is in the vicinity of 9,000 users of research animals. This figure includes approximately 7,000 hospitals which may, or may not, fall within the definition of "research facility" as intended by the bill, 868 institutions, 260 Federal laboratories, and approximately 1,000 private laboratories.

The Department believes that the first year of administering the legislation would entail considerable survey to determine the actual numbers of dealers and users involved in its provisions. In addition, regulations will need to be developed and promulgated. Within the compliance provisions of the bill, this could be up to 9 month's lapse of time from the date of enactment. Estimates after the first year of operation could then be based more realistically on factual data which is not now available. USDA believes that the full amount should be from appropriated funds and that any fees collected should go to miscellaneous receipts of the Treasury.

3. If the regulation of the care and housing of animals is provided, who would be required to determined when an animal is exempt from regulation because it is undergoing actual research?

It is our opinion that an animal in a kennel, or other holding area in a research facility would come under provisions of Committee Print No. 3 to S. 2322, between the time of acquisition and the point at which the animal is subjected to some procedure which is a part of the program of research usage planned for the animal. We believe that the question of whether or not an individual animal in a research facility is actually a principal in an experiment, test, or other recognized procedure could be answered only by the research worker utilizing such animal.

The Department of Agriculture supports the objectives of S. 2322. We are concerned about the illicit traffic in family pets. However, it is our understanding that the practices which give rise to the proposed legislation relate to the theft of dogs and cats. We are not aware of any such practice existing with reference to other animals. There is serious question, therefore, in our minds, as to whether it is

necessary to make the bill applicable to "other animals" as defined in order to effectuate its purposes.

In conclusion, the Department of Agriculture believes it can assume a major role in preventing the theft of dogs and cats intended for use in research experimentation. However, we feel that the Department's role should be restricted to those provisions governing the licensing of dealers and research facilities, and excluding the actual inspection of research facilities.

We shall be happy to respond to any questions you may have, Senator.

Senator MONRONEY. Thank you very much, Dr. Irving.

You are a medical doctor, are you not?

Dr. IRVING. No, sir. I am a doctor of philosophy in biochemistry.

Senator MONRONEY. As a biochemist, you are interested in research.

Dr. IRVING. Yes, sir.

Senator MONRONEY. And the use of animals in that field, are you not?

Dr. IRVING. Yes, sir.

Senator MONRONEY. You are familiar with the parts of research which you have identified that the Department of Agriculture engages in?

Dr. IRVING. Yes, sir.

Senator MONRONEY. In your work on communicable and infectious diseases and the control of them and on other animal research on reproduction and matters of that kind, have you dealt with research animals?

Dr. IRVING. Yes, sir; many of them.

Senator MONRONEY. How many animals does the Department of Agriculture currently have?

Dr. IRVING. In the field of farm animals, Senator, I would hesitate to try to count the total number. I am talking about cattle, swine, sheep, poultry, those that are classed currently usually as farm animals. We do have use annually for perhaps 1,500 to 2,000 dogs in some of our operations, perhaps half that many cats.

Senator MONRONEY. Are they housed all over the country?

Dr. IRVING. In many places throughout the country. One of the places of course is our Agricultural Research Center in Beltsville, at our major installation for animal diseases research at Ames, Iowa, at our exotic disease research station, Plum Island, N.Y., and throughout the land-grant college network with whom we have research cooperation.

Senator MONRONEY. In addition to its care of animals used in its own research, the Department of Agriculture has been given the task of inspection and reporting on the humane slaughter legislation, and the enforcement of this, have they not?

Dr. IRVING. Yes, sir; that is a responsibility of the Consumer and Marketing Service of the Department.

Senator MONRONEY. Were they able to meet the responsibility Congress gave them to enforce this bill which everyone said would be an impossibility?

Dr. IRVING. Yes, sir; I believe it is being effectively administered.

Senator MONRONEY. And while the Department of Agriculture objected to taking it on, saying they didn't want it, in the long run they have done a fine job in enforcing this Humane Slaughter Act, haven't they?

Dr. IRVING. I am pleased to hear you say that, sir.

Senator MONRONEY. We think so. And on the other enforcement matters, the 28-hour law, that is the one that animals have to be fed and watered in interstate commerce, have you done a good job in enforcing this rather humane objective?

Dr. IRVING. We have; yes, sir.

Senator MONRONEY. Are there any other items where the Department of Agriculture comes into the administration and care of animals?

Dr. IRVING. Yes, sir.

Senator MONRONEY. Please enumerate them.

Dr. IRVING. In the course of our activities in the Department of Agriculture, we concern ourselves with the control and eradication of animal diseases throughout the United States, among which are hog clorera, brucellosis, TB, and screw-worm infestation of livestock. In all of these cases we are handling large numbers of animals and working with people who own or control large numbers of animals. In our border inspection at ports of entry, land, sea, and air, we inspect cargo and personal luggage for any pests which may be introduced into the United States that we do not have and where quarantines exist to prevent entry. This is done to protect not only the livestock but the plant resources of this country from exotic pests and diseases.

In the course of this, I repeat, we have had considerable experience in handling numerous kinds of animals in great numbers.

Senator MONRONEY. Now if, as you testify, you would be ready, willing, and able to take over the enforcing of humane standards and care and housing on the dealer premises, you feel from past experience that the Department of Agriculture is qualified for that task, do you not?

Dr. IRVING. Yes, sir.

Senator MONRONEY. Do you see any reason why you would be disqualified from moving across the street to the housing and kennel facilities of a college or research facility, to exercise the same humane judgment and discretion that you have done in the humane slaughter field and with your own research animals and the 28-hour interstate shipment law, as you would perhaps do in the enforcement of the humane standards and housing facilities in the dealers across the country?

Dr. IRVING. We would by no means disqualify ourselves on the basis of lack of competence to do the job, Senator.

Senator MONRONEY. That makes me feel very good, Doctor, because listening to the testimony of all of these doctors this morning, I would have judged that when it came to animals, the Department of Agriculture was completely and totally incompetent even to understand what humane care, feeding, and housing is. You feel that this experience has been sufficient to qualify the Department, if it were thrust upon them?

Dr. IRVING. My research bias teaches me we are qualified; yes, sir.

Senator MONRONEY. You recognize, of course, that it is a pretty big problem. You mentioned the number of people that might be

required if the Department took it over. Would you not say that there will be many more dealers to be checked on than there would be research facilities?

Dr. IRVING. No, sir. If I am understanding the question, we would think there would be far more users than there would be dealers by a factor of maybe four or five times.

Senator MONRONEY. Four or five times as many——

Dr. IRVING. Users as dealers.

Senator MONRONEY. I see. But wouldn't dealers be scattered over a larger area?

Dr. IRVING. Probably users scattered over a larger area.

Senator MONRONEY. Do you estimate a cost of appropriations for the first year of between $2 and $3 million?

Dr. IRVING. Yes, sir.

Senator MONRONEY. That would be for only the function of the dealers, or would that be for both functions?

Dr. IRVING. This estimate is for the coverage of the bill that is before us now, if this were the total.

Senator MONRONEY. You don't feel you would have any trouble operating within this kind of appropriation, with the staff outlined, of between 100 and 185 professional personnel and 51 nonprofessional personnel? Is that correct?

Dr. IRVING. If our estimates are within the ball park, and we think they are, we think this estimate is also reasonable for the first year of operation for whomever has the Federal responsibility for administering it.

Senator MONRONEY. Why is it so difficult for the Department of Agriculture to come up with a set of fair and equitable provisions for humane care and housing and feeding and separation of the animals by species? It doesn't seem to be too difficult to prescribe other than standards. That is what we are talking about, humane standards.

Dr. IRVING. Yes, sir. I think the point, as far as we are concerned, hinges on this: as we said before, we do not disqualify ourselves on the basis of any lack of competence to handle animals humanely or lack of competence to learn how all animals in whatever facility should be handled.

We do contend, however, there does exist now in the Department of HEW knowledge of the nature of these research facilities, a closeness to the operations going on in these facilities, and indeed an intimate relationship, because HEW supports a good portion of that research. So, it would seem reasonable to us that with this competence already in existence in a Federal agency, that a new responsibility of this type should fall to them, rather than to the Department of Agriculture, who would have to get additional information about these same facilities, before it could proceed.

Senator MONRONEY. But in the research that is being done, aren't they practically partners in this matter of research? And it would be a partner regulating partner, in a judgment that is not prejudiced by having granted the research project in the first place instead of an outside agency of government looking independently at the operation.

Dr. IRVING. I grant you that may be a point. I doubt that the Department of Health, Education, and Welfare, any more than we in

Agriculture, would assume that it controls its grantees or contractors to that extent.

I think the relationship is one of granting or contracting to buy competence and individual effort and judgment on the part of the contractor and grantee and not in the sense that they are working partners in a legally binding document.

Senator MONRONEY. Would you think that the past record of something like 10 years of minimal effort to move forward in the care of these research animals would have put them in an attitude that the present system is the best of all possible worlds and there is no use to seek for any vast improvement in the humane care of these suffering animals?

Dr. IRVING. I don't know, firsthand, Senator. I think it would be a habit of human nature that such might tend to exist. I don't know that it does. In other words, I don't have firsthand information and I don't think anyone in Agriculture does, with respect to the facilities in medical research institutions with which we have had no direct experience.

Senator MONRONEY. Don't you feel you could effectively enforce the minimum humane standards in these institutions as well as enforce them on the premises of animal dealers?

Dr. IRVING. Yes, sir; I think from the standpoint of competence and capacity to learn to do it, we have it, and we could.

Senator MONRONEY. So there is nothing impossible about the assignment. You could, if it were Congress will to utilize the experience that you have had to administer this bill properly and without any undue difficulty?

Dr. IRVING. If the authorization is made to the Department of Agriculture, we will do it, and we will do a competent job of it, Senator.

Senator MONRONEY. I am sure you will do a competent job of it. Is there anything as far as you know that would disqualify you from doing it?

Dr. IRVING. No, sir.

Senator MONRONEY. Except it is not the policy of the Department at this time to ask for additional work?

Dr. IRVING. The policy of the Department is to suggest to the committee that the Department of Health, Education, and Welfare is now presently better qualified to assume this responsibility.

Senator MONRONEY. You mentioned a while ago the cost of the program being high. Can you see any reason why it would be higher for the Department of Agriculture to administer the program than it would for HEW or NIH?

Dr. IRVING. No, sir. I would think, given the same information—that is, accurate information—if we can obtain it, on the number of facilities that would come under the provisions of this bill, that the cost to the Federal Government should be about the same, whether it is in one department or another.

Senator MONRONEY. Providing you do an equal amount of personal investigation, personal contact in the field. You have to have field-workers to properly administer this, wouldn't you?

Dr. IRVING. Yes, sir.

Senator MONRONEY. If it were given to you, as an experienced Agriculture man, would you feel that you could turn it over to another

outside agency on a more or less nongovernmental basis, but reimbursed in part by the Federal Government, and perhaps in part by the research institutions you are inspecting, and do a good job in maintaining humane standards that would be issued by the Secretary?

Dr. IRVING. I would hate to be committed at this stage as to how we would develop our techniques for operating under such an authority, Senator. I think we would begin with personal attention to it, at least in the early stages of the operation. We have had little or no experience in delegating to outside bodies any of our responsibilities.

Senator MONRONEY. The cost of doing it yourself might be a little higher, but do you think it could be done by delegation?

Dr. IRVING. Yes, sir; I think it is perfectly possible to have it done by delegation. I believe that whether it is done within the Government or by someone to whom it is delegated by the Government, successful operation depends on the competence of the individuals who are doing it in each case, and the detail with which the responsibilities are delineated.

Senator MONRONEY. But if the groups that form the certification branch are themselves engaged in dealing with research animals all of the time, would you feel that you could get an unbiased administration that would be effective in eliminating the unnecessary suffering of animals in research?

Dr. IRVING. I would think that any organization would have to be looked at very carefully to see that there were no real significant conflicts of interests, a situation which comes up in many, many areas. But I think, too, that we should not vest any such authority in people who are so unbiased, that they know nothing about the subject matter. There would have to be a nice choice between those two extremes.

Senator MONRONEY. You say in the early part of your statement that the determination of where animal care left off and research began would be one of the perplexing problems of the administration of the act. If the bill gives to the researcher the sole authority to say when it begins and when it is ended, Agriculture would not then be involved in making any determination and, therefore, would not have to face this problem, would they not? It seems to me that it is a very easy one to settle.

Dr. IRVING. If I am following you, Senator, if the research animal is in the process of research it is exempt from any provisions——

Senator MONRONEY. He is under the present amendment we are talking about. But the question has arisen, when does research begin and when does it end. I have always felt the researcher is the one to determine that.

Dr. IRVING. I agree on that.

Senator MONRONEY. So this would make it much easier and solve this problem you mentioned at the outset, would it not?

Dr. IRVING. Yes, sir.

Senator MONRONEY. Senator Neuberger?

Senator NEUBERGER. I am interested, of course, in your point 3 on page 4, Dr. Irving, which Senator Monroney just referred to, about the determination of the experiment. It seems to me we do have a duplication of jurisdiction here.

If this is in the Department of Agriculture and you could attest to the humanity and I say that HEW would require just about as many people as you think, or as much money, but then you would have to go to HEW, or to some other unit of Government, to pass the final say on whether or not the animal is now through with the research. Your jurisdiction would not take you into that. So there we would have two units of Government in the laboratory, wouldn't we?

Dr. IRVING. Not quite, Senator Neuberger, if we follow the Department's position on this, we would stop at the facility door and HEW would pick up beyond the facility door.

Senator NEUBERGER. Well, that is not what is proposed in this amendment. The proposal in this amendment is that you would be entirely in charge until it came to a question of whether humane treatment was being accorded, and the researcher would say no. Then you are switching over to a Public Health or NIH or HEW unit of Government. So we still have to have HEW in this thing somewhere, it seems to me.

I am interested, of course, in cost. There are approximately 9,000 laboratories that might receive funds and you have 100 people; I presume those nonprofessional personnel are just care people, is that right?

Dr. IRVING. The nonprofessional personnel would be livestock inspectors and clerical personnel.

Senator NEUBERGER. But are the 100 people veterinarians?

Dr. IRVING. Probably almost entirely veterinarians.

Senator NEUBERGER. I wonder how long would it take them to get around to site visits? Wouldn't that be a monumental job for 100 people to visit 9,000 laboratories?

Dr. IRVING. It would, if they had to do this tomorrow, or within a few days. I think with the grace period provided in the legislation we would have to work pretty rapidly in the 6 months which is provided to determine what regulations we should have and promulgate them. But we do have, in addition, Senator Neuberger, a good relationship with all of the State officials that are concerned with State laws regarding livestock movement, and any procedures that are carried out with livestock. We would use this network of our associates in the 50 States. With the information that they have and working with them to the extent they would cooperate, we could accumulate the information, I think, more rapidly than the numbers of people here would indicate.

I might say that they would work, we feel sure, with another Department of Government just as enthusiastically.

Senator NEUBERGER. And would those State people be qualified to go into a research facility or a laboratory to determine whether this animal was sick or well and also whether it was under experiment? Can a veterinarian determine whether an animal was being well cared for, and whether it was still needed in the experiment, or would he want the responsibility of determining?

Dr. IRVING. I think a veterinarian might well have a judgment in that respect. I think, though, that the man whose experiment it is is still the one whose opinion should prevail in such instances, whether he is another veterinarian or an M.D. or a Ph. D.

Senator NEUBERGER. I think here is where we ran into a problem and the Senator has emphasized that the researcher himself shall have the determination. But he also is determining then, isn't he, that certain surroundings and facilities are necessary for his experiment. So we are going to run into an awful lot of cross purposes, it seems to me.

I might tell you that there has been questioning of the voluntary inspection for several reasons: on this committee we are rather sensitive. We saw the tobacco industry want to voluntarily control its own advertising. We saw the containers want to control the sizes of the packages. We saw the automobile industry want to do it. They always want to voluntarily control their own. And we have just found that they are incapable of doing it. So I think that is the reason for some of the questioning here.

I am, however, most impressed in your statement, that you evidently have some reluctance about handling the part of animal care that has to do with research, and that is because you feel the people in HEW are already trained, already keen observers, who deal with it; is that it?

Dr. IRVING. That is essentially it, Senator Neuberger.

Senator NEUBERGER. That is all.

(The prepared statement of Dr. G. W. Irving, Jr., follows:)

Mr. Chairman and Members of the Committee, I appreciate the opportunity to appear before your committee to present the Department's views on bills designed to prevent dog and cat theft and to provide for the humane care and treatment of animals intended for use in research facilities.

Since the Department has previously reported to your committee on March 25 on S. 2322, I shall direct my remarks to these specific questions involved with Committee Print No. 3 dated May 19, 1966.

1. Whether regulation of animal care and housing should be carried out by the Department of Agriculture or by the Department of Health, Education, and Welfare.

The Department of Agriculture conducts programs in research related to animal production and animal diseases. In addition, it is charged with the administration of programs for the control and eradication of infectious, contagious, and communicable diseases of livestock and poultry; for the prevention of the introduction into and dissemination within the United States of such diseases; and for the prevention of the exportation of diseased livestock and poultry. It also administers laws regarding the humane slaughter and treatment of livestock. In addition, the Department also has the responsibility of administering the 28-Hour Law, an act approved June 29, 1906, to prevent cruelty to animals while in interstate transit by railroad or other means of transportation. It has been administratively determined that cattle, sheep, swine, horses, mules, buffalo, elk, and deer are covered by the Act. Dogs, cats, reptiles, and poultry do not come under provision of the Act.

The Department of Health, Education, and Welfare makes grants-in-aid for health research facilities construction, institutional grant programs for primate centers, general clinical research centers, special resources centers and general research support. In addition, HEW provides facilities, equipment, and a wide variety of scientific, technical and supportive services essential to the needs of the medical investigator and research administrator.

This Department believes that the administration of regulations pertaining to laboratory animal care and housing should be the responsibility of the Department of Health, Education, and Welfare.

The USDA is qualified, through its experience in regulating the interstate movement of livestock and poultry to promulgate humane standards and other regulations affecting dealers in dogs and cats intended for research. On the other

hand, HEW is presently more qualified to establish and enforce humane care standards for laboratory animals in research facilities. Although, USDA could gain the necessary competence to fulfill provisions of the legislation, HEW already has knowledge of the facilities involved as well as an established relationship with the research facilities that would be affected. HEW is also familiar with the kinds of research underway and in many instances is responsible for actually supporting the research.

We, therefore, believe that when the legislation is enacted the Department of Health, Education, and Welfare through its primary mission and current authorities is better qualified to regulate and administer humane animal care and housing regulations at the research facility.

2. The cost to the Federal Government of regulating animal dealers and medical research laboratories.

The Department of Agriculture has not anticipated enactment of such legislation as is being discussed, and accordingly, has made no budget proposals regarding it. Wherever the responsibilities under this legislation are placed, additional personnel and funds will be required for its administration. Our estimate for the first year of administration is as follows:

Professional personnel	100 to 185
Nonprofessional personnel	51
Total appropriated funds	$2 to $3 million

This estimate covers only the cost of administering the proposed legislation and does not include the cost of remodeling and renovating facilities to comply with animal care standards.

In the absence of proven numbers of dealers and users that might be involved, we feel that this is the best estimate that can be made at this time. Our projection of the numbers of animal dealers and users is based on the lists from the Institute of Laboratory Animal Resources, National Research Council, National Academy of Sciences. Their figures were compiled from post card questionnaires for use within their offices to furnish researchers with legitimate supply sources, and vice versa. The best total figure that can be projected at this time is in the vicinity of 9,000 users of research animals. This figure includes approximately 7,000 hospitals which may, or may not, fall within the definition of "research facility" as intended by the bill, 868 institutions, 260 Federal laboratories, and approximately 1,000 private laboratories.

The Department believes that the first year of administering the legislation would entail considerable survey to determine the actual numbers of dealers and users involved in its provisions. In addition, regulations will be developed and promulgated. Within the compliance provisions of the bill, this could be up to nine months lapse of time from the date of enactment. Estimates after the first year of operation could then be based more realistically on factual data which is not now available. USDA believes that the full amount should be from appropriated funds and that any fees collected should go to miscellaneous receipts of the Treasury.

3. If the regulation of the care and housing of animals is provided, who would be required to determine when an animal is exempt from regulation because it is undergoing actual research.

It is our opinion that an animal in a kennel, or other holding area in a research facility would come under provisions of Committee Print No. 3 to S. 2322, between the time of acquisition and the point at which the animal is subjected to some procedure which is a part of the program of research usage planned for the animal. We believe that the question of whether or not an individual animal in a research facility is actually a principal in an experiment, test, or other recognized procedure could be answered only by the research worker utilizing such animal.

The Department of Agriculture supports the objectives of S. 2322. We are concerned about the illicit traffic in family pets. However, it is our understanding that the practices which give rise to the proposed legislation relate to the theft of dogs and cats. We are not aware of any such practice existing with reference to other animals. There is serious question, therefore, in our minds, as to whether it is necessary to make the bill applicable to "other animals" as defined in order to effectuate its purposes.

In conclusion, the Department of Agriculture believes it can assume a major role in preventing the theft of dogs and cats intended for use in research experimentation. However, we feel that the Department's role should be restricted

to those provisions governing the licensing of dealers and research facilities, and excluding the actual inspection of research facilities.

I shall be happy to respond to any questions you may have.

Senator MONRONEY. Thank you very much, Senator Neuberger. I think you can't say often enough that it is going to be the researcher and not NIH or HEW or Agriculture or any other enforcement agency that determines when research leaves off and normal care starts.

When the animal leaves the pen to go into research he is under the control of the research man. Not until the animal is returned and the researcher says, "I am completed with this," does the law again take effect. We take the researcher's word.

Senator NEUBERGER. So what does the Department of Agriculture do then? They tell him he must have so much water, ventilation, and so on?

Senator MONRONEY. No, he is absolutely free, whatever his experiment requires, as long as the animal is under his care in research. Then if it requires a minimum amount of water, things of that kind, or minimum amount of food——

Senator NEUBERGER. If the thing stops at the door of the research laboratory, though, then what is the need for this legislation?

Senator MONRONEY. That is because the animals are not in the research laboratory all of the time. It is only a small portion of the time, I would hope, that they are actually undergoing research and the various things that are required to advance medical science.

Senator NEUBERGER. I don't know enough about it to know when one ends and the other begins there. But I thought as soon as the animals were purchased by the facility from the kennel or the licensed dealer, then they are under his care. He wants them in good shape, he wants to be sure they are not infected in any way, and presumably they won't be if the dealer is licensed, and then they are a research animal.

Senator MONRONEY. They are a research animal all along, but they are not undergoing research until the doctor or the researcher——

Senator NEUBERGER. Does what?

Senator MONRONEY. Takes it into the laboratory and says, "I am beginning the research." Then the door is locked against the Department of Agriculture or against NIH or AAALAC, or anybody else, until he brings the dog back and says, "Here is the dog, the research is completed."

Senator NEUBERGER. This is a gray area where we will run into trouble with administration.

Senator MONRONEY. We can write language to say the researcher be the sole determiner if it is required.

Senator NEUBERGER. I think we wouldn't be in disagreement, if that were very, very carefully written.

Senator MONRONEY. We tried to state this in every way, that we recognize this point in which the animal—these animals are warehoused by the research facility in their own kennels. You are fortunate to have a farm where they go in Oregon. I don't think any other State I know of has it. But they do have kennels of various sizes and various quality. And it is the condition within these kennels, while they are awaiting undergoing research or when they have returned from research that we are anxious to eliminate any unneces-

sary inhumane care. We feel that there has been neglect of these animals in this area, and testimony repeatedly has indicated that before this committee and others.

We feel the proposal made by my amendments, to put the experienced Department of Agriculture in charge, would be better than putting HEW in charge and permitting authority to be turned over to AAALAC, or some extra-supra organization that has no real direct relationship with the Government.

The current program calls for a second site visit and evaluation after 5 years of accreditation. That seems a long time to me to wait. And they get an annual report, but that is written by the laboratory itself.

Now, it doesn't seem to me, if that is one of the principal reliances, and it appears to be, that we are effectuating the real endorsement of animal care standards.

Senator NEUBERGER. That is why I asked this question about the inspection, if you have 9,000 laboratories, 100 people, how often will you get around to them, every how many years?

Senator MONRONEY. I think they will do better than once every 5 years. I would hope they would.

Senator NEUBERGER. As the doctor explained, combining with the State veterinarians and animal husbandry, I suppose they could do it in their own State with more dispatch.

Dr. IRVING. There is an additional point, Senator, that the 9,000 may not be the absolute correct number. We are working somewhat in the dark as to the exact number of locations that would have to be inspected.

Senator NEUBERGER. But those 100 also have to inspect the dealers, too.

Dr. IRVING. Yes.

Senator NEUBERGER. And we have no idea how many dealers there are.

Dr. IRVING. We have a better idea of the number of dealers. It is about 750, we estimate, in dogs and cats, and if you increase that to the other animals specified in the amendment, it might go to twice that much, but not more than twice that.

Senator NEUBERGER. That is all.

Senator MONRONEY. I would like to insert in the record at this point a list of the various statutes administered by the Department of Agriculture under which the Department inspects or regulates the transportation and handling of animals. I would also like to insert at this point the text of 45 United States Code section 71 and 46 United States Code section 466a concerning the Secretary of Agriculture's authority with regard to the humane care of animals while in transit, and 21 United States Code section 111 concerning the Secretary's authority to make regulations to prevent the introduction or dissemination of contagious diseases of animals.

(The above-mentioned documents follow:)

Statutes administered by U.S. Department of Agriculture under which the Department inspects, or regulates the transportation or handling of livestock or other animals (including poultry)

Statute	Citation	Animals covered
A. "Animal quarantine" laws:		"Livestock" and "poultry." [1]
Act of May 30, 1890, as amended.	21 U.S.C. 102-105	
Act of May 29, 1884, as amended;	21 U.S.C. 111, 112, 113 to 114a-1, 115, 117 to 122, 130.	
Act of Feb. 2, 1903, as amended.		
Act of Feb. 28, 1947, as amended.	21 U.S.C. 114b, 114c	
Act of Sept. 6, 1961	21 U.S.C. 114g, 114h	
Act of May 31, 1920	21 U.S.C. 116	
Act of Mar. 3, 1905, as amended and extended.	21 U.S.C. 123 to 128	
Act of July 2, 1962	21 U.S.C. 134 to 134h	
Tariff Act of 1930, subsecs. 306 (a) and (c), as amended.	19 U.S.C. 1306 (a) and (c)	
B. Meat Inspection Act of Mar. 4, 1907, as amended and supplemented.	21 U.S.C. 71-91, 96	"Cattle, sheep, swine, and goats"; "horses". tered domesticated bird").
C. Poultry Products Inspection Act, as amended.	21 U.S.C. 451-469	"Poultry" ("any live or slaugh-
D. Tariff Act of 1930, subsecs. 306(b) and (c), as amended.	19 U.S.C. 1306(b) and (c)	(2).
E. Act of Aug. 27, 1958,	7 U.S.C. 1901 to 1906	"Livestock" ("cattle, calves, horses, mules, sheep, swine, and other livestock").
F. 28 hour law	45 U.S.C. 71 to 74	"Cattle, sheep, swine, or other animals".
G. Act of Mar. 3, 1891, as amended	46 U.S.C. 466a, 466b	"Cattle, horses, mules, asses, sheep, goats, or swine".
H. Tariff Act of 1930, as amended, title I, schedule 1, part 1, item 100.01.	19 U.S.C. 1202, schedule 1, part 1, item 100.01.	"Animals (except black, silver, or platinum foxes, and any fox which is a mutation, or type developed, therefrom)".
I. Packers and Stockyards Act, 1921, as amended and supplemented.	7 U.S.C. 181 to 229	"Livestock" ("cattle, sheep, swine, horses, mules, or goats—whether live or dead").
J. Virus-serum-toxin provisions of act of Mar. 4, 1913.	21 U.S.C. 151 to 158	"Domestic animals".

[1] While reference is made in certain provisions to "animals" or "domestic animals," the basic authority of the Department relates to prevention of the introduction or dissemination of diseases of livestock and poultry, and any regulation of other animals is for the purpose of preventing the introduction or dissemination of diseases of livestock or poultry.

[2] In connection with the regulation of imports of meat, the Department imposes conditions upon the slaughter and processing of livestock in foreign countries.

TITLE 45.—U.S. CODE

Chapter 4.—CARE OF ANIMALS IN TRANSIT

71. Transportation of animals; time of confinement; unloading for rest and feeding.

No railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of thme, whose road forms any part of a line of road over which cattle, sheep, swine or other animals shall be conveyed from one State or Territory or the District of Columbia, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, shall confine the same in cars, boats, or vessels of any description for a period longer than twenty-eight consecutive hours without unloading the same in a humane manner, into properly equipped pens, for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented by storm or by other accidental or unavoidable causes which cannot be anticipated or avoided by the exercise of due diligence and foresight:

TITLE 46.—U.S. CODE

466a. Rules as to accommodations for export animals.

The Secretary of Agriculture is authorized to examine all vessels which are to carry export cattle, horses, mules, asses, sheep, goats, or swine from the ports of the United States to foreign countries, and to prescribe by rules and regulations or orders the accommodations which said vessels shall provide for export cattle, horses, mules, asses, sheep, goats, or swine as to space, ventilation, fittings, food and water supply, and such other requirements as he may decide to be necessary for the safe and proper transportation and humane treatment of such animals.

TITLE 21.—U.S. CODE

PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

111. Regulations to prevent contagious diseases.

The Secretary of Agriculture shall have authority to make such regulations and take such measures as he may deem proper to prevent the introduction or dissemination of the contagion of any contagious, infectious, or communicable disease of animals and/or live poultry from a foreign country into the United States or from one State or Territory of the United States or the District of Columbia to another, and to seize, quarantine, and dispose of any hay, straw, forage, or similar material, or any meats, hides, or other animal products coming from an infected foreign country to the United States, or from one State or Territory or the District of Columbia in transit to another State or Territory or the District of Columbia whenever in his judgment such action is advisable in order to guard against the introduction or spread of such contagion.

Senator MONRONEY. I have no further questions. We do want to thank you very much, Dr. Irving, for your appearance here and for your helpful testimony that you have given us.

Dr. IRVING. Thank you.

Senator MONRONEY. We have no other witnesses scheduled. The Chair apologizes for having an afternoon session, but it was unavoidable.

The committee will stand in adjournment subject to the call of the Chair.

(Whereupon, at 3:35 p.m., the committee recessed, subject to the call of the Chair.)

(The following statements were submitted for the record:)

STATEMENT OF THE AMERICAN COLLEGE OF RADIOLOGY, CHICAGO, ILL.

The 6,500 members of The American College of Radiology, doctors of medicine who specialize in the use of x-ray and radioactive substance in the diagnosis and treatment of disease and injury, appreciate the opportunity offered by the Senate Committee on Commerce to comment upon H.R. 13881 as adopted by the House of Representatives.

The bill as adopted protects the owners of dogs and cats against theft of such pets and effectively licenses and regulates dealers in dogs and cats destined to be used for research purposes. We strongly support these provisions of the bill.

We further support the provision of Section 8 requiring research facilities to maintain appropriate records with respect to purchase, sale and transportation of dogs and cats. This is a reasonable requirement and should be retained to facilitate regulation of dealing with dogs and cats.

We respectfully suggest that licensure of dealers, coupled with the provision that research facilities are required to purchase only from licensed dealers (Section 3), obviates the necessity of licensing research facilities. This belief is reinforced by the fact that the bill (Section 6) requires the Secretary to issue licenses to research facilities "upon application therefore" and "upon payment of such fee established pursuant to Section 17", while denying him authorization to establish standards for handling dogs and cats after they reach the research facility (Section 5). This causes research facility licensure to be a matter of application and payment of a fee. This does not contribute in any way to the

purpose of the bill which is to prevent "petnapping" and humane treatment of dogs and cats used in medical research. We request that provisions relating to licensure of animal research facilities be deleted from this legislation.

We are informed that amendments requiring more restrictive licensure of research facilities and extension of the bill to animals other than dogs and cats have been offered. We believe that adoption of an overly restrictive posture by Congress will inhibit medical research. For instance, much of the experimental work on the genetic effects of radiation has been pursued with fruit flys and white mice. Genetic experimentation requires tremendous populations. The necessity of maintaining records on white mice would be very expensive and difficult. The thought of maintaining records on fruit flys presents problems bizarre and overwhelming.

If Congress over-legislates in this field at this time, it will be most difficult to undo the harm to medical research that will have been done. If minimal legislation fails to solve the problems present, it is always the option of Congress to legislate in greater scope and detail in the future. It is highly recommended, however, that Congress attempt to solve the problems present with minimum legislation. This will eliminate the necessity of later going through the difficult process of amendment, or repeal. Further, such an approach avoids the risk of seriously injuring medical research during the period of time that a restrictive law would be in force. Animal research is basic to human medical care. If such research is hampered, mankind is the loser. Please, while protecting dogs and cats, do not injure the ability of medical research to assist human beings.

STATEMENT OF THE AMERICAN DENTAL ASSOCIATION AND THE AMERICAN ASSOCIATION OF DENTAL SCHOOLS

The American Dental Association and the American Association of Dental Schools are in full sympathy with the intent of those who are sponsoring S. 2322 and similar measures to the degree that they wish to prevent the theft of household pets and to provide for adequate standards of care for such animals while being handled by dealers. Some provisions of these measures, however, are not necessary to achieve this excellent purpose and should, in our opinion, be substantially modified or eliminated.

The bills touch on three distinct areas of activity: procurement of animals, care of animals in general, and care of laboratory animals.

The bills quite clearly draw a distinction between animals in general and animals destined to be housed in a research or education facility and used in that facility's research efforts. Such a distinction seems to us to be purposeless. It also, though unintentionally, places an unwarranted stigma on the scientific community.

If Congress deems it prudent to make the theft of animals a Federal offense, then it is our belief that it should do so straightforwardly without impairing and complicating the law by such unnecessary classifications. Consequently, we believe the committee should eliminate from the bills all specific references to the intended disposition of the stolen animal.

In the same vein, we believe the committee should eliminate those parts of S. 2322 and similar bills that deal with laboratory animal care. The care of animals in the laboratory is not germane to cat and dog stealing or to the care of these animals in the hands of a dealer or some other member of the public. In addition to being extraneous, the subject of laboratory care of animals is a much more complex issue than these bills would seem to indicate and needs to be dealt with separately. There are bills (H.R. 5191 introduced by Representative Roybal) presently before Congress that take it up in considerable detail.

Our conviction on this matter is parallel to a judgment made publicly by a most distinguished member of the Committee on Agriculture of the House of Representatives, the Honorable Joseph Y. Resnick of New York. In testimony given on September 2, 1965, Mr. Resnick said: "Let me stress at this time that I fully support the valuable research work being done by these hospitals and laboratories. Their needs for animals is a legitimate need. There is not a man, woman, or child anywhere in this country who does not enjoy the benefits of this research—research which develops new drugs and operating techniques, which bestows better health and longer life on all of us. I am not an antivivisectionist and the issue of vivisection is nowhere involved in this legislation. Neither is the issue of animal care in the laboratory. This bill is concerned en-

tirely with the theft of dogs and cats, and to a somewhat lesser degree, the indescribably filthy conditions in which they are kept by the dealer." [1]

Mr. Resnick then went on to say he did not believe it necessary to license research facilities and that the regulations for "the handling and transportation of dogs and cats should be set only for dealers." [2]

At the same hearings, a former Senator and now a distinguished Member of the House of Representatives, the Honorable Claude Pepper, noted that: "The sale and the use of animals for experimental purposes are two distinctly different fields which in my opinion cannot be legislated in the same bill." [3]

The American Dental Association and the American Association of Dental Schools subscribe to these remarks and believe that this committee should take action in consonance with their import. This could be done by eliminating those sections that place restrictions or control on research facilities. This would meet our objections with respect to the requirement of licensure of the research facilities and the regulation of laboratory animal care in such facilities as a prerequisite for obtaining such a license.

A requirement for the licensing of animal dealers would provide sufficient authority for the prevention of, and punishment for, animal theft without introducing extraneous matters that have no pertinence to the intent of the bills in question.

The licensing of research facilities could well become a mechanism for the control of research rather than a mechanism for the prevention of animal theft. Such control would impede unnecessarily the research going on in laboratories across the country leading toward control of elimination of human disease and suffering.

Our opposition to these aspects of S. 2322 should not be construed as a lack of interest in laboratory animal care. On the contrary, we have a long-standing and vital commitment in this area.

Some years ago, the American Dental Association was pleased to cooperate with the Institute of Laboratory Animal Resources of the National Academy of Sciences-National Research Council and assisted that agency in surveying facilities at dental schools and research institutions in this country.

In 1964, the house of delegates of the American Dental Association adopted the following resolution:

"*Resolved*, That the following statement regarding the use of laboratory animals in research be adopted as an affirmation of policy;

"The American Dental Association favors all reasonable efforts that would insure the humane treatment of laboratory animals but opposes the enactment of restrictive legislation that would hamper investigation or impede the progress of research."

Similarly, the American Association of Dental Schools supports voluntary efforts to insure humane care for laboratory animals used in research and education. In November 1965, the executive council of the American Association of Dental Schools approved the following resolutions:

"*Resolved*, That the American Association of Dental Schools continue its support of voluntary efforts to insure the humane treatment of laboratory animals, through programs such as that of the American Association for the Accreditation of Laboratory Animal Care, and be it further

"*Resolved*, That the American Association of Dental Schools express its opposition to restrictive legislation which would impede investigative efforts in research."

For a number of years, the American Dental Association and the American Association of Dental Schools have been members of the animal care panel. In addition, we have cooperated with other national scientific and professional organizations by assisting the animal facilities accreditation board of the animal care panel in the development and testing of a program for the accreditation of laboratory animal care. It was a result of this study that the American Association for the Accreditation of Laboratory Animal Care was formed in April 1965. The American Dental Association and the American Association of Dental schools are among the founding members of this association and continue to support the organization and its program. Within the last few months, this program has become operational.

---

[1] Hearings before the Subcommittee on Livestock and Feed Grains of the Committee on Agriculture of the House of Representatives of the 89th Cong., 1st sess., on H.R. 9743 et seq., Sept. 2, 1965, p. 4.

[2] Ibid.

[3] Ibid., p. 9.

Our associations have a sincere interest in the care of laboratory animals. It is our position that the problems related to laboratory animal care are intertwined with programs of research and education and that they should accordingly be considered separately from the problems of cat or dog theft and the care of animals prior to their arrival at a research facility.

SUPPLEMENTARY STATEMENT OF THE AMERICAN DENTAL ASSOCIATION AND THE AMERICAN ASSOCIATION OF DENTAL SCHOOLS

As indicated in a statement submitted to the Senate Committee on Commerce on March 30, 1966, the American Dental Association and the American Association of Dental Schools are in "sympathy with the intent of those who . . . wish to prevent the theft of household pets and to provide for adequate standards of care for such animals while being handled by dealers."

These objectives would be achieved by enactment of either H.R. 13881 which has passed the House of Representatives or S. 2322 as orignially introduced. Both of these bills strike a generally reasonable balance between the desirable goals of preventing the theft of dogs and cats and the necessity of preserving the freedom essential to research scientists if they are to progress in their fight against human pain and disease. It is believed, however, that the amended version of S. 2322 is not so well designed and would, in fact, severely and unnecessarily handicap much of the vital health research now being conducted in the scientific community.

A major defect of S. 2322 as amended is that its provisions for licensure, inspection, record-keeping, etc., would impose an enormous burden on research institutions that would hamper and perhaps bring to a standstill much of the important health research now being conducted. The vaguness of the bill's provisions regarding confiscation and destruction of animals, and inspection of records by local law enforcement authorities might well lead to unnecessary interference with and disruption of legitimate research activity and provide an invitation to harassment by those who are opposed to all experimentation and research involving the use of animals.

A second important defect in S. 2322 as amended is that it does not recognize the real problem of improving conditions in the whole research community so that animal care standards can be met within a reasonable period of time. Nor does it take into account the steps already taken by the scientific community itself to provide standards for the humane care of laboratory animals. The American Association for the Accreditation of Laboratory Animal Care, a private agency of which the Association is a founding member, is already in operation and, indeed, has begun accrediting facilities.

A third major defect of S. 2322 as amended is that it places regulatory authority over biomedical research and educational institutions under the jurisdiction of the Department of Agriculture which has no expertise in the field and no established relationship with such institutions. It would be far more reasonable to place such responsibility within the Department of Health, Education and Welfare which not only has the personnel and experience but already administers the basic Federal programs in the area of health research facilities, training of professional laboratory animal personnel, laboratory animal care research and overall improvement of laboratory animal resources. Jurisdiction in this area clearly lies within the Department of Health, Education and Welfare.

There is presently pending before Congress a measure, S. 3332, that does take account of private steps being taken, does acknowledge that Federal responsibility properly belongs to the Department of Health, Education and Welfare and does provide Federal assistance for upgrading standards wherever this is judged necessary. This bill, in addition, will assure adherence to adequate animal care standards by requiring as a prerequisite to receiving a Federal research grant, that an applying institution "be accredited by a recognized body or bodies approved for that purpose by the Secretary of Health, Education and Welfare." The Associations believe that S. 3332 is well-designed to meet the precise requirements of laboratory animal care standards that are high in quality and nationally uniform. S. 2322 as amended, on the other hand, would unduly hamper the research effort of the nation, unnecessarily duplicate efforts already underway in the scientific community and place Federal responsibility in an inappropriate agency. Consequently, we urge the Committee to disapprove S. 2322 as amended.

STATEMENT OF THE AMERICAN FEED MANUFACTURERS ASSOCIATION

The American Feed Manufacturers Association appreciates this opportunity to present its views to the Senate Committee on Commerce concerning S. 2322, S. 3059, and S. 3138. We condemn the theft of pets for any purpose and the mistreatment of these animals which has sometimes followed. We feel, however, that it would be unfortunate if legislation intended to correct this obvious evil were to be permitted to interfere with the nutritional research which is essenial to our Nation's food supply.

We would like to call to the attention of the committee the large amount of nutritional research which is conducted in the United States each year involving hundreds of thousands of head of farm animals—livestock and poultry. This research is carried out by agricultural universities in every State, by the U.S. Department of Agriculture, by feed manufacturers and by other private companies. We are hopeful that the problems of pet stealing and mistreatment can be corrected without developing legislation which will hamper farm animal nutritional research and thus increase the cost of meat, milk, and eggs over the prices which would otherwise prevail.

Livestock and poultry theft is not a substantial problem in the United States. One of the reasons for this is that in many communities the penalties applied to those caught stealing livestock or poultry have been far more severe than the penalties proposed in these bills. Also, animals for feeding trials can be readily purchased from farmers and/or hatcheries (in the case of poultry). Thus special legislation concerning the stealing of farm animals is not needed.

Nutritional research with farm animals is quite different from most medical research as described by witnesses during the March 25 and 28 hearings. Nutritional research normally involves feeding comparisons—such as feeding the layers in one chickenhouse as a ration containing vitamin A as obtained from one ingredient while the layers in an identical house are fed a ration containing vitamin A as obtained from another source. Many of the animals which are purchased for nutritional research are purchased from individual farmers. Much of the poultry which is purchased for nutritional research is purchased from hatcheries which are primarily in the business of hatching chicks, poults, etc., for sale to farmers. Farmers and hatcheries should not be burdened with a licensing procedure, recordkeeping, etc., as a side effect of the problems of pet stealing and subsequent mistreatment of the pets. Also, this would increase costs and would result in higher cost meat, milk, and eggs in the future.

Nutritional research has contributed much to the high standard of living which U.S. citizens generally enjoy. It has been an important factor in making it possible for the U.S. population as a whole to obtain a plentiful supply of tasty, appetizing, nutritious, and wholesome foods at a cost of less than 20 percent of our disposable income, while the citizens of most countries have to spend the majority of their income for food. Nutritional research is a major factor contributing to the increasing quantities of meat, milk, and eggs which most U.S. citizens can purchase with an hour's wages. The quantities of these products which can be purchased with an hour's wages are substantially higher than was the case 10, 20, or 30 years ago.

Specific evidence of the great strides which have been made in the handling and nutrition of farm animals is provided by information recently published by the U.S. Department of Agriculture. In 1965, only 2.55 pounds of feed were required (U.S. average) to produce a pound of broiler as compared with 3.95 pounds of feed in 1948.[1] This represents a 35-percent improvement in feed efficiency which could not have occurred if the animals were being mistreated. U.S. farm animals probably are the best fed and best cared for of any animals in the world.

We respectfully request that livestock and poultry be excluded from any legislation which the committee approves following the March 25 and 28 hear-

[1] "Poultry and Egg Situation," U.S. Department of Agriculture, November 1965.

ings. S. 2322 and S. 3138 do not include nutritional research with farm animals, but S. 3059 probably would be interpreted to include this type of research.

Thank you for the opportunity to present this statement.

OAKLEY M. RAY, *Vice President.*

STATEMENT OF THE AMERICAN MEDICAL ASSOCIATION

The American Medical Association supports programs which protect pets from theft and insures the humane care of laboratory animals. We deplore any improper trafficking in experimental animals. We deplore any substandard care.

We are aware of increasing publicity concerning this subject matter. While pet stealing and improper care of dogs and cats by animal dealers may not be widespread, we firmly agree that any improper practices which do exist in the procurement of experimental animals should be corrected.

Because of our interest in this subject matter, we are pleased to have the opportunity to present the association's views on S. 2322 and S. 3059. At the outset we note that, while S. 2322 is restricted to cats and dogs, S. 3059 is applicable to cats, dogs, and other vertebrate animals.

These bills would authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats and other animals intended to be used for purposes of research or experimentation. The regulation of these activities is stated in the bills to be necessary in order to protect the owners of dogs and cats and other animals from theft of such pets, and to prevent their sale or use for purposes of research and experimentation. We do not believe, however, that this legislation should go beyond the elements necessary for the accomplishment of this goal. Accordingly, we urge that the following two aspects of the bills be modified:

(1) *Licensing of research facilities.*—S. 2322 and S. 3059 would require research facilities to obtain a license from the Secretary of Agriculture upon demonstration of compliance with standards promulgated by the Secretary. We view this provision as unnecessary and unwise.

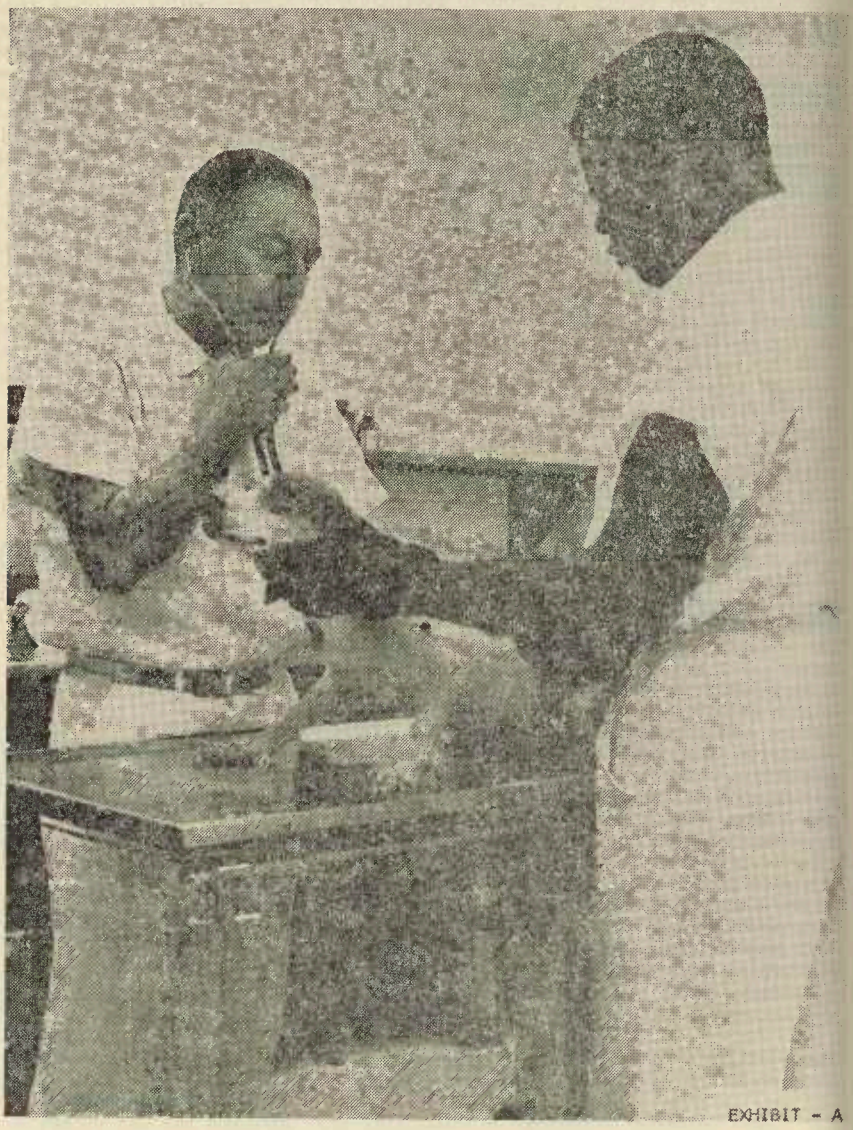
The particular intent of the bills is to prevent the reprehensible theft and inhumane acts in procurement of animals for research purposes. To achieve this goal, it is proposed that dealers involved in the procurement and transportation of animals be licensed in accordance with specified standards. We have indicated our support for the intendment of this provision. By extending licensing requirements to the research facility, however, there is, at least by implication, the suggestion that such facilities are linked to pet stealing or inhumane treatment.

Such is not the case.

It is grossly unfair to "tar with the same brush" these research laboratory facilities and the nefarious animal dealer whom we all wish to eliminate. The standards of animal care in research facilities in the United States are generally high. The voluntary activities of groups or associations which are concerned with animal research, such as the National Society for Medical Research, the Animal Care Panel, the Institute for Laboratory Animal Research, and the American Association for the Accreditation of Laboratory Animal Care, are effectively accomplishing the goal of maintaining good animal care in the laboratory.

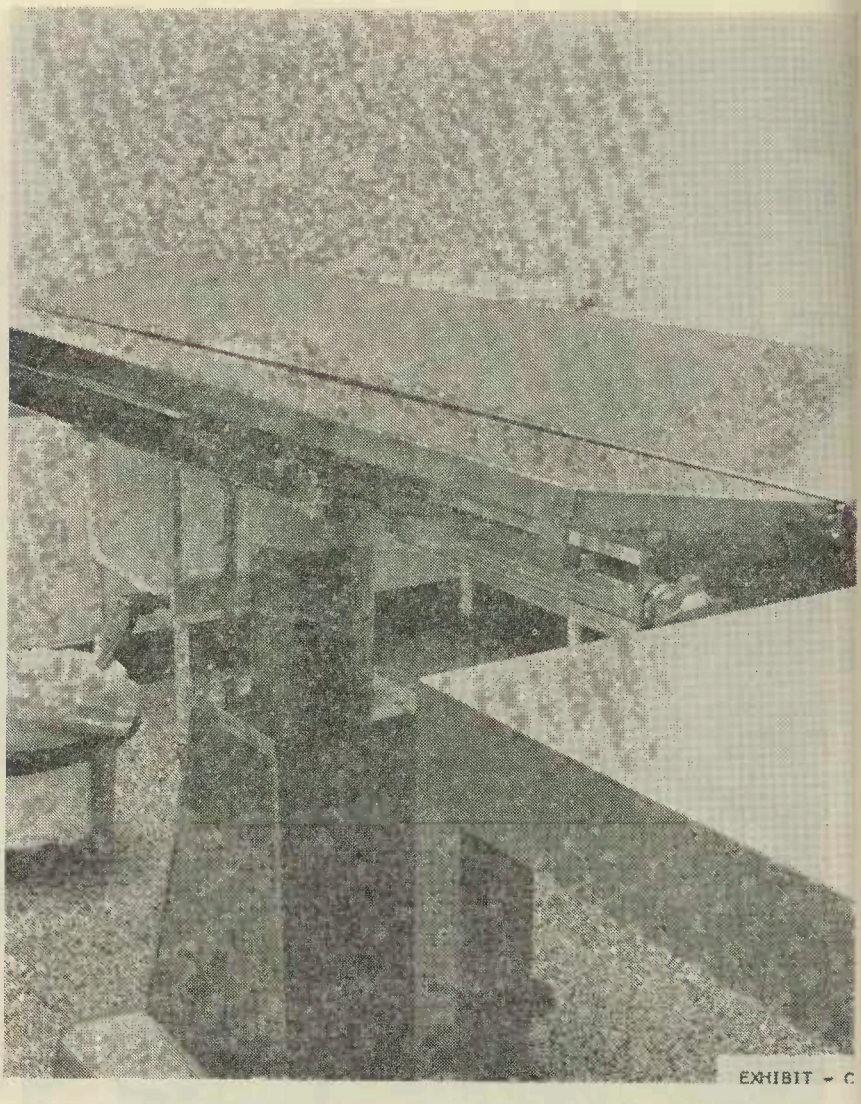
The biomedical research community has achieved high standards with respect to treatment of laboratory animals, by processes of self-examination and voluntary regulation. As examples of just two laboratory animal facilities, we are submitting photographs taken at our own Institute for Biomedical Research

and at G. D. Searle & Co., a pharmaceutical manufacturer in Skokie (exhibits A through G):

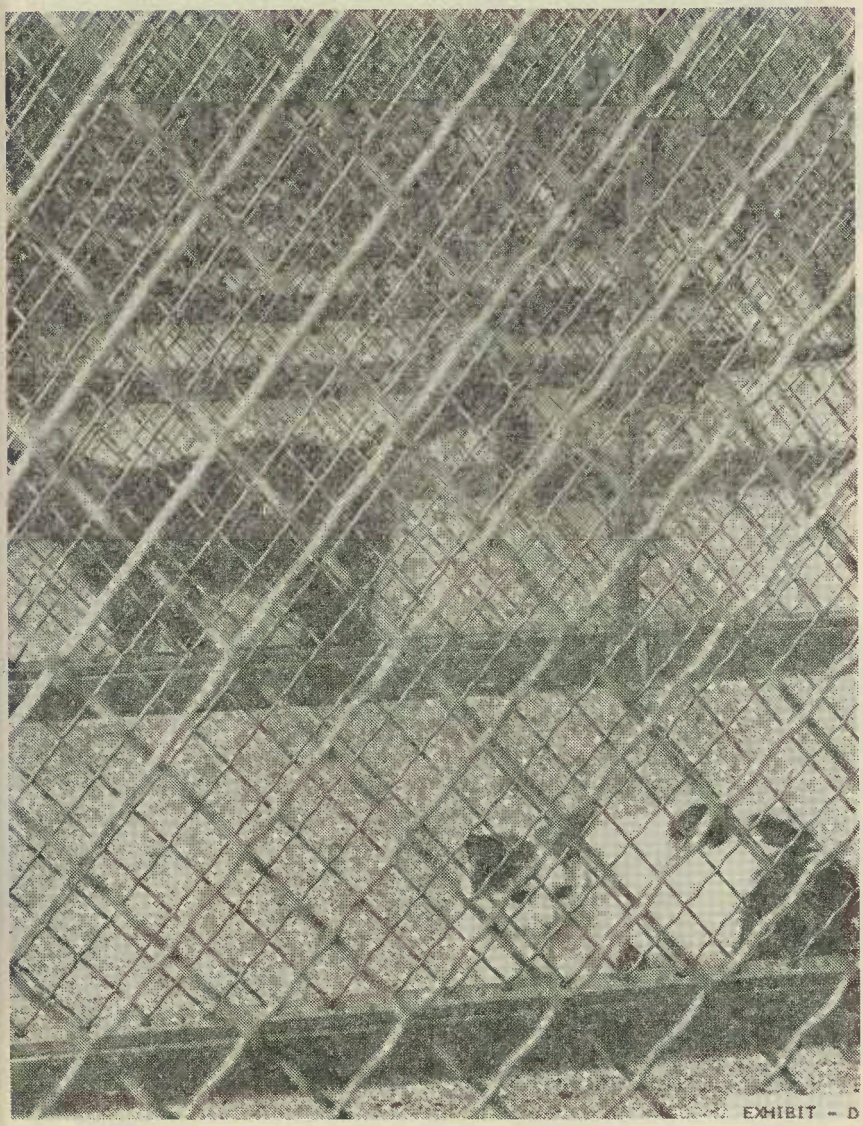


Examination of dog by veterinarian. Research laboratory, G. D. Searle & Co., Skokie, Ill. (March 1966).

Technician examining white rat. Research laboratory, G. D. Searle & Co., Skokie, Ill. (March 1966).

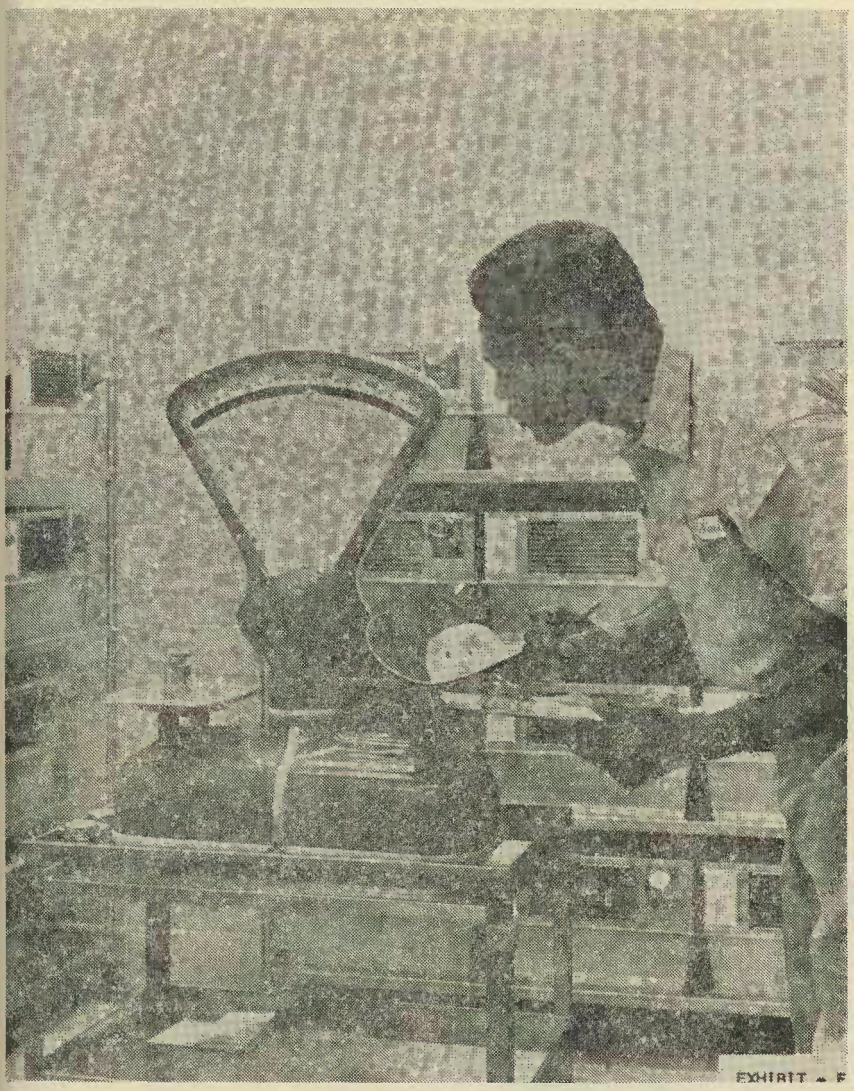


Operating table for aseptic animal surgery. Research laboratory, G. D. Searle & Co. Skokie, Ill. (March 1966).

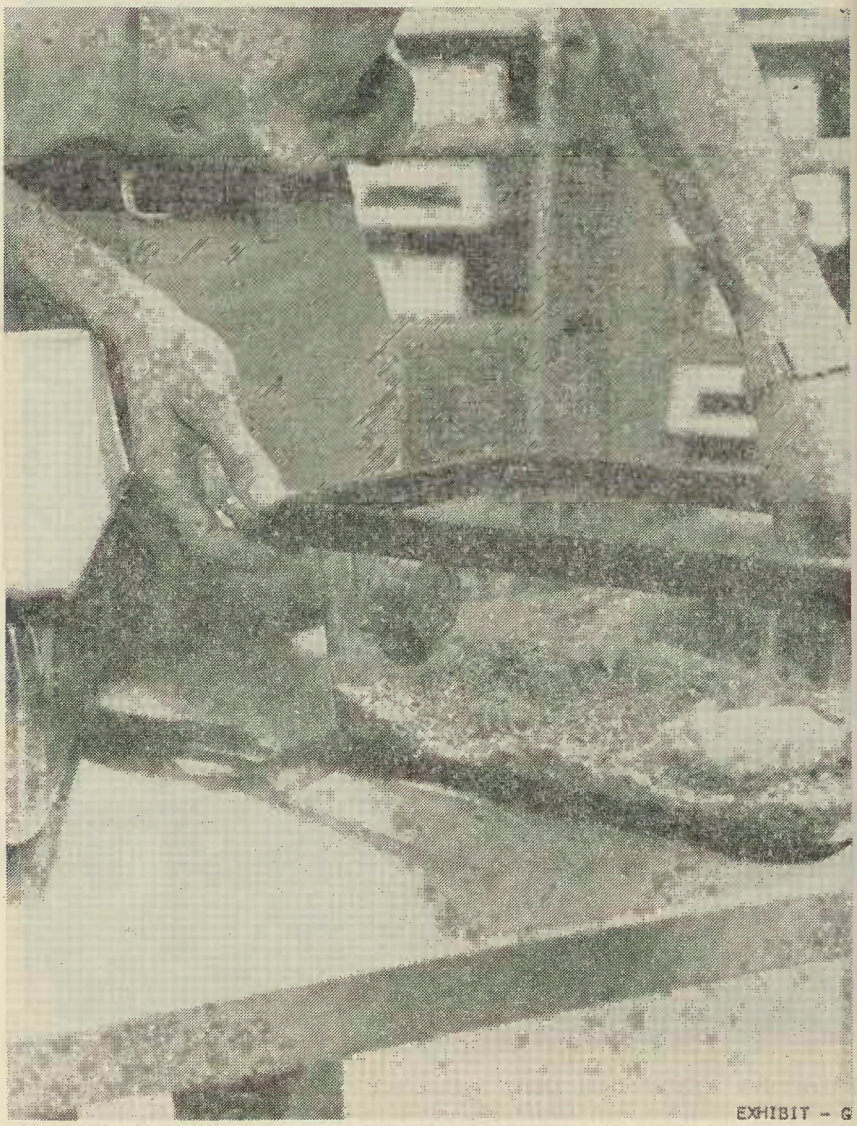


Exercise cages. Research laboratory, G. D. Searle & Co., Skokie, Ill. (March 1966).

Washing and sterilizing equipment. Animal research facilities, Institute of Biomedical Research, American Medical Association, Chicago, Ill. (October 1965).



Determining weight of an albino guinea pig. Animal's weight loss or gain furnishes institute investigator with information on condition of animal (in this instance, an early pregnancy). Animal research facilities, Institute of Biomedical Research, American Medical Association, Chicago, Ill. (October 1965).



Typical cage used to house white mice and newborn litter. Animal research facilities, Institute of Biomedical Research, American Medical Association, Chicago, Ill. (October 1965).

Similar high standards of housing and care can be found at other research institutes, medical schools, or commercial laboratories. We urge members of this committee to view for themselves the care and handling of laboratory animals at such research facilities and invite you to visit and inspect our own institute at any time.

It may be of interest to the committee to know that insofar as dogs are concerned, it is becoming increasingly common practice for long-term experimentation to utilize only an inbred strain of a particular breed which is whelped and raised specifically for research purposes. These dogs cost approximately $100 apiece. Entirely aside from human considerations, it is simply sound economics as well as good science that these animals be accorded the best possible care.

We would make one further observation. The provisions in both bills concerning the licensure of research facilities and the setting of standards of care therein have, in our opinion, no reasonable relation to the stated purpose of the bills to guard against pet stealing. This objective can be accomplished through other language, such as that contained is S. 3059. Section 3 of S. 3059 makes it unlawful for any research facility to acquire any dog, cat, or other animal from any person except a dealer holding a valid license. We believe that this restriction upon the research facility will accomplish the goals sought.

The licensing of the research facility adds nothing to the effectiveness of the prohibition against the acquisition of animals from someone other than a licensed dealer. If regulatory provisions are deemed necessary in order to enable an investigation as to the source of animals obtained by the resarch facility, the Secretary may by regulation require certain information to be contained in the acquisition invoice and that the invoices be retained and be made available by the research facility for inspection.

We urge that those provisions of S. 2322 and S. 3059 which pertain to the licensing of research laboratories and setting standards of care therein, be deleted from the bills.

(2) *Inclusion of all vertebrate animals.*—In its present form, S. 3059 would regulate the transportation, sale, and handling, not only of dogs and cats, but also "other animals." "Animal" has been defined as any vertebrate animal. This definition, then, would include mice, rats, guinea pigs, hamsters, other rodents, etc. Again, we suggest that this provision has no reasonable relation to the purposes of the legislation, and recommend that it be deleted.

Mice, rats, guinea pigs, etc., are rarely pets. In any event, certainly no problem exists with respect to the theft of such animals. Almost all rodents used in research are obtained from a few national breeding laboratories which supply genetically pure inbred strains. Care of these animals is excellent—at the breeding farm, during transit, and at the research laboratory.

The inclusion of "other animals" in S. 3059 is particularly burdensome in that it specifies that they must be "marked or identified" and that records be kept concerning their sale, purchase, transportation, and handling. While this would impose some difficulty with respect to dogs and cats, it could impose overwhelming difficulties with respect to mice, rats, etc. It is estimated that for every dog used for experimental purposes, 10,000 mice are used and that last year alone, approximately 30 million mice were utilized in biomedical research.

The regulation and recordkeeping required for this large number of animals would entail large expenditures of time and money and could impede research efforts. Further, these regulations are, in our opinion, simply not necessary, for the protection of rats and mice. We do not believe that rodents, for example, need to be accorded the measure of safety sought to be granted cats and dogs. Accordingly, the American Medical Association recommends that the phrase "and other animals" be deleted where it appears in S. 3059 so that the bill applies only to dogs and cats.

In summary, for the reasons stated, the American Medical Association supports the purposes of the provisions of this legislation which afford protection to owners of cats and dogs from the practice of pet stealing. The association urges, however, that the provisions with respect to the licensing of research facilities (and the setting of standards), be deleted. We further urge that this legislation be restricted to cats and dogs, and not include other vertebrate animals.

STATEMENT OF THE AMERICAN PUBLIC HEALTH ASSOCIATION

The American Public Health Association appreciates this opportunity to comment on the proposed legislation concerning care of laboratory animals under consideration by this committee. As a public health organization we are interested in any proposals that would vitally affect the health of the American people, which is influenced by many aspects of our society, not the least of which is scientific research. Our membership includes talented scientists as well as many of the practitioners who bring to the patient and to the community the application of research findings. These members have had opportunities to become aware of the contribution that has been made to American health by the study of laboratory animals. Certainly we wish to support practical measures to protect the health and comfort of animals for experimental purposes. We consider that measures undertaken to improve the care of laboratory animals will be important in their influence on the health of the American people to the extent that they basically affect biomedical research or the climate in which it is performed. It is essential that these measures be conceived and developed along lines that will be salutary for the continued progress of research and for the well-being of the American public.

We are all aware of the great debt we owe research scientists for their findings which have resulted in the protection of human health and the prolongation of life. We place great hope in the current research efforts to find the causes, prevention, and cures for cancer, including leukemia, heart disease, stroke, and other crippling and killer diseases. Since there are obvious limits to the kinds and extent of experimentation that can use human subjects, this lifesaving and health-protecting research depends to a vast extent upon laboratory animals.

The scientist whose humane objective is the protection of health and the extension of life deserves our help, particularly since so much that is important to us in the health field depends on the success of his work. Consequently we believe that consideration of improvements in the supply and care of animals for laboratory use should be weighed for their contribution to (1) the essential role of biomedical research in protecting health and prolonging life, and (2) the essential role of the laboratory animals in this research. Any abuses of animals or shortcomings in their care can best be modified in this context.

As research has expanded in recent years so, inevitably, has the scientists' need for laboratory animals. The increase in use of animals in experimentation has brought with it some problems which are akin to the shortages of manpower, facilities, and funding in other health areas as well. These are the kinds of problems we find in almost every area of American public health today and they are problems with which members of our association are very familiar. The demand for animals, in some instances, has exceeded the ability to train people to supervise their care and the capacity to build the structures in which they can be more adequately housed.

The animal resource is a valuable one and, in many instances, an expensive one. Animals for research purposes should be healthy and clean, in adequate supply, and of an appropriate species. Quite apart from the humane considerations, it is inherent in the precise scientific use of these animals that the subjects be supplied in good condition and that the circumstances under which they are kept not jeopardize their health. Conditions of crowding, aside from humane considerations, may lead to illness in the animal colony, or, if illness comes, speed the rate at which disease travels through the animal community. Good nutrition, clean water, cleanliness in the general care of the animals and their surroundings, proper waste disposal, sunlight and fresh air, or adequate ventilation, sufficient exercise—these are basics of good care which concern those people whose main interest is in a healthy laboratory specimen for the purpose of accurate research.

The expansion of research, increase in demand for animals, and the fact that animals carry a price tag has led to these difficulties: first, an inability to keep pace in training animal care personnel, providing adequate facilities, and updating knowledge about laboratory animals, and second, the activities of unscrupulous dealers in animals whose only interest is profit, whose motive is greed, and curtailment of whose activities is the aim of animal lovers and health-oriented groups simultaneously.

To meet the first problem, of failure to advance as rapidly in the area of laboratory animal care as we have in the techniques of human disease research, we need such approaches as providing funds for training more veterinarians and

animal caretakers; building better animal care facilities; and conducting research on improved methods of using and caring for animals, developing useful animal strains that more precisely mirror the human condition that is being studied, and preventing disease in animals. Proper care of laboratory animals will involve a proper balance of all these approaches. As in so many areas of health, it is not certain apriori which technique will prove most helpful. It is conceivable that the development or investigation of alternate strains to the animals now most commonly used will be very important. The use of smaller or more docile strains, for example, could have an obvious effect on the size and type of facilities and care needed.

As in all program areas, effective results will rest on the quality of personnel available for the task. To this end there is need for an increase in the number of trained veterinarians and those skilled in animal care to be involved in putting some of these recommendations into effect and articulating for us what other measures are needed.

The counsel of the research scientist and the animal-care specialist should be heeded in formulating any legislation and we appreciate the opportunity this committee is offering for such counsel and related comments on this sensitive and important matter.

It is essential that we keep clearly in mind who is the culprit in the mistreatment of animals. It is not the research scientist whose professional pride and competence, habits and attitude of compassion, and respect for the value of his animal resource deter him from mistreatment, waste, or inflicting unnecessary pain. The culprit is the pet-stealer whose greed drives him and whose act makes him vulnerable to punishment by enforcement of laws against theft. The culprit is the unscrupulous marketer of animals who cheats on proper care in order to enlarge his profit. An accreditation process, such as that being developed by the American Association for the Accreditation of Laboratory Animal Care, may be a way of coping with this problem. The culprit is ignorance and inability. Wider use of animal-care guides, upgrading the vocation of caretakers, and more training programs should help solve these problems.

Each of these proposed solutions is directed at improving animal care in a way which will strengthen biomedical research. This is the approach that the American Public Health Association endorses. Avoided and rejected should be any changes that are at the expense of the research effort—changes which hamper the research investigator, subject him to excessive recordkeeping, or rest on needless interference or directives concerning research techniques.

The subject which is finally and essentially at issue here is human health. In connection with legislation now before this committee, namely H.R. 12488, we question, therefore, the wisdom of placing a regulatory function affecting health research in the Department of Agriculture, nor can we see the desirability of the Department of Agriculture licensing research facilities. Although the proposed legislation specifically disavows authority to the Secretary for setting standards for the handling of animals during the actual research or experimentation, it does authorize the Secretary of Agriculture to promulgate standards for the handling of animals by research facilities otherwise. It also provides for recordkeeping with regard to the handling of animals "as the Secretary may prescribe."

The primary competence of the Department of Agriculture is not health research. This legislation is in essence and in its consequences a piece of health research legislation. As a public health organization, we feel it would be unwise organizationally and in principle to take the action which is proposed here. What is requested is a piecemeal effort, possibly harmful in its effect, and completely inadequate to meet the larger problems which we have attempted to set forth for your consideration.

These problems are of tremendous importance. Research on laboratory animals serves as the link between the inspiration of the research on drugs, medicines, techniques, and devices must be adequately tested and the course of disease must be studied in animal subjects if we are to continue progress in combating disease. We hope this statement may be of some value in providing a perspective for improving laboratory animal care and at the same time advancing the research effort so important to the health of the American people.

STATEMENT OF THE AMERICAN VETERINARY MEDICAL ASSOCIATION

The American Veterinary Medical Association appreciates this opportunity to present its views to the committee concerning S. 3059 (Scott) and S. 2322 (Magnuson and Clark). We interpret the provisions of these bills to be directed toward prevention of theft of dogs and cats and the protection of such stolen animals from inhumane handling. These laudatory purposes are supported by the American Veterinary Medical Association and, we hope, by every thoughtful person.

Each theft brings its own heartache to grieving owners. The American Veterinary Medical Association has always been and continues to be alert to every opportunity to prevent such thefts, to strengthen ways to apprehend and punish the thieves, and to prevent or to relieve inhumanity to animals involved. Our members work closely with local officers enforcing State and local laws in pursuit of these objectives. Most localities have adequate legislation for these purposes. The strength of legislative authority and subsequent enforcement depends upon the interest and activities of the local people.

Recent widely known exposes of theft of dogs and cats have involved certain irresponsible animal dealers. If this committee deems Federal action necessary, such action should be directed toward supervision of animal dealers to eliminate theft by unscrupulous individuals and to protect animals, owners of animals, and research scientists.

It is also well known that a legitimate animal dealer and an occasional research facility have unknowingly purchased a stolen animal. We hope that this committee in its deliberations will recognize that most animal dealers do not stoop to theft and that the research facility needs to be protected against the unwitting purchase of an unidentified, beloved pet. We hope that a research facility will not be hampered or chastized in obtaining experimental animals to be used for collecting data required by Federal regulations for establishing the safety and effectiveness of medicines for man.

The American Veterinary Medical Association is opposed to the provisions in S. 3059 and S. 2322 which would license, regulate and police a research facility purchasing dogs and cats for scientific experiments. These provisions seem unnecessary and unfair to scientists who in good faith purchase animals from dealers.

The procurement, transportation, handling, and sale of a stolen animal is the responsibility of the dealer. The correctness of this philosophy is substantiated by the several laws and regulations for the licensure and control of dealers in livestock administered for years by the United States and a majority of the State departments of agriculture. Furthermore, these measures provide a pattern and even a mechanism for licensure and control of dealers in dogs and cats.

The Federal authority (USDA) guards the welfare of animals—

(1) By controlling disease under the various animal quarantine acts;

(2) By assuring the public of fair dealing in a federally approved and supervised market ("posted market") under the Packers and Stockyards Act of 1921; and

(3) By preventing inhumane handling, exposure, and overcrowding principally under the "28-hour law."

The authority of the various States supplements the Federal regulations above by regulations adapted to local conditions, viz, smaller stockyards and sales barns, special geographic problems, etc.

The philosophy, pattern, and to a considerable extent the machinery exists now at both the Federal and State levels to license and regulate dealers in dogs and cats. The existing livestock regulatory apparatus has adapted itself in recent years to the dispersions of livestock dealer operations from a large rail center into multiple small units scattered over a given locale. On the other hand, the volume of sales in dogs and cats is claimed by proponents of S. 3059 and S. 2322 to have reached huge proportions and to involve increasingly larger dealerships. These inverse developments emphasize the logic, propriety, and economy in using existing Federal and State facilities for the supervision of animal dealers in dogs and cats.

Repeatedly during past decades, the public through its congressional representatives has directed that new medicines and procedures must be proved both safe and effective (which requires animals) before being used on man or other animals. Enlargement of the medical welfare and research programs by congressional mandate has required increased use of test animals by scientists. It

is both fitting and proper that this committee consider measures to protect the scientific community by licensure and supervision of dealers in dogs and cats.

It is the responsibility of this committee to study the question of whether to utilize existing State and Federal legislation and personnel or to create new machinery needing new personnel to protect the general public and the scientific community against the use of a stolen dog or cat in a scientific experiment.

We favor omission of the word "vertebrate" from all proposed legislation. Application of S. 3059 and S. 2322 only to dogs and cats would protect species of animals of concern to the general public and subject to theft. All State and Federal governments already have laws applying to dealers in farm animals. In our opinion, S. 3059 and S. 2322 do not adequately recognize existing State and municipal laws regulating traffic in animals.

The language in S. 3059 and S. 2322 make them apply almost exclusively to "animals to be used for purposes of research. Apparently ignored are thefts of dogs and cats for various other purposes, viz, the unscrupulous hunter who steals a good bird dog for a weekend and then leaves the dog to fend for itself in a strange countryside. Ignored also is theft of purebred dogs and cats for sale in a distant community as pets. We think that the proposed legislation should apply to all thefts of dogs and cats.

If the committee should believe that legislation is necessary, we recommend that the provisions of S. 3059 and S. 2322 be modified for the reasons given above. As an aid to the committee our staff has prepared amendatory language for your consideration. If the committee desires, members of our staff will be glad to work with the committee staff in further review of the proposal. A copy of our suggested amendments is attached to this statement.

Mr. Chairman, this completes our statement. Again, we express our appreciation for this opportunity to make known our views and to offer any further assistance that the committee may desire. Thank you for your attention.

Suggested Amendment to S. 3059 and S. 2322

A BILL To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats in interstate and foreign commerce, to cooperate in the enforcement of State and local laws, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to protect the owners of dogs and cats from theft of such pets and to prevent the inhumane handling, or other improper use of stolen dogs and cats it is essential to regulate the transportation, purchase, sale, and handling of dogs and cats by persons or organizations engaged in transporting, buying, or selling such animals.

Sec. 2. Definitions.—When used in this Act—

(a) The term "person" includes any individual, partnership, association, or corporation.

(b) The term "Secretary" means the Secretary of Agriculture.

(c) The term "commerce" means commerce between any State, territory, or possession, or the District of Columbia or Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, but through any place outside thereof.

(d) The term "cat" means any live domestic cat (Felis catus).

(e) The term "dog" means any live dog of the species Canis familiaris.

(f) The term "State officials" means any person duly employed or authorized by State or local authorities to enforce requirements pertaining to the protection and humane handling of dogs and cats.

(g) The term "dealer" means any person who for compensation or profit delivers for transportation, transports, boards, buys, or sells dogs or cats in commerce.

Sec. 3. It shall be unlawful for any dealer to buy, sell, offer to buy or sell, transport or offer for transportation in commerce or to another dealer under this act any dogs or cats, unless and until such dealer shall have obtained a license from the Secretary in accordance with such rules and regulations as the Secretary may prescribe pursuant to this Act, and such license shall not have been suspended or revoked.

Sec. 4. The Secretary is authorized to promulgate standards to govern the handling and transportation of dogs and cats by dealers to promote their health, well-being, and safety.

62-317—66——20

SEC. 5. The Secretary may require that all dogs and cats delivered for transportation, transported, purchased, or sold in commerce shall be marked or identified in such manner as the Secretary may prescribe.

SEC. 6. Dealers shall make and keep such records with respect to their purchase, sale, transportation, and handling of dogs and cats, as the Secretary may prescribe.

SEC. 7. The Secretary may require that persons or organizations engaged in the purchase, sale, or transportation of dogs or cats in commerce keep such records as may be necessary to effectuate the purposes of this Act and such records shall be available for inspection by the Secretary or his representative for a period of one year.

SEC. 8. The Secretary shall take such action as he may deem appropriate to encourage State officials to cooperate with him in the enforcement of this Act and the Secretary is authorized to cooperate with the officials of the various States in effectuating the purposes of this Act and of any State legislation or local ordinance on the same subject.

SEC. 9. The Secretary shall take such action as he may deem appropriate to assist State, county, and city authorities in the adoption of laws and ordinances to effectuate the purposes of this Act within their respective jurisdictions.

SEC. 10. The Secretary is authorized to promulgate such rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this Act.

SEC. 11. Any person who violates any provision of this Act and any regulation promulgated thereunder shall, on conviction thereof, be subject to imprisonment for not more than one year or a fine of not more than $10,000.

SEC. 12. When construing or enforcing the provisions of this Act, the act, omission, or failure of any individual acting for or employed by a dealer, within the scope of his employment or office, shall be deemed the act, omission, or failure of such dealer as well as of such individual.

SEC. 13. If the Secretary has reason to believe that a dealer has violated any provision of this Act or the regulations promulgated thereunder, the Secretary may suspend such dealer's license temporarily, and, after notice and opportunity for hearing, may revoke such license if such violation is determined to have occurred.

SEC. 14. If any provision of this act or the application of any such provision to any person or circumstances shall be held invalid, the remainder of this act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 15. In order to finance the administration of this act, there are authorized to be appropriated such sums as may be necessary. The Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued to dealers in amounts reasonably calculated to defray the costs of administration of this act. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

SEC. 16. EFFECTIVE DATE.—This act shall take effect 180 days after enactment.

STATEMENT BY MARJORIE ANCHEL, SENIOR RESEARCH ASSOCIATE, THE NEW YORK BOTANICAL GARDEN

I wish to submit the following statement in connection with proposed legislation dealing with humane treatment of animals to be used for research and experimentation:

The problem of establishing humane standards in the actual experimental procedure is a complex one, probably best dealt with in separate legislation. But there are two other major problems connected with the use of animals in research. One has to do with procurement, the other with transportation and housing. Procurement is open to the abuse of theft, a crime doubly reprehensible in this instance, since it hurts the "stolen object" as well as the owner. Even if effective legislation existed to deal with the procurement problem, the problem of humane treatment during transportation and while in dealers quarters or in research facilities still would remain. Legislation is needed to regulate procurement of experimental animals, and to set and enforce standards for their humane treatment.

I have read carefully, the Hill Bill, S. 3332, and the Magnuson-Clark Bill. S. 2322.

The Hill bill does not pretend to regulate procurement. It does masquerade as legislation to "assure humane care and treatment of experimental animals". I believe it is essentially worthless. The proposed inspection for accreditation is pure farce. No one familiar with the workings of a "research facility" can honestly believe that announced inspections at five year intervals could significantly affect the quality of animal care. This is especially so when the group making the proposal has in the past shown no interest in the welfare of experimental animals. At best, this procedure is simply a lever by which institutions using animals can acquire more Federal support for building animal quarters. It in no way assures the decent quality of these quarters, or the way in which they are used, or humane care of the animals in them. At worse, it can act as a drug, to give the impression that all is well, while making no improvement at all, in admittedly deplorable conditions.

The Magnuson Clark Bill, provided the Monroney Amendment is included, represents potentially effective legislation in both areas where it is needed. It is obvious to me that some of the experimental animals provided for my use, must have been stolen pets: Some of the cats were still wearing fancy collars. Licensing, and inspection of records of both dealers and research facilities, an unannounced inspections, should go a long way toward elimination of the evil of acquiring and using stolen animals in research.

It is also apparent to me that conditions under which some of the animals were housed were intolerable due only in part to the type of housing itself. Potentially good housing can be badly misused. Provision of adequate facilities is a necessary but insufficient condition for the proper care of laboratory animals. Only the establishment of definite standards for the use of these facilities, and the right of unlimited and unannounced inspections is likely to affect favorably the conditions under which experimental animals are kept. This applies to research facilities as well as to dealers quarters. The Clark-Magnuson Bill, S. 2322, as I read it, makes this possible, and in no way interferes with research. On the contrary, it should avoid waste of time as well as of animals, and improve the calibre of work done, by providing more standard experimental animals. I strongly urge passage of S.2322 with the Monroney Amendment.

STATEMENT OF STEFAN ANSBACHER, SC. D.

Because the scientific community fears that the formerly powerful anti-vivisectionists will be strengthened again by legislation, such as S. 2322 and S. 3059, Senator Lister Hill proposed a bill which meets the approval of NIH. The mere introduction of such legislation acknowledges the necessity for a change to a more huamne treatment of experimental animals.

Why should any person engaged in a scientific enterprise object to the Monroney Amendment of S. 2322? It is sad that we were not able to control the treatment of experimental animals at any time other than during the laboraory work.

I have always preferred to work with animals which have been treated as well as my own children. In fact, they are better "tools" than those which were subjected to less humane treatment, before I was to handle them. Unfortunately, I didn't have the time nor did I have the right to supervise those in charge of my animals before and after my work with them.

In my experience, a self-policing system didn't work. Therefore I support S. 2322 and S. 3059: they will result in the setting of standards for the care and housing of animals in dealers' premises, in transit and in laboratories.

STATEMENT BY FAY BRISK, DIRECTOR, ANIMAL RESCUE LEAGUE OF BERKS COUNTY, PA.

I am Fay Brisk, a director of the Animal Rescue League of Berks County, near Reading, Pa.

Mr. Chairman, a little over a year ago, the Animal Rescue League of Berks County, Pa., with the help of the Humane Society of the United States, exposed the Commonwealth of Pennsylvania as the east coast center of interstate traffic in cruelty and thefts of animals for research purposes.

This exposé, and subsequent investigations by the league and other organizations, led the entire Nation to question how these animals were being procured and how they were being treated by laboratory animal dealers.

I am proud to say that the Pennsylvania Legislature quickly passed a new dog law, requiring humane standards and regulating the transportation of dogs for research. A start has been made, but much more remains to be done.

Pennsylvania legislation applies to dogs only and does not help the rest of the country. Only Federal legislation can do that.

I am here today to tell this committee why I think this Federal legislation is so desperately needed. I know of no better way to do this than to give you a brief account of my own experiences:

I have seen dogs and cats brutally mistreated by laboratory animal dealers.

I have seen puppies, drenched and gagging in their own vomit, sold for 10 cents apiece at Pennsylvania auctions.

These auctions have become a marketplace for thieves.

Recently, a Pennsylvania woman found her pet cat at an auction. She and her husband called the police. They were finally permitted to buy their cat back for the price of $4.

Opponents to pending legislation point out that few pet thieves have actually been caught. They are right. I know of only one who was caught and convicted. But there is good reason for so few arrests.

It is difficult to catch a dog thief because, too often, you must first catch the dogcatcher.

One poundkeeper told me that a dealer had a key to eight pounds in his State, then hastily assured me that he had made this dealer return the key to his own pound.

Other poundkeepers have been known to sell dogs to dealers in sheer defiance of any legal holding period.

Dog thieves—or "dog runners" as they are called in the trade—also operate with complete disregard for local law.

For example, a family lost a pet white German shepherd. A neighbor found a dog trap near their home.

A Pennsylvania woman writes that dog thieves have even cut leashes on back porches and in backyards.

Dealers travel hundreds of miles to pick up animals in States outside their own, then bring the animals back and sell them to hospitals in other States. Why should an Ohio dealer, for example, go to the expense of transporting animals to a Pennsylvania dealer, when it would surely be more profitable for him to sell those animals to hospitals that are eager to have them in his own State?

The answer is simple: Get the stolen pets as far away from home as possible—and as quickly as possible.

Through the years, laboratory animal dealers have enjoyed a fair amount of protection. They can refuse admittance to their property. They put up "No Trespassing" signs. They travel the highways from midnight until dawn. Who is to know if their trucks are overloaded, if they are carrying sick or stolen animals?

Even when Pennsylvania dog wardens have gone out to check dealers' records in search of a dog, they have run into the proverbial brick wall. If the record can't be found, the dealer insists that the dog died.

At the moment, I am trying to locate an Ohio pet which the owners say they have traced to a Pennsylvania dealer. Negotiations have been going on for several weeks. The dealer finally agreed to cooperate, providing I sent a telegram to the Pennsylvania Secretary of Agriculture saying he was cooperating.

To show my good faith, I sent the telegram. The dealer promptly went back on his word.

Through it all, however, I feel I have made some progress.

A Maryland research institute had a dog matching the description I gave of it. A Virginia farmer went to the institute and identified and claimed the dog.

A New York doctor, who wishes to remain anonymous, released five dogs he felt certain were pets. An Irish setter was claimed by a Philadelphia family.

In both instances, the dogs were sold to the hospitals by Pennsylvania dealers who said they had purchased them from other dealers. There the trail ended. How the dogs got to a dealer in the first place is anybody's guess. A complete bill of sale on each dog—which no one had—would have provided the answer.

I am sometimes asked, Mr. Chairman, why I spend the time and effort to trace pets and battle with animal dealers. In fact, I have been asked point blank, "What's in it for me?"

There is, indeed, a great deal in this for me—just as there is a great deal in this for any decent American.

Among other things, society can be measured by the way it treats its animals. I am part of that society. If I ignore all that I have seen—if I make no attempt to right a terrible wrong—then I am as guilty of that wrong as the individual who perpetrates it.

I am a human being. I want to stand up and be counted as such. And that's what's in it for me.

Thank you.

STATEMENT BY DR. CARLTON E. BUTTRICK, PRESIDENT, ANIMAL RESCUE LEAGUE OF BOSTON

My name is Carlton E. Buttrick, and I am a director and chairman of the American Humane Association's committee on laboratory animal care. I speak today to urge your support of legislation to regulate the transportation, sale and handling of dogs, cats and other vertebrate animals intended to be used for purposes of research or experimentation, and for other purposes.

The need for legislation in this area has been amply demonstrated not only by the testimony given before this committee the past 2 days, but by space devoted to the problem in newspapers and periodicals across the country. More and more State legislatures are being asked by their constituents to do something about the increasing large-scale theft of household pets.

The General Assembly of the Commonwealth of Pennsylvania has just recently enacted into law an act which will, in part, regulate the sale and transportation of dogs and declare dogs to be personal property and the subject of larcency. There is presently before the General Court of Massachusetts a bill which would provide for a fine of not more than $1,000, or a year in prison, or both, for stealing a dog. At a hearing before the legal affairs committee on March 1, 1966, several witnesses told of personal experiences of losing their dogs by theft. State Senator Oliver F. Adams, of Boston's Back Bay, recited the instance of a truck cruising the Back Bay picking up dogs until someone spotted the license number and the ring was broken up.

Perhaps of even greater significance to these hearings is a case of cat stealing in New England, which through the combined efforts of police officials and humane organizations in three States was at least temporarily stopped last year. Three men were reported stealing cats in New Hampshire and Vermont. Investigation uncovered the fact that the men were driving a car with Connecticut license plates. All three men, who gave a Claremont, N.H., address, were arrested in Vermont and arraigned in the Rutland municipal court on two counts of the theft of six cats from a Kenneth LaDuke and nine cats from Edson Burt. One of the men, Rallin E. Washburne, admitted the thefts and was fined $100, but his two companions maintained innocent pleas and were released on bail.

It was learned, however, that this ring had been delivering cats to the Connecticut Biological Laboratory, Southhampton, Mass. An official of the laboratory admitted that the laboratory had been doing business with one of the men arrested for some years and estimated that in the last 2 years he had sold the laboratory about 2,500 cats at $2.50 a piece, but the laboratory had assumed the cats had been legitimately procured. It was brought out in court, however, that cats also were secured on false pretenses and the men went to several houses telling various stories to get the cats turned over to them. At one house, for example, the men told some children that their father had given them the cats.

Strong Federal legislation is needed to stop this sort of thing. A $100 fine is hardly a deterrent when over $6,000 can be picked up in one's spare time over a 24-month period. Any Federal legislation adopted should require the—

(1) Licensing of animal dealers;

(2) Promulgation of standards for the humane care, handling, and transport of animals;

(3) Keeping of adequate records, including bills of sale,

(4) Elimination of sales or purchases of animals in commerce at public auctions, or by weight;

(5) Adequate inspection of dealer facilities; and

(6) Establishment of adequate penalties for noncompliance, including revocation of dealers' licenses if found guilty of cruelty or theft.

In the wisdom of the committee, I would respectfully urge it to report out legislation designed to incorporate the above-listed points, including a position similar to that found in section 5 of H.R. 9750 in order to prevent any conflict with bills now pending before the Interstate and Foreign Commerce Committee.

Mr. Chairman and members of the committee, I appreciate your courtesy in hearing me.

STATEMENT BY LEOLIA A. DALRYMPLE, M.D.

I have been a practicing physician for over 40 years and am well aware of the need and approve of animal research. But I know, too, the inhumane treatment often meted out to animals in the name of science.

Britain for nearly 100 years has had legislation which according to her scientists has been most beneficial not only to the animals, but to research as well.

It is my belief that well-cared-for animals are essential to a well-operated research laboratory and should be governed by proper legislation. The above bills, S. 3059 and S. 2322, will insure proper handling and care by dealers, and as well reduce the carelessness and unnecessary suffering in the laboratories and should apply to all vertebrate animals.

Since Federal grants of large amounts are given to various research projects, in my opinion the amount should be dependent upon the humane standards and care of the animals in the research laboratory.

STATEMENT BY WILMA DONAHUE, PH. D.

The Bill S. 3332, which is supported by N.I.H. and introduced by Senator Hill, is in my opinion inadequate to cover the needs of the situation. This Bill proposes nothing that would regulate those who acquire domestic animals (dogs and cats) which they then sell to laboratories. It is incredible to think that in this day when dealers in almost everything have to be licensed that those who deal in live domestic animals should not be licensed also.

Another aspect of S. 3332 which I do not think is adequate is that it does not provide for the surveillance and standardization of *all* laboratories that use animals for scientific research purposes, but only for those which apply for federal funds. The regulatory system suggested by this Bill even for those laboratories to which it applies are very inadequate as there will be no impartial agency which will assess the adequacy of these laboratories. S. 2322 introduced by Senator Magnuson on the other hand sets up reasonable standards for establishing a regulatory licensing system for those involved in the acquisition and sale of dogs and cats for scientific research, and it also states specifically that it is unlawful to buy animals from an unlicensed dealer.

This bill also seeks to establish regulatory mechanisms for *all* laboratories and to provide for a system of checking to see that the standards are met without in any way infringing on the freedom of the scientist as an experimenter.

I strongly urge the immediate passage of Bill S. 2322 or S. 3059. In my opinion it will provide much needed regulations and control over this very important area of concern to all of us.

STATEMENT BY NATHAN ENTNER, PH. D.

This statement is one which is in complete agreement with the Monroney amendment to Bill S. 2322. I have been engaged for many years in research requiring the use of animals. I also know many other scientists who use animals for research. The desire for the humane care of animals is almost universal among scientists who use them.

Yet, there is a significant resistance among scientists against any legislation involving regulation for the care of animals. This resistance is based on the fear that federal legislation might result in over-regulation, discrimination, dictation or restriction in the use of animals for experimental purposes.

The desire of scientists is sincere concerening the humane care of animals, their housing, feeding, and the prevention of needlessly cruel experiments that

involve prolonged, severe pain. They therefore, have nothing to fear from legislation which provides for regulation and inspection which would ensure the humane treatment of animals.

It is necessary that any federal legislation in the care of animals must have assurances and safeguards for the experimenting individual and institution. This would require a guarantee that the legislation would not involve red tape that would result in sterile, non-productive, preventive performance in the carrying out of laboratory experiments. Such assurances would be very helpful in reducing resistance against animal care legislation.

Finally, it is my opinion that all vertebrate animals should be covered by such legislation. It is difficult to draw the line as to which animals are or are not worthy of protection against cruelty and pain.

STATEMENT OF MRS. HENRY A. GARDNER, VICE PRESIDENT OF THE MONTGOMERY COUNTY, MD., HUMANE SOCIETY

I am Mrs. Henry A. Gardner, of 17 West Irving Street, Chevy Chase, Md. I am vice president and former president of the Montgomery County Humane Society and am the American Humane Association's service council representative for Maryland, and I have served as a voluntary humane officer for over 8 years, investigating complaints and problems concerning animals, large and small.

In August 1963 Mr. Jo V. Morgan, Jr., and I, as officers of the Montgomery County Humane Society, which, under the Maryland law, may investigate reports of cruelty through the State, went to Caroline County on the Eastern Shore of Maryland at the request of Talbot County to investigate complaints about conditions on a farm owned by a dog dealer.

Never, in my years of experience in this work and with animals, have I ever seen such misery. The pictures show only a part of it.

Although possibly many of these animals were supplied for purchase by laboratories, it was obvious that many were intended to be sold as pets and hunting dogs. In my experience with the Montgomery County Humane Society, it has become clear to us that dogs and cats are stolen not only for sale to laboratories, but also for sale as pets, and especially during the fall, for sale as hunting dogs. The latter disappear at a greatly increased rate early in the fall and, after the season is over, a great number of them are picked up.

The Montgomery County Humane Society strongly urges passage of legislation to prevent these abuses.

STATEMENT BY MEMBERS OF THE DEPARTMENT OF PHARMACOLOGY, THE GEORGE WASHINGTON UNIVERSITY SCHOOL OF MEDICINE

As scientists actively engaged in research and teaching in the medical sciences, we have followed with interest the recent House and Senate hearings on animal care legislation. We feel that some of the testimony submitted by scientists has not represented adequately our interest in promoting the humane treatment of experimental animals.

There is an obvious need for legislation designed to set minimum standards for housing and care of animals quartered in research institutions and universities, as well as providing for regulation of animal dealers. Research institutions and universities, predominantly for economic reasons, frequently have not been able to provide the kind of animal care facilities which all of us feel are desirable. We believe that S. 2322 makes adequate provision for regulation of animal dealers and also would stimulate the upgrading of animal facilities in research institutions and universities by requiring accreditation of these facilities. In our opinion this function should be under the jurisdiction of the Secretary of Health, Education, and Welfare, rather than Agriculture.

We are in favor of the provisions of the bill regulating handling and identification of dogs and cats, and would encourage extension of coverage to primates as well. Similar provisions for other vertebrates; e.g., mice, rats, guinea pigs, etc., in our opinion are both unecessary and undesirable.

We urge the Senate to pass bill S. 2322, as modified by the above suggestion.

Victor H. Cohn, Ph. D., Associate Professor; Gerald Hahn, Ph. D., Assistant Research Professor; W. R. Jondorf, Ph. D., Assistant Research Professor; K. S. Kim, M.D., Associate Research Professor; Philip Klubes, Ph. D., Assistant Research Professor; H. George Mandel, Ph. D., Professor and Chairman; Paul Mazel, Ph. D., Associate Professor; James A. Straw, Ph. D., Assistant Professor; William P. Weiss, M.D., Assistant Professor.

STATEMENT OF JEAN S. GOUDY, D.V.M.

My name is Jean S. Goudy, doctor of veterinary medicine, owner of the William P. Collins Memorial Hospital at 2130 P Street NW., Washington, D.C. I have been a veterinary surgeon in Washington for 24 years.

I have watched with great concern the increasing number of pet thefts and the inability of owners to find any trace of their pets, even after exhaustive search. The record and well-documented examples of inhumane treatment accorded animals in dealers' establishments, through which many of these stolen pets are trafficked, clearly call for action to eliminate such abuses.

It is absolutely essential that the highest degree of health be maintained in research animals. They must be properly fed, properly housed, and kept under strict sanitary conditions. The results obtained from animals not kept in the peak of condition are highly suspect and the whole crux of scientific research is negated. The time, effort, and money wasted in unscientific methods of experimentation is a disservice to the aims of science and the benefit of humanity.

The cruel treatment and the grossly inadequate housing in laboratories today certainly indicate that those institutions using experimental animals for research and the dealers supplying the animals have made no effort to alleviate these conditions. It is only through Federal legislation that the means for rectifying this deplorable situation can be achieved.

I fully believe that the Federal legislation proposed in S. 3059 and S. 2322 can eliminate the appalling conditions which exist in dealers' premises and in laboratories. These bills have my complete and wholehearted support.

STATEMENT BY DOROTHY D. HAMMOND, PH. D.

I am an associate professor in the Department of Biological Sciences of Hunter College. The City University of New York, where I have been teaching genetics for twenty-five years.

I am concerned about carelessness and callousness in animal care, having had opportunity to observe the care of animals used for teaching and research. On the basis of my observations, I believe it to be essential that *laboratories* as well as dealers be required to meet humane standards of animal care. I am convinced that, to ensure maintenance of humane standards, frequent and unannounced inspection of laboratories is necessary.

The attitude of some of my colleagues who work with animals seems to me distressingly unfeeling. The concept of "survival care" that has been presented to me—if 90% of the animals survive, this proves that the care is "adequate" is not humane. Some inadequacies can be so easily corrected. For example, I have protested orally and in writing this year that certain laboratory animals were left for several days without water. This neglect was particularly inexcusable during hot weather when their need for water was greatest. Agreement to remedy neglect has no meaning when later inspection shows that the care has not improved.

I am completely against Senator Hill's bill which would permit the very recently formed American Association for Accreditation of Laboratory Animal Care to accredit laboratories for a five-year period without further inspection. Humane standards in animal care are an essential part of good scientific work. Most regretfully, I have come to the conclusion that many biologists, however eminent, are deficient in humane attitudes towards animals. Experience has demonstrated to me unequivocally that where care of animals is concerned, scientists should not be self-policing. *It doesn't work.*

Therefore, I strongly urge the Senate Commerce Committee to respond favorably to Bill S. 2322.

P.S.—I am a member of Phi Beta Kappa, Sigma Xi, and a fellow of The American Association for the Advancement of Science.

STATEMENT BY THOMAS C. JUSTICE, GENERAL MANAGER, HUMANE SOCIETY OF THE CITY OF COLUMBUS

Mr. Chairman, my name is Thomas C. Justice. I am general manager of the Humane Society in Columbus, Ohio; president of the Ohio Federated Humane Societies; and president of the American Humane Association.

Throughout all of my years in animal protection—and this goes back to 1941—I have seen the larceny, transportation, and handling of animals as significant problems.

Our organizations have been involved in many investigations of so-called dog farms. We have investigated countless incidents involving transportation of stolen animals. To cite specific instances, including the details of unbelievable, barbaric cruelty, would only be repetitious. From personal experience, I can emphasize that what we have seen is sickening and heartbreaking.

There is another form of heartbreak—and that is talking in person or on the telephone with tearful children and adults who have lost cherished pets. On occasion, witnesses have actually observed animals being picked up on private property and loaded into trucks or cars.

These stolen animals usually are moved so quickly fron one jurisdiction to another, and usually across State lines, that we have had great difficulty in effectively combating this traffic. We do feel that Federal legislation—which would require licensing and set standards—while not the complete solution, would provide invaluable assistance toward curbing the traffic of stolen animals in interstate commerce.

The Humane Society of Columbus, the Ohio Federated Humane Societies, and the American Humane Association recommend legislation similar to S. 2322 or S. 3059. We feel this would be invaluable protection of literally millions of animal owners and, in addition, would well serve the humane ethics of modern-day America.

STATEMENT BY WILLIAM T. MALONEY, LABORATORY ANIMALS ASSOCIATION, BOSTON, MASS.

My name is William T. Maloney. I am the executive secretary of the Laboratory Animal Breeders Association, an organization of commercial breeders of mice, rats, guinea pigs, hamsters, and rabbits for the Nation's research community. Members of Laboratory Animal Breeders Association breed over 60 percent of these laboratory animals raised commercially in the United States today. Established in 1957 with the specific purpose of raising the standards of production and care of laboratory animals, LABA has made vital contributions to the science of breeding specific strains and species of laboratory animals for researchers. In addition, the association conducts scientific programs throughout the country for the members of the research community who are concerned with the care and management of laboratory animals.

While recognizing the need to protect owners of dogs and cats from the possibility of theft and resale of their pets for research purposes as proposed by S. 3059, S. 2322 and similar legislation, the association feels strongly that certain sections of the proposed legislation are too broad and will have a deleterious effect on this Nation's research efforts.

The association's first basic objection is concerned with the specification "to be used for purposes of research or experimentation." The members feel strongly that such legislation should include all dogs and cats that are involved in interstate and intrastate shipments. Little would be gained by restricting only those animals used for research or experimentation.

The second objection to the proposed legislation is concerned with the definition outlined in section 2, paragraph (f) of S. 3059. In section 2, paragraph (f) the term "animal" is said to include all vertebrate animals. If the purpose of this legislation is to protect the owners of dogs and cats from the possibility of theft and resale of their pets, this definition is far too encompassing. In pro-

tecting something less than 1 million dogs and cats used by the research community in its investigations each year, the proposed legislation also restricts the use of some 60 million other varieties of laboratory animals. The marking or identifying of each of the 60 million mice, rats, guinea pigs, hamsters, and rabbits sold or transported each year, if physically possible, would necessitate a substantial increase in the cost per animal to the research community, an increase, the association feels would not be in the public interest.

The third objection the members of this organization would like to voice to the proposed legislation is found in paragraph (h) of section 2. With all due respect to the reputable dealers who serve an important function for the research community, the definition of "dealer" is completely unacceptable. A dealer in the true sense of the word is an individual who buys laboratory animals from a breeder or other source and resells them to the research community, serving primarily as a commercial distributor. The breeder, on the other hand, is involved with the raising and maintaining of production colonies of genetically defined and disease controlled animals. The breeder has heavily invested in the most highly specialized facilities to produce specialized animals for the research community.

Breeders have developed methods and techniques of producing and maintaining these colonies which are presently being utilized by the research community in the conduct of their investigations. The animals produced by the breeder is from a specific breeding colony and may be free of either all or specified pathogenic organisms or be classified as a gnotobiote—a laboratory animal reared in a controlled environment under absolute sterile conditions. Members of this organization are involved in every phase of the production and maintenance of these laboratory animals.

The association would like to express its appreciation for the opportunity to clarify these areas of the proposed legislation. It feels confident that with the clarification of these issues a better climate will be established for the Nation's research investigators.

STATEMENT OF ANITA T. MONCLOVA, DIRECTOR, NATIONAL PET REGISTRY

I submit this testimony on behalf of National Pet Registry, of which I am the founder and director, and I represent more than 200 subscribing pet owners, whose address is Post Office Box No. 6, Rugby Station, Brooklyn, N.Y.

In June of 1965 my show poodle bitch and two puppies were stolen from my car in broad daylight in a very busy shopping area of Brooklyn, N.Y. I spent more than 2 hours making the report to the police only to be told by the captain of the station that they really could not do much for me because, if my dogs had collars and tags on, surely by now they would have been removed and if I could not give him something for his men to look for it would be useless for him to send them out in search. I asked him what would he suggest. He said, "One shaggy dog looks more or less like another to my men, but if your dogs were tattooed they would have something positive to look for."

Words cannot express how completely helpless I felt at that moment. I was not aware of the huge illegal business being conducted by dog dealers, so I was sure my pets were still in the neighborhood. I posted a very large reward and kept the area under surveillance almost around the clock with the aid of my friends. I soon got some action on my reward. To make a long story short, I recovered all three of my pets through the diligence and persistence of my friends and myself. It was during my disastrous nightmare that all this before us today came to my attention. I feel God was very good to me and my pets. I vowed at that time that something positive must be done to stop this needless suffering to both the pets and pet owners. It took me from June to November to find someone to tattoo my pets so I would have positive identification if this loss would ever happen again. I am in full support of any legislation to protect family pets from theft and the abuses as presented in testimony before this committee, but no provision has been made in any of the bills to say when a pet is considered stolen. Pets can be stripped of their identity but if they were permanently identified by means of tattoo and registered they no longer can be considered strays. National Pet Registry was founded primarily to identify personal property (household pets; dogs and cats). There are laws dealing with receiving, harboring, and selling stolen property. The only thing that makes the traffic in stolen pets so easy to get away with is the fact that these pets are not identified permanently or positively.

In most communities in this country there are humane societies that pick up strays and hold them for the required 5 days and if these strays are not claimed within the required period they are deemed by law the property of the possessor to be disposed of as the possessor sees fit.

National Pet Registry has devised a unique solution to plug up this loophole in the law that leaves unidentified pets fair game for unscrupulous pet dealers and their "no questions asked" customers.

From testimony submitted at previous hearings I already see that there are other people who have joined the ranks of pet registries; namely, Dr. Timrud, from Princeton, N.J. I feel that his proposed registry is most inadequate and does not supply the needs of the pet-loving public. The purposes of National Pet Registry are as follows:

"First. To permanently identify by means of tattoo on the rear right leg near the groin, all pets regardless of pedigree or monetary value.

"Second. To record and register for life of pet all pertinent information and issue ownership cards for each pet identified.

"Third. To aid active subscribing pet owners in the recovery of their lost pets.

"Fourth. To have carefully screened and trained National Pet Registry authorized agents of high moral character, in every city in the Nation to apply the tattoo and assist subscribing pet owners in the event of loss.

"Fifth. To advance in every way possible the development and interest in National Pet Registry and its purposes.

"Sixth. To support and aid the advancement of legislation, Federal, State local or municipal for the protection of all pets against theft."

I am a breeder of purebred poodles. I am also a member of the William Penn Poodle Club of Philadelphia, Pa., the Gotham Kennel Club of New York City, and founder and director of National Pet Registry, Post Office Box 6, Rugby Station, Brooklyn, N.Y., an organization in the business of permanently and positively identifying household pets by means of tattoo, the personal property of subscribing pet owners, at their own expense. As the official representative of National Pet Registry and in support of paragraph 6 in the organization purposes I must deem any bill or law that does not provide for the recognition of personal property or the definition of a stolen pet as most inadequate to say the least and an insult to the intelligence and integrity of the people of this Nation. It was the *Pepper* case that prompted Congressman Resnick to draft the first bill to stop these thefts. It was the *Pepper* case and the Resnick bill that won the interest of this Nation to support legislation. To stop the thefts of household pets (dogs and cats). The passage of the Poage bill does not meet this need as fully as it deals with regulation of research facilities.

I would like to amend section 2 definitions paragraph (g) of S. 2322 bill to read as follows:

"(g) The term 'dealer' means any person who for compensation or profit delivers for transportation, transports, boards, buys, or sells dogs or cats in commerce."

The reason why I believe that all dealers should be legislated is because there are many injustices to pets by dealers, pet shops, wholesalers and importers of pets that will equal in many instances the testimony that the Humane Society has presented referring to the treatment of animals transported by dealers for research. I believe that breeders who breed just one litter a year, who also may sell the puppies in interstate commerce should not be considered a "dealer" under the terms of this bill. In my opinion, they are fanciers.

I would like to add a new paragraph.

"(h) The term 'stolen pet' means any tattooed pet in the possession of a dealer or laboratory without the properly executed transfer statement for that registered pet is deemed a stolen pet."

I would like to amend section 9 of the Senate bill No. S. 2322 to read as follows:

"No dealer shall sell or otherwise dispose of any pet identified by means of tattoo in the recognized area (right groin), or any pet that may bear a scar in the recognized area suggesting that the tattoo has been tampered with. Acquisition of such animals must be reported to the organization registering such animal."

I believe that pet registries should be regulated right along with dealers and laboratories so that the application and the coding systems will be identifiable to protect the subscribing pet owner from unscrupulous pet registries. Each pet registry should obtain a license from the Secretary in accordance with such rules and regulations as the Secretary may prescribe to insure that all persons

dealing with pets will know what to look for, where to look for it, and who they should notify if they should find it (tattoo). In this way only, will anyone know when a household pet is a stolen pet and our tattooed and registered pets will have protection.

There is another reason why registration should be regulated. The possession and the use of tattoo equipment carries a tremendous responsibility, a responsibility as great as the possession of a gun. True, tattoo equipment could not kill you, but it could very easily create a social disaster if this equipment was allowed to get into the hands indiscriminately of persons of low moral character with no moral responsibility whatsoever. For instance, teenagers at wild parties may think it a great joke to tattoo some form of obscenity on the person of another while under the influence of drug or drink. These tattos cannot be removed other than by plastic surgery. I would not want to see this happen. Since the advent of these hearings there is a company who developed the equipment that I use and in its greed it has attempted to flood the market with this piece of equipment so that anybody anywhere could avail himself to tattooing equipment and I must caution you to the great responsibility of the person in possession of this equipment.

In New York City tattooing is illegal. The reason why it was declared illegal is because they could not control or regulate the morality or sanitation of the tattooers.

I enclose herein with this testimony a copy of this company's paid advertising this tattooing machine which they sell through the mails. The also advertised in the New York Times and when the New York Times found out that they were selling this equipment through the U.S. mails in the city of New York they canceled their advertising. I cannot impress upon this committee how vitally important the regulation of the possession and use of this equipment is.

At the present time I am employed by the department of hospitals in the city of New York as a medical photographer. Dr. D. DiMiao, medical examiner at Kings County Hospital could submit to this committee photographs that I am required to take for his office of tattoos and obscenities found on the bodies of people that would make your hair stand on end. These tattoos could have only been applied by professional tattoo artists, people with little or no moral responsibility. Dr. DiMiao states he is in accord with my thinking and this committee can call upon him for verification of these facts. The fourth provision hereinabove in the purposes of National Pet Registry is a vitally important provision.

I am enclosing herewith a photograph showing two properly permanently identified toy poodles registered with National Pet Registry. The tattoo cannot be removed by any other means than plastic surgery, and at that a scar will remain.

I think it is insulting and unfair to change a most needed theft bill into an antivivisectionist bill. They are two different problems and should be handled as two different problems. This Senate bill (S. 2322), with a very few revisions, is a fine bill and is supported by all the people I represent unanimously.

I would be happy to work with this Senate committee in developing the language to amend the bill to meet these most needed additions to any bill finally drawn.

Thank you for letting me present this testimony, and I hope it will be incorporated in the record.

STATEMENT OF DR. F. BARBARA ORLANS

The provisions of Senator Monroney's amendments to S. 2322 that humane standards of animal care in research institutions shall be mandatory are ,in my opinion, reasonable and long overdue. Much evidence of poor treatment of animals in research establishments has repeatedly been presented to Congress over the years, but no action has so far been taken. I have myself seen animals inadequately fed and watered and kept in unsanitary conditions. Even at some of our largest and most reputable research establishments, too little attention is paid to proper care of animals. In one highly esteemed institution some dogs were recently housed in cages so small that they could not stand up.

Licensing research institutions, setting standards of animal care, and inspecting housing facilities would have several beneficial effects. Increased attention to humane standards would result immediately, and inspections would help to insure that these standards are met and maintained. The licensing of laboratories and the provision of Section 10 of Senator Monroney's amendments that the

Secretary shall make such inspections as he deems necessary and that inspectors shall have the authority to destroy animals found to be suffering as a result of failure to comply with this act are similar to laws under which I have conducted biomedical research in England.

These provisions render the law effective at a practical level; they are not punitive and yet achieve their humane objective. In other countries, similar laws work smoothly and improve the general standards of animal care. Though the English laws are far more stringent than these comparatively modest proposals, they serve to help, not hinder, biological research. It is a mystery to me, as a research physiologist, how scientists can contend that humane treatment of animals or humane laws hamper scientific endeavor. Most must do so out of ignorance, as they have had no experience of working under such laws.

It has been suggested that an accrediting scheme such as that administered by the American Association for Accreditation of Laboratory Animal Care would achieve the objectives that are being considered here. The AAALAC, as it now operates, provides for the announced inspection of animal quarters once in five years. From such a rare and prearranged visit, basic physical equipment can be assessed but not day to day care. On Dr. Samuel Peacock's evidence, presented at previous hearings of this committee, on March 28, 1966, these inspections are "a farce"; the animal rooms are cleaned up for a week beforehand and the arrival of new animals curtailed to avoid overcrowding. Under this scheme, the institution is accredited for five years in advance, during which period there is no further inspection.

Obviously, the normal standard of daily care can be judged only by unanannounced inspections which should form part of the Secretary's regulations, as proposed by Senator Monroney. Good standards of feeding and sanitation, requiring only adequate food, water, and labor, should represent no financial burden to any research establishment. And yet there is much room for improvement even in these elementary aspects of animal care, especially, it may be noted, on weekends and holidays, when caretakers may neglect their duties.

Many opponents of this legislation have argued that the humane standards of research institutions are outside the intent of this bill. But, surely, the intent is not merely to prevent the theft of dogs and cats, but to ensure that animals intended for research shall be protected from needless cruelty and poor treatment. The evidence would indicate that dealers in dogs, cats, and monkeys should be covered, and, within research institutions, probably all vertebrate animals.

STATEMENT BY SAMUEL M. PEACOCK, JR., M.D.

Although I deplore the need for these bills I welcome the opportunity to provide a statement in support of them. As an active medical research scientist in the field of neurophysiology for the past 15 years, I have had personal contact with a great number of research facilities at both governmental installations and private universities. I have been intimately involved in the problems of both procurement and housing and care in these facilities. I have always used animals in my research and will continue to do so. I am a member of the American Physiological Society and the American Academy of Neurology. So much for my qualifications.

The citing of specific examples can serve little purpose here and would only lengthen this statement to excessive proportions. They really are too numerous to mention. Suffice it to say that there is a misconception generally fostered by "organized science" that the scientist is always humane, thoughtful, concerned about the welfare of his research animals, and that he is qualified to supervise their care. This is, in my opinion, not in accord with the facts. The scientist is human, he is busy, he is frequently harassed by many problems. As long as his supply of animals is maintained, he is usually not concerned that conditions are not what they should be, or if he is one of the few concerned, he finds himself in no position to do anything about it. It is very easy to ignore this problem. I have done it myself.

It has become almost a tradition to have inadequate animal housing and poorly trained, low-salaried personnel as animal caretakers. When economy is necessary in a research facility, it is the animal colony that usually suffers. The scientist, the veterinary consultant, and everyone involved tends to accept a bad situation and work within that framework. The Animal Care Panel,

although helpful in some respects, tends to perpetuate the present system by providing instruction for animal colony personnel based on current practice.

Self-regulation through the American Association for Accreditation of Laboratory Animal Care is a farce. For example, one of the facilities with which I am a consultant research associate was inspected by a committee representing this organization. Their appointment was set up a week in advance. The animal colony attendant worked overtime for days cleaning up the colony, painting cages, etc. No cats were ordered for the week so that the usual overcrowding would be avoided. When the committee arrived they saw cats each in his own cage with food and water. Had they arrived unannounced 1 week later, they would have seen 4 or 5 cats in cages designed for 1 cat, cages with dead cats among the living, neither food nor water in the cages, and a crate of new cats for which there was no room at all. Such a situation is not at all unusual. In short, the research community will not and cannot regulate itself. If they could, the present conditions would not exist. The animal quarters in research facilities I have seen have been totally inadequate for the task expected of them and the personnel incompentent to care for the animals entrusted to them.

Conditions of procurement are even worse than those found in the research facilities. The current practice of purchasing animals from dealers whose source of supply in dogs and cats is questionable and whose animal quarters are deplorable beyond description is really nothing less than a national disgrace. Furthermore, although it is very sad to think of a family pet getting into this situation, the miserable conditions surrounding the importation and sale of monkeys is equally bad. In general, we usually find that 30 to 50 percent of our animals will die before they are used for research. This is a shocking situation.

Quite obviously, the research animal business is a problem now of animal husbandry and as such should be supervised by experts both in the laboratory and elsewhere. This has become extremely critical during the past two decades. Furthermore, the procurement and handling of animals prior to their acquisition by research facilities must have expert supervision. It seems only reasonable that it should.

The animal dealer for economic reasons and ignorance will not reform his methods unless he is forced to do so. The research institutions and universities will not improve their facilities unless forced to do so for basically the same reasons. As long as the research worker has enough animals to do his work, the present system, unless forced by public opinion to change, will continue indefinitely, completely uncontrolled.

Because of the increase in the number of species being used, especially various types of monkeys, it would be wise to include "other animals" in bill S. 2322. Although it is quite apparent that both bills are aimed at the dealers primarily, it is most desirable to have Department of Agriculture supervision right down the line, including within the research facility.

I sincerely urge Congress to support and pass these bills. By so doing, a shocking, deplorable, disgraceful business will be ended and the whole question of research animals will become one of animal husbandry supervised by experts in our Department of Agriculture.

STATEMENT OF WALTER G. RICE, M.D., DEAN, MEDICAL COLLEGE OF GEORGIA, AUGUSTA, GA.

The faculty of the Medical College of Georgia supports positive attempts to develop the highest standards of procurement, care and welfare of animals used in teaching and research. The faculty supports the concept of competent professional management and control of the use of needed animals. The College supports the development of adequate facilities and the development of adequately trained professional and non-professional persons to maintain high and humane standards.

The College supports the concept of accreditation and periodic inspection and review of research and teaching laboratories using mammals. The long experience in the effectiveness of hospital and medical school inspection and accreditation should be extended in a similar way to the facilities and programs for the care of animals used in research. In this regard attention should be drawn to availability of the American Association for Accreditation of Laboratory Animal Care. This association was founded by the following comprehensively represen-

tative and responsible organizations from all major areas concerned in this problem:

American Association for the Advancement of Science.
American Association of Colleges of Veterinary Medicine.
American Association of Dental Schools.
American College of Physicians.
American College of Surgeons.
American Dental Association.
American Heart Association.
American Hospital Association.
American Medical Association.
American Veterinary Medical Association.
Animal Care Panel.
Association of American Medical Colleges.
Association of State Universities and Land-Grant Colleges.
Federation of American Societies for Experimental Biology.
National Society for Medical Research.
Pharmaceutical Manufacturer's Association.

The extension of a tried, proven and effective system of accreditation is strongly urged to meet the current problem. Alternatively the use of an inspection System under the Public Health Service would provide the confidence needed to maintain and develop reasonable and acceptable guidelines. The proposal to place the approval in the hands of a separate federal agency—the Department of Agriculture—can only lead to conflict, administrative confusion and uneconomical procedure.

The need for mammals and other types of animals in laboratories has well-documented applications in such divergent areas as military medicine, maternal and infant welfare, mental retardation, physiological reactions to stress in inner and outer space, as well as the development of organ transplantation and refinements in surgical procedures. The United States government and the people of the country have a heavy investment of time, energy and money in these and other similar areas. Restrictive and negative legislation, regardless of its honorable intent will, predictably, retard advances and could lead to failure of space programs, failure to save lives in military operations, as well as failure to achieve new standards in the maintenance of health and the prevention of disease. Legislation which would restrict, retard or destroy research in these vital areas will bear a heavy responsibility.

It is respectfully submitted that legislation with respect to interstate sale of animals be confined to this problem, and that legislation with respect to research facilities present a positive approach with respect to support for facilities, training of personnel, operation of programs, and inspection and accreditation by responsible and experienced organizations, either within or without the government.

In our opinion, the Monroney amendment to S. 2322 does not achieve these objectives and will retard and seriously damage many of the programs in which the people of the United States have a vital interest. It is respectfully recommended that support be directed to positive legislation which is currently before the Congress.

STATEMENT BY RICHARD B. SELANDER, PH. D.

I am Richard B. Selander, Ph. D., Professor of Entomology, University of Illinois, Urbana, Illinois. I have been a professional biologist for 12 years, during which time I have had considerable opportunity to observe biological research and training practices involving live animals, including mammals and birds of several species. I have, myself, used live reptiles and insects in research and continue to do so.

I have read the bill (S. 2322) relating to the transportation, sale, and handling of dogs and cats intended for research and other purposes, as introduced by Mssrs. Magnuson and Clark and amended by Mr. Monroney. This bill represents a moderate and reasonable approach to a very serious and difficult problem. I strongly urge the passage of the bill, including the Monroney amendments.

In the past twenty years, directly as a result of large-scale financial support by the federal government, training and research activities involving live animals, including cats, dogs, and primates, have increased tremendously in

both scope and extent. As a result, procurement, handling, transportation, and sale of live animals for use in experimentation and demonstration are activities which have grown into a substantial business operation. While before the relatively modest demand for such animals by laboratories and other institutions was met with abandoned or lost animals from pounds and those obtained by breeding, the increased demand, with associated opportunity for greater profits, has attracted a number of unscrupulous operators. With them has come the practice of stealing pets. At the same time, there has been a general deterioration in the quality of care provided the animals while in the possession of dealers. I would like to emphasize the scale of these business operations. We are not dealing with occasional thefts or abuses. Even a modest operation may involve literally thousands of animals yearly. It is inconceivable to me that such operations, dealing as they do with live animals, do not require some regulation if the property of private individuals in this country is to be protected and if we are, as a country, to maintain any standard of decency and humanity in the treatment of animals.

But if it is granted that reasonably humane treatment should be accorded animals destined for research and training purposes, legislation cannot be restricted to animal dealers. Many laboratories and other institutions are today working under very heavy and pressing schedules. As a rule, I would say, funds for research activity are more readily available than those for enlarging physical plants, and the result is that ambitions and practices in some institutions exceed reasonable limits imposed by the amount and nature of available space. At the same time, with the increase in scale and tempo of activity, care of animals in all but the smallest installations is delegated to people without professional training. Indeed, because of the demands of other activities, professional personnel may provide little or no supervision of the care of animals within the holding rooms.

But even if laboratories and other institutions provide close professional supervision of the animals, there is no protection for these animals against negligence or even sadism on the part of the professional biologist. Biologists and scientists in general are, after all, human beings. There is nothing at all in a graduate degree or a professional title to assure that an individual possessing either or both will act on humane principles, particularly under the press of time and other duties. It is a gross and serious mistake to think that scientists are equally responsible, competent, and humane.

Some biologists with whom I have discussed the present matter have expressed the opinion that, while humane treatment of animals in laboratories and the like is desirable, the time and funds required to meet the provisions of legislation in this area would be excessive. This point is, however, at best doubtful. Any competent, serious biologist doing research in any area of his science will require healthy, sound animals for experimentation and observation. There are good scientific and financial reasons for this. Differences in breed, sex, age, physiological condition, etc. all contribute to experimental error and therefore may limit the efficiency and/or usefulness of research work. Disease and injury to animals under study can and frequently do increase error to the extent that results of experimentation are unreliable or even misleading. Moreover, death of animals under experimentation or observation results in the loss of time and money expended on them up to the time of death. Thus, it is in the interest of the research biologist to insure clean, comfortable quarters for his animals and to take every precaution to maintain them at a reasonable standard of health. But it should be recognized that there are many research workers, especially those with limited experience, who either do not recognize the importance of animal care in their investigations or neglect to apply this knowledge.

As a matter of fact, severely diseased or injured animals are probably seldom used in serious, legitimate research work. Rather, they are assigned to training laboratories for experimentation, dissection, or demonstration. While the use of live animals for such purposes is a necessary part of biological training, it is my opinion that teachers too often fail to take steps necessary to provide for the comfort of animals in such situations, presumably because there is little or no investment of time and money in the future of these animals.

The layman in this country has been conditioned to think of the scientist as a member of some sort of priesthood which grants him special privileges and at the same time assures that he possesses almost superhuman qualities of honesty, responsibility, and dedication. In the present case, I am sure that for some institutions, where humane treatment of animals is maintained on the basis of

philosophical and financial considerations, legislation in this area would be somewhat of an imposition. Many biologists want to treat living organisms humanely and recognize the importance of proper treatment as a part of their research activity. But, I am sorry to say, many do not. In my opinion, legislation regulating the treatment of animals is required and should apply both to animal dealers and to institutions utilizing the animals. I do not believe that the proposed legislation will in any way detract from the research potential of this country in biology or related areas. In fact, by bringing pressure to bear on irresponisble individuals and institutions it will probably increase that potential.

The legislation in question is long overdue. The federal government supports much of the biological research and training in this country and therefore has a definite responsibility to see to it that the use of its funds does not involve violation of common standards of decency in the treatment of live animals.

In closing, I would like to make the following corrections and suggestions:

On page 7, line 11 of bill S. 2322, the scientific name of the domestic cat should be given as *Felis domestica*. I would strongly urge that the phrase be reworded as follows: "(d) The term 'cat' means any live animal of any species of the family Felidae, including *Felis domestica*;".

Page 7, lines 12–13, I would suggest that this phrase read as follows: "(e) The term 'dog' means any live animal of any species of the family Canidae, including *Canis familiaris*;".

I would definitely specify that primates are covered by this legislation.

STATEMENT OF J. J. SHAFFER, ON BEHALF OF THE AMERICAN HUMANE ASSOCIATION AND THE ANTICRUELTY SOCIETY OF CHICAGO, ILL.

I respectfully ask your favorable action on proposed humane legislation covering dealers in research animals, institutional recipients of such animals, and interstate transportation of stolen dogs and other vertebrate animals. Such proposals generally and with few exceptions are covered to our satisfaction in S. 2322 and S. 3039, now pending in your committee.

I appear as a spokesman both for the American Humane Association's Animal Legislation Committee, of which I am chairman, and as managing director of the Anticruelty Society, a statewide humane organization with approximately 20,000 supporters, located at 157 West Grand Avenue, Chicago, incorporated not for profit under Illinois law.

I want to make it clear that we are not here to wage war on medical research or its reputable suppliers, nor do we do so at home. We have lived in relative peace and understanding with them for decades, and on many occasions have shared confidences with research leaders and public health officials regarding problems in laboratory animal care. My interest in this cooperative approach traces back through 23 years of service in the Army Medical Department and many years with prominent veterinary medical organizations.

Exposés—of slipshod and cruel traffic in experimental animals—that have triggered the present legislative proposals are so well documented and so widely publicized that nothing further could be served by my comments on them. Others testifying will offer firsthand reports, should you wish for corroboration. Suffice to say that in the humane field, we feel just about as desperate and helpless as some of the publicized animal victims, because we don't have the authority or manpower to go it alone on the nationwide cleanup campaign needed to end such shocking abuses.

We need the help of a strong Federal law that embodies the power for dealer licensing, complemented by equally strong State laws that pick up from there. Contrary to what some in research have tried to claim, we are not seeking entry and inspection power for ourselves through Federal law; we ask only that such authority be in the hands of an agency, to be designated by Congress, that will work conscientiously and fairly with all interests involved.

Our experience in obtaining the passage of a State law in Illinois in 1965 convinces us that it is possible to get agreement between research and humane work on a fair dealer licensing proposal, such as this committee will consider on a national basis. In early stages of passage, we met with resistance from medical research spokesmen who feared the Illinois proposal would lead to harassment of dealers and cutoff of animal supply. Friendly conferences erased the fear, and the bill passed into law with provision, among other things, for

licensing of dealers in research animals, this licensing power being vested in the State director of agriculture.

We are confident that a properly drawn Federal law would move the Nation closer to the realization of sound humane goals while also boosting the integrity of medical research. Too many gruesome facts have been laid bare for our liaisons in research to keep on proclaiming, as many have done, that everything is shipshape and humane in the channels of experimental animal procurement. There is no doubt that some in their field have done their best, with results varying up to excellent, but this kind of law is mandatory for the control of those others who haven't and won't without it.

STATEMENT OF MRS. WILLIAM E. SHANNAHAN, PRESIDENT, TALBOT COUNTY HUMANE SOCIETY, INC.

I am Mrs. William E. Shannahan, president, Talbot County Humane Society, Inc., of Easton, Md. On August 26, 1963, I was called upon to investigate conditions of a place in Goldsboro, Md., then known as Hughes Kennels. Also present at this investigation were Mrs. F. C. Thomas, of the Talbot Humane Society, Mrs. Mary Gardner, and Mr. Jo V. Morgan, Jr., of the Montgomery County SPCA.

The owner-operator of this kennel, Clifford Hughes, was not at home at the time of our visit, but the gate was open, and the property was not posted, so we looked around thoroughly. In an old converted chicken shed were a large number of dogs, mostly hounds. The shed was locked, but we could see that it was full of dogs. A man whom Mr. Hughes had taken into the shed to see these dogs prior to our investigation said the shed was so hot and foul smelling he could hardly breathe in there. There were probably about 150 dogs housed in this area at this time—the barking at our arrival constituted a roar.

Attached to the shed was a fenced-in area; most of the dogs rushed from the shed to the fence, apparently in anticipation of being fed. There were cattle skulls and bones in various stages of decomposition all over the place. Most of the ones inside the compound had been picked clean. An Irish setter was gnawing on one. We later found out that Mr. Hughes works 2 days a week as a butcher at a nearby slaughterhouse, and brings the heads, intestines, etc., home for the dogs. The smell from the rotten meat and the dog excrement was unbelievable; and there were flies crawling everywhere.

The sanitation officer for that county told me that he was present on one occasion when Mr. Hughes was feeding the offal to these dogs, and he hopes he will never see such a sight again. This type of feeding incites the dogs to fight viciously—often maiming each other. A friend of Mr. Hughes inadvertently told one of our board members that "when they get fighting too bad, Hughes separates them with a bull whip."

There was no shade in the area and as the shed must have been overcrowded at best, it is obvious how these dogs must have suffered with the heat during the summer months.

To the left of the chicken shed stands a barn. Here, chained to old cattle stanchions, we found a bunch of sick dogs. Several were unable to get up on their feet. In spite of the heat, these sick dogs had no water—there was no water in reach of any of them. One of these dogs appeared to be blind, but we later found that hard, dry, encrusted mucous had completely sealed this little dog's eyes. Its nose and ears were also completely plugged with hardened mucous and filth. Another room in this barn was filled with dogs, these being mostly beagles and mixed-breed dogs. In the trade, these dogs are called "killer dogs," and are bought with some degree of regularity by the "killer dog man," for resale to laboratories. The term "killer dogs" is given to dogs the seller assumes are going to be killed.

There is a well-worn road leading to the back of the Hughes property. This whole woodland area was littered with dog carcasses and bones in various state of deterioration. Dog skulls were all over the place, and judging by the teeth in these skulls, the dogs had not died of old age. Buzzards circled overhead, and flies rose in black clouds. A resident of the area told us that Hughes dumps great quantities of dead dogs back in the woods, and this dumping is apparently still going on, because last summer (1965) we received further complaints that dead dogs were being dumped in the area.

Mr. Hughes calls himself a farmer, butcher and dog dealer. He sometimes refers to his keeping of 350 dogs as a "part-time hobby." There are two other dog dealers in Caroline County—two other big ones that is.

These dealers are very particular about who they "do business with." The dogs are brought to dealers in trucks, station wagons, and car trunks. The dealer buys from people he can trust, always paying cash. Most of the nonhunting types are friendly tail-wagging dogs, for which the dealer pays $2 to $2.50 each, regardless of age, sex, or condition. Larger dogs are worth slightly more, and there is always a market for any purebreds that are picked up. Hunting dogs and hounds (this includes beagles) are particularly desirable, as they are sought by both hunters and laboratories.

Our humane society shelter attendant was approached a few years ago by a young man who urged him to "get in on the easy money like everybody else" and sell the shelter dogs "out the back door" in loads of 25. He offered $2 per dog and $1 per cat, and told how he and his friends had fixed up their pickup trucks so they could pack in a real load of dogs "without any nosey busybodies being any the wiser."

The Maryland Retail Sales Tax Division currently has a case against Mr. Hughes, based on dog sales of $10,000 per year. They are currently investigating other dog dealers. Anyone deriving this kind of income from the sale of animals should surely be open to inspection, and should be forced to afford the animals in his custody certain standards of care.

I would like to point out that Mr. Hughes is still in business. He notified us that if we came on his place we would be trespassing, and we know that any information gotten while trespassing is not admissible in court. The only way we have been able to keep an eye on his activities is to give him prior written notice of the time and date of our inspection, which gives him ample opportunity to remove anything he does not want us to see.

The society of which I am president, firmly believes that Federal legislation is needed.

STATEMENT BY CAPT. THOMAS S. SMITH, CHIEF, INVESTIGATION DIVISION OF THE MARYLAND STATE POLICE

I am Capt. Thomas S. Smith, chief of the Investigation Division of the Maryland State Police. Of my 26 years' service with the Maryland State Police, 24 have been spent in the criminal investigation field. In January 1962 I was appointed chief of the intelligence unit and in January 1965 chief of the investigation division. In 1951, while on loan from the Maryland State Police, I had the honor of serving as an investigator for the Kefauver commission for the investigation of criminal activities.

It may seem strange to you that a man with my background of criminal investigation should be before you today testifying in favor of legislation which would protect pets from theft and cruelty. Information received from the Humane Society of the United States and investigation by my own department, however, have thoroughly convinced me that there exists in this country a shocking and unsavory business conducted by thoroughly unscrupulous persons.

A request from the Humane Society of the United States for our assistance in executing a search warrant and exposing a laboratory animal supply dealer in Maryland was forwarded to my office. Coincidentally, we had received a complaint from a citizen living in the vicinity of the dealer and Corporal Mazzone of our department had already been assigned to investigate the case.

When it was determined that Declan Hogan, a special investigator for the HSUS, had already accumulated enough evidence to justify the issuance of a search warrant I led a group of our most experienced men on a raid.

I wish to emphasize that these men were experienced criminal investigators. Men who are used to crimes of violence. We were shocked and appalled by what we found. I wish to submit these photographs to you. Some were taken by a State police photographer and others by a photographer from "Life" magazine. I shall try to describe the scene which the photographs depict.

In an unbelievable tangle of wrecked automobiles, trucks, body parts, and sheds were over 100 dogs. Dogs were confined in sheds. Dogs were chained to stakes. Dogs were jammed into wire enclosures. Dogs were chained to barrels. Dogs were chained to inadequate houses. Dogs were confined in chicken crates. Dogs were everywhere.

There were sick dogs confined with healthy dogs. There were dogs desperately licking at frozen water pans attempting to drink. There were dogs scratching and clawing at frozen pieces of bovine entrails, their only food.

I am not a veterinarian. It did not take a veterinarian, however, to determine that many dogs were emaciated and starving. Dogs had runny eyes. Dogs had discharge from their noses. Dogs removed from crates had been confined for so long they could not stand upon their feet when released. One dog was frozen to death in its crate.

The raid upon Brown was, at the request of the HSUS, followed by another on the farm of Clifford Hughes in Goldsboro, Md. Although the premises of Hughes were not as bad as those of Brown conditions in some cases were very much the same as you can see from some of the photographs.

Both of these men were charged with cruelty. Hughes has been convicted and appealed. Lester Brown is still awaiting trial.

When the Humane Society of the United States brought this matter to my attention, I was amazed at the extent of the traffic in live animals in and through the State of Maryland. Cases such as that of Lester Brown and Clifford Hughes are far more numerous than we had imagined. Operating secretively, transporting through the State during the night, they have escaped public attention and often the notice of law enforcement agencies.

Just recently I had my men stop a truck from Virginia at 2:30 in the morning which contained 47 dogs, many of which were purebreds. Because the dogs were in good health it was not possible to hold the driver.

This truck was scheduled to meet another from Dierolf Farms, Inc., Boyertown, Pa., so that the animals could be transferred just below the Pennsylvania State line. This was being done because the Virginia dealer had no Pennsylvania kennel license. There is no legal way in which the Maryland State Police can stop or control this kind of traffic which certainly exists throughout the State of Maryland and is apparently a common practice in other States, too. I am convinced that individual States cannot cope with the problem or hope to control abuses in the reportedly tremendous interstate business of laboratory animal supply. Federal legislation could, and would, eliminate these abuses.

A directive has been issued to every Maryland State Police barracks to report personally to me any dealers or animal-carrying vehicles in their districts. Frankly, gentlemen, I am horrified that these conditions I have described could ever have existed in Maryland and I guarantee, now that this matter has been brought to my attention, they will be eliminated.

Maryland, however, is only one State and we can do only so much under our State laws. I can see no real possibility of effectively controlling such a seemingly extensive interstate trade in research animals without enactment of a strong Federal law.

As a career law enforcement officer, I urge you to give very serious consideration to proposed legislation to regulate the business of laboratory animal supply. A strong Federal legislation is urgently needed and will certainly be welcomed by all of us who are concerned with the protection of life and property. There is no place in our society today for cruelty motivated by unscrupulous individuals for purely financial gain.

Thank you very much.

STATEMENT OF DAVID H. TIMRUD, M.D., PRINCETON, N.J.

I appear before this committee as a private citizen, not as a physician nor as a representative of the university at which I work. It is my hope that the information I have to present may be worthy of your attention and useful in your deliberations.

Our dog, or more properly, my son's dog, disappeared last October. After a thorough, prolonged, and fruitless search I had to write my son that the dog he had chosen from the final litter of our family pet, the amiable companion he had raised from birth, was almost certainly stolen. The young man is a paratrooper in an airborne unit overseas. When he comes home later this year, his service completed, something live and joyous, a part of our lives together, will be forever gone. This need not have been.

A dog's principal vulnerability to theft is the ease with which he can be stripped of his identification. With his license tag and identity disk removed he has no name and he has no home. He becomes the property of whoever has physical

possession of him. But, if he is permanently identified by an indelible tattoo with a number that belongs solely to his owner and if that number is filed in a central registry with his owner's name and address, then he has his name and he has his home. He is clearly the missing pet of someone who can be readily located.

I proposed the feasibility of such a tattoo and registry to a member of this committee last fall. Now I can report that I have implemented this proposal by inaugurating the National Dog Registry in January of this year.

Tattooing is as ancient as man and registries have existed for millennia. What may be unique is the implementation of these ancient devices as put forward by the National Dog Registry.

The dog owner has his social security number tattooed in the right groin of his dog. This is a number the dog owner already has, which is his alone, and will remain unchanged for all his life.

After the dog is thus tattooed the owner files this number, his name, address, and phone number with the National Dog Registry (Box 55, Stanton, N.J.), along with a $3 registration fee which, hopefully, will cover the costs of maintaining the registration for a 2-year period. The registration renewal fee will be $2 every 2 years. The National Dog Registry notifies the owner when it is informed that a dog bearing his social security number has been found. The owner then undertakes to recover his dog.

Dogs are stolen for sale to laboratories. If this tattoo and registry is used by dog owners then laboratory workers will have less cause to wonder whether a given dog may be someone's stolen pet. The 1,500 laboratories in the United States using animals have been notified of this tattoo and supplied with the address and phone number of the National Dog Registry—as in the appended announcement.

The attorneys general of 48 States have been asked to bring this announcement to the attention of their law enforcement agencies. Dogs thus tatooed belong to someone and can be identified as the property of a particular individual. All States have penalties for receiving, harboring, or transmitting stolen property. I sometimes regret that the frontier penalty for cattle rustlers and horse thieves is not applied to dog thieves.

I do not know how many dog owners will wish to have their dogs thus tattooed and to avail themselves of the services of the National Dog Registry. For those who do, their dogs will be less vulnerable to theft and loss. For those who do not, the need for the kind of protective legislation this commitee is considering will be even greater.

I thank the committee for this opportunity to be heard.

National Dog Registry Announcement

The National Dog Registry is now in operation. Its purpose is to reduce the traffic in stolen dogs, and to expedite the identification of lost, strayed, injured or dead dogs.

Participating dog owners follow this procedure:

(1) The owner has his social security number tattooed in the right groin of his dog.

(2) He then files his number, name, and address with the National Dog Registry.

Anyone finding a dog so tattooed, alive or dead, or discovering himself in possession of such a dog, no matter how acquired, is requested to notify the National Dog Registry immediately, giving the tatoo number and a general description. The National Dog Registry will then promptly advise the owner, whose responsibility it will be to take the necessary steps and to assume the expenses of recovering his dog. The National Dog Registry serves only as a channel through which the identifying information is filed and transmitted.

The National Dog Registry earnestly solicits your cooperation in helping return these singularly identifiable animals to their owners from whose care they were lost, strayed, or stolen. We also request that laboratories refuse to accept dogs who bear a scar in the right groin where a tattoo might have been obliterated, since it is a reasonable presumption that such an animal has been stolen.

SUPPLEMENTARY STATEMENT OF DR. DAVID H. TIMRUD, PRINCETON, N.J.

Since the testimony before the House subcommittee (hereto appended) on March 7, news of the National Dog Registry went out across the country on the several press service wires. It is to report the response to this news and to describe the support for the National Dog Registry that I ask leave to present the following facts to the Senate Commerce Committee.

The distinguished deans of more than half of the Nation's medical schools have written to state their approval of the concept of the National Dog Registry and to affirm their full cooperation. There have been many letters from independent laboratories including the National Institutes of Health, stating the same. While many of my medical colleagues are concerned that some measure now being considered might restrict the freedom necessary for unfettered scientific inquiry, they are unanimous in their unwillingness to use stolen property for this research. The social security number tattoo and registry of that number with the National Dog Registry now makes it possible to determine what could not be determined before; namely, that a given dog is someone's identifiable missing property.

Attorneys general of various States have promulgated the notice of the National Dog Registry to their constituent law enforcement agencies in their official communications, copies of which they have kindly sent me.

National as well as many local animal welfare societies are, with approbation bringing the National Dog Registry before their memberships and to the public in their various communities.

There have been hundreds of individual inquiries by letter and phone from almost every State in the Union.

Should this committee so desire I will be pleased to furnish full documentation of all the responses I have described.

It is still too early to know how many dog owners will avail themselves of this service. Whether they be few or many I would emphasize that tattooing and registry deal only with one aspect of the problem for which this committee is holding hearings. It is my opinion that Federal legislation licensing animal suppliers and establishing enforcible humane standards for the transport, care, and use of laboratory animals is urgently needed.

STATEMENT OF PEARL TWYNE, PRESIDENT, VIRGINIA FEDERATION OF HUMANE SOCIETIES, INC.

Mr. Chairman, and members of the Committee on Commerce, my name is Pearl Twyne, I am president of the Virginia Federation of Humane Societies and a State humane officer. The statement I am making today is based upon years of experience in investigation of holding stations of dealers supplying dogs, cats, and other animals for research purposes, and visits to research laboratories which show the need for uniform humane standards for the housing and caring of research animals. Dealers are either game wardens or other related officials or persons whose sole income is based on the collecting of dogs and other animals for direct sale to research institutions.

I have found at the holding stations that dogs and cats are crowded into small community pens and no effort made to feed the animals or to ascertain that each animal receives its share of the food. They are not supplied with water and the pens are filthy because it is impossible to clean them with so many in the pens. In some cases no effort at all is made to feed the animals and they go for days without food until a load is collected and they are moved out. One dealer told me that the laboratories would not accept the animals if they were fed and watered the day before delivery to the institution. The aggressive animals attack and injure the weaker ones.

When a load has been collected, the dogs and cats are packed tightly in pens and jammed into a closed panel truck where they spend hours of misery while being transported from one State to another, usually traveling all night.

My visits to several laboratories in the metropolitan area have shown the need for uniform standards of humane care and housing of animals used for research purposes. I have found many animals crammed into cages which were too small for the size of the animal occupying the cage. This is particularly true of the primates. I have seen monkeys and chimpanzees crammed into square pens too small for them to stand or lie down. They were forced to

remain in a crouched position, and this was before they were used in research. However, one institution, the Woodard Research Corp., of Herndon, Va., has used imagination and humaneness in the housing of its primates. A tall fenced structure has been erected outdoors in a wooded area giving its monkeys an opportunity to climb, jump, and swing in a manner natural to this specie. Boxes containing straw were built inside of the structure to give the monkeys warmth and shelter if they wanted it. The monkeys were bright eyed, their coats shiny, and what was more important, they seemed contented. This was heart warming after seeing the cramped pens in some other laboratories.

Since millions of dollars of public money is being channeled into research projects, which in large measure has aggravated this problem, we believe that the public is justified in demanding that more humane standards in the housing care, and transportation of all species of research animals be established.

The enactment of a law regulating the transportation, sale, and housing of research animals is not a substitute for the bills now pending before the Committee on Interstate and Foreign Commerce which would set safeguards against suffering of animals used for scientific purposes. Surely the public is not asking too much of those institutions which test operations or drugs on animals or who inoculate them with diseases so that they may be able to help human beings by means of the results thus obtained, to alleviate as much as possible the discomfort or pain which they cause.

Mr. Chairman, we recommend that Senate bills S. 2322 and S. 3059 be reported favorably by this committee as being in the public interest. Thank you.

STATEMENT OF W. CLARKE WESCOE, CHANCELLOR, UNIVERSITY OF KANSAS, ON BEHALF OF THE NATIONAL ASSOCIATION OF STATE UNIVERSITIES AND LAND-GRANT COLLEGES

The member institutions of the National Association of State Universities and Land-Grant Colleges have a vital interest in legislation pending before the Senate Commerce Committee to regulate the sale and handling of dogs and cats intended for research purposes and should like to file with the Committee for its consideration the following statement concerning these legislative matters.

The Association is a voluntary organization of 97 major state and land-grant institutions, with at least one located in every state and Puerto Rico. Together, these institutions enroll over 1.5 million students and award almost three out of every five doctoral degrees granted by American colleges and universities. Of more importance perhaps to this statement, over half of the medical colleges in the country are located at these institutions, as are 17 of the 18 American colleges of veterinary medicine and almost all the school of agriculture. In addition, these institutions have departments of biology and other research and educational activities that involve the use of animals.

Our Association fully supported H.R. 13881 (the Poage bill) as passed by the House of Representatives on April 28, 1966, to regulate the sale and transportation of dogs and cats involved in interstate commerce. We have, further, fully supported S. 2322 as introduced by Senator Magnuson to accomplish the same purpose. We are, however, gravely concerned about the amendments to the Magnuson bill that have been introduced by Senator Monroney. These amendments, as members of the Commerce Committee know, would require Federal licensing of a research facility as a prerequisite for the purchase or transportation of laboratory animals in interstate commerce and would make the issuance of such a license contingent upon compliance with standards for the care and treatment of laboratory animals prescribed by the Secretary of Agriculture. It is to these amendments that the Association wishes to express specific opposition.

The major reason for our opposition concerns what is, to our knowledge, the first instance in the history of the country involving Federal licensing of a basic function of an academic institution. This is, we believe, an unnecessary and potentially dangerous extension of Federal licensing power.

Since World War II, there has developed a critically important interdependence between the colleges and universities of the country and the Federal government. This interdependence has been largely concerned with the conduct of research at the universities and now amounts to a dollar value of more than $3 billion a year. It is clear that both the Federal government and the universities have benefited from this interdependence. The almost revolutionary advances that have been made in American science substantially as a result of the

Federal involvement have clearly brought about great improvements in the economic, social, political, material, and physical well-being of our people. At the same time, the scientific competence of the institutions participating in the programs have been strengthened.

In developing the conditions of this interdependence, great effort has been directed at maintaining the unique characteristic of university research that has made participation by the educational institutions so valuable to the achievement of national purposes: independence and freedom of inquiry. That a viable degree of freedom from Federal control has been maintained over the years is a tribute to the wisdom and restraint of Senators and Congressmen, Federal executives, and staff and faculty at the universities. That such freedom has on occasion been abridged is a clear indication that we cannot take for granted the continued maintenance of this necessary independence.

The concept of requiring a Federal license for a research institution to purchase animals for experimental purposes and to establish as a condition for such a license compliance with care and treatment standards established by a Federal agency is a dangerous reach toward direct Federal control over basic university functions. Although it is a matter of degree rather than kind, it is important to note that the provisions of the Monroney amendments apply to all research institutions using animals in experiments, regardless of whether or not they receive Federal support for their research programs. This would seem to be a strained interpretation of the interstate commerce clause.

The National Association of State Universities and Land-Grant Colleges urges that this step is both unwise and unnecessary. We believe that problems relating to the care and treatment of laboratory animals can be—will be—and are being—handled effectively in a manner that does not threaten the independence and freedom of inquiry of the institutions. The academic community has historically dealt with the problem of maintaining academic standards through a rigorous system of self-policing through accreditation. Lack of accreditation brings, among other things, denial of Federal support funds in most programs. The colleges and universities have recognized the need for the establishment and maintenance of laboratory-animal care standards, and an accreditating organization—the American Association for the Accreditation of Laboratory Animal Care—was formed in 1965 through the cooperation of a number of educational, medical, veterinary, and research organizations, including our Association. That Association, although still young, is already operating functionally.

The bill introduced by Senator Hill—S. 3332—recognizes the traditional self-policing role of accreditation in this area. It calls for the establishment of a laboratory-animal committee at each institution receiving Federal funds to establish and have oversight responsibility for policies and procedures governing the care and treatment of animals used in experiments, and requires accreditation by a recognized body as a prior condition to the receipt of Federal support for biomedical research involving animals. Such a system can—and does—work, and we urge your support for it in this instance. After all, we have successfully entrusted to such a system the maintenance of standards for the education of our sons and daughters; we can surely do the same in the care and trematment of laboratory animals.

Beyond this fundamental consideration, there is another important reason why we urge you to reject the Monroney amendments. One of these involves the cost that would be involved. Over two-thirds of the $1.9 billion now spent annually in the United States for biomedical research comes from the Federal government, and three-fourths of this sum is for research carried out at academic institutions. This represents a ten-fold increase in just the past 10 years of national efforts directed toward the solution of major disease problems. The colleges and universities of the country have been glad to respond to this demand to the fullest extent possible within the context of their limited resources, and are proud of their achievements in the national interests.

However, these resources are now stretched dangerously thin. As a consequence, any Federal legislation directed toward improving the care and treatment of laboratory animals must provide a part of the costs incident to compliance with Federal regulations. Even with the high standards already maintained at most universities, these costs might include the construction and renovation of animal care facilities and, even more seriously, the increased operational expense related to the employment of additional animal caretakers, veterinarians, and other specialized personnel, plus the cost of training the needed manpower. Even though they are often referred to at the national level, colleges and universities

have no funds of their "own" in any true sense. All their income is from certain definite sources—student fees and tuition, appropriations from state legislatures, interest on endowment funds in some instances, etc. When a new expenditure is required of a university, funds to meet it must come from one or another of these sources—that is, the state must pay for it through increase in taxation, or a restriction of educational opportunities for the young people of the state, or the students through a tuition increase, or the faculty and staff of the institution through a denial of a needed upward salary adjustment, or the like.

In this context, and remembering that the present level of research and experimention involving the use of animals is largely in response to the needs of Federal programs which have, in most cases, not fully reimbursed the universities for their cost, it seems to us that any Federal legislation directed toward improving the care and treatment of laboratory animals must necessarily provide the means to support a part of the costs involved. Without such a provision, the effect of the legislation would be to reduce the nation's medical research programs to the extent by which existing facilities could not meet the standards established or, alternately, to force the subsidization of such programs in one way or another by the students and faculties at the institutions. S. 3332 provides such aid; the Monroney amendments do not.

The Congress has before it pending legislation that we believe will achieve the objectives sought in respect to the care and treatment of laboratory animals without, at the same time, establishing a dangerous precedent in the extension of Federal licensing power to cover a basic university function. This bill—S. 3332—is now before the Senate Labor and Public Welfare Committee.

The National Association of State Universities and Land-Grant Colleges therefore urges the Senate Commerce Committee to report S. 2322 without the Monroney amendments in order to provide the nation with a workable system of regulating the sale and transportation of dogs and cats and to provide the Congress with an opportunity to consider the care and treatment of laboratory animals in the context of S. 3332 in the Senate Committee with substantive concern for the Federal role in biomedical research.

(The following letters were submitted for the record:)

NEW YORK, N.Y., *May 24, 1966.*

SENATE COMMERCE COMMISSION,
Senate Office Building,
Washington, D.C.

GENTLEMEN: On a number of occasions in the past, I have written in support of legislation advocating humane treatment of laboratory experimental animals. To me, it is a sad commentary on the ethical climate of our times that all these bills have been defeated.

I have read the text of the proposed Monroney amendments in the above bill, S. 2322, and want to record my wholehearted support of this measure. It is a pale shadow of the British Bill, dating back to Queen Victoria, and which, as you are aware, has in no way hampered British medical research; but it does at least offer some protection for certain animals used in medical experimentation.

Much of my medical career, spanning a period of more than half a century, has been devoted to the riddle of cancer, its cause and cure. Recognizing the importance of experimental research, I inaugurated in 1948 the Adair Fund for Cancer Research and have been able, through generous voluntary contributions, to give substantial sums to, among others, the Jackson Memorial Laboratory in Bar Harbor, Maine, the Sloan-Kettering Institute of New York, and the University of Chicago School of Medicine. I was chairman for a period of 10 years of the Cancer Committee of the American College of Surgeons, President of the American Cancer Society, 1944–1947, Chairman of the Advisory Committee on Cancer Control, USPHS, 1947–1950, and in 1961 was honored by the Coordinators of Cancer Teaching in Medical, Dental and Osteopathic Schools for my efforts in the planning and organization of cancer teaching grants awarded by the USPHS.

I allude to this background only because I want the Honorable Gentlemen of the Senate to know that my endorsement of Bill S. 2322 is based on a clear-headed and practical viewpoint. We squander hundreds of millions of dollars on senseless and unproductive projects, duplication and reduplication of effort, with the cynical attitude that Government, i.e., the taxpayer will foot the bill.

The proper treatment of these laboratory animals, not only in the matter of sale and transportation, but in their subsequent care and handling in the laboratories, may appeal to be a very small issue in these troubled times, but it is a moral and ethical one! "Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto Me."

Sincerely yours,

FRANK E. ADAIR, M.D.

TUSCALOOSA, ALA., *May 24, 1966.*

CHRISTINE STEVENS,
Secretary for Society for Animal Protective Legislation,
Washington, D.C.:

At hearing before Senate Commerce Committee please express my endorsement of S. 2322 and S. 3059 as a Ph. D. psychologist. I have seen the abuse of animals that makes these bills absolutely necessary. We cannot afford the brutalizing effect on ourselves of present common research practices. Sick abused animals yield sloppy research.

Dr. ROBERT B. BELL.

ANN ARBOR, MICH., *May 22, 1966.*

To Honorable Members of the U.S. Senate.

GENTLEMEN: This is written to express my personal approval of bill S2322 to be considered by the U.S. Senate.

Recent favorable action on bill introduced by Mr. Poage makes it mandatory, among other things, for dealers supplying animals to scientific laboratories to provide humane housing and care for these animals. There would seem to be no good reason why the laboratories using these animals should be exempt from similar requirements as specified in S2322—particularly since this in no way regulates the conduct of experimental procedures planned and carried out by qualified personnel.

Respectfully yours,

JOHN W. BEAN, Ph. D, M.D.,
Professor of Physiology, University of Michigan.

MARCH 28, 1966.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: The Association of American Medical Colleges is well aware and most appreciative of your long record of leadership in support of medical education and medical research. We know, too, and applaud your concurrent interest in the proper treatment of animals as evidenced by the major role you played in advancing legislation dealing with the humane slaughter of animals.

We regard your sponsorship of S. 2322 as indicative of a desire to halt interstate commerce in stolen cats and dogs while, at the same time, protecting the research which has led to so many measures that extend human life or allay human suffering and which promise so much more for the future.

Our association wholeheartedly supports both objectives. We share your abhorrence of those who steal or mistreat dogs and cats and lend our support to your efforts to halt their activities.

We would suggest a few amendments to your bill which, we think you will agree, are designed to enhance its effectiveness while removing what we are sure would be unintended and unnecessary burdens on our institutions or on those legitimate suppliers on whom we must rely.

We would appreciate you making this letter a part of the record of the hearings your committee is currently conducting on S. 2322 and related bills and would ask that the committee give serious consideration to our proposed amendments and the reasons therefore. They are attached and apply to S. 2322.

In closing, may we again express our thanks for your continuing interest in medical education and for such consideration as you may be able to give our proposals.

Sincerely yours,

ROBERT C. BERSON, M.D.,
Executive Director.

AMENDMENTS TO S. 2322 OFFERED FOR THE CONSIDERATION OF MEMBERS OF THE COMMITTEE ON COMMERCE OF THE U.S. SENATE BY THE ASSOCIATION OF AMERICAN MEDICAL COLLEGES

1. On page 3, line 4, delete "compensation or". Nonprofit humane society agencies or public institutions do receive and must receive "compensation" for the services they render. To require them to be licensed would seem unnecessary in all cases and, perhaps, unconstitutional in some.

2. On page 3, line 5, change "or" to "and". We believe "dealer" should apply to those engaged both in buying and selling. As now written the bill would require each farmer who now sells an occasional animal he has raised to a State agricultural experiment station or a laboratory to seek a license. Many, of course, would not do so and, consequently, a perfectly legal and ethical source of supply would be dried up.

3. On page 3, delete all of section 3 or, if the committee believes the licensing of nonprofit, research institutions to be necessary which we do not, then change the language to vest authority for such licensing in the Secretary of the Department of Health, Education, and Welfare. We urge this change because HEW officials are, of necessity, in constant and knowledgeable contact with our institutions. It would seem wasteful, unnecessarily complicated and unjustifiably expensive to require a second agency of the Government to spend time, personnel and public funds duplicating the acquisition of knowledge and the development of relationships already possessed by an agency of the Government. It would also mean the imposition of unnecessary duplicatory burdens on our institutions.

4. On pages 4 and 5, delete section 10 in its entirety. The sale of animals at public auction is a well-established practice and, of itself, has no deleterious effects on animals or the public welfare. To the extent that such auctions are not properly supervised and regulated by State and local authorities—as most are—they should be. But to outlaw auctions would seem thoroughly unnecessary and might have a very serious, adverse effect on the supply of animals needed for research designed to advance public health and save the lives of human beings.

We see no logical reason for prohibiting the sale of animals by weight. Heavier animals are more costly to produce and the producer must be recompensed for his greater outlay. Certainly the sale of an animal by weight is not deleterious to the animal. On the contrary, it provides a decided incentive to the proper feeding and care of such animal.

5. General—if possible we should like to see all references to "research," "research facilities," "experimental purposes," etc. removed from the bill. We are, and the authors of the bill are, opposed to the stealing of cats and dogs for any purpose. We have reason to believe that many dogs are stolen, particularly at the opening of the hunting season, for resale to hunters and pedigreed pets for resale to individual owners. We see no reason or justification—certainly no proof has been offered—for singling out research institutions in this legislation.

MANUFACTURING CHEMISTS' ASSOCIATION, INC.,
Washington, D.C., May 31, 1966.

The Honorable WARREN G. MAGNUSON,
Chairman, Senate Commission on Commerce,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: The purpose of this letter is to present the views of the Manufacturing Chemists Association on S. 2322, a bill to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and the amendments proposed by Senator Monroney, as they appear in Committee Print No. 3 of May 19, 1966. For your information, the Manufacturing Chemists Association represents manufacturers of bulk chemicals, including food additives and household products, and many of these chemical products must be "animal tested" for conformity with regulations or with voluntary safety standards. We therefore have considerable interest in the development of a law which, while preventing improper traffic in cats and dogs, will not prove a hindrance to essential research activities.

It is our considered opinion that S. 2322, Committee Print No. 3, would combine under one authority two matters which should be treated separately, namely (a) the acquisition and transportation of dogs and cats for research or experimental purposes and (b) the establishment of standards for animal care in research facilities. We urge that S. 2322 be amended to conform to H.R. 13881, which we believe presents a sound approach to the "theft" problem and that the establishment of humane standards for experimental animals be handled separately.

The following are more detailed comments on S. 2322, Committee Print No. 3.

1. It is believed that the original intent of S. 2322 was to control the trafficking in dogs and cats used for research purposes. The addition of monkeys, guinea pigs, hamsters, and rabbits, as proposed in Committee Print No. 3, would appear to be unwarranted because there is no evidence of theft of such animals for research purposes. Therefore, we believe there is no justification for the increase in the administrative burden on the government, the research facility and the dealer which would result from the addition of these animals.

2. Because the Department of Health, Education and Welfare now handles many programs directly affecting the conduct, financing and expansion of biomedical research facilities, we believe that this Department, rather than the Department of Agriculture, should be charged with the administration of related matters such as the care and treatment of animals while being used in research.

3. Section 14 of Committee Print No. 3 could lead to serious problems and abuses. For reasons of commercial or national security, admission to certain areas of research laboratories must necessarily be restricted to authorized personnel and no provision is made to handle this problem in the bill. The use of the phraseology "representatives of legally constituted law enforcement agencies" in lines 8 and 9 on page 8 is too broad since it could be interpreted to cover representatives of the humane societies in those states where humane societies administer certain aspects of the anti-cruelty statutes. Instead of giving this authority to such a broadly defined group, it would be preferable to limit the inspection authority, as in section 9, to the Secretary or any Federal officers or employees designated by the Secretary.

4. Section 11 of Committee Print No. 3 requires the Secretary of the Department of Agriculture to promulgate regulations to permit inspections and to confiscate or destroy animals found to be suffering as a result of a failure to comply with the Act. Section 7 of the amendment states that the Secretary may not prescribe standards for handling and care of animals *during actual research*. It is not always easy to distinguish between an animal which is part of an experimental study and one which is not, and obviously this decision cannot be left to the inspector who might, by an arbitrary and ill-considered decision, destroy months of research. The decision, if it must be made, must lie with the director of the laboratory.

We appreciate this opportunity to bring our views to the attention of the Senate Committee on Commerce.

Sincerely,

G. H. DECKER.

Re Bill No. S. 2322, Senator Monroney Amendment.

DEAR SENATOR MONRONEY: Please include for the record my statement indorsing your bill No. S. 2322, concerning the humane care and handling of animals plus licensing of all dealers and laboratories dealing with animals.

Sincerely yours,

FREDERICK W. GIESE, M.D.

ALBERT EINSTEIN COLLEGE OF MEDICINE, YESHIVA UNIVERSITY,
DEPARTMENT OF PHYSIOLOGY,
New York, N.Y., March 23, 1966.

Senator JOHN O. PASTORE,
Senate Committee on Commerce,
Senate Office Building, Washington, D.C.

DEAR SENATOR PASTORE: In the interests of the public welfare and the growth of American medical science, I strongly urge support of a bill identical to H.R. 13406 to regulate animal dealers. This bill has been approved by the National Society for Medical Research and the New York State Society for Medical Research.

I respectfully request that my statement be entered into the record of your hearings.

Very truly yours,

HENRY D. LAUSON, Ph. D., M.D.,
Professor and Chairman.

ELI LILLY & CO.,
Indianapolis, Ind., March 31, 1966.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: We have followed with great interest the hearings of your committee on proposed legislation to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of laboratory research. This subject is of vital concern to Eli Lilly & Co. and all other research organizations that are striving to discover, develop, and produce medicines which will preserve the life and health of people all over the world. We respectfully request that the following comments be made part of the hearing record of your committee.

With regard to S. 2322 and other bills concerning animals to be used for laboratory research, Eli Lilly & Co. fully endorses legislation intended to prevent the theft of animals. The company has long concerned itself with the proper procurement of dogs, cats, and other animals for laboratory use and has done business only with reputable breeders and dealers, such as suppliers who are members of the Animal Care Panel, Laboratory Animal Breeders Association, or other professional organizations dedicated to proper care and handling of animals.

We have great concern and reservation with regard to section 3 of S. 2322. As the bill is now written, the Secretary of Agriculture would have unlimited authority to regulate all institutions doing medical research, including Eli Lilly & Co. and other research-oriented producers of prescription medicines. The bill would make it unlawful for such organizations to purchase dogs or cats unless they have obtained a license from the Secretary in accordance with such rules and regulations as the Secretary may prescribe.

We feel sure that you and your committee would not wish to prevent or retard any part of the vital scientific research effort which our research laboratories are directing toward the conquest of the diseases which plague mankind. This could very well be the unintended result, however, if rules and regulations prescribed by the Secretary of Agriculture were to dictate who shall do research, what research shall be done, and how research procedures are to be carried out.

We join with others who have recommended that legislation intended to protect owners of dogs and cats from the theft of such animals and to prevent the sale or use of stolen dogs and cats for the purposes of research should not direct itself to the user of legitimately acquired animals. It is our considered judgment that section 3 (lines 7, 8, 9, 10, and 11) of S. 2322 should be deleted from the bill.

We have every confidence that you and your committee will find a way to protect owners of dogs and cats from the theft of their pets without impeding scientific research in the field of health and medicine which is so vital to the citizens of this country and the peoples of the world.

Copies of this statement are being sent to the other members of your committee and to Senator Birch Bayh, of Indiana.

Sincerely,

RAYMOND M. RICE, M.D.,
Group Vice President, Science and Medicine.

PHARMACEUTICAL MANUFACTURERS ASSOCIATION,
Washington, D.C., May 25, 1966.

The Honorable WARREN G. MAGNUSON,
Chairman, Senate Commerce Committee,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to my letter to you dated March 30, 1966, in which this Association, on behalf of the pharmaceutical manufacturing industry, stated the principles it believes should be incorporated in legislation to

prevent the theft of dogs and cats and to regulate interstate dealers in such animals.

The Pharmaceutical Manufacturers Association reiterates its support of these principles and urges favorable consideration of legislation such as the House-passed Poage Bill, H.R. 13881, which substantially incorporates these principles within its framework. In brief, we believe that H.R. 13881 provides an effective and sound method of preventing the theft of household pets and of regulating interstate animal dealers without imposing undue burdens on medical research.

It is our understanding that last week your Committee decided to schedule further hearings on legislative proposals realting to the regulation of interstate animal dealers, and to consider as well amendments proposed by Senator A. S. Mike Monroney to S. 2322 which involved the extension of Federal licensure to nonfederal research facilities. The text of the Monroney Amendments to which I refer appears in Committee Print No. 3, dated May 19, 1966.

This Association strongly opposes these proposed amendments to S. 2322 for the following reasons, among others:

1. They would require Federal licensure of nonfederal research facilities, including educational institutions, and, under certain circumstances, would permit the withdrawal of the license which could seriously affect the ability of such institutions to carry out their research or educational programs.

2. Administration of a licensure program by the Department of Agriculture seems inappropriate. That Department has had little contact and relationship with the biomedical research community and, to our knowledge, has little expertise in laboratory animal medicine. It would appear to be more sound and reasonable to entrust the Department of Health, Education, and Welfare with the administration of a program designed to improve laboratory animal resources since the general legislative authority and appropriations for health research facilities and for other health oriented programs has been primarily given to this Department.

3. The administrative burden on Government, research facilities, and on animal dealers imposed by the addition of numerous other categories of animals would be exceedingly great.

4. The prescription of standards for laboratory animal care, which will have to be observed by all research facilities, will create immediate demands for improved facilities and equipment, as well as for an expanded requirement for more trained personnel. Many necessary research facilities may not have the funds to invest in order to be able to meet such standards.

In light of the foregoing, it is the view of this Association that H.R. 13881, as enacted by the House of Representatives, fully meets the publicized problems concerning the abuse of laboratory research animals. It does so without interfering with medical research. We therefore urge the Committee to favorably report H.R. 13881 or a measure conforming to its approach.

Further, Senator Lister Hill, Chairman, Senate Labor and Public Welfare Committee, has recently introduced S. 3332, a bill prepared by the Department of Health, Education, and Welfare, after consultation with interested scientific organizations. This bill deals expressly with the use of laboratory animals for medical research. Among other things, it provides standard setting authority for the Department of Health, Education, and Welfare and would authorize Federal grants to help with construction and renovation costs incurred by research laboratories. We would also respectfully urge that this legislation (S. 3332) be fully considered by the appropriate committees of the Congress before action is taken on proposals to license nonfederal research facilities.

It is respectfully requested that this letter be incorporated in the record of your Committee's hearings on this matter.

Sincerely,

C. JOSEPH STETLER.

AMERICAN HOSPITAL ASSOCIATION,
Washington, D.C., April 1, 1966.

Hon. WARREN G. MAGNUSON,
Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: I should like to present for your consideration the views of the American Hospital Association on S. 2322 and S. 3059 now being considered by your committee.

The American Hospital Association, representing most of the more than 7,000 hospitals in the United States, is properly concerned wih any proposed legislation which would affect the research, diagnostic, and patient-care capabilities of its member institutions.

S. 2322 and S. 3059, in welcome contrast to many other animal care bills previously considered by committees of Congress, do not directly compromise the research and diagnostic capabilities of hospitals and research laboratories. Rather, they are concerned primarily with methods of acquisition and sale of research animals by dealers to these institutions. Clearly, the principal purpose of the bills is to prevent the theft and sale of household pets; namely, cats and dogs, for research purposes. For these reasons, therefore, the American Hospital Association is fully in accord with the main objectives of the bills.

The association does feel, however, that the bills in some areas go far beyond that which is necessary to accomplish their main purpose and, in fact, impose conditions with which it would be impossible to comply. It is these and other undesirable requirements of the bills to which these statements are directed.

The inclusion of "other animals" in the scope of the bills would bring under their control an infinite variety of animals and especially the millions upon millions of mice, rats, rabbits, guinea pigs, and hamsters used annually in this country for research and diagnostic purposes. It would be clearly impossible, as well as unnecessary, to individually identify each of these animals as would be required by the bills. We suggest, therefore, that inclusion of animals other than cats and dogs be deleted from the bills.

The second objection raised by the association relates to the requirement that consumer institutions be licensed by the Department of Agriculture. It is felt that this is both unnecessary and undesirable. In the first place, it is in the self-interest of every laboratory to give the best possible care to its animals. Otherwise, their value for research and diagnostic purposes is impaired. Also, there is now in operation the American Association for Accreditation of Animal Laboratory Care sponsored by several major organizations concerned with animal housing and care in the scientific community. In many respects the work of this organization is comparable to that of the Joint Commission on Accreditation of Hospitals which sets standards for the care and safety of patients in hospitals. Likewise, the American Association for Accreditation of Animal Laboratory Care sets standards for animal care in laboratories and inspects and accredits laboratories in relation to these standards. Further, it is understood that the Department of Health, Education, and Welfare will sponsor a bill which will made accreditation of laboratories a prerequisite for research grants from agencies of HEW. The addition of still another inspection agency seems both unnecessary and harmful in that it may lead to duplication of effort, conflicting regulations, and consequent confusion. For these reasons, therefore, the association suggests the deletion of the requirement that laboratories be licensed. We would not, however, object to a requirement that the animal purchase records of laboratories be available for inspection by the Government as a further safeguard against the illegal or inadvertent acquisition of household pets.

It should be noted that some institutions breed some of their own animals for research purposes. Their position under the bills is not clear. The bills should specifically provide that, where an institution raises animals exclusively for its own use and not for sale, it does not thereby become a "dealer" under the definition as stated in the bills.

With the exception of the objections raised above, the American Hospital Association is in agreement with the purpose of these bills and requests that this statement be made a part of the record of the hearings held by your committee.

Sincerely,

KENNETH WILLIAMSON,
Associate Director.

○

LEGISLATIVE HISTORY

Public Law 89-544
H. R. 13881

TABLE OF CONTENTS

Index and summary of H. R. 13881 1
Digest of Public Law 89-544 2

INDEX AND SUMMARY OF H. R. 13881

July 23, 1965	Sen. Magnuson introduced and discussed S. 2322 which was referred to Senate Commerce Committee. Print of bill and remarks of author.
Feb. 2, 1966	Rep. Poage introduced H. R. 12488 which was referred to House Agriculture Committee. Print of bill as introduced.
Mar. 8, 1966	Sen. Scott introduced and discussed S. 3059 which was referred to S. Commerce Committee. Print of bill and remarks of author.
	Rep. Nelsen introduced H. R. 13406 which was referred to House Agriculture Committee. Print of bill as introduced.
Mar. 17, 1966	House subcommittee voted to report H. R. 12488.
Mar. 22, 1966	Rep. Fulton, Tenn., introduced H. R. 13862 and Rep. Poage introduced H. R. 13881 which were referred to House Agriculture Committee. Print of bills as introduced.
Mar. 24, 1966	House committee voted to report (but did not actually report) H. R. 13881.
Apr. 5, 1966	House committee reported H. R. 13881 with amendments. H. Report 1418. Print of bill and report.
Apr. 20, 1966	House Rules Committee reported resolution for consideration of H. R. 13881. H. Res. 821, H. Report 1443. Print of resolution and report.
Apr. 28, 1966	House passed H. R. 13881 as reported.
May 2, 1966	H. R. 13881 was referred to Senate Commerce Committee. Print of bill as referred.
June 7, 1966	Senate committee voted to report H. R. 13881.
June 15, 1966	Senate committee reported H. R. 13881 with amendments. S. Report 1281. Print of bill and report.
June 22, 1966	Senate passed H. R. 13881 with amendments.

INDEX AND SUMMARY OF H. R. 13881

July 23, 1965	Sen. Magnuson introduced and discussed S. 2322 which was referred to Senate Commerce Committee. Print of bill and remarks of author.
Feb. 2, 1966	Rep. Foote introduced H. R. 12868 which was referred to House Agriculture Committee. Print of bill as introduced.
Mar. 8, 1966	Sen. Scott introduced and discussed S. 3059 which was referred to S. Commerce Committee. Print of bill and remarks of author.
	Rep. Nelsen introduced H. R. 13806 which was referred to House Agriculture Committee. Print of bill as introduced.
Mar. 17, 1966	House subcommittee voted to report H. R. 12868.
Mar. 22, 1966	Rep. Pulton, Tenn., introduced H. R. 13862 and Rep. Poage introduced H. R. 13881 which were referred to House Agriculture Committee. Print of bills as introduced.
Mar. 24, 1966	House committee voted to report (but did not actually report) H. R. 13881.
Apr. 5, 1966	House committee reported H. R. 13881 with amendments. H. Report 1419. Print of bill and report.
Apr. 20, 1966	House Rules Committee reported resolution for consideration of H. R. 13881. H. Res. 821, H. Report 1413. Print of resolution and report.
Apr. 28, 1966	House passed H. R. 13881 as reported.
May 2, 1966	H. R. 13881 was referred to Senate Commerce Committee. Print of bill as referred.
June 7, 1966	Senate committee voted to report H. R. 13881.
June 15, 1966	Senate committee reported H. R. 13881 with amendments. S. Report 1281. Print of bill and report.
June 22, 1966	Senate passed H. R. 13881 with amendments.

INDEX AND SUMMARY OF H. R. 13881, cont'd

June 23, 1966	House conferees were appointed on H. R. 13881.
June 24, 1966	Senate conferees were appointed on H. R. 13881.
Aug. 1, 1966	Conferees agreed to file a report.
Aug. 11, 1966	House received conference report on H. R. 13881. H. Report 1848. Print of report.
Aug. 16, 1966	House agreed to conference report.
Aug. 17, 1966	Senate agreed to conference report.
Aug. 24, 1966	Approved: Public Law 89-544.

Hearing: Senate committee on S. 2322

June 23, 1966 House conferees were appointed on H. R. 13681.

June 24, 1966 Senate conferees were appointed on H. R. 13681.

Aug. 1, 1966 Conferees agreed to file a report.

Aug. 11, 1966 House received conference report on H. R. 13681. H. Report 1848. Print of report.

Aug. 16, 1966 House agreed to conference report.

Aug. 17, 1966 Senate agreed to conference report.

Aug. 24, 1966 Approved: Public Law 89-544.

Hearing: Senate committee on S. 2322

DIGEST OF PUBLIC LAW 89-544

HANDLING OF DOGS, CATS, AND OTHER RESEARCH ANIMALS. Authorizes the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats, and certain other animals intended to be used for research or experimentation. The act provides that:

(1) The Secretary shall issue licenses to dealers, as defined in the Act, upon demonstration that their facilities comply with standards promulgated by the Secretary and upon payment of such fees as established by the Secretary;

(2) any person who derives less than a substantial portion of his income from breeding and raising dogs or cats on his own premises and sells such animals to a dealer or research facility, need not obtain a license as a dealer;

(3) the Secretary is authorized to license, as dealers, on a voluntary basis, persons who do not qualify as dealers, upon their agreement to comply with the requirements of the Act;

(4) no dealer shall sell or offer to sell, or transport or offer for transportation, to any research facility, or buy, sell, offer to buy or sell, transport or offer for transportation in commerce to or from another dealer, any dog or cat unless he has been licensed by the Secretary of Agriculture;

(5) no dealer shall sell or otherwise dispose of any dog or cat within a period of five business days after its acquisition or such other time as the Secretary may specify;

(6) every research facility shall register with the Secretary in accordance with such regulations as he may prescribe;

(7) no research facility shall purchase any dog or cat from a person unless he has been licensed by the Secretary or unless such person is exempted from obtaining such license;

(8) no department, agency, or instrumentality of the United States which uses animals, as defined in the Act, for research shall purchase or otherwise acquire any dog or cat from a person unless he is exempted or he has been licensed by the Secretary;

DIGEST OF PUBLIC LAW 89-544

HANDLING OF DOGS, CATS, AND OTHER RESEARCH ANIMALS.
Authorizes the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats, and certain other animals intended to be used for research or experimentation. The act provides that:

(1) The Secretary shall issue licenses to dealers, as defined in the Act, upon demonstration that their facilities comply with standards promulgated by the Secretary and upon payment of such fees as established by the Secretary;

(2) any person who derives less than a substantial portion of his income from breeding and selling dogs or cats on his own premises and sells such animals to a dealer or research facility, need not obtain a license as a dealer;

(3) the Secretary is authorized to license, as dealers, on a voluntary basis, persons who do not qualify as dealers, upon their agreement to comply with the requirements of the Act;

(4) no dealer shall sell or offer to sell, or transport or offer for transportation, to any research facility, or buy, sell, offer to buy or sell, transport or offer for transportation in commerce to or from another dealer, any dog or cat unless he has been licensed by the Secretary of Agriculture;

(5) no dealer shall sell or otherwise dispose of any dog or cat within a period of five business days after its acquisition or such other time as the Secretary may specify;

(6) every research facility shall register with the Secretary in accordance with such regulations as he may prescribe;

(7) no research facility shall purchase any dog or cat from a person unless he has been licensed by the Secretary or unless such person is exempted from obtaining such license;

(8) no department, agency, or instrumentality of the United States which uses animals, as defined in the Act, for research shall purchase or otherwise acquire any dog or cat from a person unless he is exempted or he has been licensed by the Secretary;

(9) research facilities and dealers shall make and retain for such time as the Secretary may prescribe, records of purchase, sale, transportation, identification, and previous ownership of dogs and cats, and such records shall be made available at all reasonable times for inspection by any Federal officer or employee designated by the Secretary;

(10) all dogs and cats delivered for transportation, transported, purchased, or sold in commerce by any dealer shall be marked or identified at such time and in such humane manner as may be prescribed by the Secretary;

(11) the Secretary is authorized to promulgate humane standards and record keeping requirements governing purchase, handling, or sale of dogs or cats at auction sales;

(12) the Secretary is authorized to establish and promulgate standards governing humane handling, care, treatment and transportation of animals by dealers and research facilities, exclusive of the handling of the animals during the actual research or experimentation;

(13) any department, agency, or instrumentality of the United States having animal laboratory facilities shall comply with such standards;

(14) the Secretary is directed to consult and cooperate with other Federal departments, agencies, or instrumentalities concerned with the welfare of animals used for research when establishing standards or carrying out the purposes of the Act;

(15) the Secretary is authorized to cooperate with the officials of the various States or political subdivisions thereof in effectuating the purposes of the Act;

(16) the Secretary is directed to promulgate rules and regulations to permit inspectors to confiscate or destroy in a humane manner any animals found to be suffering as a result of noncompliance with the Act by a dealer or by research facility which no longer requires the animals for experimentation;

(17) if the Secretary has reason to believe that there has been a violation of the Act or the regulations by a person licensed as a dealer he may suspend such person's license for a period not to exceed 21 days, and, after opportunity for hearing, he may suspend for an additional period or revoke such license if such violation was determined to have occurred;

(18) any dealer who violated any provision of the Act shall be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both;

(19) the Secretary, upon determining that a research facility has violated any provisions of the Act or the regulations, may make an order requiring such facility to cease and desist from such violation, and any research facility which knowingly fails to obey such an order shall be subject to a civil penalty of $500 for each offense, and each day during which failure continues shall be deemed a separate offense.

The act also provides that the Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued, adjusted on an equitable basis, which shall be deposited into the Treasury as miscellaneous receipts. In addition, funds are authorized to be appropriated from time to time as Congress may provide. The act specifies that the Secretary shall promulgate regulations not later than 6 months from date of enactment. Compliance by dealers is required 90 days following promulgation, and by research facilities 6 months after promulgation unless the Secretary, for good cause, extends such period.

(17) if the Secretary has reason to believe that there has been a violation of the Act or the regulations by a person licensed as a dealer he may suspend such person's license for a period not to exceed 21 days, and, after opportunity for hearing, he may suspend for an additional period or revoke such license if such violation was determined to have occurred;

(18) any dealer who violated any provision of the Act shall be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both;

(19) the Secretary, upon determining that a research facility has violated any provisions of the Act or the regulations, may make an order requiring such facility to cease and desist from such violation, and any research facility which knowingly fails to obey such an order shall be subject to a civil penalty of $500 for each offense, and each day during which failure continues shall be deemed a separate offense.

The act also provides that the Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued, adjusted on an equitable basis, which shall be deposited into the Treasury as miscellaneous receipts. In addition, funds are authorized to be appropriated from time to time as Congress may provide. The act specifies that the Secretary shall promulgate regulations not later than 4 months from date of enactment. Compliance by dealers is required 90 days following promulgation, and by research facilities 6 months after promulgation unless the Secretary, for good cause, extends such period.

89th CONGRESS
1st Session

S. 2322

IN THE SENATE OF THE UNITED STATES

JULY 23, 1965

Mr. MAGNUSON (for himself and Mr. CLARK) introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats 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 prevent the theft of dogs and cats from
4 their owners and to prevent the sale or use of stolen dogs

89TH CONGRESS
1ST SESSION

S. 2322

IN THE SENATE OF THE UNITED STATES

JULY 23, 1965

Mr. MAGNUSON (for himself and Mr. CLARK) introduced the following bill; which was read twice and referred to the Committee on Commerce

A BILL

To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats 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 from
4 theft of such pets and to prevent the sale or use of stolen dogs
5 and cats for purposes of research and experimentation, it is
6 essential to regulate the transportation, purchase, sale, and
7 handling of dogs and cats by persons or organizations en-
8 gaged in using them for research or experimental purposes
9 or in transporting, buying, or selling them for such use.

1 SEC. 2. DEFINITIONS.—When used in this Act—

2 (a) The term "person" includes any individual,
3 partnership, association, or corporation.

4 (b) The term "Secretary" means the Secretary of
5 Agriculture.

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

13 (d) The term "cat" means any live domestic cat
14 (Felis catus) for use or intended to be used for research,
15 tests, or experiments at research facilities.

16 (e) 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 (f) The term "research facility" means any school,
20 institution, organization, or person that uses or intends
21 to use dogs or cats in research, tests, or experiments,
22 and that (1) purchases or transports such animals or
23 certain of such animals in commerce or (2) receives
24 any funds from the United States or any agency or in-

1 strumentality thereof to finance its operations by means
2 of grants, loans, or otherwise.
3 (g) The term "dealer" means any person who for
4 compensation or profit delivers for transportation, trans-
5 ports, boards, buys, or sells dogs or cats in commerce for
6 research purposes.
7 SEC. 3. It shall be unlawful for any research facility to
8 purchase or transport dogs or cats in commerce unless and
9 until such research facility shall have obtained a license from
10 the Secretary in accordance with such rules and regulations
11 as the Secretary may prescribe pursuant to this Act.
12 SEC. 4. It shall be unlawful for any dealer to sell or
13 offer to sell or to transport to any research facility any dog
14 or cat, or to buy, sell, offer to buy or sell, transport or offer
15 for transportation in commerce or to another dealer under
16 this Act any such animal, unless and until such dealer shall
17 have obtained a license from the Secretary in accordance
18 with such rules and regulations as the Secretary may pre-
19 scribe pursuant to this Act, and such license shall not have
20 been suspended or revoked.
21 SEC. 5. The Secretary is authorized to promulgate stand-
22 ards to govern the handling and transportation of dogs and
23 cats by dealers and research facilities, to promote their
24 health, well-being, and safety: *Provided, however*, That this

1 authority shall not be construed to authorize the Secretary to
2 set standards for the handling of these animals during the
3 actual research or experimentation.

4 SEC. 6. All dogs and cats delivered for transportation,
5 transported, purchased, or sold in commerce or to research
6 facilities shall be marked or identified in such manner as the
7 Secretary may prescribe.

8 SEC. 7. Research facilities and dealers shall make and
9 keep such records with respect to their purchase, sale, trans-
10 portation, and handling of dogs and cats, as the Secretary
11 may prescribe.

12 SEC. 8. The Secretary shall take such action as he may
13 deem appropriate to encourage the various States of the
14 United States to adopt such laws and to take such action as
15 will promote and effectuate the purposes of this Act and the
16 Secretary is authorized to cooperate with the officials of the
17 various States in effectuating the purposes of this Act and
18 any State legislation on the same subject.

19 SEC. 9. No dealer shall sell or otherwise dispose of any
20 dog or cat within a period of five business days after the
21 acquisition of such animal.

22 SEC. 10. Dogs and cats shall not be offered for sale or
23 sold in commerce or to a research facility at public auction
24 or by weight; or purchased in commerce or by a research

1 facility at public auction or by weight. No research facility
2 shall purchase any dogs or cats except from a licensed dealer.
3 SEC. 11. The Secretary is authorized to promulgate such
4 rules, regulations, and orders as he may deem necessary in
5 order to effectuate the purposes of this Act.
6 SEC. 12. Any person who violates any provision of this
7 Act shall, on conviction thereof, be subject to imprisonment
8 for not more than one year or a fine of not more than
9 $10,000.
10 SEC. 13. When construing or enforcing the provisions of
11 this Act, the act, omission, or failure of any individual acting
12 for or employed by a research facility or a dealer within the
13 scope of his employment or office shall be demed the act,
14 omission, or failure of such research facility or dealer as well
15 as of such individual.
16 SEC. 14. If the Secretary has reason to believe that a
17 dealer has violated any provision of this Act or the regula-
18 tions promulgated thereunder, the Secretary may suspend
19 such dealer's license temporarily, and, after notice and
20 opportunity for hearing, may revoke such license if such
21 violation is determined to have occured.
22 SEC. 15. If any provision of this Act or the application
23 of any such provision to any person or circumstances, shall
24 be held invalid, the remainder of this Act and the applica-

1 tion of any such provision to persons or circumstances other
2 than those as to which it is held invalid shall not be
3 affected thereby.

4 SEC. 16. In order to finance the administration of this
5 Act, the Secretary shall charge, assess, and cause to be col-
6 lected reasonable fees for licenses issued to research facili-
7 ties and dealers. All such fees shall be deposited and covered
8 into the Treasury as miscellaneous receipts.

9 SEC. 17. EFFECTIVE DATE.—This Act shall take effect
10 one hundred and twenty days after enactment.

89TH CONGRESS
1ST SESSION

S. 2322

A BILL

To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes.

By Mr. MAGNUSON and Mr. CLARK

JULY 23, 1965

Read twice and referred to the Committee on Commerce

FTC has concentrated its force on halting law violators who do at least some of their selling across State lines.

Thus, while the FTC cannot undertake to settle your private or purely local difficulties, it does stand ready to halt important instances of deception—and at no cost to the one who brings the complaint. The reason for this is that the FTC never brings an action on behalf of an individual; instead, it must itself investigate the matter and then act only if there appears to be sufficient public interest in stopping it. Nevertheless, alert consumers perform a valuable service to FTC by inviting its attention to deceptive practices that should be investigated.

The way to do this is simple: Just write a letter to the Federal Trade Commission, Washington, D.C. The letter should give as many facts as you have available, including any evidence of the chicanery, such as a copy of misleading advertising used to sell the product or the service. (Too many applications for complaint are long on indignation and short on facts that would help the FTC to determine whether the matter warranted investigation.) In writing this letter you have FTC's assurance that your identity will be completely protected. If the deception has sufficient public interest and the FTC is the appropriate authority to tackle the job, your obligation is ended. The FTC will take over the matter from that point on. You will, of course, be advised of what disposition is made of your application for FTC action.

What kinds of action might the FTC take? Depending on the gravity of the law violation, it could be settled by the violator giving FTC assurance and evidence that the improper act would be immediately discontinued. (And this would be no empty assurance because the violator would be in no doubt that a second offense would bring quick formal action.) The FTC, however, might well decide the violation was too serious to be settled by such an assurance of discontinuance, in which case it would issue a formal complaint looking to the issuance of a cease-and-desist order forever prohibiting the respondent from engaging in the illegal act. Should the order be violated thereafter, the FTC would bring action in court seeking a fine of up to $5,000 per day for each violation of the order.

Thus, the FTC provides you, the consumer, with a final defense against many instances of deception in the marketplace. But it is important to remember that you can do a great deal for yourself by following this advice:

1. Shop more before you buy.
2. Bring your complaint first to the seller.
3. Report false advertising to the media carrying it.
4. Report deception to local organizations concerned with better business standards.
5. Write the facts to the Federal Trade Commission.

Mr. MAGNUSON. Mr. President, of course they can go to the corporation counsel, and he tries to do the best job he can, or they can go to the Better Business Bureau. They are told, "Make a complaint in writing. Spell it out to us."

Some of these people do not know how to do it. They accept the situation. This is the sort of thing that we are fighting.

PROHIBITION OF INTERSTATE TRAFFIC IN STOLEN HOUSEHOLD PETS

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill that is designed to put an end to a criminal, but lucrative, practice of traffic in stolen household pets, including dogs and cats.

Our noteworthy achievements and increased activity in the medical sciences research fields are extremely important. However, in pursuing the most worthy objectives that we seek in research, we must not in the process permit our humanity to be diminished.

It has come to my attention that the need for animals in research, particularly dogs and cats, has become great, and as a result, a primary source of these animals has become a thieves market of household pets. Apparently unscrupulous persons lure household pets into their control, and through various marketing mechanisms, sell them to research units, by the pound.

Not only is this inhumanity deplorable, but the anguish and misery caused to the owners of the stolen dogs, often young children, is the worst kind of cruelty.

Accordingly, the proposal which I now place before the Senate will provide for the policing and regulation of the acquisition of research animals by the research facilities.

Mr. President, I hope we can halt this disgraceful practice.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that I may proceed for an additional 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. CLARK. Reserving the right to object—and I shall not object—I wonder if I could pose a parliamentary inquiry. If the hour of 1 o'clock arrives, will the Senate still be in the morning hour, and will I be able to transact some morning business? I understand that the morning hour will terminate at 1 o'clock. I should like to introduce a bill.

The PRESIDING OFFICER. The Chair understands that unless it is concluded sooner, the transaction of morning business will continue until 2 o'clock.

Mr. CLARK. I have no objection.

Mr. MAGNUSON. Mr. President, I merely wished to introduce this bill. Several House Members have introduced similar bills. I ask that it be appropriately referred.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. CLARK. Mr. President, by a curious and happy coincidence, I was waiting to obtain the floor in order to send to the desk, for appropriate reference, a bill authorizing the Secretary of Agriculture to regulate the transportation of certain animals in commerce and the handling of such animals, and for other purposes.

Mr. MAGNUSON. I am sure that the Senator from Pennsylvania and I can join in this laudable effort to stop this disgraceful practice.

The bill will come to our Committee on Commerce. So far as I am concerned, I should like to ask unanimous consent to call it the Clark-Magnuson bill.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. MAGNUSON. I yield.

Mr. CLARK. I am very happy to have those cheering words, and I join the Senator in the introduction of his bill. I wonder if the Senator would permit me to make a brief statement regarding this subject. I shall look forward to early hearings on the bill by the Committee on Commerce, which is presided over with such distinction by the distinguished Senator from Washington.

Mr. MAGNUSON. I thank the Senator. I yield for that purpose, without losing my right to the floor.

Mr. CLARK. Mr. President, last week a dalmatian dog belonging to a Slatington, Pa., family was stolen from a street in that town by an animal profiteer. After passing from one dognapper to another and being taken into another State in this illicit traffic, the family pet finished her days on an operating table in a New York City hospital, the victim of an experiment which was later determined to be futile.

It seems to me, Mr. President, that in our presumably civilized country, in the summer of 1965, it should be possible for Americans to feel that their family pet dogs and cats are free from the threat of abduction from their owners for the purpose of being sold at a profit to laboratories for scientific experiments.

For this reason, Mr. President, I join the Senator from Washington in introducing a bill for the regulation of the commerce in dogs and cats used for experimental purposes. Enactment of this bill would make it a Federal offense to steal a family pet for sale to a laboratory; in addition, all dealers in dogs and cats who supply animals for laboratories would be required to be licensed by the U.S. Department of Agriculture; all users of animals for experimental purposes would be required to buy those animals from licensed dealers; dealers in laboratory animals would be required to maintain set standards of care; and, finally, violation of these regulations would carry a penalty of a $10,000 fine and 1 year in prison.

It is ironic that the Federal Government as the major supporter of scientific experimentation in a very real sense subsidizes the purchase and encourages the traffic in stolen pets. For example, it is widely reported that 65 percent of all dogs and cats used for medical research are stolen animals. The need for this legislation is further emphasized by the fact that dealing in animals for laboratory purposes is big business. One dealer in my home State of Pennsylvania reported a net income of $700,000 in 1 year.

Mr. President, if the funds for experimental grants come from the Federal Government surely the Federal Government has not only the right but the obligation to require that dogs and cats used in laboratory experiments be purchased through legitimate means. Only a naive, indifferent or irresponsible researcher could be led to believe that a well cared for dalmatian is a stray mongrel that has been caught by a dogcatcher's net and subsequently disposed of as unwanted or unsought for. Let the Federal Government cease to be a party,

wittingly or unwittingly, to this unlawful practice of pet snatching.

There is nothing in this measure which in any way interferes with the use of dogs and cats for scientific purposes. Indeed, we all recognize that experimentation with animals has furthered our scientific knowledge. Let me now assure my good friends engaged in research that this is not an antivivisectionist measure. It is a bill intended to put an end to the illegal and inhumane practice of procuring dogs and cats for medical experiments by stealing family pets, often out of their backyards or out of their owners automobiles. I ask for a tough law to punish these thieves who make a living this way. Let us make dognapping—and catnapping too—a crime.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2322) to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes, introduced by Mr. MAGNUSON (for himself and Mr. CLARK), was received, read twice by its title, and referred to the Committee on Commerce.

POWER LAWNMOWER SAFETY

Mr. MAGNUSON. Mr. President, one day last summer in Seattle, a 13-month-old girl sat on the porch steps watching her mother mow the lawn. The mother was using a popular type of rotary blade power lawnmower, 30 to 40 feet away. Suddenly the child cried and slumped over, blood coming from the left side of her neck. The mother remembered hearing the sound of the mower striking a hard object. When the little girl was taken to Children's Medical Center in Seattle, doctors discovered that a piece of rusty wire, slightly more than 2 inches long, had passed into her neck and was lodged near her shoulder blade. Miraculously, it had missed her windpipe, vital blood vessels and nerves, and could be removed without complications.

This child was only one of the more than 80,000 people in this country injured, permanently maimed, or killed by power lawnmowers last year. During the summer months, 110 power mower injury victims were rushed to Seattle hospital emergency rooms. In Dayton, Ohio, emergency rooms were treating 22 to 25 such patients per week. These figures reveal nothing of the many injured who were treated by private physicians or who did not receive medical attention at all.

As the summer of 1965 proceeds, there is little to indicate that such injuries will decrease. It is time we realized that such an apparently simple and safe operation as lawn mowing presents great danger to thousands of users of power mowers and innocent bystanders every year. Over 22 million power mowers are now in use; 4 million more will be sold this year. Ninety percent of them will be rotary blade mowers—the most hazardous type. Rotary power lawnmowers have been called by the Public Health Service's Division of Accident Prevention "probably the most dangerous machine you can have around the home." Some physicians have even suggested power mowers be outlawed.

The blades on these mowers rotate up to 4,000 times a minute and have a force of over 10,000 pounds per square inch—more than enough to shear through heavy shoe leather and to pull wayward feet and hands into the cutting area. The blades can throw up objects buried in the grass at speeds up to 300 feet per second—a speed equal to that of shell fragments and approaching that of a bullet. That does not give anyone much time to duck—in fact, most people never see what hits them. Objects may be hurled long distances and still inflict injury. In one case, a boy was standing on a bench 55 feet from the place where a power lawnmower was being operated and 7 feet above the ground. A rock thrown out by the mower struck him in the head, gashed his scalp, and knocked him unconscious.

In the past few years, there have been improvements in handle controls, wheel diameter, height of cut, mower housings, gas and oil gages, starters, and blade shapes that should add to the safety of power lawnmowers. The industry organization, the Outdoor Power Equipment Institute, continues to sponsor safety standards and research for safety improvements. One such study is now going on at the University of Iowa, in conjunction with the Department of Health, Education, and Welfare.

In spite of these commendable efforts to introduce safety improvements, one study found that 70 percent of the accidents in its area involved machines less than 3 years old. The University of Iowa investigators reported that "the machine that can perform with ease, power, and optimum safety has yet to be put on the market," and that "today's machine is potentially as dangerous as the first model." In fact, William V. White, of the Public Health Service's Division of Accident Prevention, has warned that manufacturers' emphasis on new safety improvements may give power mower operators a false sense of security and safety, thus making them careless of those very great hazards which still exist and have not been corrected.

I think the industry has tried to overcome this. The members of the Outdoor Power Equipment Institute, Inc., which includes 95 percent of all power lawn mower manufacturers, have sponsored safety specification standards published by the American Standards Association. These are periodically revised to include new developments. The institute also has cooperated with public and private bodies in putting on an educational campaign for the public. This has been helpful in alerting people to the danger of power lawn mowers.

Nevertheless, one may ask if the institute's safety campaigns have been substituted for efforts to improve the mowers themselves. In radio spot announcements, the institute states that "virtually all power equipment accidents result from human carelessness," and further states that injuries from objects picked up and hurled out by the machine are due to "your failure to properly clean the lawn." Although a quick tour of the lawn to check for debris might be a reasonable precaution, it seems to me that if one has to go over an entire lawn to remove every small stone and 2-inch piece of wire that might be embedded in the grass, one might as well cut the lawn with scissors. And operators are hardly able to follow completely the institute's advice to "get people, especially children, out of the way" when power mowers are capable of hurling objects well into a neighbor's yard.

Power lawn mowers have become big business. New sales this year will total over $400 million. The institute claims it is willing to add safety devices when research shows what kinds are needed. The preliminary report of the University of Iowa investigators offers several suggestions which manufacturers can follow up now to demonstrate private creativity and concern for public safety.

The report recommends provision of a rotary power mower design that will intercept the flight of an object thrown out by the blades from under the mower or through the discharge chute. A minimal beginning here would be the elimination of center discharge chutes which most often throw up debris injuring the operator. It also recommends provision of a single lever for simple adjustment of wheel cutting height; simple and standard controls for all riding mowers; and a safe and simple method for removal or attachment of blades.

The report further suggests that, important as safety education programs are, the manufacturers must accept more responsibility in improving their mower designs:

> For years, educators have warned mower operators to turn off the motor when leaving the machine or making adjustments—yet we continue to find the rotating blade a factor in many injuries. Obviously then, the blade should be designed to stop automatically any time the operator releases the handle or leaves the seat. He is already accustomed to a similar device for his safety when opening an automatic washing machine, dishwasher, clothes dryer. The challenge lies in designing equipment to take over a task we know man should do for his own safety.

Continuing research into the causes and prevention of power lawn mower injuries is necessary. But there are many safety improvements which we already know are needed right away. I trust that the industry will follow these suggestions and provide machines with the necessary safety devices, making sure that only machines with such safety improvements are sold.

Lawn mowing has been a family activity for most Americans—it goes on around the home, during the summer, when people may be hot, tired, or easily distracted; where children may be playing, and where young people may be operating the machines.

Mr. President, self-regulation in the power lawn mower industry appears to have lagged seriously behind the need for it. I have instructed the Commerce Committee staff to monitor the progress of the industry in raising safety standards. Should the alarming volume of

89TH CONGRESS
2D SESSION

H. R. 12488

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 1966

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

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*

89TH CONGRESS
2D SESSION

H. R. 12488

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 1966

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

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to protect the owners of dogs and cats and other animals from theft of such pets and to prevent the sale or use of stolen dogs and cats and other animals for purposes of research and experimentation, it is essential to regulate the transportation, purchase, sale, or handling of dogs, cats, 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 such use.

3 SEC. 2. When used in this Act—

4 (a) The term "person" includes any individual,
5 partnership, association, or corporation.

6 (b) The term "Secretary" means the Secretary of
7 Agriculture.

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

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

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

21 (f) The term "animal" means any vertebrate ani-
22 mal for use or intended to be used for research, tests, or
23 experiments at research facilities.

24 (g) The term "research facility" means any school,
25 institution, organization, or person that uses or intends

1 to use dogs, cats, or other animals in research, tests, or
2 experiments, and that purchases or transports any such
3 animals in commerce.

4 (h) The term "dealer" means any person who for
5 compensation or profit delivers for transportation, trans-
6 ports, buys, or sells dogs, cats, or other animals in com-
7 merce for research purposes.

8 SEC. 3. It shall be unlawful for any research facility to
9 purchase or transport dogs, cats, or other animals in com-
10 merce unless and until such research facility shall have ob-
11 tained a license from the Secretary or to acquire any dog,
12 cat, or other animal from any person except a dealer holding
13 a valid license.

14 SEC. 4. It shall be unlawful for any dealer to sell or
15 offer to sell or to transport to any research facility any dog,
16 cat, or other animal, or to buy, sell, offer to buy or sell, trans-
17 port or offer for transportation in commerce to or from
18 another dealer under this Act any such animal, unless and
19 until such dealer shall have obtained a license from the Secre-
20 tary and such license shall not have been suspended or re-
21 voked.

22 SEC. 5. The Secretary is authorized to promulgate
23 humane standards to govern the handling and transportation
24 of dogs, cats, and other animals by dealers and research facili-

1 ties, and to promote their health, well-being, and safety:
2 *Provided, however,* That this authority shall not be construed
3 to authorize the Secretary to set standards for the handling of
4 these animals during the actual research or experimentation.
5 SEC. 6. The Secretary is hereby authorized and directed
6 to issue licenses to research facilities and to dealers upon ap-
7 plication therefor in such form and manner as prescribed by
8 the Secretary and upon payment of the fee prescribed by the
9 Secretary pursuant to section 18 of this act: *Provided,* That
10 no such license shall be issued until the applicant shall have
11 demonstrated that his facilities comply with the standards
12 promulgated by the Secretary pursuant to section 5 of this
13 Act. The Secretary is further authorized to license, as deal-
14 ers, persons who do not qualify as dealers within the mean-
15 ing of this Act upon such persons' complying with the re-
16 quirements specified above and agreeing, in writing, to com-
17 ply with all the requirements of this Act and the regulations
18 promulgated by the Secretary hereunder.
19 SEC. 7. All dogs, cats, and other animals delivered for
20 transportation, transported, purchased, or sold in commerce
21 to any dealer or research facilities shall be marked or identi-
22 fied in such humane manner as the Secretary may prescribe.
23 SEC. 8. Research facilities and dealers shall make and
24 keep such records with respect to their purchase, sale, trans-
25 portation, and handling of dogs, cats, and other animals, as

1 the Secretary may prescribe. Such records shall be kept
2 open at all reasonable times to inspection by the Secretary
3 or any person duly authorized by him.

4 SEC. 9. The Secretary is authorized to cooperate with
5 the officials of the various States or political subdivisions
6 thereof in effectuating the purposes of this Act and of any
7 State, local, or municipal legislation or ordinance on the same
8 subject.

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

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

16 SEC. 12. (a) If the Secretary has reason to believe
17 that any research facility has violated or is violating any
18 provision of this Act or any of the rules or regulations
19 promulgated by the Secretary hereunder, the Secretary, after
20 notice and opportunity for hearing, may make an order that
21 such research facility shall cease and desist from continuing
22 such violation. If the Secretary determines that such viola-
23 tion was willful, he shall also prepare a report in writing
24 in which he shall state his findings as to the facts and

1 shall certify such report to each agency of the Federal Gov-
2 ernment furnishing funds to such research facility to
3 finance research, tests, or experiments involving the use
4 of dogs, cats, or other animals with a recommendation that
5 such funds be withdrawn for such period as the Secretary
6 may specify, and each such agency so notified shall suspend
7 all such payments, loans, or grants to such research facility,
8 all other laws or parts of law notwithstanding.

9 (b) If the Secretary has reason to believe that any per-
10 son licensed as a dealer has violated or is violating any pro-
11 vision of this Act or any of the rules or regulations promul-
12 gated by the Secretary hereunder, the Secretary may suspend
13 such person's license temporarily, but not to exceed twenty-
14 one days, and, after notice and opportunity for hearing, may
15 suspend for such additional period as he may specify, or re-
16 voke, such license if such violation is determined to have
17 occurred and may make an order that such person shall cease
18 and desist from continuing such violation.

19 (c) Any research facility, dealer, or other person
20 aggrieved by a final order of the Secretary issued pursuant to
21 subdivisions (a) and (b) of this section may, within sixty
22 days after entry of such order, file a petition to review such
23 order in the United States court of appeals for the judicial
24 circuit in which the party or any of the parties filing the peti-

1 tion for review resides or has its principal office, or in the
2 United States Court of Appeals for the District of Columbia.
3 Upon the filing and service of a petition to review, the court
4 of appeals shall have jurisdiction of the proceeding. For the
5 purposes of this Act, the provisions of chapter 19A (Hobbs
6 Act) of title 5, United States Code, shall be applicable to
7 appeals pursuant to this section.

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

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

1 United States attorneys, under the direction of the Attorney
2 General, to bring suit for the recovery of forfeitures.

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

21 SEC. 16. If any provision of this Act or the application
22 of any such provision to any person or circumstances, shall
23 be held invalid, the remainder of this Act and the applica-
24 tion of any such provision to persons or circumstances other

1 than those as to which it is held invalid shall not be affected
2 thereby.

3 SEC. 17. In order to finance the administration of this
4 Act, the Secretary shall charge, assess, and cause to be col-
5 lected reasonable fees for licenses issued. All such fees shall
6 be deposited in a fund which shall be available without fiscal
7 year limitation for use in administering the provisions of this
8 Act together with such funds as may be appropriated thereto
9 and there is hereby authorized to be appropriated such funds
10 as Congress may from time to time provide.

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

89TH CONGRESS
2D SESSION

H. R. 12488

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.

By Mr. POAGE

FEBRUARY 2, 1966

Referred to the Committee on Agriculture

86TH CONGRESS
2D SESSION

S. 3059

IN THE SENATE OF THE UNITED STATES

MARCH 8, 1960

Mr. SCOTT introduced the following bill; which was read twice and referred to the Committee on Commerce

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,*

H. R. 12488

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.

By Mr. POAGE

FEBRUARY 2, 1966

Referred to the Committee on Agriculture

89TH CONGRESS
2D SESSION

S. 3059

IN THE SENATE OF THE UNITED STATES

MARCH 8, 1966

Mr. SCOTT introduced the following bill; which was read twice and referred to the Committee on Commerce

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 such use.

3 SEC. 2. When used in this Act—

4 (a) The term "person" includes any individual,
5 partnership, association, or corporation.

6 (b) The term "Secretary" means the Secretary of
7 Agriculture.

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

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

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

21 (f) The term "animal" means any vertebrate ani-
22 mal for use or intended to be used for research, tests, or
23 experiments at research facilities.

24 (g) The term "research facility" means any school,
25 institution, organization, or person that uses or intends

1 to use dogs, cats, or other animals in research, tests, or
2 experiments, and that purchases or transports any such
3 animals in commerce.

4 (h) The term "dealer" means any person who for
5 compensation or profit delivers for transportation, trans-
6 ports, buys, or sells dogs, cats, or other animals in com-
7 merce for research purposes.

8 SEC. 3. It shall be unlawful for any research facility to
9 purchase or transport dogs, cats, or other animals in com-
10 merce unless and until such research facility shall have ob-
11 tained a license from the Secretary or to acquire any dog,
12 cat, or other animal from any person except a dealer holding
13 a valid license.

14 SEC. 4. It shall be unlawful for any dealer to sell or
15 offer to sell or to transport to any research facility any dog,
16 cat, or other animal, or to buy, sell, offer to buy or sell, trans-
17 port or offer for transportation in commerce to or from
18 another dealer under this Act any such animal, unless and
19 until such dealer shall have obtained a license from the Secre-
20 tary and such license shall not have been suspended or re-
21 voked.

22 SEC. 5. The Secretary is authorized to promulgate
23 humane standards to govern the handling and transportation
24 of dogs, cats, and other animals by dealers and research facili-

1 ties, and to promote their health, well-being, and safety:
2 *Provided, however,* That this authority shall not be construed
3 to authorize the Secretary to set standards for the handling of
4 these animals during the actual research or experimentation.
5 SEC. 6. The Secretary is hereby authorized and directed
6 to issue licenses to research facilities and to dealers upon ap-
7 plication therefor in such form and manner as prescribed by
8 the Secretary and upon payment of the fee prescribed by the
9 Secretary pursuant to section 18 of this act: *Provided,* That
10 no such license shall be issued until the applicant shall have
11 demonstrated that his facilities comply with the standards
12 promulgated by the Secretary pursuant to section 5 of this
13 Act. The Secretary is further authorized to license, as deal-
14 ers, persons who do not qualify as dealers within the mean-
15 ing of this Act upon such persons' complying with the re-
16 quirements specified above and agreeing, in writing, to com-
17 ply with all the requirements of this Act and the regulations
18 promulgated by the Secretary hereunder.
19 SEC. 7. All dogs, cats, and other animals delivered for
20 transportation, transported, purchased, or sold in commerce
21 to any dealer or research facilities shall be marked or identi-
22 fied in such humane manner as the Secretary may prescribe.
23 SEC. 8. Research facilities and dealers shall make and
24 keep such records with respect to their purchase, sale, trans-
25 portation, and handling of dogs, cats, and other animals, as

1 the Secretary may prescribe. Such records shall be kept
2 open at all reasonable times to inspection by the Secretary
3 or any person duly authorized by him.

4 SEC. 9. The Secretary is authorized to cooperate with
5 the officials of the various States or political subdivisions
6 thereof in effectuating the purposes of this Act and of any
7 State, local, or municipal legislation or ordinance on the same
8 subject.

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

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

16 SEC. 12. (a) If the Secretary has reason to believe
17 that any research facility has violated or is violating any
18 provision of this Act or any of the rules or regulations
19 promulgated by the Secretary hereunder, the Secretary, after
20 notice and opportunity for hearing, may make an order that
21 such research facility shall cease and desist from continuing
22 such violation. If the Secretary determines that such viola-
23 tion was willful, he shall also prepare a report in writing
24 in which he shall state his findings as to the facts and

1 shall certify such report to each agency of the Federal Gov-
2 ernment furnishing funds to such research facility to
3 finance research, tests, or experiments involving the use
4 of dogs, cats, or other animals with a recommendation that
5 such funds be withdrawn for such period as the Secretary
6 may specify, and each such agency so notified shall suspend
7 all such payments, loans, or grants to such research facility,
8 all other laws or parts of law notwithstanding.

9 (b) If the Secretary has reason to believe that any per-
10 son licensed as a dealer has violated or is violating any pro-
11 vision of this Act or any of the rules or regulations promul-
12 gated by the Secretary hereunder, the Secretary may suspend
13 such person's license temporarily, but not to exceed twenty-
14 one days, and, after notice and opportunity for hearing, may
15 suspend for such additional period as he may specify, or re-
16 voke, such license if such violation is determined to have
17 occurred and may make an order that such person shall cease
18 and desist from continuing such violation.

19 (c) Any research facility, dealer, or other person
20 aggrieved by a final order of the Secretary issued pursuant to
21 subdivisions (a) and (b) of this section may, within sixty
22 days after entry of such order, file a petition to review such
23 order in the United States court of appeals for the judicial
24 circuit in which the party or any of the parties filing the peti-

1 tion for review resides or has its principal office, or in the
2 United States Court of Appeals for the District of Columbia.
3 Upon the filing and service of a petition to review, the court
4 of appeals shall have jurisdiction of the proceeding. For the
5 purposes of this Act, the provisions of chapter 19A (Hobbs
6 Act) of title 5, United States Code, shall be applicable to
7 appeals pursuant to this section.

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

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

1 United States attorneys, under the direction of the Attorney
2 General, to bring suit for the recovery of forfeitures.

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

21 SEC. 16. If any provision of this Act or the application
22 of any such provision to any person or circumstances, shall
23 be held invalid, the remainder of this Act and the applica-
24 tion of any such provision to persons or circumstances other

1 than those as to which it is held invalid shall not be affected
2 thereby.

3 SEC. 17. In order to finance the administration of this
4 Act, the Secretary shall charge, assess, and cause to be col-
5 lected reasonable fees for licenses issued. All such fees shall
6 be deposited in a fund which shall be available without fiscal
7 year limitation for use in administering the provisions of this
8 Act together with such funds as may be appropriated thereto
9 and there is hereby authorized to be appropriated such funds
10 as Congress may from time to time provide.

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

89TH CONGRESS
2D SESSION

S. 3059

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.

By Mr. SCOTT

MARCH 8, 1966

Read twice and referred to the Committee on Commerce

any recommendations for measures to minimize the adverse effects of such disruptions.

My bill is prompted by two recent events of concern to the American people: the Northeast power failure of last November, and the now legendary blizzard of 1966 which hit the eastern seaboard at the end of January. Our economy and indeed the Nation's security cannot risk the jeopardy of future occurrences, involving natural or human-caused calamities. Ways and means must be developed to avert such interruptions as the power failure and to minimize the consequence of natural events such as the recent blizzard.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3054) providing for a study of serious interruptions of certain essential services, introduced by Mr. SCOTT, was received, read twice by its title, and referred to the Committee on Commerce.

PROPOSED LEGISLATION RELATING TO HOUSING

Mr. JAVITS. Madam President, I introduce, for appropriate reference, proposed legislation which is sorely needed to correct inequities in the law governing cooperative housing. In 1961, legislation was enacted to authorize a reduction in premium rates for mortgage insurance for management-type cooperatives. Last year, I strongly supported a bill to provide mutuality for cooperative housing, and this was incorporated in the Housing and Urban Development Act of 1965. Yet, I am informed that the premiums have not been reduced, and the new mutual fund has not been fully put into effect.

The proposed legislation which I introduce today will make the premium reduction mandatory, and will also settle the confusion which exists with regard to some aspects of the mutuality program so that the latter may soon be effectively implemented. The management cooperatives have made an enviable record which is demonstrated by the fact that they have contributed well over $27 million to the FHA housing fund, while their defaults have amounted to less than $700,000. Their record deserves our immediate attention.

Since the inception of the insurance program in 1950, the management-type co-ops have been paying the standard premium rate for FHA mortgage insurance—one-half of 1 percent—and have thus contributed over $27 million. On the theory that good insurance experience deserves a reduction in premiums, the Congress in 1961 authorized the FHA to reduce the premium to one-fourth of 1 percent. The FHA has thus far failed to carry out the will of the Congress even though the fund is sound beyond any doubt. My first proposal would require the FHA to reduce the premium to one-fourth of 1 percent as it should have done long ago.

Last year, the Housing Act established a separate mutual fund for the management type co-ops so that their premium payments, administrative costs, and any losses, would be segregated from the general fund. It was also stipulated that when the fund was sufficiently strong, the FHA would distribute shares of rebates to the co-op owners whose premiums had provided this strength. It was also stipulated that no such disbursements may be paid out until any funds which might be transferred to the management fund from the general fund were repaid. My second proposal would clear up the doubt which has arisen as to whether all initial transfers from the general to the management fund or only subsequent loans made to the management fund must be repaid to the general fund. The bill makes it clear that the intention is that only the subsequent loans need be repaid. Further, in order that the management fund reflect the full strength of the co-op program, the bill provides that an amount equal to the premiums already paid by the co-ops minus the administrative expenses will be transferred to the management fund. This amount is over $15.5 million at the present time.

Finally the second proposal is designed to overcome a key obstacle to the implementation of this mutuality provision. Under the present law, the mortgagee or lender has to consent to any transfer of funds from the general fund to the management fund. There is no legal basis for this requirement, and in fact it was not required in the case of other funds which were consolidated into the general fund. Seventy-eight mortgagees have refused to allow such a transfer due to a restriction on the use of FHA debentures. The debenture restriction appears an unintended effect of present law and my proposal would remove it. With the restriction removed, the requirement of consent is no longer appropriate and would therefore also be removed under my proposal. Thus all accounts of management-type co-ops will be transferred into the management fund, which the Congress established for that purpose.

The sole objective of these proposals is to provide equitable treatment for owners of management-type co-ops. Where a class of property owners has demonstrated over the years its determination and ability to meet its obligations, they should not be called upon to bear the brunt of the defaults of other classes of propertyholders less heedful of their responsibilities. I ask my colleagues to join with me in securing the early enactment of these two bills.

Madam President, I ask unanimous consent that the bills be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD.

The bills, introduced by Mr. JAVITS, were received, read twice by their titles, and referred to the Committee on Banking and Currency, as follows:

S. 3057. A bill to amend the National Housing Act to reduce the premiums charged for the insurance of certain cooperative housing mortgages.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 203(c) of the National Housing Act is amended by striking out "*Provided,* That any reduced premium charge so fixed and computed" and inserting in lieu thereof the following: "*Provided,* That the premium charge fixed for the insurance under section 213 mortgages which are the obligation of the Cooperative Management Housing Insurance Fund (or which are insured under subsection (a)(1), (a)(3) (if the project is acquired by a cooperative corporation), (i), or (j) of such section and remain the obligation of the General Insurance Fund) shall not exceed an amount equivalent to one-fourth of 1 per centum per annum: *Provided further,* That any reduced premium charge fixed and computed under the preceding provisions of this subsection".

S. 3058. A bill to amend section 213 of the National Housing Act to permit the more effective operation of the Cooperative Management Housing Insurance Fund.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth sentence of section 213(k) of the National Housing Act is amended to read as follows: "The Commissioner is directed to transfer to the Management Fund from the General Insurance Fund an amount equal to the total of the premium payments theretofore made with respect to the insurance of mortgages and loans transferred to the Management Fund pursuant to subsection (m) minus the total of any administrative expenses theretofore incurred in connection with such mortgages and loans, plus such other amounts as the Commissioner determines to be necessary and appropriate."

SEC. 2. The second proviso in section 213(l) of the National Housing Act is amended by striking out "pursuant to subsection (k) or (o)" and inserting in lieu thereof "pursuant to subsection (o)".

SEC. 3. Section 213(m) of the National Housing Act is amended by striking out ", but only in cases where the consent of the mortgagee or lender to the transfer is obtained or a request by the mortgagee or lender for the transfer is received by the Commissioner within such period of time after the date of the enactment of this subsection as the Commissioner shall prescribe."

SEC. 4. Section 213(n) of the National Housing Act is amended by striking out "issued in connection with mortgages" and all that follows and inserting in lieu thereof the following: "issued in connection with mortgages which are the obligation of either the Management Fund or the General Insurance Fund."

REGULATION OF TRANSPORTATION, SALE, AND HANDLING OF ANIMALS INTENDED FOR PURPOSES OF RESEARCH AND EXPERIMENTATION

Mr. SCOTT. Madam President, I introduce, for appropriate reference, a bill to regulate the transportation, sale and handling of dogs, cats, and other animals intended to be used for purposes of research and experimentation.

My bill is designed to put the cruel and inhumane "dognapers" out of business. It would outlaw the purchase or transport of dogs, cats, or other animals in interstate commerce by research facilities unless these facilities were licensed by the Secretary of Agriculture for this purpose. It would also outlaw the sale or transport of these animals in interstate commerce by unlicensed dealers to research facilities. Administration and implementation of this legislation would

be vested in the Secretary of Agriculture.

This proposed legislation would in no way impede the legitimate use of animals in medical research. It is designed to stop the "dognapers."

Americans are rightly shocked and indignant at the gruesome stories of dognaping which have been brought to their attention recently. This racket is lucrative. Dognapers buy these innocent animals at low prices, or in many cases steal them outright. Then they sell the dogs to medical research institutions which have a continuing need for animals for experimental and research purposes. In the process of being held and later transferred to their new owners, the medical research institutions, these dogs and cats are often subjected to brutal and inhumane conditions.

This shocking situation must be ended, Madam President. It can be, by the enactment of legislation to outlaw the dognaping racket.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3059) 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, introduced by Mr. SCOTT, was received, read twice by its title, and referred to the Committee on Commerce.

TAX ADJUSTMENT ACT OF 1966—AMENDMENTS

AMENDMENT NO. 501

Mr. TOWER submitted an amendment, intended to be proposed by him, to the bill (H.R. 12752) to provide for graduated withholding of income tax from wages, to require declarations of estimated tax with respect to self-employment income, to accelerate current payments of estimated income tax by corporations, to postpone certain excise tax rate reductions, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENTS NOS. 502, 503, AND 504

Mr. HARTKE submitted amendments, intended to be proposed by him, to House bill 12752, supra, which were ordered to lie on the table and to be printed.

NOTICE CONCERNING NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Madam President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Joseph L. Ward, of Nevada, to be U.S. attorney, district of Nevada, term of 4 years, vice John W. Bonner, retiring.

Harry D. Mansfield, of Tennessee, to be U.S. marshal, eastern district of Tennessee, term of 4 years (reappointment).

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Tuesday, March 15, 1966, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. RANDOLPH:

Science talent search winners, address by Howard S. Kaltenborn at the 25th annual science talent search banquet.

By Mr. CASE:

Editorials dealing with the Civil Rights Protection Act.

"GOD IS MY JUMPMASTER"

Mr. DIRKSEN. Madam President, I walked up and down the wards of the U.S. naval hospital at Great Lakes, among the wounded who had been brought in from Vietnam. There were splintered arms and legs and, in fact, every variety of wound that can be caused by a landmine, a mortar shell, a grenade, or by small arms ammunition. I went from one bed to another to visit and get their reactions.

At the end of the line was a young paratrooper. His name is Eddie L. Armstrong. Strangely enough he was not shot or wounded in the air. It came when he touched the terrain. Now he was in a hospital waiting for the healing forces to make him fit again so that he could return to Vietnam and help finish the job.

One of his intellectual recreations was to write poetry. One of his latest poems was entitled "God Is My Jumpmaster." He looked so young, so appealing, and so artistic. He suggested that perhaps I could read it aloud to those who were a part of the entourage that followed me to the hospital. I did. It is a tender thing, and I believe it merits inclusion in the permanent RECORD. I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

GOD IS MY JUMPMASTER

(By Eddie L. Armstrong, specialist, fourth class, U.S. Army, paratrooper)

As I fly over his war-stricken land,
I think of the jungles, the mountains, and the sand.

I think of the hell, the terror, and sin
Spread upon these people where the free must win.

I think of my family, and the girl I love,
And pray that someone's watching me up above.

Now we're all hooked up, waiting for the word,
From the pilot flying this great silver bird.

There's a young man watching me from across the way,
Then he turns to the rear and begins to pray.

As the doors are opened, what do I see
The image of an angel looking over me.

As I move to the door, before I start down
I wonder if death is waiting us upon the ground.

The word is passed and we're starting to go
To a no man's land, waiting down below.

The first man is gone, then a second and third,
Falling like feathers from this big silver bird.

Nobody knows what will happen this day,
But before I go to all I must say

Every man in this plane has only one goal,
To fight for our father's freedom, no matter the toll.

PROPOSED SCHOOL MILK SLASH WILL NOT REDUCE ADMINISTRATIVE COSTS

Mr. PROXMIRE. Madam President, the Department of Agriculture's proposal to slash the special milk program for schoolchildren by 80 percent came under heavy fire in the Agriculture Subcommittee of the Senate Appropriations Committee last week.

One of the facts that emerged from a hearing on the costs of the proposed program was that despite the fact the program was being reduced to one-fifth its former size the costs of the administrative staff here in Washington would actually go up by $5,000 due to last year's pay raise. This means that the cost of administration as a percentage of overall program costs would go up fivefold. In other words the new proposal to direct the milk program to schools without a lunch program and to the needy would cost five times as much to administer per dollar spent on the milk itself as the present program.

The Department says there is a good reason for this great increase in administrative costs. The new program will apparently be much more difficult to implement. I certainly do not disagree with this statement, Mr. President. In fact I would go one step further and say that the program will be next to impossible to implement effectively.

It is interesting to note that no Federal funds are now used by State agencies for administering the school milk program in the States. One can only speculate on the increased State costs that will be the inevitable outcome of the need to administer means tests to 50 percent of the children receiving milk under the proposed program. These costs will be an additional strain to States which already are facing extraordinary educational expenses.

RIBICOFF ASKS JUSTICE DEPARTMENT TO INVESTIGATE SAFETY WITNESS HARASSMENT

Mr. RIBICOFF. Madam President, as chairman of the Subcommittee on Executive Reorganization, I feel compelled to draw the attention of the Senate to a situation of grave concern; namely, an apparent attempt to harass and intimidate a subcommittee witness.

On February 10, Mr. Ralph Nader, a Connecticut attorney and author of a

89TH CONGRESS
2D SESSION

H. R. 13406

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 1966

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

A BILL

To authorize the Secretary of Agriculture to regulate the transportation, purchase, sale, and handling of dogs and cats in commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to protect the owners of dogs and cats from theft of such pets and to prevent the sale or use of stolen dogs and cats, it is essential to regulate the transportation, purchase, sale, or handling of dogs and cats.

SEC. 2. When used in this Act—

(a) The term "person" includes any individual, partnership, association, or corporation.

1 (b) The term "Secretary" means the Secretary of
2 Agriculture.
3 (c) The term "commerce" means commerce be-
4 tween any State, territory, or possession, or the District
5 of Columbia, or Puerto Rico, and any place outside
6 thereof; or within any territory or possession or the Dis-
7 trict of Columbia.
8 (d) The term "dog" means any live dog of the
9 species (Canis familiaris).
10 (e) The term "cat" means any live domestic cat
11 (Felis catus).
12 (f) The term "dealer" means any person who for
13 profit, transports or buys and sells dogs and cats in com-
14 merce. Transport excludes common carriers otherwise
15 regulated.
16 SEC. 3. The Secretary shall promulgate humane stand-
17 ards to govern the handling and transportation of dogs and
18 cats by dealers.
19 SEC. 4. The Secretary is hereby authorized and directed
20 to issue licenses to dealers upon application therefor in such
21 form and manner as prescribed by the Secretary and upon
22 payment of the fee prescribed by the Secretary.
23 SEC. 5. All dogs and cats transported or purchased and
24 sold in commerce by any dealer shall be marked or identified,
25 in such humane manner as the Secretary may prescribe.

1 SEC. 6. Dealers shall make and keep for a reasonable
2 time as determined by the Secretary such records with re-
3 spect to their purchase, sale, and transportation of dogs and
4 cats as the Secretary may prescribe upon forms supplied by
5 the Secretary and appropriate copies be returned to the Sec-
6 retary. Such records shall be made available at all reason-
7 able times to inspection by the Secretary or any person duly
8 employed by him.

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

17 SEC. 9. Any dealer who operates without a license from
18 the Secretary issued pursuant to this Act or while such
19 license is suspended or revoked, or who fails to obey a cease-
20 and-desist order made by the Secretary under the provisions
21 of this Act shall forfeit to the United States the sum of $500
22 for each offense.

23 SEC. 10. In order to finance the administration of this
24 Act, the Secretary shall charge, assess, and cause to be col-
25 lected license fees not to exceed $50 per year. All such

1 fees shall be deposited in a fund which shall be available
2 without fiscal year limitation for use in administering the
3 provisions of this Act together with such funds as may be
4 appropriated thereto and there is hereby authorized to be
5 appropriated such funds as Congress may from time to time
6 provide.

7 SEC. 11. This Act shall take effect one hundred and
8 eighty days after enactment.

89TH CONGRESS
2D SESSION

H. R. 13406

A BILL

To authorize the Secretary of Agriculture to regulate the transportation, purchase, sale, and handling of dogs and cats in commerce.

By Mr. NELSEN

MARCH 8, 1966

Referred to the Committee on Agriculture

Mar. 22

Mar. 24

Apr. 5

Apr. 20

Apr. 28

Mar. 2

22

Jun. 23

Jun. 24

Mar. 17

84th Congress H. R. 13406

A BILL

To authorize the Secretary of Agriculture to regulate the transportation, purchase, sale, and handling of dogs and cats in commerce.

By Mr. NELSON

March 6, 1956
Referred to the Committee on Agriculture

March 17, 1966

pp. 5870-2

13. ADJOURNED until Mon., Mar. 21. p. 5878

HOUSE

14. RESEARCH ANIMALS. A subcommittee of the Agriculture Committee approved for full committee action with amendment H. R. 12488, 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. p. D217

15. LABOR STANDARDS. A subcommittee of the Education and Labor Committee approved for full committee action H. R. 13712, amending the Fair Labor Standards Act to extend its protection to additional employees and to raise the minimum wage. p. D218

16. WATER RESEARCH. A subcommittee of the Interior and Insular Affairs Committee approved for full committee action with amendment H. R. 3606, to promote a more adequate national program of water research. p. D218

17. PERSONNEL; CONTRACTS. Received from the Post Office and Civil Service Committee a report entitled, "1965 Report of Statistical Activities of the Federal Government: Personnel, Equipment, and Contract Costs" (H. Rept. 1333). p. 5986

18. ECONOMIC REPORT. Received from the Joint Economic Committee its report on the January 1966 Economic Report of the President (H. Rept. 1334) (p. 5986) Rep. Patman commended the portion of the report "dealing with the maintenance of competition and enforcement of our antitrust laws" (pp. 5883-4)

19. PERSONNEL. The Rules Committee granted an open rule for the consideration of H R. 10607, to amend the Administrative Expenses Act to provide reimbursement of certain moving expenses of employees. p. D219

20. TARIFF. The Ways and Means Committee voted to report (but did not actually report) the following bills: H. R. 8376, to amend title I of the Tariff Act of 1930 to make permanent the existing duty-free treatment for certain corkboard insulation; H. R. 10998, to continue for a temporary period the existing suspension of duty on heptanoic acid; H. R. 12328, with amendment, to extend for 3 years the period during which certain tanning extracts of hemlock or eucalyptus suitable for use for tanning, may be imported free of duty; H. R. 12461, to continue for a temporary period the existing suspension of duty on certain istle; H. R. 12463, to extend until June 30, 1969, the suspension of duty on crude chicory; H. R. 12864, with amendment, to extend for a temporary period the existing provisions of law relating to the free importation of personal and household effects brought into the U. S. under Government orders. p. D219

21. CORN. Rep. Nelson inserted a number of letters from country elevator operators complaining of the sale of CCC corn at "price-breaking levels" (pp. 5888-9), and defended his criticism of recent "dumping" of corn supplies against the remarks of Secretary Freeman that it was "political noise", and inserted charts and letters on the subject (pp. 5930-31).

Rep. Olson, Minn., expressed concern over CCC sales of corn but stated that he had assurance from this Department "that inventories of corn in Minnesota are sufficient to meet local demand." p. 5901

22. SCHOOL LUNCH; SCHOOL MILK. Rep. Fogarty criticized proposed reductions in the school lunch and milk programs and inserted a supporting article. p. 5907

23. DAIRY PRICES. Rep. Stalbaum and several other Representatives discussed the "urgency for increased price supports for dairy products." pp. 5913-16

24. FLOOD CONTROL. Rep. Edmondson spoke in support of his bill to prohibit certain fees being charged in connection with projects for navigation, and flood control. pp. 5919-21

25. FOREIGN AFFAIRS. Rep. O'Hara inserted the testimony of the executive director of the American Committee on Africa, before the Subcommittee on Africa of the Foreign Affairs Committee, in which he stated that the U. S. should disengage itself from the African economy and that the quota for South African sugar should be eliminated altogether. pp. 5897-01

26. INTEREST RATES. Rep. Patman criticized "tight money policy" and commended and inserted articles supporting his views. pp. 5882-3

Rep. Widnall discussed "indirect breeching of the 4¼-percent Government bond interest ceiling" and urged that Congress give it critical examination. p. 5889

27. TRADE STATISTICS. Rep. Langen compared U. S. methods of computing foreign tra costs with that of other countries and stated that it has been revealed that our official foreign trade statistics are deceptive. p. 5902

Rep. Moore stated that he is introducing a joint resolution "calling on th Secretaries of Commerce and Treasury to place trade statistics before us that will reveal rather than conceal our competitive position in the world." p. 5906

28. POVERTY. Reps. Goodell and Gubser criticized administration of the poverty programs. pp. 5889, 5911-2, 5929-30

29. ALLIANCE FOR PROGRESS. Rep. Fascell cited accomplishments under the Alliance for Progress and reaffirmed personal commitment to the continued success of "this great hemispheric experiment in human cooperation." pp. 5907-8

30. EDUCATION. Rep. Green, Ore, inserted messages from educational institutions across the Nation indicating that cuts in the National Defense Education Act loans would seriously handicap our educational process and stated that the Special Subcommittee on Education had adopted a resolution expressing the de termination to continue such loans without revision for the next fiscal year pp. 5892-7

31. WORLD FOOD. Rep. Olsen, Mont., stated that "it is time to take a long, hard look at the restrictions we have imposed on our farmers" in view of the grea world food shortage. p. 5941

32. FOREIGN CURRENCIES. Rep. Burleson inserted a report on the expenditures by various committees of foreign currencies and appropriated funds incurred in travel outside the U. S. pp. 5944-85

from Senator Morse; Prof. Louis L. Jaffee, Harvard University; and Dr. Edwin Palmer, chairman of board of trustees, Citizens for Educational Freedom.

Subcommittee recessed subject to call.

HEALTH

Committee on Labor and Public Welfare: Subcommittee on Health continued its hearings on S. 3008, proposed comprehensive health planning and public health services amendments of 1966, having as its witnesses Dr. Bartholomew Hogan, deputy medical director, American Psychiatric Association; Dr. Donald A. Galagan, dean, University of Iowa Dental College, representing the American Dental Association; Dr. Terrell V. Davis, Division of Mental Health and Hospitals of New Jersey, representing the Association of State and Territorial Mental Health Program Director; Dr. Helen B. Taussig, professor of pediatrics, emeritus, the Johns Hopkins University School of Medicine, representing the American Heart Association; and William P. McCracken, Jr., representing the American Optometric Association.

Hearings were adjourned subject to call.

House of Representatives

Chamber Action

Bills Introduced: 53 public bills, H.R. 13740–13792; 11 private bills, H.R. 13793–13803; and 52 resolutions, H.J. Res. 906–956, and H. Con. Res. 618, were introduced.

Pages 5986–5988

Bills Reported: Reports were filed as follows:

H.R. 7423, regarding transfers of Post Office Department appropriations by Postmaster General, amended (H. Rept. 1331);

H.R. 13448, regarding mailing privileges of members of the U.S. Armed Forces and other Federal Government personnel overseas (H. Rept. 1332);

Report of Statistical Activities of the Federal Government: personnel, equipment, and contract costs (H. Rept. 1333);

Joint Economic Report (H. Rept. 1334);

Report on Federal Reserve System—Check Clearance Float (H. Rept. 1335);

H.R. 5533, a private bill, amended (H. Rept. 1336);

H.R. 8219, a private bill, amended (H. Rept. 1337);

H.R. 8833, a private bill, amended (H. Rept. 1338); and

H.R. 10220, a private bill, amended (H. Rept. 1339).

Page 5986

Legislative Program: The legislative program for the week of March 21 to 26 was announced by the majority leader. Agreed to House adjournment from Thursday to Monday.

Pages 5881–5882, 5892

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of March 23.

Page 5882

Program for Monday: Adjourned at 2:31 p.m. until Monday, March 21, 1966, at 12 o'clock noon when the House will call the Consent Calendar and consider under suspension of the rules the following two bills, H.R. 7423, permitting transfers of Post Office Department appropriations by Postmaster General and H.R. 13448, providing airlift to armed services post offices on a worldwide basis.

Committee Meetings

ADMINISTRATIVE PROBLEMS

Committee on Agriculture: Subcommittee on Departmental Oversight met in open session and continued on administrative problems of local ASC committees. Testimony was heard from Department of Agriculture officials.

DOGS AND CATS

Committee on Agriculture: Subcommittee on Livestock and Feed Grains met in executive session and approved for full committee action H.R. 12488 (amended), to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats, and other animals intended for purposes of research or experimentation, a clean bill to be introduced.

HOUSING

Committee on Banking and Currency: Subcommittee on Housing continued hearings on H.R. 9256, to amend the National Housing Act to provide mortgage insurance, and authorize direct loans by the Housing and Home Finance Administrator, to help finance the cost of constructing and equipping facilities for the group practice of medicine or dentistry; H.R. 12341, to assist city demonstration programs for rebuilding slum and blighted areas, and for providing the public facilities and services necessary to improve the general welfare of the people who live in these areas; H.R. 12946, to provide incentives to planned metropolitan development and to otherwise assist in urban development; and H.R. 13064, to amend and extend laws relating to housing and urban development. Testimony was heard from public witnesses.

FEDERAL MUTUAL SAVINGS BANKS

Committee on Banking and Currency: Subcommittee on Bank Supervision and Insurance met in executive session on H.R. 11508, to authorize the establishment of

Federal mutual savings banks. No final action was taken. Adjourned subject to call of the Chair.

SCHOOL ASSISTANCE

Committee on Education and Labor: General Subcommittee on Education continued hearings on H.R. 13160 and H.R. 13161, identical bills, to strengthen and improve programs of assistance for our elementary and secondary schools. Testimony was heard from public witnesses.

HIGHER EDUCATION ACT

Committee on Education and Labor: Special Subcommittee on Education met in executive session and continued on H.R. 13174 and H.R. 13237, related bills, to strengthen and improve public and private programs of assistance for institutions of higher education and students attending them. No final action was taken.

Preceding the executive session the committee met in open session and heard testimony from public witnesses.

WAR ON POVERTY

Committee on Education and Labor: Ad Hoc Subcommittee on the War on Poverty Program continued hearings on poverty legislation. Testimony was heard from public witnesses.

FAIR LABOR STANDARDS ACT

Committee on Education and Labor: General Subcommittee on Labor met in executive session and approved for full committee action H.R. 13712, regarding amendments to the Fair Labor Standards Act.

FOREIGN ASSISTANCE ACT

Committee on Foreign Affairs: Continued hearings on H.R. 12449, to amend further the Foreign Assistance Act of 1961; and H.R. 12450, to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward internal and external security. Testimony was heard from Dean Rusk, Secretary of State.

NATO BRIEFING

Committee on Foreign Affairs: Subcommittee on Europe met in executive session for a briefing on recent developments in NATO with Charles E. Bohlen, Ambassador to France.

U.S.-SOUTH AFRICA RELATIONS

Committee on Foreign Affairs: Subcommittee on Africa met in open session and continued the discussion on U.S.-South Africa relations. Testimony was heard from public witnesses.

ASIAN POLICY

Committee on Foreign Affairs: Subcommittee on the Far East and the Pacific met in executive session and continued on U.S. policy toward Asia. Testimony was heard from William P. Bundy, Assistant Secretary of State for Far Eastern Affairs.

WATER RESEARCH

Committee on Interior and Insular Affairs: Subcommittee on Irrigation and Reclamation met in executive session and approved for full committee action H.R. 3606 (amended), to promote a more adequate program of water research.

AUTOMOBILE SAFETY

Committee on Interstate and Foreign Commerce: Continued hearings on H.R. 13228, the Traffic Safety Act of 1966; H.R. 12548, and related bills, regarding the National Traffic Safety Agency; H.R. 414, and related bills, regarding automobile safety; and H.R. 688, and related bills, regarding safety standards for auto tires. Testimony was heard from John T. Connor, Secretary of Commerce. Adjourned subject to call of the Chair.

ANNOUNCEMENT—HEALTH PROFESSIONS PERSONNEL TRAINING

The Committee on Interstate and Foreign Commerce announced that it will conduct public hearings on H.R. 13196, the Allied Health Professions Personnel Training Act of 1966, beginning on Tuesday, March 29, at 10 a.m., in room 2123 Rayburn House Office Building.

STATE TAXATION

Committee on the Judiciary: Special Subcommittee on State Taxation of Interstate Commerce continued hearings on H.R. 11798, the Interstate Taxation Act. Testimony was heard from public witnesses.

NARCOTIC ADDICTION

Committee on the Judiciary: Subcommittee No. 2 met in executive session and approved for full committee action H.R. 9167 (amended), to amend title 18, U.S. Code, to enable the courts to deal more effectively with the problem of narcotic addiction. Also heard testimony on private claims bills.

FOREIGN AGENTS REGISTRATION ACT

Committee on the Judiciary: Subcommittee No. 3 met in executive session on S. 693 and H.R. 290, related bills, to amend the Foreign Agents Registration Act of 1938. No final action was taken.

MERCHANT SHIPPING TO VIETNAM

Committee on Merchant Marine and Fisheries: Subcommittee on Merchant Marine continued hearings on the shipping situation in Vietnam. Testimony was heard from Vice Adm. G. R. Donoho, USN, Commander, Military Sea Transportation Service.

ARMED FORCES MAILING PRIVILEGES

Committee on Post Office and Civil Service: Met in executive session and ordered reported favorably to the House the following bills:

PUBLIC LAW 553

Mar. 22
Mar. 24
Apr. 5
Apr. 20
Apr. 28
May 2
June 23
June 24
Aug. 16
Aug. 17
Aug. 19
Aug. 25
Aug. 31
May 2

86th CONGRESS
2d Session

H. R. 13862

IN THE HOUSE OF REPRESENTATIVES

March 28, 1960

Mr. Fulton of Tennessee introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats 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 from
4 theft of such pets and to prevent the sale or use of stolen dogs
5 and cats for purposes of research and experimentation, it is
6 essential to regulate the transportation, purchase, sale, and
7 handling of dogs and cats by persons or organizations en-
8 gaged in using them for research or experimental purposes
9 or in transporting, buying, or selling them for such use.

89TH CONGRESS
2D SESSION

H. R. 13862

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 1966

Mr. FULTON of Tennessee introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to protect the owners of dogs and cats from theft of such pets and to prevent the sale or use of stolen dogs and cats for purposes of research and experimentation, it is essential to regulate the transportation, purchase, sale, and handling of dogs and cats by persons or organizations engaged in using them for research or experimental purposes or in transporting, buying, or selling them for such use.

1 SEC. 2. DEFINITIONS.—When used in this Act—

2 (a) The term "person" includes any individual,
3 partnership, association, or corporation.

4 (b) The term "Secretary" means the Secretary of
5 Agriculture.

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

13 (d) The term "cat" means any live domestic cat
14 (Felis catus) for use or intended to be used for research,
15 tests, or experiments at research facilities.

16 (e) 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 (f) The term "research facility" means any school,
20 institution, organization, or person that uses or intends
21 to use dogs or cats in research, tests, or experiments,
22 and that (1) purchases or transports such animals or
23 certain of such animals in commerce or (2) receives
24 any funds from the United States or any agency or in-

1 strumentality thereof to finance its operations by means
2 of grants, loans, or otherwise.
3 (g) The term "dealer" means any person who for
4 compensation or profit delivers for transportation, trans-
5 ports, boards, buys, or sells dogs or cats in commerce for
6 research purposes.
7 SEC. 3. It shall be unlawful for any research facility to
8 purchase or transport dogs or cats in commerce unless and
9 until such research facility shall have obtained a license from
10 the Secretary in accordance with such rules and regulations
11 as the Secretary may prescribe pursuant to this Act.
12 SEC. 4. It shall be unlawful for any dealer to sell or
13 offer to sell or to transport to any research facility any dog
14 or cat, or to buy, sell, offer to buy or sell, transport or offer
15 for transportation in commerce or to another dealer under
16 this Act any such animal, unless and until such dealer shall
17 have obtained a license from the Secretary in accordance
18 with such rules and regulations as the Secretary may pre-
19 scribe pursuant to this Act, and such license shall not have
20 been suspended or revoked.
21 SEC. 5. The Secretary is authorized to promulgate stand-
22 ards to govern the handling and transportation of dogs and
23 cats by dealers and research facilities, to promote their
24 health, well-being, and safety: *Provided, however*, That this

1 authority shall not be construed to authorize the Secretary to
2 set standards for the handling of these animals during the
3 actual research or experimentation.

4 SEC. 6. All dogs and cats delivered for transportation,
5 transported, purchased, or sold in commerce or to research
6 facilities shall be marked or identified in such manner as the
7 Secretary may prescribe.

8 SEC. 7. Research facilities and dealers shall make and
9 keep such records with respect to their purchase, sale, trans-
10 portation, and handling of dogs and cats, as the Secretary
11 may prescribe.

12 SEC. 8. The Secretary shall take such action as he may
13 deem appropriate to encourage the various States of the
14 United States to adopt such laws and to take such action as
15 will promote and effectuate the purposes of this Act and the
16 Secretary is authorized to cooperate with the officials of the
17 various States in effectuating the purposes of this Act and
18 any State legislation on the same subject.

19 SEC. 9. No dealer shall sell or otherwise dispose of any
20 dog or cat within a period of five business days after the
21 acquisition of such animal.

22 SEC. 10. Dogs and cats shall not be offered for sale or
23 sold in commerce or to a research facility at public auction
24 or by weight; or purchased in commerce or by a research

1 facility at public auction or by weight. No research facility
2 shall purchase any dogs or cats except from a licensed dealer.
3 SEC. 11. The Secretary is authorized to promulgate such
4 rules, regulations, and orders as he may deem necessary in
5 order to effectuate the purposes of this Act.
6 SEC. 12. Any person who violates any provision of this
7 Act shall, on conviction thereof, be subject to imprisonment
8 for not more than one year or a fine of not more than
9 $10,000.
10 SEC. 13. When construing or enforcing the provisions of
11 this Act, the act, omission, or failure of any individual acting
12 for or employed by a research facility or a dealer within the
13 scope of his employment or office shall be deemed the act,
14 omission, or failure of such research facility or dealer as well
15 as of such individual.
16 SEC. 14. If the Secretary has reason to believe that a
17 dealer has violated any provision of this Act or the regula-
18 tions promulgated thereunder, the Secretary may suspend
19 such dealer's license temporarily, and, after notice and
20 opportunity for hearing, may revoke such license if such
21 violation is determined to have occurred.
22 SEC. 15. If any provision of this Act or the application
23 of any such provision to any person or circumstances, shall
24 be held invalid, the remainder of this Act and the applica-

1 tion of any such provision to persons or circumstances other
2 than those as to which it is held invalid shall not be
3 affected thereby.

4 SEC. 16. In order to finance the administration of this
5 Act, the Secretary shall charge, assess, and cause to be col-
6 lected reasonable fees for licenses issued to research facili-
7 ties and dealers. All such fees shall be deposited and covered
8 into the Treasury as miscellaneous receipts.

9 SEC. 17. EFFECTIVE DATE.—This Act shall take effect
10 one hundred and twenty days after enactment.

H. R. 13881

IN THE HOUSE OF REPRESENTATIVES

March 27, 1968

Referred to the Committee on Agriculture

A BILL

To regulate the transportation, purchase, sale, or handling of dogs, cats, and other animals intended for use for purposes of research or experimentation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

1 in order to protect the owners of dogs and cats and
2 other animals from theft of such pets and to prevent the use
3 of stolen dogs and cats and other animals for purposes of
4 research and experimentation, it is essential to regulate
5 the transportation, purchase, sale, or handling of dogs, cats,
6 and other animals by persons or organizations engaged in

89TH CONGRESS
2D SESSION

H. R. 13862

A BILL

To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes.

By Mr. FULTON of Tennessee

MARCH 22, 1966

Referred to the Committee on Agriculture

89TH CONGRESS
2D SESSION

H. R. 13881

IN THE HOUSE OF REPRESENTATIVES

MARCH 22, 1966

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

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to protect the owners of dogs and cats and other animals from theft of such pets and to prevent the sale or use of stolen dogs and cats and other animals for purposes of research and experimentation, it is essential to regulate the transportation, purchase, sale, or handling of dogs, cats, 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.

89TH CONGRESS
2D SESSION

H. R. 13881

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.

By Mr. POAGE

MARCH 22, 1966

Referred to the Committee on Agriculture

Mar. 24

Apr. 5

Apr. 20

Apr. 28

Ma 2

2

Ju 2

Ju 2

A

A

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.

By Mr. Pryor

March 22, 1966

Referred to the Committee on Agriculture

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued March 25, 1966
For actions of March 24, 1966
89th-2nd; No. 51

CONTENTS

Adjournment.....12
Animal research.....1
CCC.....3
Cattle hides.....4,14
Electrification.....22
Expenditures.....8
Food.....5,24
Grain.....3,17
Hides.....4,14
Information.....16
Land-grant colleges.....8
Legislative program.....11
Life insurance.....23
Loans.....2,22
Lumber.....21
Manpower.....9
Moving expenses.....7
Natural resources.....15
Personnel.....7,9,23
Population.....5
Poverty.....18
REA loans.....22
Reorganization.....20
Research.....1,11
School milk.....8
Small business.....2
Soil conservation.....10
Supplemental appropriations.....11
Telephones.....22
Tobacco.....13
Water pollution.....6
Water resources.....10,11
Wildlife.....19

HIGHLIGHTS: House committee voted to report bill to regulate use of cats, dogs, and other animals in research. Rep. Nelsen criticized CCC order for removal of corn from country elevators. Rep. Findley inserted article critical of administration's "grain dumping policies."

HOUSE

1. RESEARCH ANIMALS. The Agriculture Committee voted to report (but did not actually report) with amendment H. R. 13881, 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. p. D245

2. SMALL BUSINESS. The Banking and Currency Committee reported with amendments S. 2729, to increase the ceiling on the Small Business Administration revolving fund (H. Rept. 1348). p. 6385

3. CCC; GRAIN. Rep. Nelsen contended that CCC "is proceeding with its price-breaking policies which have and are disrupting the economic footing of the grain farmers, the country elevator operations, and the entire grain trade," and criticized a CCC order for "the removal of 47 to 50 million bushels of corn from the country elevators to be delivered to buyers at the terminal markets." pp. 6358-9

4. CATTLE HIDES. Rep. Michel criticized the Commerce Department order imposing export quotas on cattle hides. p. 6364

5. POPULATION;FOOD. Rep. Fisher expressed concern over the increasing world population and the ability produce sufficient food in the future to feed the increased population. pp. 6335-6

6. WATER POLLUTION. Rep. Hanley commended the inauguration of a seven-point program by New York for the abatement of water pollution in the State. pp. 6338-9

7. PERSONNEL. Rep. Horton commended House passage of H. R. 10607, to provide reimbursement of additional moving expenses of Federal employees, and urged consideration of legislation for tax exemption for certain of these moving expenses. p. 6339

   Rep. Quie inserted and commended a Civil Service Commission issuance regarding general policy on responding to requests for names of Federal employees and identifying information. pp. 6363-4

8. EXPENDITURES. Rep. Ford criticized Federal expenditures for certain new programs, and the proposed reduction of expenditures for "some tried and tested programs, such as the school milk program and Federal aid to land-grant colleges." pp. 6356-8

9. MANPOWER. Rep. Curtis urged further development of training and retraining programs to fit workers into available jobs and inserted an article in support of his position. pp. 6361-2

10. WATER RESOURCES. Rep. Flood urged prompt action for the solution of water resource problems in the Northeast, particularly in the Susquehanna River basin, and commended improvements already being made by soil conservation districts in the area. p. 6381

11. LEGISLATIVE PROGRAM. Rep. Albert announced that the second supplemental appropriation bill will be considered next Tues., and the water research expansion bill will be considered later in the week. p. 6333

12. ADJOURNED until Mon., Mar. 28. p. 6385

ITEMS IN APPENDIX

13. TOBACCO. Extension of remarks of Rep. Quillen stating that because of Tenn. tobacco growers' vote "against the acreage-poundage program" they "will now receive a 15-percent reduction in acreage, which they did not want," and inserting two supporting articles. p. A1704

14. CATTLE HIDES. Rep. O'Neal, Ga., inserted his testimony before the Livestock and Feed Grains Subcommittee urging the Secretary of Commerce to rescind his

CUBAN REFUGEES

Committee on the Judiciary: Subcommittee on Refugees and Escapees continued its hearings on the impact and operation of the Cuban refugee program on Cuba and the U.S., having as its witnesses Joseph Jefferson, American Council for Emigrees in the Professions; John McCarthy, Department of Immigration, National Catholic Welfare Conference; and James Rice, Hebrew Immigrant Aid Society.

Hearings are tentatively scheduled to continue on Tuesday, March 29.

House of Representatives

Chamber Action

Bills Introduced: 28 public bills, H.R. 13980–14007; 4 private bills, H.R. 14008–14011; and 2 resolutions, H.J. Res. 981 and 982, were introduced. Pages 6385–6386

Bills Reported: Reports were filed as follows:

Report on the American Research Hospital for Children in Krakow, Poland (H. Rept. 1346);

Conference report on H.R. 6845, to correct inequities with respect to the basic compensation of teachers and teaching positions under the Defense Department Overseas Teachers Pay and Personnel Practices Act (H. Rept. 1347); and

S. 2729, to amend the Small Business Act, amended (H. Rept. 1348). Page 6385

Private Bill: House agreed to Senate amendments to H.R. 10403, a private bill. Page 6341

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of March 30. Page 6333

Legislative Program: The legislative program for the week of March 28 to April 2 was announced by the majority leader. Agreed to House adjournment from Thursday to Monday. Page 6333

Program for Monday: Adjourned at 1:26 p.m. until Monday, March 28, 1966, at 12 o'clock noon.

Committee Meetings

DOGS AND CATS

Committee on Agriculture: Met in executive session and ordered reported favorably to the House H.R. 13881 (amended), to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats, and other animals intended for purposes of research or experimentation.

STOCKPILE

Committee on Armed Services: Subcommittee No. 1 continued hearings on stockpile bills. Testimony was heard from John Harlan, Commissioner, Defense Materials Service, GSA; William Lawrence, Office of Emergency Planning; and public witnesses.

DEPENDENTS HEALTH BENEFITS

Committee on Armed Services: Subcommittee No. 2 held a hearing on H.R. 9271, to amend title 10, U.S. Code, to provide resident care for mentally retarded children of members of the Armed Forces under certain conditions; H.R. 13582, to amend chapter 55 of title 10, U.S. Code, to increase health benefits for dependents of members of the uniformed services; and H.R. 13583, to amend chapter 55 of title 10, U.S. Code, to authorize a civilian health benefits program for retired members of the uniformed services and their dependents. Testimony was heard from Thomas D. Morris, Assistant Secretary of Defense for Manpower; Lt. Gen. Leonard D. Heaton, Surgeon General of the Army; Rear Adm. R. B. Brown, Surgeon General of the Navy; and Maj. Gen. R. L. Bohannon, Surgeon General of the Air Force.

SMALL BUSINESS ACT

Committee on Banking and Currency: Met in executive session and ordered reported favorably to the House the following bills:

S. 2729 (amended), to amend section 4(c) of the Small Business Act;

S. 2831, to furnish to the Scranton Association, Inc., medals in commemoration of the 100th anniversary of the founding of the city of Scranton, Pa.;

S. 2719, to provide for the striking of medals in commemoration of the 100th anniversary of the purchase of Alaska by the United States from Russia; and

S. 2835, to provide for the striking of medals in commemoration of the 75th anniversary of the founding of the American Numismatic Association.

FEDERAL MUTUAL SAVINGS BANKS

Committee on Banking and Currency: Subcommittee on Bank Supervision and Insurance met in executive session on H.R. 11508, to authorize the establishment of Federal Mutual Savings Banks. No announcements were made.

HOUSING

Committee on Banking and Currency: Subcommittee on Housing continued hearings on H.R. 9256, to amend the National Housing Act to provide mortgage insurance, and authorize direct loans by the Housing and Home Finance Administrator, to help finance the cost of constructing and equipping facilities for the group practice of medicine or dentistry; H.R. 12341, to assist city demonstration programs for rebuilding slum and blighted areas, and for providing the public facilities and

services necessary to improve the general welfare of the people who live in these areas; H.R. 12946, to provide incentives to planned metropolitan development and to otherwise assist in urban development; and H.R. 13064, to amend and extend laws relating to housing and urban development. Testimony was heard from Mayor Thomas J. Whelan, of Jersey City; and public witnesses.

FOREIGN ASSISTANCE ACT

Committee on Foreign Affairs: Met in executive session and continued hearings on H.R. 12449, to amend further the Foreign Assistance Act of 1961; and H.R. 12450, to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward internal and external security. Testimony was heard from William Bundy, Assistant Secretary of State for Far Eastern Affairs; and Rutherford M. Poats, Assistant Administrator for the Far East.

U.S.-SOUTH AFRICA RELATIONS

Committee on Foreign Affairs: Subcommittee on Africa met in open session and continued the discussion on U.S.-South Africa relations. Testimony was heard from public witnesses.

U.S. OLYMPIC COMMITTEE

Committee on Foreign Affairs: Subcommittee on International Organizations and Movements held a hearing on S. Con. Res. 71, to approve selecting of the U.S. Olympic Committee and to support its recommendations that the State of Utah be designated as the site for the 1972 winter Olympic games. Testimony was heard from Representatives King of Utah and Burton of Utah; Senators Bennett and Moss; and Alfred E. Smith, Deputy Special Assistant for Athletic Programs, Bureau of Educational and Cultural Affairs, Department of State.

COTTON INTERESTS

Committee on Government Operations: Subcommittee on Intergovernmental Relations continued hearings on conflicts of interest in cotton interests. Testimony was heard from Department of Agriculture witnesses.

INDIAN AFFAIRS

Committee on Interior and Insular Affairs: Subcommittee on Indian Affairs held a hearing on H.R. 7028, to provide compensation to the Crow Tribe of Indians, Montana, for certain lands embraced within the present boundaries of the Crow Reservation for the validation of titles; and H.R. 7648, to authorize long-term leases on the Papago Indian Reservation. Testimony was heard from Harry R. Anderson, Assistant Secretary, Department of the Interior; and other departmental witnesses.

CATV

Committee on Interstate and Foreign Commerce: Continued hearings on H.R. 13286, and related bills, to authorize the Federal Communications Commission to issue rules and regulations with respect to community antenna systems. Testimony was heard from public witnesses.

STATE TAXATION

Committee on the Judiciary: Special Subcommittee on State Taxation of Interstate Commerce continued hearings on H.R. 11798, the Interstate Taxation Act. Testimony was heard from public witnesses.

PRIVATE CLAIMS BILLS

Committee on the Judiciary: Subcommittee No. 2 heard testimony on private claims bills.

COPYRIGHT LAW REVISION

Committee on the Judiciary: Subcommittee No. 3 met in executive session and continued on H.R. 4347, regarding copyright law revision. No final action was taken.

MERCHANT SHIPPING TO VIETNAM

Committee on Merchant Marine and Fisheries: Subcommittee on Merchant Marine continued hearings on the shipping situation in Vietnam. Testimony was heard from a public witness.

FEDERAL PAY ADJUSTMENT

Committee on Post Office and Civil Service: Subcommittee on Compensation and the Subcommittee on Retirement, Insurance, and Health Benefits met in joint executive session on H.R. 12094, and related bills, to adjust the rates of basic compensation of certain officers and employees of the Federal Government. No final action was taken.

HIGHWAY SAFETY ACT

Committee on Public Works: Continued hearings on H.R. 13290, to amend title 23, U.S. Code, to provide for highway safety research and development, certain highway safety programs, a national driver register, and a highway safety accident research and test facility; and H.R. 9629, and related bills, to establish a National Highway Traffic Safety Center to promote research and development activities for highway traffic safety, and to provide financial assistance to the States to accelerate highway traffic safety programs. Testimony was heard from Representative Halpern and public witnesses. Adjourned subject to call of the Chair.

NASA APPROPRIATIONS AUTHORIZATION

Committee on Science and Astronautics: Met in executive session and continued hearing subcommittee reports

Apr 5

Apr 20

Ap 28

Ma 2

2

Ap 2

DIGEST of Congressional Proceedings
OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued April 6, 1966
For actions of April 5, 1966
89th-2nd; No. 59

CONTENTS

Adjournment.....12
Administrative counsel..22
Agricultural programs...18
Animal research....2,45,52
Appropriations.....1,48,56
Buildings.....54
Cattle hides.....16,35
Community development...49
Conservation.....31
Consumer.....34
Corn.....5
Easter recess.....12
Economic report.....51
Electrification....4,21,28
Essays.....21
Expenditures.....43
Farm labor.....36,42
Farm prices.....7,26
Farm program.....9
Food.....47
Food for India.....8,15
Foreign affairs.....54,57
Foreign aid.....33
Forest Service.....1,44,56
Forestry.....3,44
4-H Clubs.....21
Hides.....16
Housing.....30
Inflation.....34
Intergovernmental relations.....25
Lands.....11,37
Loans.....13,20
Manpower.....17
Milk.....19,38,53
Opinion poll.....32
Personnel.....41,46,50
Poverty.....10,23
Prices.....7,26
REA loans.....20,21,28
Recreation.....3,29
Research.....2,14,45,52
Retirement.....39
River basin.....40
Taxes.....39
Trails.....44
Transportation.....24,57
School milk.....19,38,53
Small business.....13,55
Soil Conservation.....6
Wages.....26
Water research.....14
Watersheds.....6,27,48
World food.....47

HIGHLIGHTS: see page 7

HOUSE

1. INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1967. Completed debate on this bill, H. R. 14215, and postponed a vote on the bill until today, Apr. 6 (pp. 7282-7324). Pending at adjournment was a motion by Rep. Bow to recommit the bill to the Appropriations Committee with instructions to report it back with an amendment to provide that funds appropriated in the bill shall be available for expenditure only to the extent that expenditures shall not result in total aggregate net expenditures beyond 95 percent of the total aggregate net expenditures estimated in the budget for 1967 (p. 7324).

Rejected the following amendments:

By Rep. Bow, to reduce the total amount of appropriations in the bill by $7,293,000. pp. 7321-2

By Rep. Bow, to provide that funds appropriated in the bill shall be available for expenditure only to the extent that expenditures shall not result in total aggregate net expenditures estimated in the budget for 1967. pp. 7322-3

By Rep. Jones, Mo., 26 to 86, to provide that appropriations in the bill may not be used for the payment of any part of a salary in excess of $6,000 a year to any individual who is granted a leave of absence with pay for the purpose of accepting a scholarship, fellowship, or other similar plan to continue his education. p. 7323

2. RESEARCH. The Agriculture Committee reported with amendments H. R. 13881, 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 (H. Rept. 1418). p. 7372

3. RECREATION; FORESTRY. The Rules Committee reported a resolution for consideration of H. R. 7524, to provide for the establishment of the Oregon Dunes National Seashore, Ore. p. 7372

4. ELECTRIFICATION. The Rules Committee reported a resolution for consideration of H. R. 7406, to authorize the Secretary of the Interior to construct a third powerplant at the Grand Coulee Dam, Columbia Basin project, Wash. p. 7372

5. CORN. Rep. Nelsen criticized CCC sales of corn, urged an investigation of such sales, and inserted correspondence with this Department and the House Agriculture Committee over the controversy. pp. 7333-7

6. SOIL CONSERVATION. Reps. Thomson, Shriver, and Moore commended the work of the Soil Conservation Service, and Rep. Moore expressed concern over budget cuts for the Service, particularly for the watershed program. pp. 7326-7, 7331-2, 7338-9

7. FARM PRICES. Rep. Michel stated that "last week the Secretary of Agriculture expressed his personal pleasure at recent declines in farm prices and hailed them as a break for the consumer," and stated that the middleman, not the farmer, benefits from "inflated food prices." p. 7278

8. FOOD FOR INDIA. Rep. Purcell commended the food for India proposal, and urged that consideration be given to the use of flour mills in this country in processing flour for shipment to India. pp. 7365-6

9. FARM PROGRAM. Rep. Ashbrook inserted a letter to the editor critical of the farm program, particularly the fact the sunflowers, but not soybeans, can be grown on land diverted from corn production. p. 7338

10. POVERTY. Rep. Quie criticized administration of the poverty program by OEP, and inserted several items in support of his position. pp. 7339-45

11. LANDS. Received from Interior a proposed bill "to amend section 8 of the Taylor Grazing Act of June 28, 1934"; to Interior and Insular Affairs Committee. p. 7372

89TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 1418

TRANSPORTATION, SALE, AND HANDLING OF DOGS AND CATS FOR RESEARCH PURPOSES

APRIL 5, 1966.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the following

REPORT

[To accompany H.R. 13881]

The Committee on Agriculture, to whom was referred the bill (H.R. 13881) 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, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 1, beginning on line 3, strike out "and other animals".

Page 1, line 5, strike out "and other animals".

Page 1, beginning on line 7, strike out "dogs, cats, and other animals" and insert "dogs and cats".

Page 2, line 2, after the word "for", insert "such".

Page 2, line 11, after the word "or", insert with caps "The Commonwealth of".

Page 2, beginning on line 22, strike out all of subsection (f). Redesignate subsections (g) and (h) as subsections (f) and (g), respectively.

Page 3, line 3, strike out "dogs, cats, or other animals" and insert "dogs or cats".

Page 3, line 5, strike out "such animals" and insert "dogs or cats".

Page 3, line 12, strike out "dogs, cats, or other animals" and insert "dogs or cats".

Page 3, line 15, strike out "dogs, cats, or other animals" and insert "dogs or cats".

Page 3, line 17, strike out "dog, cat, or other animal" and insert "dog or cat".

50-006 O

Page 3, beginning on line 21, strike out "dog, cat, or other animal", and insert "dog or cat,".

Page 3, line 24, strike out "such animal," and insert "dog or cat,".

Page 4, line 5, strike out "dogs, cats, and other animals" and insert "dogs and cats".

Page 4, beginning on line 5, strike out "and research facilities".

Page 4, line 9, strike out "these animals" and insert "dogs and cats".

Page 4, line 10, strike out the period and add "or at any time subsequent to the arrival of such animals at a research facility".

Page 4, line 14, following the word "fee" insert "established".

Page 4, line 15, strike out "applicant" and insert "dealer".

On page 4, line 18, change the period after the word "Act" to a colon and add:

> *Provided, however,* That any person who derives less than a substantial portion of his income (as determined by the Secretary) from the breeding and raising of dogs and cats on his own premises and sells such animals to a dealer shall not be required to obtain a license as a dealer under this Act.

Page 5, line 3, strike out "Research facilities and dealers" and insert "Dealers".

Page 5, line 5, strike out "dogs, cats, and other animals," and insert "dogs and cats".

Page 5, line 6, following the first sentence of section 8, insert the following new sentence: "Research facilities shall make and keep such records with respect to their purchase, sale, and transportation of dogs and cats as the Secretary may prescribe.".

Page 6, line 4, strike out "willful" and insert "willful and likely to continue,".

Page 6, line 9, strike out "dogs, cats, or other animals" and insert "dogs or cats".

Page 6, line 12, after the phrase "such research facility," insert "unless such agency finds that such suspension would not be in the public interest,".

Page 7, line 1, strike out "subdivisions" and insert "subsections".

Page 8, line 1, strike out the period at the end of the sentence and add "and each day of operating without a valid license or failing to obey a cease and desist order shall constitute a separate offense."

Amend the title 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 purposes of research or experimentation, and for other purposes.

SHORT SUMMARY

The purposes of this bill are (1) to protect the owners of dogs and cats from the theft of such pets, (2) to prevent the use or sale of stolen animals for purposes of research or experimentation, and (3) to establish humane standards for the treatment of these animals while they are on the way to medical research facilities. It specifically authorizes the Secretary of Agriculture to regulate the transportation, purchase, sale, and handling in commerce of dogs and cats which are destined for use in research or experimentation.

Research facilities and laboratories last year used thousands of dogs and cats for which they paid many millions of dollars. This demand has given rise to a large network of dealers who oftentimes secure dogs and cats by simply combing the streets and picking up any animal they can catch. These dogs and cats are usually stripped of all identification and often moved across State lines to escape the jurisdiction of local and State laws.

Under H.R. 13881 the Secretary of Agriculture would issue licenses to both dealers and research facilities. The dealers would be required to keep records of their handling, transportation, purchase, and sale of dogs and cats. The research facilities would keep records of their purchase, sale, and transportation of dogs and cats acquired by them. The Secretary would specify humane methods of identification for the dogs and cats. The Secretary would prescribe humane standards to govern the transportation and handling of dogs and cats by the dealers but not by the research facilities.

It would be unlawful for a dealer or research facility to operate without a license, and a research facility could purchase dogs and cats only from a licensed dealer. Persons who do not meet the specifications of a dealer under this bill could voluntarily obtain a license if they showed the Secretary that their operation met the standards he prescribed.

Violations of this act or regulation set thereunder (confirmed by a hearing) could result in a $500 per day penalty, suspension or revocation of a dealer's license, the issuance of a cease and desist order, or a possible withdrawal of Federal aid to a research facility if the Federal agency administering the aid felt such withdrawal would not be contrary to the public interest.

Any person or research facility who objects to orders issued by the Secretary would have the right to file a petition of review of the order in the appropriate U.S. court of appeals.

COMMITTEE AMENDMENTS

The amendments adopted by the committee reflect the sentiments of many of the humane societies and medical organizations which appeared at the public hearings held by the Subcommittee on Livestock and Feed Grains.

The amendment in section 2(f) eliminates all animals except dogs and cats. The bill had originally included all vertebrates except livestock.

The amendment in section 5 would completely exclude the research facility from having to meet humane standards set by the Secretary of Agriculture for the handling, transportation, and sale of dogs and cats. Research facilities would be required to purchase a license, buy dogs and cats from only licensed dealers, and keep records with respect to their purchase, sale, and transportation of dogs and cats.

The amendment to section 6 is designed to permit farmers or other owners of relatively small numbers of dogs and cats to sell these animals to dealers without obtaining a license. Under the language of section 2(g) of this bill any person who buys or sells dogs or cats for research purposes in commerce would be subject to license. The committee considered a proposal to change the words "buy or sell" to "buy and sell." The committee did not adopt this proposal because

if felt that such a change would create an exemption for animal thieves who steal dogs and cats and then sell them, as well as for persons who might operate dog and cat farms for the sole or major purpose of providing these animals for research purchase.

The amendments to section 12(a) direct that if the Secretary of Agriculture discovers a research facility in a willful violation of the act, or rules established by him thereunder, he must also determine that the violation be likely to continue before preparing a written report to the Federal agency furnishing aid such as loans and grants to the facility. Even though the report would specify these willful violations and recommend that Federal aid to research using dogs and cats be suspended, the agency administering the aid would suspend the aid only if such suspension would not be contrary to the public interest.

The amendment to section 14 would revise the $500 penalty for each offense of a dealer or research facility operating without a valid license or failing to obey a cease and desist order of the Secretary of Agriculture. The penalty was strengthened to make each day of operating without a valid license or failing to obey such a cease and desist order a separate offense punishable by a $500 fine.

HEARINGS

Hearings were held on the subjects covered by this legislation on September 2, 1965, and March 7 and 8, 1966, by the Livestock and Feed Grains Subcommittee. During the course of testimony over 150 persons representing various points of view were heard or filed statements.

Authors of bills included:

H.R. 9743, Mr. Resnick.
H.R. 9750, Mr. Pepper.
H.R. 9869, Mr. Helstoski,
H.R. 9875, Mr. Wolff.
H.R. 10197, Mr. Joelson.
H.R. 10358, Mr. Minish.
H.R. 10680, Mr. Morse.
H.R. 10743, Mr. Helstoski.
H.R. 10745, Mr. Matsunaga.
H.R. 11002, Mr. Fino.
H.R. 11195, Mr. Shipley.
H.R. 11505, Mr. Grider.
H.R. 12295, Mr. Long of Maryland.
H.R. 12488, Mr. Poage.
H.R. 12667, Mrs. May.
H.R. 12842, Mr. McCarthy.
H.R. 12903, Mr. Minshall.
H.R. 12923, Mr. Cramer.
H.R. 12941, Mr. Cahill.
H.R. 12962, Mr. Bell.
H.R. 13017, Mrs. Dwyer.
H.R. 13075, Mr. McDade.
H.R. 13240, Mr. Foley.
H.R. 13261, Mr. Pirnie.
H.R. 13287, Mr. Sweeney.
H.R. 13291, Mr. Horton.
H.R. 13321, Mr. Reid of New York.
H.R. 13343, Mr. Brown of California.
H.R. 13346, Mrs. Bolton.
H.R. 13352, Mr. Rodino
H.R. 13406, Mr. Nelsen.
H.R. 13426, Mr. Fraser.
H.R. 13438, Mr. Sickles.
H.R. 13464, Mr. Clancy.
H.R. 13565, Mr. Karth.
H.R. 13586, Mr. Schisler.
H.R. 13659, Mr. Olson of Minnesota.
H.R. 13720, Mr. Schweiker.
H.R. 13767, Mr. Miller.
H.R. 13811, Mr. Irwin.
H.R. 13820, Mr. Multer.
H.R. 13862, Mr. Fulton of Tennessee.
H.R. 13881, Mr. Poage.
H.R. 13904, Mr. Quie.
H.R. 14178, Mr. Ashbrook.

COST

The Department of Agriculture advised the committee that it estimates the cost of implementing this legislation during the first year would be $1,030,000. Thereafter, the cost of the program would be met by license fees insofar as practicable.

ADMINISTRATION POSITION

During the course of hearings, the administration did not appear, but the Department of Agriculture filed the following report on H.R. 12488, the bill which was later superseded by H.R. 13881. The amendments recommended by the Department are incorporated in this bill.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 7, 1966.

Hon. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: We wish to thank you for your letter of February 14, 1966, giving us the opportunity to report on H.R. 12488. The bill is entitled 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.

The bill, among other things, would provide that (1) no research facility could lawfully purchase or transport dogs, cats, or other animals in commerce unless it has been licensed by the Secretary of Agriculture; (2) no dealer, as defined in the bill, could lawfully sell or offer to sell or transport to any research facility, or buy, sell, offer to buy or sell, transport or offer for transportation, in commerce to or from another dealer, any dog, cat, or other animal, unless he has been licensed by the Secretary of Agriculture; (3) the Secretary would be authorized to license, as dealers, on a voluntary basis, persons who do not qualify as dealers, upon such persons agreeing to comply with the requirements of the act; (4) the Secretary would be authorized to promulgate humane standards governing the handling and transportation of dogs, cats, and other animals by dealers and research facilities, exclusive of the handling of the animals during the actual research or experimentation; (5) all dogs, cats, and other animals delivered for transportation, transported, purchased, or sold in commerce to any dealer or research facility shall be marked or identified in such humane manner as the Secretary may prescribe; (6) research facilities and dealers shall keep such records with respect to the purchase, sale, transportation, and handling of dogs, cats, and other animals as the Secretary may prescribe which shall be kept open at all reasonable times for inspection by the Secretary or his representative; (7) the Secretary would be authorized to cooperate with officials of the various States or political subdivisions thereof in effectuating the purposes of the act; (8) no dealer shall sell or otherwise dispose of any dog, cat, or other animal within a period of 5 business days after its acquisition; (9) the Secretary, upon determining that a

research facility has violated the provisions of the proposed act, may make an order requiring such research facility to cease and desist from continuing such violation and, in case of a willful violation, shall certify the facts to each agency of the Federal Government furnishing funds to such facility and recommend that funds be withdrawn for such period as the Secretary may specify, in which case each such agency so notified shall suspend all such payments, loans, or grants to such facility; (10) if the Secretary has reason to believe that there has been a violation of the act or the regulations by a person licensed as a dealer he may suspend such person's license for a period not to exceed 21 days, and, after opportunity for hearing, he may suspend for an additional period or revoke such license if such violation was determined to have occurred; (11) any research facility or dealer who operates without a license, or while such license is suspended or revoked, shall forfeit to the United States the sum of $500 for each offense, which shall be recoverable in a civil suit in the name of the United States. The proposed bill also provides for injunctive authority and that in order to finance the administration of the act the Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued. Such fees shall be deposited in a fund which shall be available without fiscal year limitation together with such funds as may be appropriated thereto.

This Department conducts various research programs related to animal production and animal diseases. In addition, it is charged with the administration of programs for the control and eradication of infectious, contagious, and communicable diseases of livestock and poultry; for the prevention of the introduction into and dissemination within the United States of such diseases; and for the prevention of the exportation of diseased livestock and poultry. It also administers laws regarding the humane slaughter and treatment of livestock.

This Department supports the objectives of H.R. 12488. We are concerned about the illicit traffic in family pets. It is our understanding that the practices which give rise to the proposed legislation relate to the theft of dogs and cats. We are not aware of any such practice existing with reference to other animals. There is serious question, therefore, as to whether it is necessary to make the bill applicable to "other animals" in order to effectuate the purposes of the bill. If the reference to other animals is retained, the Department believes that livestock should be excluded from the definition. The practice which the bill is intended to correct does not exist in the transporting, marketing, or sale of livestock. This Department presently administers the 28-hour law (45 U.S.C. 71, et seq.) which is intended to prevent, among other things, cruelty to livestock moving in interstate commerce by insuring that they are properly fed, watered, and rested. In addition, under authority of the Packers and Stockyards Act (7 U.S.C. 181, et seq.), livestock markets are regulated by this Department to insure adequate facilities for the proper handling and marketing of livestock.

There are various State laws which are applicable to the theft and humane treatment of dogs and cats. The operating methods of people who steal family pets and the commercial aspects of the purchase and transfer of dogs and cats in commerce are not areas as to which this Department has expertise. Therefore, we are unable to evaluate the effectiveness of existing State laws since the functions of

this Department, insofar as animals are concerned, relate basically to livestock and poultry.

In view of the above comments, there is question as to whether it would not be desirable that a program such as that in question be administered by a Federal agency more directly concerned.

It is suggested that the following changes be made in the bill:

1. On page 3, lines 12 and 13, the phrase "except a dealer holding a valid license" should be changed to read: "except a person holding a valid license as a dealer." This change is necessary if a research facility is to be permitted to purchase laboratory animals from persons who are not within the definition of "dealer" but who are licensed pursuant to the second sentence of section 6.

2. On page 3, line 15, the words "or offer to transport" should be inserted after the word "transport" for the purposes of consistency within the section.

3. On page 4, line 9, the reference to section 18 should be changed to section 17.

4. On page 7, line 21, the reference to section 13 should be changed to section 12.

It should also be noted that while dogs and cats are specifically defined, the definition of "animal" is so broad as to include dogs and cats.

We assume that you are also obtaining the comments of other interested departments and agencies. We understand that the Department of Health, Education, and Welfare is now conducting a study on this general subject.

The Bureau of the Budget has advised that, while there would be no objection to the presentation of this report, the Bureau recommends against enactment of the bill at this time, pending further consideration and study of the need for, and the nature of, Federal legislation in this area.

Sincerely yours,

ORVILLE L. FREEMAN.

SECTION-BY-SECTION ANALYSIS

Section 1.—This section sets forth the objectives of the bill which are (*a*) to protect owners of dogs and cats from the theft of such pets and (*b*) to regulate the transportation, purchase, sale, or handling of dogs and cats destined for research or experimental use.

Section 2.—This section contains definitions for seven terms used in the bill.

(*a*) The term "person" is limited to various private forms of business organizations. It is, however, intended to include nonprofit or charitable institutions which handle dogs and cats. It is *not* intended to include public agencies or political subdivisions of State or municipal governments. It is the intent of the committee that local or municipal dog pounds or animal shelters shall not be required to obtain a license since these public agencies are not a "person" within the meaning of section 2(a). Accordingly, research facilities would not (under sec. 3) be prohibited from purchasing or acquiring dogs and cats from city dog pounds or similar institutions because these institutions are not "persons" within the meaning of section 2(a).

(*b*) The term "Secretary" means the Secretary of Agriculture.

(*c*) The term "commerce" is defined as interstate commerce (1) between the several States, the District of Columbia, or the Commonwealth or Puerto Rico, or (2) between points within the same State, territory, possession, or the District of Columbia, but through any place outside thereof, or (3) within any territory or possession or the District of Columbia.

(*d*) The term "dog" is limited to the species Canis familiaris for use or intended for use as a research animal. It does not include dogs used or intended for use as hunting animals, pets, or for uses other than for research or experimentation.

(*e*) The term "cat" is limited to the species Felis catus for use or intended for use as a research animal. Like subsection (*d*) which applies to dogs, this subsection is not intended to include pet cats or other cats used or intended to be used for purposes other than for research or experimentation.

(*f*) The term "research facility" means any school, institution, organization, or person (as defined in subsec. 2(a)) that uses or intends to use dogs or cats for research or experimental purposes and that (1) purchases or transports dogs or cats in commerce (as defined in subsec. 2(c)), or (2) receives any funds from a U.S. Government agency to finance its operations by means of grants, loans, or otherwise.

(*g*) The term "dealer" means any person (as defined in subsec. 2(a)) who for profit or compensation delivers for transportation, transports (except as a common carrier), buys or sells dogs or cats in commerce (as defined in subsec. 2(c)) for research purposes.

The term "dealer" therefore would apply to any individual or other person who raises in commerce dogs or cats for sale to any research facility.

The term "common carrier" as used in this section means the ordinary and accepted legal definition of that term which is broader in scope than the definition included in the 28-hour law (45 U.S.C. 71 et seq). Thus, the exemption would apply to trucking firms who qualify as "common carriers" even though these common carriers are not within the purview of the 28-hour law.

Section 3.—This section prohibits research facilities from (1) operating in commerce without a license and (2) acquiring any dog or cat from any "person" (as defined in sec. 2(a)) not holding a valid license as a dealer.

Section 4.—This section prohibits dealers from conducting any dog or cat business with research facilities or other dealers without a valid license.

Section 5.—This section authorizes the Secretary to establish humane standards to govern handling and transportation of dogs and cats by dealers. The intent of the committee is clearly set forth in the proviso to this section which states that nothing in this legislation shall be construed to authorize the establishment of humane standards for the handling of dogs and cats at a research facility at any time subsequent to the arrival of the animals at such a facility. The committee further emphasizes its intent that the actual research and experimental use of these animals is in no way to be interfered with by this legislation.

The committee also contemplates that the Secretary will establish and enforce by adequate inspection humane standards concerning the health, well-being, and safety of dogs and cats at auction sales of these

animals. Humane standards would of course include housing, feeding, ventilation, and watering criteria.

Section 6.—This section sets forth the requirements and procedures for issuing licenses to dealers and research facilities. A separate provision is included in the last sentence to allow persons who do not, for one reason or another, qualify as dealers (as defined in sec. 2(g)) to obtain a license. The second sentence in this provision would also allow persons who would otherwise be prohibited from selling to research facilities to obtain a license voluntarily and thus continue to provide dogs and cats for research and experimental use.

In addition, a person who derives less than a substantial portion of his income from the breeding and raising of dogs or cats on his own premises would be exempt from being licensed as a dealer under this legislation. This provision was adopted by the committee to allow farmers and other owners of relatively small numbers of dogs or cats to continue to sell their own animals to dealers without obtaining a license. The term "substantial portion of his income" as used in this provision is subject to the determination of the Secretary. The committee does not contemplate the licensing of farmers or pet owners who sell only an occasional litter of puppies or kittens or only a few dogs or cats to a dealer. The specific requirement that these exempted persons breed dogs or cats on their own premises is intended to prevent their selling to dealers for research purposes animals which were stolen or otherwise obtained for that purpose.

Section 7.—This section requires all cats and dogs covered by this bill to be marked or identified in a humane manner. The methods, type, and time of marking or identification are to be prescribed by the Secretary.

Section 8.—This section requires recordkeeping by dealers and research facilities. In the case of dealers, this recordkeeping will extend to purchases, sales, transportation, and handling of the dogs and cats covered by the bill. In the case of research facilities, similar records would be kept with respect to purchase, sale, and transportation but there is no requirement for keeping records of the handling of these animals since this legislation does not contemplate any supervision over the handling of dogs or cats once they have arrived at a research facility. Under this section records shall be made available to the Secretary for inspection by him or by his duly authorized agent. The term "any person duly authorized by him" is intended to mean a qualified employee of the U.S. Department of Agriculture or some other agency of the Federal Government. The committee does not contemplate the designation of private citizens or non-Federal Government employees participating in the administration of this legislation.

Section 9.—This section authorizes the Secretary to cooperate with State and local officials in preventing the theft of dogs and cats, in the apprehension of suspected dog and cat thieves, and in administering the other provisions of this legislation.

Section 10.—This section prohibits dealers from selling or otherwise disposing of any dog or cat within 5 business days after the acquisition of such animals or within such other period as the Secretary may specify in regulations issued pursuant to this legislation. The purpose of the waiting period is to give owners, law enforcement officers, and the Secretary a greater opportunity to trace lost or stolen dogs and cats.

Section 11.—This section authorizes the Secretary to promulgate such rules, regulations, orders, and other administrative details as may be necessary to effectuate the purposes of this legislation.

Section 12.—This section provides—

(*a*) That if the Secretary has reason to believe that any research facility has violated or is violating any provision of this legislation, he shall give notice and opportunity for a hearing. If he finds a violation, he may make an order that such research facility shall cease and desist from continuing such violation. If he determines that such violation was willful and likely to continue, he shall prepare a written report, stating his findings therein, and shall certify this report to each Federal agency furnishing funds to such research facility to finance research, tests, or experiments involving the use of dogs or cats, with a recommendation that such funds be withdrawn for such period as he may specify. The language "and likely to continue" is inserted by the committee to cover a situation such as an employee of a research facility who willfully violated this legislation by purchasing a dog or cat from an unlicensed dealer but was dismissed from his job for doing so. The committee felt that such a willful violation should be found to be "likely to continue" before penalizing a research facility in such a situation. Each such agency so notified shall suspend all such payments, loans, or grants to such research facility unless such agency finds that such suspension would not be in the public interest.

(*b*) That if the Secretary has reason to believe that any dealer or person licensed as a dealer has violated or is violating any provision of this legislation, he may suspend such person's license temporarily but not more than 21 days. After notice and opportunity for hearing, the Secretary may suspend such license for such additional period as he may specify, or he may revoke such license if such violation is determined to have occurred, and he may make an order that such person shall cease and desist from continuing such violation.

(*c*) That any research facility or dealer or person licensed as a dealer aggrieved by a final order of the Secretary regarding withdrawal of Federal aid or suspension or revocation of a license shall have the right, within 60 days after entry of such order, a petition to review such order in the appropriate U.S. court of appeals under the provisions of chapter 19A (Hobbs Act) of title 5, United States Code.

Section 13.—This section establishes the principal-agent relationship between research facilities, dealers, persons licensed as dealers, and their employees. When construing or enforcing the provisions of this legislation, the act, omission, or failure of any individual acting for or employed by a research facility, dealer, or person licensed as a dealer within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, or person licensed as a dealer as well as of such individual.

Section 14.—This section provides that any research facility or dealer who operates without a valid license or, in the case of the dealer, while such license is revoked or suspended, or any research facility, dealer, or person licensed as a dealer who knowingly fails to obey a cease and desist order made by the Secretary shall forfeit to the United Utates in a civil suit $500 for each offense, and each day of such violation shall constitute a separate offense. The penalty would be $500 per day per offense.

The committee made no provision for the suspension or revocation of the license of the research facility because suspension of vital research could easily hamper scientific progress, and this legislation is not intended to thwart research in any manner.

The Attorney General shall have the responsibility for the collection of the forfeitures.

Section 15.—This section permits the Secretary to notify the Attorney General of any violation or proposed violation of this legislation, and the Attorney General may bring action in the appropriate U.S. district court to enjoin such practice and to enforce compliance with the provisions of this legislation.

Section 16.—This section carries a constitutional invalidity clause which states that if any part of this legislation, or individual circumstances concerning it, are held invalid, the remainder remains effective.

Section 17.—This section directs the Secretary to charge, assess, and collect reasonable fees for licenses issued to dealers and research facilities. These fees should be adjusted equitably, taking into consideration the type and nature of the operation to be licensed. It is intended that these fees should cover as nearly as practicable the costs of administering the provisions of this legislation. All such fees shall be deposited in a fund which shall be available without fiscal year limitation for use in administering the provisions of this legislation. Any additional funds which might be needed to administer this legislation are authorized to be appropriated by the Congress from time to time.

Section 18.—This section specifies that this legislation shall become effective 120 days after enactment. This delay is intended to allow the Secretary to promulgate appropriate regulations and disseminate information concerning the administration of this legislation.

○

Union Calendar No. 623

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to protect the owners of dogs and cats ~~and other animals~~ from theft of such pets and to prevent the sale or use of stolen dogs and cats ~~and other animals~~ for purposes of research and experimentation, it is essential to regulate the transportation, purchase, sale, or handling of ~~dogs, cats, 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~~

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

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

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

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

SEC. 4. No dealer shall sell or offer to sell or transport or offer for transportation to any research facility any ~~dog, 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*

dogs or cats on his own premises and sells such animals to a dealer shall not be required to obtain a license as a dealer under this Act. The Secretary is further authorized to license, as dealers, persons who do not qualify as dealers within the meaning of this Act upon such persons' complying with the requirements specified above and agreeing, in writing, to comply with all the requirements of this Act and the regulations promulgated by the Secretary hereunder.

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

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

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

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

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

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

SEC. 12. (a) If the Secretary has reason to believe that any research facility has violated or is violating any provision of this Act or any of the rules or regulations promulgated by the Secretary hereunder and if, after notice and opportunity for hearing, he finds a violation, he may make an order that such research facility shall cease and desist from continuing such violation. If the Secretary determines that such violation was ~~willful,~~ *willful and likely to continue*, he shall also prepare a report in writing in which he shall state his findings as to the facts and shall certify such report to each agency of the Federal Government furnishing funds to such research facility to finance research, tests, or experiments involving the use of ~~dogs, cats, or other animals~~ *dogs or cats* with a recommendation that such funds be withdrawn for such period as the Secretary may specify, and 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 purposes of research or experimentation, and for other purposes."

Stop capture

Union Calendar No. 623

89TH CONGRESS
2D SESSION

H. R. 13881

[Report No. 1418]

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.

By Mr. POAGE

MARCH 22, 1966

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

Apr. 20

Apr. 28

May 2

22

Jun 2

Jun 2

A 1

A

86TH CONGRESS
2D SESSION

H. R. 13881

[Report No. 1418]

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.

By Mr. Poage

MARCH 22, 1960

Referred to the Committee on Agriculture

APRIL 6, 1960

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

DIGEST of Congressional Proceedings
OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued April 21, 1966
For actions of April 20, 1966
89th-2nd; No. 66

CONTENTS

Animal research.....14
Appropriations.....11,32
Cattle-hide exports...4,17
Claims.....11,16
Community development....1
Conservation.....19
Consumers.....6
Cotton.....33
Economic report.....35
Education.....26
Expenditures.....7,8,18,23
Extension education.....5
Farm labor.....3
Farm prices.....8,22
Fees.....28
Flood control.....28
Food for India.....31
Foreign aid....12,15,31,34
Forestry.....9
Housing.....25
Inflation.....7,8,18,23
Intergovernmental relations.....20
Loans.....10,13,27
Milk.....2,21
Personnel.....30
Prices.....36
Research.....33
Roads.....9
Ryukyu Islands.....15
Safety.....30
Sales participation...10,13,27
School lunch.....2
Sugar.....3
Transportation.....24
Unemployment compensation.....37
Veterinary.....26
Wildlife.....29
World food.....34

HIGHLIGHTS: House committee cleared bill to regulate use of cats and dogs in research. House received proposed Sales Participation Act, and several Representatives discussed its merits. Senate committee reported community development districts bill. Senate committee approved USDA plans for educational-scientific foundation in India.

SENATE

1. COMMUNITY DEVELOPMENT DISTRICTS. The Agriculture and Forestry Committee reported with amendments S. 2934, to authorize grants for comprehensive planning for public services and development in community development districts designated by the Secretary of Agriculture (S. Rept. 1107). p. 8185

2. SCHOOL LUNCH AND MILK. Received a Mass. General Court resolution opposing the Budget cut in the school lunch and milk programs. p. 8185

Sen. Proxmire claimed that four out of five needy children are left out the Administration's school milk program. p. 8192

3. SUGAR. Sen. Pearson said the Kans. sugarbeet industry is having difficulties because of elimination of the Mexican farm labor program and "the current policy of the Department of Agriculture prohibiting the transfer of unused b acreage allotments across State lines." pp. 8215-6

4. CATTLE-HIDE EXPORTS. Sen. McGovern claimed the decision on this subject has been made even though departmental hearings are continuing. pp. 8217-9
Sen. Hruska said hide-export controls are unfair to the farmers. pp. 82 2

5. EXTENSION EDUCATION. Sen. Morse inserted and commended an article describing Oregon's extension education system. pp. 8219-20

6. CONSUMERS. Sen. Hart commended the plans for "holding the first nationwide Consumer Assembly." p. 8221

7. EXPENDITURES. Sen. Jordon, Idaho, inserted and commended an article favoring reduced Government spending as an anti-inflation measure. pp. 8221-2

8. FARM PRICES; EXPENDITURES. Sen. Hruska criticized the Secretary's recent sta ment on high farm prices and recommended reduced Government spending. p. 82

9. FORESTRY. Sen. Yarborough inserted several articles describing Justice Dougl plans to study forests in Texas. pp. 8222-4
Sen. Fong inserted and commended a statement by Sen. Jordan, Idaho, favo ing additional access roads. pp. 8225-7

10. LOANS. Sen. Bennett claimed the proposed Sales Participation Act is a budget subterfuge. pp. 8229-30

11. APPROPRIATIONS; CLAIMS. Received from the President a supplemental appropria tion estimate for payment of claims and judgments (S. Rept. 87). p. 8185

12. FOREIGN AID. The Daily Digest states that the Agriculture and Forestry Commit "approved plans of the Department of Agriculture to grant up to $300 million in Indian rupees to establish a binational foundation with India for educatio and scientific development, an allocation of $3 million equivalent of U. S.- held foreign currencies in excess of U. S. requirements for grants for disast relief purposes." pp. D327-8

HOUSE

13. SALES PARTICIPATION. Received from the President a proposed bill to promote private financing of credit needs and to provide for an efficient and orderly method of liquidating financial assets held by Federal credit agencies (H. D 426); to Banking and Currency Committee. p. 8161
Several Representatives spoke for and against the proposed Sales Partici pation Act. pp. 8093-7, 8117, 8122

14. ANIMAL RESEARCH. The Rules Committee reported a resolution for consideration H. R. 13881, to authorize the Secretary of Agriculture to regulate the trans portation, sale, and handling of dogs, cats, and other animals intended to be

used for purposes of research or experimentation. pp. 8161-2

15. FOREIGN AID. The Rules Committee reported a resolution for consideration of H. R. 12617, to provide additional funds for the economic and social development of the Ryukyu Islands. p. 8161

16. CLAIMS. A subcommittee of the Judiciary Committee approved for full committee action H. R. 13650, amended, to amend the Federal Tort Claims Act to authorize increased agency consideration of tort claims against the Government; H. R. 13651, to avoid unnecessary litigation by providing for the collection of claims of the U. S.; H. R. 13652, amended, to establish a statute of limitations for certain actions brought by the Government; and H. R. 14182, amended, to provide for judgments for costs against the U. S. p. D330

17. CATTLE-HIDE EXPORTS. Rep. Ellsworth inserted his testimony urging the removal of export controls on cattle hides. p. 8131

18. INFLATION. Rep. Ashbrook stated that "the American people are not going to be taken in by the phony 'inflation fighting' of the Johnson administration," and inserted several supporting articles. pp. 8137-8

19. CONSERVATION. Rep. Matthews inserted a resume of the 1964 Agricultural Conservation Program in Fla. pp. 8142-3

20. INTERGOVERNMENTAL RELATIONS. Rep. Fountain commended and inserted an article, "The Continuing Study of the Partnership--The Publications of the Advisory Commission on Intergovernmental Relations." pp. 8146-50

ITEMS IN APPENDIX

21. MILK. Rep. Langen inserted constituent's letter opposing proposed reductions in the school milk program. pp. A2146-7

22. FARM PRICES. Extension of remarks of Rep. Berry inserting an editorial and stating that it summarizes the situation that exists with regard to agriculture and "the philosophy and policies of this administration in not just dumping agricultural commodities but 'in dumping the farmer.'" p. A2149

23. BUDGET; INFLATION. Rep. Harvey inserted an article favoring a "holddown in Federal spending." pp. A2149-50

24. TRANSPORTATION. Rep. Holifield inserted Charles S. Murphy's, CAB, speech in support of the proposed Department of Transportation. pp. A2155-6

25. HOUSING. Rep. Vanik inserted Secretary Weaver's address in which he outlined the demonstration cities program. pp. A2156-8

BILLS INTRODUCED

26. VETERINARY. H. R. 14537 by Rep. Carter, to authorize a 3-year program of grants for construction of veterinary medical education facilities; to Interstate and Foreign Commerce Committee.

27. CREDIT. H. R. 14544 by Rep. Patman, to promote private financing of credit needs and to provide for an efficient and orderly method of liquidating fina cial assets held by Federal credit agencies; to Banking and Currency Committee.

28. FLOOD CONTROL. H. R. 14553 by Rep. Fulton, to amend the River and Harbor Act of 1965 to prohibit certain fees being charged in connection with projects f navigation, flood control; to Public Works Committee. Remarks of author p. 8136

29. WILDLIFE. H. R. 14561 by Rep. Saylor, to amend the Migratory Bird Hunting Stamp Act of March 16, 1934, to increase by $2 the fee for such stamp; to Merchant Marine and Fisheries Committee.

30. PERSONNEL; SAFETY. S. 3253 by Sen. Brewster, to amend section 33 of the Fede ral Employees' Compensation Act so as to provide for the establishment of a Federal employee accident prevention program; to Labor and Public Welfare Committee. Remarks of author p. 8188

BILL APPROVED BY THE PRESIDENT

31. FOOD FOR INDIA. H. J. Res. 997, the food for India bill. Approved April 19 1966 (Public Law 89-406).

PRINTED HEARINGS RECEIVED BY THIS OFFICE

32. APPROPRIATIONS. Dept. of Agriculture appropriations for 1967. Parts 2, 3, 4, and 5. H. Appropriations Committee. (Copies are not available from the Division of Legislative Reporting. A small reserve supply, to meet emergen needs, is available in the Division of Budget Policies and Operations, Ext. 5901).

33. COTTON. H. R. 12322, cotton research and promotion program. H. Agriculture

34. WORLD FOOD. H. R. 12152, 12784, and 12785, world war on hunger. H. Agricul ture Committee.

35. ECONOMIC REPORT. January 1966 Economic Report of the President, Part 3 (and appendix), and Part 4. Jt. Economic Committee.

36. PRICES; ECONOMICS. 20th Anniversary of the Employment Act of 1946 (an Econo Symposium). Jt. Economic Committee.

37. UNEMPLOYMENT COMPENSATION. H. R. 8282, employment security amendments of 19 H. Ways and Means Committee.

0

COMMITTEE HEARINGS:

Apr. 21: Unified system of foreign affairs personnel, S. Foreign Relations.
Pay bill, S. Post Office.
Participation sales, H. Banking and Currency.
Road authorizations for 1968 and 1969, H. Public Works.

Apr. 25: Cotton research bill, S. Agriculture (Girard, C&MS, to testify).

oOo

89TH CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 1443

CONSIDERATION OF H.R. 13881

APRIL 20, 1966.—Referred to the House Calendar and ordered to be printed

Mr. PEPPER, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 821]

The Committee on Rules, having had under consideration House Resolution 821, report the same to the House with the recommendation that the resolution do pass.

50-008

House Calendar No. 232

89TH CONGRESS
2D SESSION

H. RES. 821

[Report No. 1443]

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 1966

Mr. PEPPER, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

RESOLUTION

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13881) 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. After general debate, which shall be confined to the bill, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under

the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

House Calendar No. 232

89TH CONGRESS
2D SESSION

H. RES. 821

[Report No. 1443]

RESOLUTION

Providing for the consideration of H.R. 13881, a bill 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.

By Mr. PEPPER

APRIL 20, 1966

Referred to the House Calendar and ordered to be printed

Apr. 28

May 2

22

June 23

June 24

1 the five-minute rule. At the conclusion of the consideration
2 of the bill for amendment, the Committee shall rise and
3 report the bill to the House with such amendments as may
4 have been adopted, and the previous question shall be con-
5 sidered as ordered on the bill and amendments thereto to
6 final passage without intervening motion except one motion
7 to recommit.

House Calendar No. 232

Rules committed
on Senate

H. RES. 821

[Report No. 14431]

RESOLUTION

Providing for the consideration of H.R. 14611, a bill 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.

By Mr. Pepper

August 20, 1966

Referred to the House Calendar and ordered to be printed

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued April 29, 1966
For actions of April 28, 1966
89th-2nd; No. 71

CONTENTS

Adjournment.....10,17
Agricultural appropriations....2,4,18
Animal research.....1
Appropriations....2,4,5,18
Area redevelopment.....33
Budgeting.....16,19
Cattle hides.....15,22
Cheese.....13
Community development....4
Conservation.....25
Daylight time.....21
Employment.....32
Farm prices.....3,22
Farm program.....13
Forage research.....7
Foreign aid.....23
Information.....29
Intergovernmental relations.....8
Investigation.....31
Legislative program.....9
Loan pools.....11,20
Manpower.....28
Milk.....12,18,24
Opinion poll.....27
Parity prices.....13
Participation sales.11,20
Personnel.....28,30,32
Public Law 480.....2
Recreation.....34
Research.....7
Retirement.....30
School lunch.....18,24
School milk.....12,18,24
Transportation.....6
Water pollution.....14
Wheat.....26

HIGHLIGHTS: House passed dog-cat handling bill. Senate committee reported participation sales bill.

HOUSE

1. ANIMAL RESEARCH. Passed, 352-10, as reported, H. R. 13881, to authorize this Department to regulate the transportation, sale, and handling of dogs, cats, and other animals intended to be used for research. pp. 8772-96, [redacted]

2. PUBLIC LAW 480. Rep. Findley defended his amendment to the agricultural appropriation bill, stating that Poland is shipping goods to North Vietnam while seeking aid under Public Law 480. p. 8772

3. FARM PRICES. Rep. Skubitz claimed farm prices, particularly livestock, are lower while food prices are higher, and blamed this Department and Secretary Freeman for the situation. pp. 8834-5
   Rep. Hansen, Iowa, inserted an article claiming that farm prices are not too high. p. 8860

4. COMMUNITY DEVELOPMENT; APPROPRIATIONS. Rep. Callan spoke in support of the budget item for the Rural Community Development Service. pp. 8855-6

5. APPROPRIATIONS. Rep. Arends accused the President of "fiscal chicanery" in asking that Congress hold down appropriations. p. 8774
   The Appropriations Committee reported H. R. 14745, the Labor and HEW appropriation bill (H. Rept. 1464). p. 8862

6. TRANSPORTATION. The Rules Committee reported a resolution for consideration of S. 1098, to authorize ICC to set rates of pay for use of freight cars so as to encourage the acquisition and maintenance of a car supply adequate to meet the needs. p. 8862
   Rep. McEwen inserted Rep. Cramer's testimony recommending amendments to H. R. 13200, to establish a Department of Transportation. pp. 8827-9

7. FORAGE RESEARCH. Rep. Cabell inserted Rep. Poage's statement favoring establishment of a forage-research facility. pp. 8856-7

8. INTERGOVERNMENTAL RELATIONS. The Government Operations Committee submitted a report, "Advisory Commission on Intergovernmental Relations: The First Five Years" (H. Rept. 1457). p. 8862

9. LEGISLATIVE PROGRAM. Rep. Albert announced the program for next week: Mon., Consent Calendar; Tues., Private Calendar; Wed. and rest of week, Labor-HEW appropriation bill, sales participation bill, SBA loan pools, etc. p. 8774

10. ADJOURNED until Mon., May 2. p. 8862

SENATE

11. PARTICIPATION SALES. The Banking and Currency Committee reported without amendment S. 3283, to promote private financing of credit needs and to provide for an efficient and orderly method of liquidating financial assets held by Federal credit agencies (S. Rept. 1140). p. 8866

12. SCHOOL MILK. Sen. Proxmire commended House action in restoring the school milk funds and urged an increase over last year's levels. p. 8887

13. FARM PROGRAM. Sen. Proxmire stated "the farmer--even the relatively successful farmer--has been and still is being left out of our prosperity." p. 8890
   Sen. Mundt spoke against the suggested increase in import quotas for Cheddar cheese stating that it would not achieve parity prices for farmers. pp. 8917-18

14. WATER POLLUTION. Sen. Young, Ohio, discussed the pollution problem of Lake Erie and urged State and local governments to make a serious breakthrough in controlling pollution of their water supplies. pp. 8896-7

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 89th CONGRESS, SECOND SESSION

Vol. 112 WASHINGTON, THURSDAY, APRIL 28, 1966 No. 71

House of Representatives

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord God is a sun and shield: the Lord will give grace and glory: no good thing will He withhold from them that walk uprightly.—Psalm 84: 11.

"Spirit of God descend upon my heart;
Wean it from earth: through all its pulses move:
Stoop to my weakness, mighty as Thou art:
And make me love Thee as I ought to love."

Spirit of God descend upon my heart—this is our morning prayer. Make us daily aware of Thy presence and in Thy spirit may we find the attitudes we need for this day. Slow us down, Lord, slow us down; we work too hard, we eat too fast, we hurry too much. Help us to take time to think clearly, time to pray sincerely, and above all time to cultivate the sense of Thy presence in our hearts and in our homes. Then give us the faith and the fortitude to walk uprightly in Thy way, for the good of our Nation and for the glory of Thy Holy Name, through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 14012. An act making supplemental appropriations for the fiscal year ending June 30, 1966, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14012) entitled "An act making supplemental appropriations for the fiscal year ending June 30, 1966, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PASTORE, Mr. HOLLAND, Mr. HAYDEN, Mr. RUSSELL of Georgia, Mr. ELLENDER, Mr. HILL, Mr. YOUNG of North Dakota, Mr. SALTONSTALL, and Mr. MUNDT to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to a bill and joint resolution of the Senate of the following titles:

S. 518. An act for the relief of Joanna K. Georgoulia; and

S.J. Res. 86. Joint resolution to authorize the President to proclaim a "Day of Recognition" for firefighters.

The message also announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," appointed Mr. MONRONEY and Mr. CARLSON members of the Joint Select Committee on the part of the Senate for the Disposition of Executive Papers referred to in the report of the Archivist of the United States numbered 66–14.

COMMITTEE ON GOVERNMENT OPERATIONS

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight Friday, April 29, to file certain investigative reports.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD.)

[Mr. HANNA addressed the House. His remarks will appear hereafter in the Appendix.]

NONSCHEDULED AIRLINE BUSINESS SHOULD BE INVESTIGATED BY CONGRESS

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLFF. Mr. Speaker, the Nation was shocked by the crash last Friday of a nonscheduled turboprop airliner that brought flaming death to 76 young Americans, including 4 young men from my district, on an Oklahoma hillside.

Such tragedies happen all too often, and it is high time that a complete and thorough congressional investigation be made of the entire nonscheduled airline business. We have lived with these crashes for years; it is now time to get serious about setting stricter standards for the operation of these nonscheduled aircraft.

Last Friday's disaster was one of a series of nonsked disasters involving service personnel. Some years ago a large number of young men died in the crash of a nonsked Constellation near Richmond. Crew incompetence and confusion were blamed.

Mr. Speaker, how long must the lives of our young men be sacrificed in this fashion?

I think the entire nonscheduled aircraft business as well as the practice of chartering nonscheduled aircraft to transport military personnel should be very closely reexamined.

We must stop these needless tragedies.

CORRECTION OF THE RECORD

Mr. RYAN. Mr. Speaker, I ask unanimous consent that the permanent bound CONGRESSIONAL RECORD be corrected as follows: April 20, 1966, page 8112, first column, line 15, should read "ment. It might well have been" and so forth. This correction changes word "more" to "ment"—Department—adds a period and deletes words "before the Community Relations Service is to be moved," and begins new sentence with "It might well have" and so forth.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SUBCOMMITTEE ON IRRIGATION AND RECLAMATION OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that the Sub-

committee on Irrigation and Reclamation of the Committee on Interior and Insular Affairs be permitted to sit during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

A HEINOUS CRIME

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, yesterday the other body passed by one vote the administration's boondoggle program of rent subsidy. Passage of this program has been acclaimed a victory for the administration, but, in reality, we all know here today that the passage of this bill by one vote is a slap at the Johnson administration since it controls the Congress by a two-thirds majority. The manner in which this program passed the House is now legislative history. I am sure my colleagues recall that during the last session of Congress the House Appropriations Committee refused to recommend funds for this ill-advised program.

Mr. Speaker, when I arrived in my office this morning there was a telegram waiting from one of my constituents. This telegram read:

> Has the Senate gone completely mad? The rent subsidy bill is a heinous crime against the self-supporting taxpayer.

To this telegram I add that this program is not only a heinous crime against the taxpayers; it is a crime against every living American.

What are we actually doing here? We are depriving the American people of initiative; one of the ingredients that made this country great. We are telling the people, "Don't work hard; don't strive to get ahead; don't plan for the future, because the Federal Government will provide for your every need and want."

Mr. Speaker, I firmly believe the American people will reject this type of program when they are given the chance.

CORRECTION OF THE RECORD

Mr. MOORE. Mr. Speaker, I ask unanimous consent to correct the RECORD of April 26, 1966.

Mr. Speaker, on April 26, 1966, in support of the Findley amendment to cut off from concessional sale advantage under title I or title IV of Public Law 480 any nation that furnishes supplies to North Vietnam or permits ships under its registry to ship the same, my statement in support of this amendment appears incorrectly and out of context on page 8542 of the RECORD. I desire that my statement be inserted in the RECORD in context and appropriately after the Findley amendment was offered on page 8549.

Mr. Speaker, I ask unanimous consent that the permanent RECORD of April 26, 1966, be corrected as I have indicated.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

APPLICATION OF THE SO-CALLED FINDLEY AMENDMENT

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, during consideration Tuesday of the so-called Findley amendment to deny concessional sales of U.S. surplus commodities to nations dealing with North Vietnam, some remarks were made suggesting that the amendment would have little if any effect and was in the realm of questionable "instant foreign policy."

Today's news developments show clearly what the amendment was all about and how it can be an instrument to tighten shipping into North Vietnam.

Poland, according to wire dispatches, is demanding that the United States pay damages on one of its ships allegedly damaged by our forces April 19 in Haiphong harbor, North Vietnam. This demand makes it obvious that Poland is indeed shipping goods to North Vietnam.

It is public knowledge that Poland is also actively seeking additional concessional deals from the United States under Public Law 480, and in the past has benefited under this law to the tune of at least one-half billion dollars.

If my amendment, which was adopted by this body, becomes law it will keep Communist Poland from having the best of both worlds, and I say it is high time.

My amendment would disqualify Poland from the attractive terms and big discounts under Public Law 480, which of course are financed by U.S. taxpayers.

Poland is presently trying to negotiate a purchase of tobacco under title IV of Public Law 480, because it wants long-term credit at cutrate interest. Title IV now authorizes up to 5 years credit, with interest as low as three-fourths of 1 percent, and even that interest charge could be forgiven for 2 of the 5 years.

Unbelievably, the Johnson administration has asked for legislation which would let Poland have these same attractive terms for as long as 40 years.

This nonsense must stop. Why should our taxpayers continue to finance Communist governments which send supplies to those who are killing our own boys in South Vietnam?

USE OF NONSCHEDULED AIRLINERS BY THE DEPARTMENT OF DEFENSE

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, I take this time to commend the gentleman from New York [Mr. WOLFF] for having raised the question of nonscheduled airlines. There should be an immediate investigation of the Government's relationship with those airlines. The crash last week was a tragedy. It reminds us that the U.S. Department of Defense is still concontracting with nonscheduled airlines for the transportation of troops. I question this policy and would like to know why chartered planes are used to ferry American troops.

It seems to me the mission of carrying our troops by air should be done with U.S. Government planes, under Government supervision, and with Government pilots, and not be farmed out to nonscheduled airlines.

I urge the Secretary of Defense to make a full report to Congress and to the appropriate committees on this vital matter.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. DOWNING. Mr. Speaker, I ask unanimous consent that the Subcommittee on Maritime Education and Training of the Committee on Merchant Marine and Fisheries may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

TRANSPORTATION, SALE, AND HANDLING OF DOGS AND CATS FOR RESEARCH PURPOSES

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 821 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 821

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13881) 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. After general debate, which shall be confined to the bill, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from California [Mr. SMITH], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 821 provides an open rule with 2 hours of general debate for consideration of H.R. 13881, a bill to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes.

The purposes of H.R. 13881 are to protect the owners of dogs and cats from the theft of such pets, to prevent the use or sale of stolen animals for purposes of research or experimentation, and to establish humane standards for the treatment of these animals while they are on the way to medical research facilities. It

specifically authorizes the Secretary of Agriculture to regulate the transportation, purchase, sale, and handling in commerce of dogs and cats which are destined for use in research or experimentation.

Research facilities and laboratories last year used thousands of dogs and cats for which they paid many millions of dollars. This demand has given rise to a large network of dealers who oftentimes secure dogs and cats by simply combing the streets and picking up any animal they can catch. These dogs and cats are usually stripped of all identification and often moved across State lines to escape the jurisdiction of local and State laws.

Under H.R. 13881 the Secretary of Agriculture would issue licenses to both dealers and research facilities. The dealers would be required to keep records of their handling, transportation, purchase, and sale of dogs and cats. The research facilities would keep records of their purchase, sale, and transportation of dogs and cats acquired by them. The Secretary would specify humane methods of identification for the dogs and cats. The Secretary would prescribe humane standards to govern the transportation and handling of dogs and cats by the dealers but not by the research facilities.

In other words, the basic bill which the rule would authorize consideration of relates only to the sale, purchase and transportation of dogs and cats but does not provide whatsoever for any supervision or treatment of the animals while they are in the hands of the research facilities. That is, I hope, a subject which will be dealt with by later legislation. It is not dealt with by the legislation which would be authorized to be considered by this rule by this House.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to my able colleague from Florida [Mr. HALEY].

Mr. HALEY. Many Members of Congress have been interested in this kind of legislation for some time. It is my understanding that probably the committee bill combines many of the thoughts in numerous bills submitted by Members of Congress.

Mr. PEPPER. My able colleague is correct.

Mr. HALEY. May I say to my distinguished colleague from Florida, I believe this legislation is long overdue. This is something Congress should immediately pass.

Mr. PEPPER. I thank my able colleague for his support of this legislation.

It would be unlawful for a dealer or research facility to operate without a license, and a research facility could purchase dogs and cats only from a licensed dealer. Persons who do not meet the specifications of a dealer under this bill could voluntarily obtain a license if they showed the Secretary that their operation met the standards he prescribed.

Violations of the act could result in a $500-per-day penalty, suspension or revocation of a dealer's license, the issuance of a cease and desist order, or a possible withdrawal of Federal aid to a research facility if the Federal agency administering the aid felt such withdrawal would not be contrary to the public interest.

Any person or research facility who objects to orders issued by the Secretary would have the right to file a petition of review of the order in the appropriate U.S. court of appeals.

Mr. Speaker, we have seen many heartrending instances where pets have been picked up by unscrupulous dealers who are subject to no supervision or scrutiny of law and sold into channels of research. Meanwhile, while they are awaiting transportation to these facilities they are treated in the most barbaric and inhumane manner. This legislation, as my able colleague from Florida [Mr. HALEY] said, is long past due. The legislation which this rule will make in order for the House to consider is a composite of many bills on this subject, one of which is in my bill. I hope that the rule will be adopted. This legislation is making progress in the right direction, although I do not think it goes as far as it should; but certainly it represents substantial progress in the right direction. I hope the rule will be adopted and H.R. 13881 will be enacted by the House.

Mr. Speaker, I now yield to my able colleague from the Committee on Rules, the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, House Resolution 821 will provide 2 hours of debate under an open rule for the consideration of H.R. 13881, transportation, sale, and handling of dogs and cats for research purposes.

Mr. Speaker, the gentleman from Florida has explained the bill very ably, and rather than take additional time, I will insert my remarks in explanation of the bill and concur in his remarks.

The purposes of the bill are:

First, to protect dog and cat owners from theft;

Second, to prevent the use or sale of stolen animals for research purposes; and

Third, to establish humane standards for treatment of research animals.

The Secretary of Agriculture is authorized to regulate the transportation, purchase, sale, and handling of dogs and cats which are to be used for research and experimentation. Only dogs and cats are covered by the bill.

The increasing need for research animals has caused some suppliers to secure dogs and cats by picking them up on streets. The bill will require suppliers to keep records concerning dogs and cats supplied to research facilities. Humane methods of handling and transporting dogs and cats will be prescribed by the Secretary of Agriculture to apply to such dealers, but not to the research facilities. Dealers and research facilities must be licensed by the Secretary. Purchases of dogs and cats may be made only from licensed dealers.

Violations of the act or the Secretary's regulations can result in a $500 per day fine, suspension or revocation of a license, an injunction, or withdrawal of Federal aid to a research facility. Appeals from any order of the Secretary can be made to the U.S. court of appeals.

The estimated cost of the program is $1,030,000 for the first year. Thereafter, the cost will be met by license fees as far as practicable.

The Department of Agriculture supports the bill; the Bureau of the Budget opposes it. There are no minority views.

I know of no opposition to the rule.

Mr. Speaker, I would now like to yield 2 minutes to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, I know a number of us introduced bills for the humane treatment of animals last year. The distinguished gentleman from Florida [Mr. PEPPER] was one of those who introduced a bill, as did my colleague on my committee, the distinguished gentleman from Florida [Mr. ROGERS]. We had hearings on that legislation. However, since that time our committee has not been able to get further hearings on the bill. The distinguished gentleman from Texas [Mr. POAGE] introduced this bill, which, as far as it goes, I think is excellent. It does take care of animals up to the door of the laboratory. It does not do anything beyond the door of the laboratory.

May I say for the great research facilities of this country that 90 percent of them prescribe humane treatment of animals, and those people are all right. I think there is nothing we will find wrong with that great majority of the research laboratories of this country.

As an example, Mr. Speaker, during the Christmas vacation of 1965, I visited a laboratory in Decatur, Ill., of one of the large research companies located there. This was a new building, completed this last year. At that laboratory the animals were treated humanely.

Mr. Speaker, as the president of that company explained to me, unsatisfactory animals or unhealthy animals would be of no help to them.

Mr. Speaker, this is the kind of treatment all animals should receive.

Mr. Speaker, in about 10 percent of the research in the United States the humane treatment of animals is not followed. It is my opinion that it is to that 10 percent at which the legislation which the distinguished gentleman from Florida [Mr. PEPPER] and I introduced last year was designed to reach.

But, Mr. Speaker, I do recommend the Poage bill. I believe it represents good legislation as far as it goes. I am sorry that this appears to be the only legislation that we will get this year.

Mr. Speaker, I certainly want to recommend the legislation to my colleagues on both sides of the aisle—perhaps at a later date we can improve on the Poage bill.

CALL OF THE HOUSE

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 75]

Abbitt	Ellsworth	Moeller
Ashley	Evans, Colo.	Murray
Ayres	Fisher	Nix
Baring	Fulton, Tenn.	Pool
Beckworth	Fuqua	Powell
Betts	Gibbons	Reuss
Blatnik	Green, Oreg.	Rivers, Alaska
Boggs	Griffin	Roberts
Brademas	Griffiths	Roncalio
Bray	Halpern	Rooney, N.Y.
Burleson	Hays	Roudebush
Callaway	Holifield	Scott
Carter	Jarman	Sickles
Celler	Johnson, Okla.	Teague, Tex.
Conyers	Kelly	Toll
Corbett	Kluczynski	Ullman
Dawson	McMillan	White, Tex.
Delaney	Mathias	Williams
Dingell	Matsunaga	Willis
Dorn	Matthews	Wright
Dowdy	Mize	Wyatt

The SPEAKER. On this rollcall 374 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

LEGISLATIVE PROGRAM FOR WEEK OF MAY 2

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I ask for this time for the purpose of inquiring of the majority leader if he will kindly advise us as to the program for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished gentlemen yield to me?

Mr. ARENDS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. First of all, may I advise the Members that we expect to have a civil rights message this afternoon. There might be a quorum call, because the message will have to be read if it arrives here when the House is in session.

Now, responding to the inquiry of the gentleman from Illinois, Mr. Speaker, the program for next week is as follows:

Monday is Consent Calendar day and there is one suspension, H.R. 5305, authorizing the destruction of unfit Federal Reserve notes.

Also on Monday S. 1804, providing for two additional judges for the U.S. Court of Claims.

There are 11 unanimous consent bills from the Committee on Ways and Means, as follows:

H.R. 8376, continuing suspension of duty on cork insulation.

H.R. 8188, deduction of contributions for judicial reform.

H.R. 10998, continuing suspension of duty on heptanoic acid.

H.R. 11653, continuing suspension of duty on natural graphite.

H.R. 12262, continuing suspension of duty on shoe lathes.

H.R. 12328, continuing suspension of duty on tanning extracts.

H.R. 12461, continuing suspension of duty on certain istle.

H.R. 12463, continuing suspension of duty on chicory.

H.R. 12657, continuing suspension of duty on alumina and bauxite.

H.R. 12864, continuing suspension of duty on personal and household effects brought into the United States under Government orders.

H.R. 12997, continuing suspension of duty on electrodes for use in producing aluminum.

Tuesday is Private Calendar day. Also on Tuesday H.R. 14324, the NASA authorization for fiscal year 1967.

For Wednesday and the balance of the week the Labor-HEW Appropriation Act for 1967. H.R. 14544, Participation Sales Act of 1966, which is subject to a rule. Also S. 2499, sale of participations in SBA loan pools, which is also subject to a rule, and H.R. 10027, situs picketing.

This announcement is made subject to the usual reservations that any further program may be announced later and conference reports may be brought up at any time. We may have another bill to add to the program if time permits.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. ALBERT. Mr. Speaker, on behalf of the gentleman from West Virginia [Mr. STAGGERS], I ask unanimous consent that the Committee on Interstate and Foreign Commerce may be permitted to sit today while the House is in session during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE ON RULES

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRESIDENT ACCUSES THE CONGRESS OF ATTEMPTING TO ADD $3 BILLION TO HIS BUDGET

(Mr. ARENDS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ARENDS. Mr. Speaker, yesterday the President accused the Congress of trying to add $3 billion to his budget, indicating that this may force him to ask for a tax increase.

That accusation is as phony as the budget itself. I well recognize that the President is an astute politician, and adept at political maneuvering. He has no superior. But I resent this political attempt to have the people hold the Congress responsible for his own irresponsible fiscal chicanery and political shenanigans that have brought about the prospects of a tax increase to combat the inflation spiral.

Mr. Speaker, the budget President Johnson submitted in January did not even include the billions he asked us in February to appropriate for Vietnam.

The President's budget did not call for any reduction in expenditures for his various Great Society programs of questionable merit. On the contrary, he urges that they proceed in a grand and glorious fashion, whatever the cost and whatever the waste already found to exist.

Where are the reductions in his budget? They are in long established programs of proven merit, such as school lunch and school milk and aid to impacted school areas. I venture to say that when he made those reductions he well knew that Congress would restore them.

It is in the area of national defense that the President would reduce spending. His Secretary of Defense has even deferred proper housing and hospitals for our servicemen. At the same time, President Johnson insists that we initiate programs that were designed to provide better housing for civilians at home.

If the President feels so strongly about the appropriations being made by the Congress, why does he not veto the bills? If he feels so strongly about reducing expenditures, why does not the President submit to us a priority listing of where reductions can be made?

Why does he not send a message to the Congress saying "Congress, stop this spending." His party controls this membership by a better than 2-to-1 ratio.

If Mr. Johnson is so intent upon holding down expenditures, why does he not lend his support to our Republican efforts to write into the appropriation bills a provision calling for a 5-percent reduction in what is spent of the amount appropriated, leaving to him the decision as to where to make the reduction. The record shows that over 90 percent of those on this side of the aisle favor such a provision and over 80 percent of the gentlemen on the other side oppose.

When the President attempts to blame the Congress, who, I ask, does he think he is fooling?

TRANSPORTATION, SALE, AND HANDLING OF DOGS AND CATS FOR RESEARCH PURPOSES

Mr. PEPPER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. POAGE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13881) 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.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13881, with Mr. DUNCAN of Oregon in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. POAGE] will be recognized for 1 hour and the gentleman from Minnesota [Mr. QUIE] will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas [Mr. POAGE].

Mr. POAGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for some time there has been a widespread feeling throughout this country that we needed to make at least two reforms in the movement of dogs and cats that are used in laboratory research work. In the first place, I think every right feeling person agrees that there should be more humane treatment of those animals in their handling and in the laboratories.

In the second place, every right thinking person believes we should take steps so far as it is within our jurisdiction to do so to prevent the ever-spreading selling of pets by unscrupulous dealers in animals to supply the ever-increasing needs of our laboratories.

This bill attempts to deal with both of these problems. It attempts to secure full and better protection from thieves and to try to get better treatment of the animals in the laboratories whether they are stolen or whether the animals are legitimately produced and furnished to such laboratories.

Now to go back in history for just a moment. The demand for dogs and cats, as the demand for other laboratory animals, has greatly increased in recent years. I think that is a good sign. It is a sign that our science is on the move. It is a sign that scientists throughout the country are making ever-increasing efforts to alleviate human suffering and here we come to one of the paradoxes—one of the crosscurrents—that we must face in trying to deal with this problem. We all want to protect our animals as much as we can from all of the unnecessary suffering and cruelty.

There are many who would want to go so far as to deny to our scientists the opportunity to have the necessary and much needed animals on which to make experiments that might lead to the prevention of human suffering. Sometimes you have to make this hard choice—and it is a choice between the suffering of animals and the suffering of children. Or the choice between the suffering of animals and the suffering of mankind as a whole. To me the choice has to be made in favor of the human beings. This bill makes that choice in favor of human beings rather than in favor of animals.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to my friend from Florida.

Mr. PEPPER. I believe the gentleman has correctly observed that insofar as the use of animals in laboratories is concerned, we must reserve the right to use animals for experimentation and research which experimentation and research may possibly redound to the benefit of human beings.

But in view of the fact that there are several of us who for some time have been trying to get hearings on proposed legislation and to have such legislation enacted to provide for the protection of animals in laboratories for experimental and research purposes, and to protect such animals against unnecessary cruelty and inhumane treatment, I thought it appropriate to rise at this time to emphasize and to stress the real purpose of these bills that we have been sponsoring.

We are not antivivisectionists although there are many conscientious and fine citizens in our country who are. Those of us who have been sponsoring these bills to which I have referred are not attempting to achieve the prohibition of the use of animals for experimental and research purposes.

We have been informed that some of the most grossly shocking practices exist where animals have been cut open and thrown out on a bench or have been just simply thrown out to die—and in some instances hung up on a nail—all with a callous disregard by the people handling these animals for the pain and suffering these animals endure.

I just wanted to say that the purpose of those bills which many of us are sponsoring, and which we hope will yet come to consideration in this House, is not to retard research, not in any sense of the word, nor to deny to laboratories and to research institutions the full use of all the animals that they feel should be employed, but to establish some standards of scrutiny and inspection so that unnecessary brutal, barbaric, callous cruelty might not be perpetrated upon those animals that are already condemned to this service of mankind as instruments of research.

Mr. POAGE. I should like to thank my colleague from Florida. I do want to point out that there are a great many Members of this House who have expressed their interest in this type of legislation. There is a wide spectrum of viewpoints. There are those who feel that we should do nothing more than simply attempt to deal with the problem of the theft of the dogs and cats. There are a number of bills pending before the committees of this House which go no further than imposing some restraints on the dealers in laboratory animals.

On the other hand, as the gentleman from Florida has pointed out, there are those who honestly and sincerely believe that we should not use animals at all for any kind of research purposes that involve any kind of pain. While I respect this viewpoint, I do not share it.

There are those who feel, as the gentleman from Florida does, that we should attempt to carry control through the laboratories. Frankly, the measure that I originally introduced went further than this measure goes. But this measure does, I believe, pretty well represent a consensus, and I believe that this viewpoint is shared by a great many Members.

The distinguished gentlewoman from Washington [Mrs. MAY], has introduced an identical bill to my bill, and she supports this measure as I do. I believe the last count showed that there were exactly 50 bills before the Agriculture Committee, and I do not know how many before other committees. I know there are a number pending before other committees. There must be something like 60 or 70 bills, at least, introduced in this House.

We are trying to bring before the House today a measure that has the widest scope of support.

Mr. DENT. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Pennsylvania.

Mr. DENT. The question that bothers me relates to the purpose or the intent of the legislation. I agree with you and believe that this is the right way to handle this particular matter. From experience I know that in some States and in some areas there is a very avid position taken by great numbers of people against vivisection as such. For many years there have been legislative bills introduced in State legislatures to bring about protection in States that have never yet allowed it.

In one particular State the sale of a dog for research purposes is illegal. The bills before the House would apparently preempt this field completely, and whether a State allows the sale of a dog or not, the Secretary of Commerce under the terms of this bill, could issue a license and a dog could be transported within a State, or from another State into that State, and could be sold for research purposes.

What would happen in a State where there is a law prohibiting the sale of animals for research purposes?

Mr. POAGE. It seems to me that if a dog were taken, either legally or illegally, from a State that prohibited the sale of animals for research purposes, and assuming the dog was moved out of the State, I would doubt that the State in which the theft occurred had any authority now, or would have after the passage of this bill. The State would have no authority over that dog after it was taken out of the State.

If the dog were sold within the State that had a law against such a sale, I think it would be a violation of the State law. It is now and it would continue to be a violation of the State law.

Mr. DENT. I just want to make the RECORD clear, because this has been a hot issue in my State.

We do use animals in research in our universities. There is no question about it. However, we do know that dogs come into the State. We know it, and everyone else knows it, but there has never been a law passed to repeal the law that forbids the sale of dogs and cats, or any other animals for research purposes.

According to the statement of the gentleman in answer to my question, this law will not allow the sale of dogs by a licensed person, licensed by the Secretary of Agriculture, in any State that forbids the sale of that particular animal for research purposes. Is that correct, or is it incorrect?

Mr. POAGE. This law does not prohibit the sale of dogs or cats. It requires a license from all dealers in dogs and cats. It requires a license from the laboratory that buys dogs and cats. It does not prohibit the laboratories from buying. It does not prohibit the sale of the animals.

Mr. DENT. I understand the law, and I know what the intent is. But are we now preempting this field and saying to the States that the Secretary can forbid the sale of dogs for research purposes after the passage of this bill? Or are we saying that there will be no right to stop the sale of dogs in this State?

Mr. POAGE. No. We are not saying that at all. We are only saying that dogs and cats cannot be transported in interstate commerce without a license to do so. If they are transported, they must be treated in a humane manner, as prescribed by the Secretary.

Mr. DENT. But there is in this bill, under section 3, a requirement for a license for a research facility to buy these dogs and cats. Would the Secretary under this bill be permitted to go into the State of Pennsylvania and license Temple University to buy dogs and cats from a licensed dealer from Maryland?

Mr. POAGE. Yes.

Mr. DENT. Then we are preempting the field?

Mr. POAGE. We would license them to do it, but if they do not have the authority to do it the license would not do much good.

Mr. DENT. This would give authority to the Secretary to license a research facility within a State to buy the animals. Are you saying that, notwithstanding the State law, this research facility may buy these animals?

Mr. POAGE. No. I will explain to the gentleman from Pennsylvania, that it will be against the Federal law for the laboratory to buy dogs or cats from an unlicensed dealer. This will not add to the authority to buy anything that is prohibited by State law. This will not say the facility may buy something more than it may buy today. Here we say simply that there is a limitation, and the limitation is that they may not buy from anyone except a licensed dealer.

Mr. DENT. Do I understand now that the statement you made will remain in the RECORD? If it will, I am satisfied to vote for the bill, if the statement is not revised later.

Mr. POAGE. The gentleman has my assurance that the explanation will remain in the RECORD.

Mr. DENT. I thank the gentleman.

Mr. POAGE. Mr. Chairman, I do not want to be rude to any of my colleagues, but I have not yet had an opportunity to make an explanation of this bill. I think that many of the questions that are coming up will be answered if I may have the opportunity to outline the bill. I have already taken too much time, but I hope to answer the questions if I may explain the way we approached this problem. I would like to explain it, and then I will be happy to answer questions about it. I think that, if there is an understanding of what we are trying to do, probably we will understand the questions better.

A few moments ago I was saying that the Agriculture Committee attempted to meet these problems which we all agreed exist. This legislation should control the operations of those who deal with dogs and cats.

The original bill included more than dogs and cats.

It included all animals. But our committee was convinced that it was impractical to identify the multiplied millions of mice and hamsters and other kinds of animals that go into laboratories.

It was felt it would be rather foolish to extend it as far as I, as an original author, proposed; so the bill we bring to the House applies only to dogs and cats—the animals with which the real problem lies.

The bill will require that anyone who deals in these animals, who buys and sells them and transports them in interstate commerce, will be required to have a Federal license to engage in that business. It will require that he keep records as to acquisition and disposition of the dogs and cats. It will provide for the identification of the animals by appropriate means. Probably that will mean by tattoo, although we do not confine it to that, that being left to the Secretary.

There is legislation pending in another committee which requires a picture of each animal. We thought that went a little too far.

We believe that with this type of legislation it will become extremely difficult for anyone to come down the street and pick up the dog of a little girl and carry it off to sell it to a laboratory, without being apprehended.

In order to make certain that the laboratory will not provide an illicit market for these animals, we require that the laboratory have a license. Actually, the only requirement on the laboratory to qualify for the license is that it deal only with licensed dealers. The original bill would have gone further than that. It would have gone into the laboratory.

As I like to expain it, originally we would have followed the animal and kept the hand of the Government on the animal until the scientist reached out and took the animal by the leg and drew him onto his table. Now we will let the Government relax its grip on the animal when it goes through the doors of the laboratory.

I recognize that there are a few isolated cases of unconscionable abuse, such as the gentleman from Florida referred to, but I believe those are in the extreme minority. There are a few instances in hospitals of the United States where there are cases of unconscionable negligence of human patients, but certainly none of us would suggest we should send a representative of the Federal Government in and stand over every bed at every operation in our hospitals in order to see that the hospitals are properly functioning, merely because there might be a case here or there of abuse.

There will be a few cases of abuse. That is human nature. I do not believe our scientists and our doctors are any worse than the average run of people. They are human beings. Most of them are compassionate and considerate. A few are not. Those few, of course, always bring reproach on many others.

This bill definitely will allow the operation of our scientific institutions.

I have in my hand a letter from the National Society of Medical Research, stating that they are for the bill without amendments.

I have another letter from the Animal Care Panel, stating that they are for the bill. They say, "We can live with it. We support it."

I believe it is significant that the scientific groups, recognizing a responsibility to society and to the animal kingdom, have recognized in this bill something they believe is practical, which they can and do support.

The bill will give substantial protection to our animals. It will go a long way toward breaking up the theft which cannot be reached by State law, when the thieves carry animals across State lines.

It does make those scientific and research establishments that might have some reluctance to do so cooperate with the enforcement of the law, because it requires them to carry a license. As I pointed out, the whole reason for doing that is so that we may secure their active cooperation, because they run the risk of losing their own license and of losing their Government support if they in turn deal with an unlicensed dealer. We think we have some very powerful sanctions here, because practically all of our research today is done with a great deal of Government support. We provide that these institutions, if they willfully and continually violate the terms of the license, will find themselves losing their Government support.

Mr. Chairman, we believe this thing can be enforced. We believe it will be enforced, and it will reduce animal suffering. We believe it will reduce human suffering, also, in terms of the loss of pets throughout the country. It seems to me that this legislation imposes no unfair burdens on any group, either the dealers or the laboratories. It is clearly in the public interest and has general support. I hope it will find general support among the Members of the House.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield for a question?

Mr. POAGE. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I thank the gentleman from Texas for yielding for a question. Authority is given to the Secretary to determine what would be considered substantial income to permit a dealer to operate without a license. Can the gentleman give us some indication of what would be considered by the Secretary to be substantial income?

Mr. POAGE. That is not quite what it does. It gives the Secretary the right to allow one whose major income is not from the sale of dogs and cats to sell animals without a license. The purpose of that and the reason for that is the feeling that there might be some farmer or some nonfarmer, for that matter, or a pound, for that matter, that might be producing some dogs and cats that they wanted to sell. Rather than require that person to go and get a license to sell a couple of litters of kittens, we provide that if that is not his business and he gets no substantial income from that, then he can make the sale without having a license as a dealer.

Mr. WAGGONNER. For guidance, would a man be considered to have substantial income from a source such as this if, for example, as much as 25 percent of his income were derived from the sale of such animals?

Mr. POAGE. I would be inclined to think it probably would; 25 percent of his total income is a pretty substantial amount of it, I would think.

Mr. WAGGONNER. Would the gentleman tell me what would be considered to be a reasonable fee to be charged the dealer and the research activity by the Secretary of Agriculture to allow them to continue their operations?

Mr. POAGE. The amount of the fee will depend as I see it on the number applying for license. In other words, the Secretary, if he licensed 100,000 obviously would charge a higher fee than if he licensed a quarter of a million. The cost would not increase in proportion to the number.

Mr. WAGGONNER. Is there any information available to the committee as to how many dealers conceivably would be licensed and how many research activities would be licensed?

Mr. POAGE. Our information was very vague. That is the very reason why we did not attempt to get any more specific than we did in this respect. We felt we were on thin ice when we undertook to guess at how many people were engaging in illicit activities. It is a pretty shaky guess and we did not want to try to guess at it.

Mr. WAGGONNER. Do we have any information available to the committee which can be given to the House as to what the estimated cost of administering this proposal would be?

Mr. POAGE. Yes; the Secretary has estimated that the program in its first year of operation would cost in the neighborhood of $1,030,000.

Mr. WAGGONNER. Mr. Chairman, if the gentleman will yield further, do we have any reason to believe that these fees to the dealers and those research activities will be exhorbitant, in the neighborhood of $1,000 to $2,000 per dealer per year, or any such figure as that?

Mr. POAGE. I believe we have plenty of evidence that they could not reach any such point, because you would have to have only 1,000 licenses issued at $1,000 apiece to come up to the figure of $1 million. We certainly know that there are many more than 1,000. The figure would more likely be in the tens of thousands.

Mr. GROSS. Mr. Chairman, will the gentleman yield to me at this point?

Mr. POAGE. I shall yield to the gentleman in just one moment.

Mr. OLSON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Minnesota, a member of the subcommittee and a member of the full Committee on Agriculture.

Mr. OLSON of Minnesota. Mr. Chairman, I would like to emphasize the very thorough consideration which the Committee on Agriculture gave to the subject and to point out, as the bill infers and as our hearings are headlined, that this is a bill to regulate the transportation, sale, and handling of dogs and cats, intended to be used for purposes of research and experimentation.

Now, Mr. Chairman, the committee has responded to the very clearly demonstrated need to curb the abuses in this specific area.

Mr. Chairman, I just wanted to bring to the attention of the Members of the House the fact that it was not possible to read all of the mail which the committee received on this subject. However, the mail received did overwhelmingly, and I thought almost in total, refer to the very clear feeling that the need was prevalent to the effect that we had to regulate the persons who provided animals for research and experimentation, and to curbe the abuses in the area of stealing and the transportation and housing of dogs and cats.

Mr. Chairman, this is exactly what the committee did.

Mr. Chairman, the committee did not feel, in all wisdom and in considering this matter very thoroughly, that it could substantiate the position of going any further than this.

Mr. Chairman, I believe the gentleman from Texas [Mr. POAGE], just pointed out this question in his colloquy, that there is a point beyond which we cannot go.

Mr. Chairman, in summation I would like to point out that we have treated the subject insofar as the demonstrated needs are concerned.

Mr. POAGE. I thank the gentleman from Minnesota.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I am sure that legislation in this field is sorely needed. The question I raise with reference to the matter of fees is whether predicating fees upon administrative costs is not an incentive to the Secretary of Agriculture to do some empire building in the matter of personnel.

Mr. POAGE. I think the gentleman from Iowa makes a perfectly sound point. But I believe it is a point that exists every time we provide any kind of new activity. I, too, hope we can find a better method of handling this matter. With some experience, I am sure we can.

However, Mr. Chairman, we felt that if we were going to control an obvious evil, we were going to have to put considerable appropriations into it, or enough funds with which to do the job, and we hope to raise the required funds through the imposition of fees.

Mr. GROSS. If the gentleman will yield further, I agree with that, but I am not so sure that leaving the question of license fees entirely to the discretion of the Secretary of Agriculture and predicating the amount of those fees upon administrative costs is exactly a good way to do it.

Offhand, I do not have any suggestion other than if the committee developed any evidence in the course of hearings as to the number of dealers so that there might be a fee fixed in the bill for the first year in order to get the program started.

Mr. Chairman, I would like to apply some brakes to it. I would dislike to see created in the Department of Agriculture an administrative monstrosity, with overflowing employees, and, of course, the taxpayers would foot the bills.

Mrs. MAY. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentlewoman.

Mrs. MAY. I have asked the gentleman to yield so that I might be somewhat more responsive in answering the question put by my colleague, the gentleman from Iowa.

In section 17 we have tried to spell out, as reasonably as we can at this time, guidelines in this fee area. In the absence of proven numbers of dealers that might be involved here we felt this was as far as we could go. We are going to be in an experimental stage with this legislation for its first year. But we have added that any additional funds which may be needed to administer this legislation are authorized to be appropriated by the Congress from time to time.

This means, of course, that the Department of Agriculture would have to come back to us with the numbers of dealers that they might find by that time that had to be licensed. We would then have some idea of where we are going, how we can set reasonably graduated fees and still cover the costs of administration.

As my colleague, the gentleman from Texas has pointed out—in the absence of well-developed evidence, we had to make the language flexible in this section. I would tell my colleague, the gentleman from Iowa, when this bill, if it is passed, has been in effect for a year or so then we will have reliable information on which to base setting of fees for licensing.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. POAGE. I yield to the gentleman from Iowa.

Mr. GROSS. I appreciate the explanation of the able gentlewoman.

But is there anything in the bill in any way seeking cooperation on the part of the States in the matter of inspection and in the matter of surveillance of this program?

It seems to me that the use of presently employed inspectors, Federal and

State, would obviate the need for a widespread inspection service on the part of the Federal Department of Agriculture.

Mr. POAGE. There is in the bill authority granted to the Secretary to cooperate with State and local agencies to effectuate the purposes of the bill. But I would have to confess to the gentleman from Iowa that I do not feel that that or any other language is going to alleviate the burden materially because there are no inspectors that I know of inspecting the stealing of dogs and cats or inspecting laboratories today. So I think whether you took some existing livestock inspector and assigned him to this duty or take care of it in the manner as provided in this legislation, it would amount to the same expense.

Mr. GROSS. I would say to my friend, the gentleman from Texas, I am looking for ways to hold down the cost of this program.

Mr. POAGE. I think the gentleman is correct.

Mr. GROSS. I am sure the subcommittee and the full Committee on Agriculture will scrutinize carefully the operation of this program after the end of the first year of operation of the program, and I think this is most important.

If I may ask my colleague one further question. I assume that section 10, which permits a 5-day period in which no sale may be made by a dealer from the time of acquiring a dog or cat—I assume that provision is for the purpose of giving anyone who loses an animal, either by theft or the animal having strayed, an opportunity to notify the authorities and reclaim the animal?

Mr. POAGE. That is the purpose. It is to try to prevent somebody from simply running in and stealing a dog and running out and selling it before anybody can trace it.

Mr. GROSS. Does the gentleman think that 5 days is quite enough time?

Mr. POAGE. We are not at all certain that it is. But it is just like the rest of this—we are not at all certain that it will do the job but it is the best judgment we have. If it is not enough——

Mrs. MAY. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentlewoman.

Mrs. MAY. I would point out that the language in section 10 says: "within a period of 5 business days"—or—"within such other period as may be specified by the Secretary."

It may be that the Secretary will in his wisdom think that 5 days is not long enough and we give him the authorization to set another period of time.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman.

Mr. PEPPER. First, I wish to comment my able friend and distinguished colleague, the gentleman from New York [Mr. RESNICK] for having been the leader in the introduction of legislation in this particular field and also commend the able gentleman from Texas who is now addressing the House and his colleagues on the committee for bringing this measure to the floor of the House for our consideration today—although many of us think it does not go far enough in its detailed provisions.

But, Mr. Chairman, I would like for the purposes of the RECORD and for the clarification of the intent of the bill as it is brought to the floor of the House to ask the able gentleman from Texas three or four questions.

First, if I understand correctly, this bill only goes as far as the laboratory door and does not purport to regulate or in any way at all provide for supervision over the animals while they are in the laboratory?

Mr. POAGE. That is definitely correct.

Mr. PEPPER. So that if those of us who are sponsoring legislation which we hope will eventually provide some protection against unnecessary cruelties and barbarities in the laboratory should come up with such legislation in the future, it cannot properly be said that this bill has already preempted that field?

Mr. POAGE. No, this bill stops at the laboratory door.

Mr. PEPPER. If the gentleman will yield further, my next question is as follows: I am informed that the Government of the United States provides about two-thirds of the funds for research in this country, and that the Government itself, through its own departments and agencies, is the largest user of animals for research and in laboratories. Would the able gentleman tell me whether the definition "research facility" on page 3 of the bill, section 2, subsection (1) would include the Government of the United States through its several departments and agencies?

Mr. POAGE. It is definitely the intention of the committee, and I think it clearly does it.

Mr. PEPPER. I thank the able gentleman.

If the able gentleman will yield further, does the term "dealer" which appears in subparagraph (g) of section 2 on page 3 cover auctioneer, also?

Mr. POAGE. Yes; that is our understanding, and I am sure that that is correct, that it does include them as a "dealer."

Mr. PEPPER. If the gentleman will yield further, I direct his attention to section 5 on page 4 of the bill and ask if the word "handling" is intended to cover any handling or anything that the dealer might do with respect to the custody or care of the animals while they are in his custody and before they are delivered either to a public carrier or to the research facility?

Mr. POAGE. Yes; it is intended to include both the care or treatment and the sale.

Mr. PEPPER. So that the Secretary under the bill would have authority to provide humane standards that must be observed by the dealer while the animals are in his custody after they are received and before they are delivered to the carrier or to the research facility?

Mr. POAGE. Very definitely.

Mr. PEPPER. I thank the able gentleman.

My last question is as follows: It is, we believe, of very serious concern to many people who are zealous about the proper protection of animals as to whether this bill has enough teeth in it, and whether or not the enforcement machinery which is provided in the bill is adequate to protect animals against inhumane treatment.

I noticed that subparagraph (b), section 12, on page 7 of the bill provides:

> (b) If the Secretary has reason to believe that any person licensed as a dealer has violated or is violating any provision of this Act or any of the rules or regulations promulgated by the Secretary hereunder, the Secretary may 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 and may make an order that such person shall cease and desist from continuing such violation.

The Secretary may exercise that authority.

In section 14 on page 8 of the bill it is provided:

> SEC. 14. Any research facility or dealer who operates without a license from the Secretary issued pursuant to this Act or while such license is suspended or revoked, and any research facility, dealer, or person licensed as a dealer pursuant to the second sentence of section 6 who knowingly fails to obey a cease-and-desist order made by the Secretary under the provisions of section 12 of this Act shall forfeit to the United States the sum of $500 for each offense and each day of operating without a valid license or failing to obey a cease-and-desist order shall constitute a separate offense.

There is no penalty provided against the dealer or the laboratory which fails to observe the law provided in this bill or the rules and regulations of the Secretary. The Secretary can only suspend or order a cease-and-desist action on the part of the dealer or the laboratory.

The fine apparently shall be forfeited if the dealer, for example, fails to get a license or operate as a dealer after a cease and desist order has been issued against him.

That is a basis that has given a lot of concern to the advocates of the purpose of this bill. I know the able gentleman has been very solicitious about these animals, and I ask the able gentleman if he feels that this enforcement machinery is sufficiently effective—that it will require dealers, for example, to observe the regulations and rules of the Secretary, and will give proper protection to the animals without there being some criminal liability on the part of the dealer for such wrongful conduct?

Mr. POAGE. The committee considered that very carefully. We believe we have followed the most effective measure of securing cooperation and compliance on the part of these dealers. We have long recognized that simply the imposition of extreme criminal penalties, that cannot be enforced, does not achieve very much. We have not felt it wise to use simply criminal penalties.

The able gentleman from Florida will remember that a few years ago we passed a humane slaughter law through this Congress. It has no criminal penalties. There is no criminal penalty in the Humane Slaughter Act, and yet it has

been very successful. I know of no packers who are engaged in interstate commerce who are violating the Humane Slaughter Act. I have heard no complaints.

We believe that, had we relied on criminal penalties, probably results would not have been as desirable. That is why we avoided criminal penalties. But we think we have sanctions that are much more effective than imposition of fines and prison sentences.

We believe that, by giving the Secretary the right to suspend or cancel a license, we give the Secretary the control that he needs, because when a license is suspended and the dealer continues to operate, he is subject to the financial burden or the penalty provision that the gentleman properly read in section 14.

Mr. PEPPER. Will the able gentleman allow me one more observation?

Mr. POAGE. Certainly.

Mr. PEPPER. Mr. Chairman, the gentleman pointed out the case of the humane slaughter legislation. However, these packinghouses are ordinarily large institutions, where the Secretary or the supervising authority can keep constant supervision.

Mr. POAGE. Yes.

Mr. PEPPER. I do not know whether this bill provides the funds for the Secretary of Agriculture to keep rather constant supervision and scrutiny over these dealers. I rather feel that the Secretary may not hear about violations until the harm has already been done, and there will be not enough supervision and not enough inspection on the Secretary's part.

If there were a criminal penalty involved, anybody who observed any wrongful conduct could go tell the prosecuting attorney about it, and he is always available.

Can the able gentleman give us any assurance that there are ample authority and ample funds provided, or sufficiently strong admonition given to the Secretary that it will be his duty to see that there is such constancy of supervision as to keep him informed about what is going on, so he can take measures of redress which are provided in this bill?

Mr. POAGE. Probably I should direct to the attention of my friend from Florida the fact that my friend from Iowa just questioned me a few moments ago about the probability that we were spending too much, and that the Secretary was being invited to go too far, and to employ too many inspectors.

We have got to follow what we believe to be a practical course. It is perfectly true that we can provide a law that you must have an inspector in every laboratory, and that you must have somebody meet and examine each shipment of dogs and cats as they come into the laboratories.

That would run into a stupendous expense. It is exactly the thing the gentleman from Iowa undoubtedly fears. It would meet the fear of the gentleman from Florida. Both fears are of course reasonable and well-founded, and there is a possibility this might go in either direction.

The committee tried to follow a moderate, reasonable, middle course which would achieve results at a reasonable expense, and would result in getting something done, because we felt we would much prefer to get a bit of something than to come out with all of nothing. We believed that was about the choice we had.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I will yield, and I suggest that I hope this will be the last question.

Mr. CRAMER. Mr. Chairman, I should like to ask the gentleman a question.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I wish to congratulate the gentleman from Florida for raising the point about the difference between the type of person who operates under the Humane Slaughter Act and the type of person who is selling cats and dogs. There is a great difference in my own district in Maryland and in other parts of Maryland, where shocking cases have been uncovered, which seem to indicate the type of person we are dealing with in the cat and dog business is a long way from the responsible, reputable person. In fact, some of them give the impression of being nothing short of degenerate.

I wonder whether enforcement at the buying end will be adequate to catch up with these people? I wonder whether it will not be necessary actually to supervise and enforce this at the level of the person who is involved?

Mr. POAGE. I believe the gentleman's question is the same as that asked by the gentleman from Florida. I believe my answer would have to be the same. We believe there will be a reasonable amount of enforcement, without becoming rabid on the matter.

Mr. LONG of Maryland. I would be inclined to question that, but of course I will support the legislation.

Mr. HELSTOSKI. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield for one short question.

Mr. HELSTOSKI. In this particular legislation there is no prohibition on the auctioneering or sale by the pound of the animals?

Mr. POAGE. There is no prohibition against sale at auctions or by the pound.

Perhaps I should comment on that, because that has been raised by a number of people. Our committee has never understood why. We have found, from experience in the livestock business, that the auction sales are the best places to detect violations of the law. We have found that the auction sales are the only means whereby we have enforced a good many of our supervisory laws over livestock, because at the auction there is an opportunity to supervise a great many people at one time and to save a great deal of expense and to do a great deal of the control work in a concentrated manner.

Coming back to the question of responsibility, which was raised, the auction operator normally has such an investment that he must protect it by operating in a responsible manner. This is the best way we have found to ferret out a great many violations, so we made no prohibition.

Mr. Chairman, I feel now I must yield time to my colleagues.

Mr. CRAMER. Mr. Chairman, I wish the gentleman would yield to this side, occasionally. I have been standing a half hour.

Mr. POAGE. I wish that I could continue the discussion but the gentleman's side has an hour's time and that is exactly the time we have.

Mr. COOLEY. Mr. Chairman, our able colleague, Hon. BOB POAGE, vice chairman of the House Committee on Agriculture, has presented thoroughly and forcefully the provisions and purposes of this legislation now before us. I take this moment to commend the gentleman from Texas for the work and thought he and his subcommittee have devoted to the development of this bill.

This is not a matter to be taken lightly. It embraces and involves the feelings, the emotions of millions of us who are devoted to man's truest friends in the animal kingdom.

Mr. Chairman, it is appropriate here now, in consideration of this legislation, to read into the RECORD the unforgettable tribute to a dog uttered by Senator George Graham Vest, of Missouri, in a plea before a jury more than half a century ago. Senator Vest was a member of the Confederate Congress, and he served in the U.S. Senate from 1879 to 1903. This is his tribute to a dog:

> Gentlemen of the jury, the best friend a man has in this world may turn against him and become his enemy. His son and daughter that he has reared with loving care may become ungrateful. Those who are nearest and dearest to us, those whom we trust with our happiness and our good name, may become traitors to their faith. The money that a man has he may lose. It flies away from him when he may need it most. Man's reputation may be sacrificed in a moment of ill-considered action. The people who are prone to fall on their knees and do us honor when success is with us may be the first to throw the stone of malice when failure settles its cloud upon our heads. The one absolutely unselfish friend a man may have in this selfish world, the one that never deserts him, the one that never becomes ungrateful or treacherous, is the dog.
>
> Gentlemen of the jury, the man's dog stands beside him in prosperity and poverty, in health and in sickness. He will sleep on the cold ground, when the winter winds blow and snow drives fiercely, if only he may be near his master's side. He will kiss the hand that has no food to offer, he will lick the wounds and sores that come in encounter with the roughness of the world. He guards the sleep of his pauper master as if he were a prince.
>
> When all other friends desert, he remains. When riches take wings and reputation falls to pieces he is as constant in his love as the sun in its journey through the heavens. If fortune drives the master forth an outcast into the world, friendless and homeless, the faithful dog asks no higher privilege than

that of accompanying him to guard him against danger, to fight against his enemies, and when the last scene of all comes, and death takes his master in its embrace, and his body is laid away in the cold ground, no matter if all other friends pursue their way, there by his graveside will the noble dog be found, his head between his paws, his eyes sad and open in alert watchfulness, faithful and true, even to death.

Mr. Chairman, since this legislation first was introduced in the House, our Committee on Agriculture, which it is my honor to serve as chairman, has received some 30,000 communications—telegrams, letters, postal cards—in support of it. I have known very few pieces of legislation, in my 32 years in the Congress, that have evoked such wide public interest and response.

Some 45 bills were introduced on humane treatment of dogs, cats, and other animals. They were referred to our Livestock Subcommittee, of which Mr. POAGE is the chairman. The subcommittee heard or received statements from approximately 150 witnesses. It then perfected the legislation which is presented here today.

This legislation, we all hope, will stop the racket in stolen pets, while causing no interruption in medical and research purposes. It is an expression of the conscience of this Nation that animals must be treated humanely.

Mr. Chairman, I commend the gentleman from Texas and all his associates in the development of this legislation. I am certain that their splendid work will receive overwhelming approval in the House today.

Mr. QUIE. Mr. Chairman, I yield 10 minutes to the gentlewoman from Washington [Mrs. MAY].

(Mrs. MAY asked and was given permission to revise and extend her remarks.)

Mr. CRAMER. Mr. Chairman, will the gentlewoman from Washington yield so that we may have continuity in the RECORD?

Mrs. MAY. I am glad to yield to my colleague from Florida before I begin my remarks.

Mr. CRAMER. I thank the gentlewoman. I joined with my distinguished colleague from Florida in introducing a humane treatment bill as well as a petnaping bill. I am equally interested in the problem.

I hope this bill is adequate and, if it is not, that it will be properly amended to do the job with respect to the illegal and improper transportation of animals, and in particular something about petnaping.

The question I have to ask of the distinguished chairman or author of the bill, the gentleman from Texas [Mr. POAGE], is this, if he will be kind enough to give me his attention. What disturbs me with respect to this is whether or not the bill actually provides regulations relating to those who steal pets, for instance, and sell them to these laboratories or others.

Mr. POAGE. No. This bill does not attempt to go into the question of enforcing State laws against stealing. It simply goes into the question of transporting in interstate commerce. This bill does not attempt to usurp the local jurisdiction. I am one of those who do not believe, first of all, that this Congress has any such power.

Mr. CRAMER. I understand it does not—and it should not—deal with problems not involving interstate commerce but Congress has the power to act if the animal is shipped in interstate commerce.

Mr. POAGE. That is right.

Mr. CRAMER. So does not this bill deal with the subject so long as the animal stolen is shipped in interstate commerce?

Mr. POAGE. It does not attempt to deal with the question of stealing per se.

Mr. CRAMER. I understand that, but if the animal is stolen, the person stealing it sells the animal in interstate Commerce it could come under the definition of a dealer.

Mr. POAGE. That is right.

Mr. CRAMER. And not under the exclusion contained at the bottom of page 4 and at the top of page 5, on the basis that a thief does not raise animals on the premises and therefore, a thief is a "dealer" and subject to the bill. Is that correct?

Mr. POAGE. He certainly could come under the term of a dealer and would come under the term of a dealer.

Mr. CRAMER. That is precisely the reason why I asked the question. I think the gentleman in his first answer showed the necessity of clarifying the record to the effect that if you have a person who steals animals he is covered by the bill—and I am sure the gentleman recalls the Life magazine article which highlighted this problem and resulted in thousands of letters being received by Members of Congress—this is unquestionably a serious problem. I want to make sure that as to those animals which are shipped in interstate commerce, that this bill will do something about the thief that sells them.

Mr. POAGE. This bill would then take away from that operator his license as a dealer.

Mr. CRAMER. If the gentlewoman will yield further, this is someone who never had a license and never claimed to be a dealer but he steals animals from time to time and sells them across State lines to these laboratories. As I read the bill, it is my understanding that that petnaper would come within the definition of "dealer," because he does not come under the exception in that he does not raise "dogs or cats on his own premises." Is that not correct?

Mrs. MAY. Where is he going to sell them?

Mr. CRAMER. To a research laboratory.

Mrs. MAY. Then the research laboratory or facility loses its license.

Mr. CRAMER. I understand that, but I want to get the guy who is doing the petnaping. Now do we get him?

Mrs. MAY. As the chairman explained, here we are trying to dry up the dog and cat black market. As the gentleman from Texas explained, we are trying to wipe out the market for illegally obtained animals from dealers.

Mr. CRAMER. If the gentlewoman will yield further, the point I am making is it appears to me—and I want to make the record clear—that this bill would cover such a petnaper in that he would be a dealer under the definition in section 6 on page 4 in that he does sell animals and is not exempted by the 25 percent suggested as a substantial portion of income because he cannot meet the second criteria for exemption, namely as someone who is "breeding or raising dogs or cats on his own premises." Therefore a petnaper would come under the prohibition of this. If he would not, I think we should devise a way of bringing him under the prohibitions.

Mr. POAGE. He would come under the prohibition of the act. The penalty would be first suspension of his license. You suggested he would have no license. If he has none and sells in interstate commerce without a license, then he is subject to the penalties prescribed on page 8, section 14, which would be $500 a day.

Mr. CRAMER. Precisely. May I ask one more question if the gentlewoman would yield further? Assuming that is the case—and I trust it is and hope it is—I am friendly to the bill and I hope it is the case—that the Secretary under the provisions of section 12 relating to where a cease and desist order has occurred has entered into it, but this is a case where obviously no cease and desist order is involved. This is a dealer who operates without a license.

He is subject to a penalty of $500 for each offense and can be charged with operating without a valid license, is that correct?

Mr. POAGE. That is correct.

Mr. CRAMER. How does this come to the due process clause of the Constitution? What right does this bill provide, when one is charged, for relief, either by an administrative or a judicial body, in conformity with the due process of law?

Mr. Chairman, I want to make this a good bill. But if we are going to fine someone, he has a right to be adjudged guilty or innocent.

Wherein does the proposed legislation provide for that machinery?

Mr. POAGE. This bill does not provide for a criminal prosecution. This is a civil action. This penalty is a civil penalty. One does not plead guilty or innocent in a civil lawsuit. But the effect of taking the man's money is just as persuasive toward inducing him to stop operating in this fashion.

Mr. CRAMER. All right, what happens when the Secretary of the Department of Agriculture sends a letter to this unlicensed dealer and says, "You are fined $1,000; you are in violation of this act" and the man says, "You try to collect it"?

Mr. POAGE. Unfortunately, the Secretary has no right to send any order or collect anything. The Secretary can only cancel or suspend his license.

Mr. CRAMER. That is exactly what I am talking about.

Mr. POAGE. When a man operates without a license or operates when his license has been suspended or canceled, then the district attorney can file suit to recover a civil penalty against him of $500 per day. However, that is not a

criminal prosecution. You do not have to go before a grand jury in order to do it. You do not have to get a conviction in order to do it. You simply come in and file suit. He has the same right to defend himself that any other defendant would have in the civil courts.

Mr. CRAMER. As I understand it, then, he would be subject to the civil penalty under section 15?

Mr. POAGE. That is correct.

Mr. CRAMER. In a Federal court; is that correct?

Mr. POAGE. It is section 14, I believe; is it not?

Mrs. MAY. Section 15.

Mr. CRAMER. Section 14 deals with someone who is licensed. This is someone who is not licensed.

He would come under section 15, if he is engaged, is engaging, or is about to engage in any act or practice constituting a violation of any provision of this act, including petnaping, would he not?

Mr. POAGE. That section simply sets out your procedure as to how one goes about collecting this. It tells one how the action may be brought. It may be brought in the district where the defendant is found or is an inhabitant or transacts business or in the district where the act or the practice in question occurred or is about to occur, and process in such cases may be served in any district where the defendant may be found.

It simply gives one an opportunity to get the defendant into court.

Mr. CRAMER. I hope this record clarifies that this bill covers petnapers who ship in interstate commerce and with a civil penalty for enforcement and I thank the gentlewoman from Washington [Mrs. MAY].

Mr. Chairman, I just want to make sure that the record is clear on this point, that this bill does provide the machinery for bringing a civil action in Federal Court against someone who is "a dealer," and the "dealer" definition would include someone who steals animals and ships them in interstate commerce, and they have been brought in for civil penalty. Is that a correct statement?

Mr. POAGE. The gentleman is correct.

Mrs. MAY. Mr. Chairman, I would like to refer, in closing this colloquy, to the wording of the report as to the legislative intent, that this section is very carefully spelled out concerning the definition of dealers and what kind of civil action may be brought under section 15.

Mr. Chairman, as a member of the Livestock and Feed Grains Subcommittee which originally considered some 45 bills on this subject, I was pleased to join with the distinguished subcommittee chairman, the gentleman from Texas [Mr. POAGE], in cosponsoring legislation to put an end to this vicious practice of pet stealing.

That is the purpose of the bill before us today. I think you will all agree that a pet stealer is an unspeakable criminal who not only steals cats and dogs and then sells them for profit to medical centers, but our subcommittee has certainly had ample evidence of the deplorable treatment cats and dogs have been made to suffer after they have been stolen.

It is a vicious racket, Mr. Chairman. I certainly agree with an editorial comment contained in the printed subcommittee hearings in which it is stated:

> My heart belongs in part to all fellow members of the animal kingdom, whether they walk on two legs or four. When a monster steals a child, or when he steals a dog or cat, he steals a part of my family. He is without honor, without any moral fiber. He is worse than the money thief.

The foregoing, Mr. Chairman, I realize is an emotional statement, certainly—because this is an emotional issue since no one who possesses an ounce of decency condones dog or cat stealing for any purpose.

Our committee, I feel, was completely receptive to trying to find the best and the most workable solution to this problem. I must admit it was very difficult to recommend to the House a carefully considered bill free from overburdening emotion. We realize, Mr. Chairman, that our responsibility is to legislate realistically, and I believe the Livestock and Feed Grains Subcommittee, and indeed the entire House Committee on Agriculture, is deserving of a vote of confidence for the realistic solution to the problem that is presented to us today.

I honestly believe that the bill before us today, H.R. 13881, is an effective bill. I honestly believe it will stop the stealing and inhumane treatment of dogs and cats without unnecessarily interfering with the research which is so necessary and which is of such benefit to mankind.

This bill will do the job.

Under its terms, as they have been explained by the author—the original author of the bill—the Secretary of Agriculture will regulate the transportation, sale, and handling of dogs and cats intended to be used in research or experimentation. The dealers and research facilities will be required to keep records of sale and purchase, which the Secretary of Agriculture could inspect. Failure to comply with humane standards after opportunity for a hearing could result in the cancellation of the license of the dealer.

Now there were a number of proposals in the original bill that my distinguished colleague and I originally introduced. But after—literally months of discussion and hearings—we found out that there were several areas that we had to decide against for numerous reasons.

I know there has been a lot of discussion about trying to set and enforce standards for the housing and care of animals within the research facility. The Department of Health, Education, and Welfare is much more heavily involved in the support of research and teaching where dogs and cats are employed than is Agriculture. Any measure going beyond the operations of dealers, we feel, should be administered through HEW. We know there are other bills to cover this subject.

The details of a proposal which would set up stringent standards for handling of animals in laboratories, and provide for their enforcement, have really not yet been considered extensively by any committee. We decided it would certainly be unwise if the Congress were to pass legislation without having given full and complete consideration to the effects—and they could be very deleterious effects, which might follow from the enactment of any unwise provisions.

As I have stated, this type of legislation with which we are currently dealing is extremely complicated. In the hearings that our committee held, it became evident that provisions which at first glance appeared to be proper and reasonable, actually needed extensive revision. Originally, our bill did carry that is the bill that the gentleman from Texas [Mr. POAGE], and I sponsored, did carry the words "and other animals."

It eventually was dropped from the bill by majority vote of the members of the committee because the theft of such other vertebrates had not been reported, and the evidence shows that our major laboratory-animal-breeders of rats, mice, and hamsters, and so forth already have decent facilities in this area.

In other words, most of the committee felt that Congress required much more evidence of improper handling before it could accept such a provision "for other animals."

In addition, I think we should point out that the cost of inspection and a licensing system to cover more than 250 species of vertebrates, including not only dogs and cats, but fish, frogs, turtles, snakes, birds, and so forth, would be pretty monstrous. The cost of this has not even yet been estimated by the Department of Agriculture. Thousands of persons collect small numbers of each of these other species.

The increased difficulty of operation would seriously interfere with scientific work, and since there is no substantial evidence yet of need, such a provision therefore was not included, or was dropped from the original bill.

Mr. Chairman, may I reemphasize that I do feel that this is a practical bill, an effective bill, and a worthy bill. It should stop the theft of pets for research purposes, require humane treatment by handlers of dogs and cats legally acquired for research, and yet it is not intended to interfere with scientific research.

In short, once enacted, this legislation will terminate a great part of the needless suffering of dogs and cats and the anguish of their owners.

Mr. GROSS. Mr. Chairman, will the gentlewoman yield?

Mrs. MAY. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I would like to have the attention of the gentleman from Texas [Mr. POAGE]. A few moments ago the gentleman from Texas said that I had said that perhaps we were spending too much under this bill. I made no such statement, because I do not know whether too much is being spent or too little, and I do not believe the committee knows. My point was that unless controls are established, there can be a bureaucratic buildup under this bill. I do not believe that salaries ought to be

fixed for justices of the peace on a basis of the number of cases they handle or convictions they obtain. I do not think the pay of a policeman ought to be predicated upon the number of summonses he issues or does not issue.

My whole point was that I hope the committee will give careful scrutiny to what transpires with respect to fixing the fees based upon the administrative costs. I have no way of knowing whether the estimated cost for administration is too much or too little. I only wanted to correct the record to that extent.

Mr. POAGE. I am sorry if the gentleman thought I said that he said it will cost too much. I had intended to say that the gentleman expressed concern about the amount of the cost. I am sure the gentleman is concerned, as I am, about that.

Mr. GROSS. That is correct.

Mr. POAGE. I am sure the committee will observe that point, and if we find that the fees are exorbitant and we are getting too much money, we will certainly cut them down.

Mr. GROSS. I thank the gentleman, and I thank the gentlewoman from Washington for yielding to me.

Mrs. MAY. I understand what the gentleman meant to express on that subject. I think at this point we can merely say that we must give this bill a chance to be tried, and then keep a watch on what its effects are in several areas, as well as its cost. Perhaps then we can suggest further things, because it must come back to Congress through the Appropriations Committee if further funds are to be expended.

Mr. GROSS. I certainly agree with the gentlewoman from Washington.

Mrs. MAY. Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The time of the gentlewoman from Washington has expired. The Chair recognizes the gentleman from Texas.

Mr. POAGE. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Texas has 11 minutes remaining.

Mr. POAGE. Mr. Chairman, will the gentleman yield some of his time?

Mr. QUIE. Mr. Chairman, I will be glad to yield 5 minutes to the gentleman from Georgia [Mr. O'NEAL].

Mr. O'NEAL of Georgia. Mr. Chairman, I thank my colleagues across the aisle for yielding me this time. I had been promised the time by my chairman, but his time was consumed in answering questions.

Mr. Chairman, in supporting H.R. 13881 to license the transportation, sale and handling of dogs and cats for research purposes, I would like to point out that the Congress is not being asked to preempt the field of dognaping and catnapping.

Surely there are many who would like for us to do so but I am pleased to see our committee avoid taking further steps to violate the principle of States rights.

While the problem is much more severe in some areas than in others, I think each State should retain the right to deal with its own dog thieves and cat thieves commensurate with the importance it places on its own dogs and cats.

For instance, in my own State of Georgia it is not a crime to steal a cat, and I can only presume that succeeding legislatures have preferred it that way because they passed over an opportunity to correct this situation when they amended the applicable statute as recently as 1964.

Having served as a circuit or district prosecuting attorney—we call them solicitors general—for over 23 years before being permitted the high privilege of serving in this body, I have more than the average acquaintance with Georgia criminal laws.

In our State no animal is the subject matter of larceny unless specifically made so by statute. This our State legislature has done by fixing the punishment at not less than 4 nor more than 20 years in the penitentiary to steal a horse, 4 to 10 to rustle a cow, 2 to 4 to take a hog, a chicken, a turkey, or a pea fowl, 1 to 3 years to dognap a dog, and even 3 to 6 months to steal any oysters—yes, oysters, though this punishment might be relieved by paying a fine between the limits of $25 and $100.

Nowhere, however, is it made a crime to steal a cat—no matter what the actual or sentimental value of the blue-ribbon winner might be—unless a very broad or liberal interpretation might be placed some day on code section 26–2612 which reads as follows:

> All other domestic animals which are fit for food may be subjects of simple larceny.

This crime is designated a misdemeanor.

As I said in the beginning, every State has a different problem. Georgians do not steal many cats. In my 23 years as a prosecuting attorney in six counties, I had to handle only one such complaint, and, Mr. Chairman, I felt it necessary to stop short of proving that a cat is "fit for food."

Mr. QUIE. Mr. Chairman, I yield 10 minutes to the gentlewoman from Ohio [Mrs. BOLTON].

Mrs. BOLTON. Mr. Chairman, this year marks the 100th anniversary of the founding of the animal welfare movement in this country. Henry Bergh, diplomat and lawyer, pioneered in securing the first State laws for the prevention of cruelty to animals. It is interesting to note that because children at that time also had no legal protection from mistreatment, he then helped bring about the first child protection laws. In order to do so, he had to shock an apathetic public by bringing into court Mary Ellen, a child who had been cruelly beaten and chained, demanding that she be granted the same protection under law which he had just brought about for animals. Mr. Bergh made his point with the court and the public; child protection laws quickly followed.

In the long years since Henry Bergh brought about the first State laws for the protection of animals, additional State anticruelty laws have been adopted. But few have been enacted on the Federal level. In the year and a half since the scandalous conditions under which dealers acquire and handle animals for sale to laboratories first came to public attention, through a series of raids and arrests of dealers, the public outcry for remedial action by the Congress has been growing.

We will be responding to that justified outcry and honoring the memory of Henry Bergh, one of the greatest humanitarians in history, when we pass a thoroughly good bill today.

Mr. Chairman, I propose to offer an amendment, somewhat in a substitute form, for the very good bill presented, which will, I believe, provide a few more teeth which are needed to strike down the inhuman practice of dognapping, which has been documented so thoroughly through the national media in recent months. At the same time, it will not restrict or hamper laboratory and research activities.

May I say at this time it has been very, very interesting—and fills all of us with hope—to have had the committee do the job which has been done. They fought, bled, and died on two or three sides of this thing. I commend the committee for its fortitude, for its patience, for its endurance, and for its results. I do not wholly agree with them, as will be seen later.

My proposal spells out the standards to be promulgated by the Secretary of Agriculture, and would require him to take action. The bill does not. It merely authorizes.

We do not—either of us—want to stop or to hamper laboratory research, but we do want a bill which will stop this vicious practice of stealing and mistreating household pets.

The proposal which I shall hope to offer by way of an amendment offers the best hope for effective action. My mail certainly indicates that this is what our people desire.

A groundswell which has come almost as a tidal wave on us here in Congress has very illuminating. When our people know things are wrong they went something done about them.

Mr. QUIE. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. DAGUE].

(Mr. DAGUE asked and was given permission to revise and extend his remarks.)

Mr. DAGUE. Mr. Chairman, I rise in support of H.R. 13881.

Starting last summer and running through this spring, the Committee on Agriculture has been considering and perfecting legislation to provide for the humane treatment of dogs, cats, and other animals and to eliminate a cruel racket in stolen pets, while insuring a continued flow of animals to our various medical centers, hospitals, universities, and other research facilities.

As has been mentioned earlier, the Committee on Agriculture has received over 30,000 letters and cards; heard or received statements from some 150 witnesses; considered 45 bills; and spent a great deal of time in a sincere effort to bring to the House a good bill, an effective bill and yes, a strong bill.

COMMITTEE BILL

What does the committee bill do?

In brief, H.R. 13881 directs the Department of Agriculture to regulate the purchase, sale, transportation, and handling of dogs and cats in commerce.

This regulation would be accomplished by a licensing system under which research facilities, dog and cat dealers, and other persons licensed as dealers would be required to meet standards and procedures established by this act.

Dealers and persons licensed as dealers would be required to treat dogs and cats in a humane manner and to keep adequate records of their traffic in these animals.

Research facilities would be specifically exempted from complying with any standards dealing with the treatment or handling of dogs or cats after these animals arrived at a laboratory or research center.

The program is designed to be self-financing to the maximum extent possible.

The program would be enforced by civil penalties, injunctive action, and suspension or revocation of licenses. Appeal procedures through appropriate U.S. courts of appeal are established by the bill.

In some respects this legislation is quite unusual.

In these days of legislating by executive communication, it is relatively rare to see the Congress initiate and enact a proposal completely on its own without first receiving a Presidential message or an administration bill.

H.R. 13881, however, is such a bill. It shows the concern of an interested public, a responsible press, and an enlightened medical community. It is a bill which reflects the recognition of a problem and effective action by the Congress.

This bill, too, has broad bipartisan support in the committee. The gentleman from Texas [Mr. POAGE] who serves as chairman of the Subcommittee on Livestock and Feed Grains, together with the gentleman from Minnesota [Mr. QUIE], the ranking Republican on the subcommittee, have both worked long and hard to bring forth a good bill. Both these gentlemen should be complimented for their efforts in compromising the many divergent views and in achieving unified support within the full Committee on Agriculture.

When the committee began its consideration of this legislation there were two general sets of divergent views which had to be reconciled. One school of thought held that animal research was, in itself, bad and should be abolished, while dealers who handle these animals be eliminated. At the other side of the street were those who felt that no legislation whatsoever was needed. Somewhere between these views came 45 various bills, most of which differed in detail and direction.

Out of these many bills the subcommittee developed a bill which was further modified by the full committee. There was give and take on both sides of the aisle and from various points of view, but throughout the entire consideration of this legislation there was a genuine and sincere effort to meet the common objectives.

Is this a weak bill?

Today as we consider this bill, there will be those who contend that the committee bill is weak. As debate continues today, I am confident that the merits of the various alternatives will be thoroughly discussed, so I would like to concentrate on just three questions about the committee bill in an effort to convince this body that our bill is a strong, effective piece of legislation.

Does the bill offer protection to dog and cat owners?

The answer is "Yes." The licensing system, the recordkeeping requirements, the identification of dogs and cats, the requirement for dealers to hold these animals prior to disposition, and the penalty provisions all insure that a significant advance will be taken against the organized theft of dogs and cats.

Will dogs and cats be treated humanely?

The answer again is "Yes." The Secretary of Agriculture would be empowered to establish and enforce humane standards for dealers, regulate auction markets, and take every appropriate step to see that dogs and cats destined for laboratory use are treated compassionately and humanely.

Will medical research be impaired?

The final answer is "No." Safeguards built into this bill insure that our great medical research complex will not be impeded or restricted in its never-ending search for the secrets of science that will benefit each and every one of us.

In summary, Mr. Chairman, the committee bill is a good bill, an original bill, a strong bill, an effective bill. It has been carefully considered and thoroughly debated within the committee. It comes to the House with strong bipartisan support from the committee and deserves the support of this body.

Mr. POAGE. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. RESNICK].

Mr. RESNICK. Mr. Chairman, first I wish to commend the members of the Subcommittee on Livestock and Feedgrains of the Committee on Agriculture, who have reported a very fine bill.

As many as my colleagues will remember, I introduced the first bill in this area, H.R. 9743. I am very happy that most of the provisions of that bill have been incorporated in the committee bill.

For the record, I should like to make very clear what I had in mind when I introduced the proposed legislation, and what most of the letters I received were about. Very simply, it was to prevent the theft of our cats and of our dogs and other household pets, and prevent their winding up in medical research laboratories.

We know the problems which are involved in humane treatment of animals in laboratories.

That is the subject of another bill. That bill did not even come before our committee. This bill, the Poage bill, very simply is designed to see that there will be no more profit for anyone in stealing our pets. As pointed out—and the testimony is full of it—there is very little reason for anybody to steal our family pets except for medical research purposes. I understand that there are going to be a number of substitute amendments. I would like to say that I am 100 percent behind the Poage bill as it is written. I think it covers the original intent of this legislation. I think it should be pointed out to one and all that this bill will in no way make it more difficult for our medical research facilities to operate. On the other hand, I agree that it will raise the cost of animals to our medical researchers.

They have stated this many times, but it is always cheaper to steal something than it is to buy something. But that is no excuse to encourage stealing. It is my hope that the passage of the Poage bill will see the introduction of commercial dog and cat raising for laboratory purposes. I think the medical profession will benefit by it and I think medical research will benefit by it. I know all of us who have dogs and cats that we love as part of our family will be very happy.

Mr. Chairman, I now yield to the gentleman from Ohio [Mr. SWEENEY].

Mr. SWEENEY. Mr. Chairman, I should like at this time to compliment the gentleman from New York for his interest in this field. At the time of the gentleman's introduction of his bill on this particular issue I was very interested to review the comment that the gentleman made with regard to the primary purpose of this legislation, namely, to protect dogs and cats from thievery, as has been described in the committee hearings and the comments here today. My question to the gentleman is simply this: If there is a growing national problem that we have a black market developing in stolen animals, particularly dogs and cats, why not incorporate in the legislation itself a criminal provision, as was originally suggested at the time other legislation such as the Helstoski bill provided for? Why not provide for a criminal remedy? Why in the Poage bill and in the gentleman's bill was the criminal provision dropped? I would like to have some comments on that.

Mr. RESNICK. In my bill, H.R. 9743, the criminal penalty was not dropped. However, in discussing it with the committee and in hearing everybody's views on it, I came to agree with our distinguished chairman that merely by lifting the dealer's license we would probably get more compliance than by these harsh criminal penalties which I originally inserted in my bill.

Mr. SWEENEY. I might say it would certainly be well documented, I believe in every office on the Hill, that there is a growing demand in America for enforcement to eliminate situations such as were described as existing in Maryland and in other areas where they are obviously inflicting indescribable cruelty upon animals. There is a demand growing that this be effectively dealt with in this legislation.

Mr. RESNICK. I would say to my distinguished friend from Ohio that I think these licenses will be of great value to dealers. I do not believe anyone is going to get this license if he is not a reputable

person. Further, I think once this license is acquired I very much doubt that any owner of the license is going to jeopardize that license by handling stolen animals.

Mr. SWEENEY. Might I develop this part of the RECORD here with the gentleman further? I would be interested in finding out and ascertaining whether the gentleman would consider just the revocation of the license sufficient, if there is developing in this country this great traffic in stolen animals and pets? Would he consider just the revocation of a license, in his judgment, as sufficient to curtail this type of traffic?

Mr. RESNICK. Well, I would like to say to the gentleman from Ohio that, again, we must realize the revocation of this license will put the man out of business because laboratories will not be permitted to buy from him. It will stop his livelihood and, certainly, the revocation of the research facilities' licenses would hamper their work tremendously.

I doubt if the research facility would jeopardize losing its license.

Mr. SWEENEY. Mr. Chairman, if the gentleman will yield further, finally, it would seem to my mind that the record in committee and here today is pretty certain that what we are really turning the focus upon here today is not the legitimate dealers but, rather, those who operate in the gray areas, and those who have a record of certainly violating any humane standards, and everything else.

However, in the absence of a criminal provision how would we get those who do not operate beyond that area?

Mr. RESNICK. I would like to say to the gentleman from Ohio that a part of the provisions contained in this bill provide that certain standards be set up to which the dealer must adhere. If these standards are not met, dealers are not given the business in the first place. If, after operating for a while, they fall below the standard, they might be put out of business, ipso facto, like the shocking case in Baltimore.

Certainly the Secretary would never license an operator like that.

Mr. Chairman, it is my belief that these licenses will become a thing of value, and no one will jeopardize losing this license—his very livelihood—by violating the law, and through the handling of stolen animals.

Mr. QUIE. Mr. Chairman, I yield myself such time as I may consume.

(Mr. QUIE asked and was given permission to revise and extend his remarks.)

Mr. QUIE. Mr. Chairman, I rise in support of the Poage bill, H.R. 13881.

Mr. Chairman, in my opinion this legislation, if enacted, would accomplish two things effectively. First, it will stop the stealing of dogs for research purposes. Second, it will provide for humane standards for the handling and transportation of dogs when they move from the original owner to the research facility in the hands of dealers.

Mr. Chairman, this legislation does not provide for any regulation of research facilities and their handling of dogs.

Mr. Chairman, there was not sufficient testimony presented to the subcommittee or to the full committee proving that control of research facilities is necessary at this time.

The real problem with which we are confronted is the stealing of dogs and cats and the treatment thereof as was shown in such cases as the one in Maryland, where the cruel treatment was so severe that State action was taken against the parties involved.

Mr. Chairman, the comparisons between the Poage bill, H.R. 13881, and the bill which is spoken about most now in the telegrams which we have received, the Helstoski bill, H.R. 10743, have been prepared. In order that the RECORD might show this comparison, when we go back into the House again, I shall ask for permission to make this comparison a part of the RECORD at this point:

COMPARISON BETWEEN H.R. 13881 AS REPORTED BY THE COMMITTEE ON AGRICULTURE AND H.R. 10743, H.R. 13346 AND SIMILAR BILLS

Item	*H.R. 13881 (committee bill)*	*H.R. 10743, H.R 13346 (and companion bills)*
Animals covered by bill.	Dogs and cats only (secs. 2(d) and 2(e).)	All vertebrates (sec. 2(f)).
Licensing of research facilities.	Requires research facilities to be licensed, but expressly prohibits establishment of humane standards for handling of animals subsequent to their arrival at a research facility (sec. 6).	Does not require research facilities to be licensed; does not establish humane standards for handling of animals at research facilities.
Records of research facilities.	Requires records to be kept of purchase, sale, and transportation of dogs and cats; records available for inspection by Secretary or his authorized agent (sec. 8).	Requires records to be kept for 2 years and a bill of sale for each animal; records available for inspection by Secretary or any police officer or agent of any law enforcement agency (sec. 7).
Acquisition of animals by research facility.	Prohibited from anyone except "person" holding valid license as a "dealer" (sec. 3). (See committee rept., p. 7, on acquisition of dogs or cats from dog pounds or animal shelters.)	Prohibited from anyone except a "dealer" (sec. 3).
Licensing of dealers.	Required for dealers and permitted for persons who voluntarily wish to be licensed as dealers. Persons with less than "substantial portion of income" from breeding and raising dogs and cats would be exempt from license requirements (sec. 2(h) and sec. 6).	Required for dealers. No comparable provision for voluntary licensing or exemption for persons selling small numbers of animals (sec. 2(h)).
Licensing of common carriers.	Exempted from licensing requirements. (NOTE.—Common carriers except trucks are covered by the 28-hour law).	Common carriers required obtain a license.
Humane standards.	To be determined, promulgated, and enforced by Secretary by regulations (sec. 5 and sec. 11).	Set forth in bill. Transactions involving sick, injured, unweaned, or pregnant animals prohibited (sec. 5).
Auction markets.	Contemplates regulations of and establishment of humane standards at auction markets (sec. 11 and committee rept., p. 8.)	Prohibits auction sales of animals used for research (sec. 10).
Identification.	Requires dogs and cats to be marked in humane manner determined by Secretary (sec. 7).	Requires dogs and cats to be identified by photograph or other humane and painless manner determined by Secretary (sec. 6).
Coordination with State and local agencies.	Authorizes Secretary to cooperate with State and local agencies to effectuate the purposes of the bill and similar State and local laws (sec. 9).	Directs Secretary to take appropriate action to encourage States to adopt new laws to effectuate the purposes of the bill and authorizes the Secretary to cooperate with State agencies (sec. 8).
Time of disposal of animals.	Prohibits dealers from selling or disposing of any dog or cat within 5 business days or other period of time specified by the Secretary (sec. 10).	Prohibits dealers from selling or disposing of any animal within 5 business days. Requires Secretary and State and local law enforcement officers to assist owners of animals to search premises of dealers after obtaining search warrant (sec. 9).
Inspection of premises.	Contemplated in Secretary's regulations (sec. 11 and committee rept., p. 8).	Requires inspection of dealers at least six times a year; requires regular inspection of transportation of animals. Permits delegation of inspection authority to State and local agencies (sec. 11(a)).

COMPARISON BETWEEN H.R. 13881 AS REPORTED BY THE COMMITTEE ON AGRICULTURE AND H.R. 10743, H.R. 13346 AND SIMILAR BILLS—Continued

Item	*H.R. 13881 (committee bill)*	*H.R. 10743, H.R 13346 (and companion bills)*
Penalties and sanctions.	Provides civil penalty of $500 per day for each offense to be collected by Attorney General. Authorizes injunctive action through Attorney General (sec. 14). Authorizes suspension or revocation of licenses of dealers after hearings and denial of Federal research funds to research facilities unless another Federal agency finds such action not to be in the public interest (sec. 12(a)).	Provides for imprisonment for not more than 1 year and $10,000 fine for violations. Authorizes Attorney General to prosecute violation reported by the Secretary or by other persons (sec. 12). Authorizes suspension or revocation of dealer's license after hearings. Requires Secretary to suspend license of dealer being prosecuted for cruelty to animals under State law and to revoke such dealer's license in the event of a conviction (sec. 14).
Principal-agent relationship.	Provides that the act, omission, or failure of an agent or research facility or dealer or person licensed as a dealer acting within scope of his employment will be deemed the act of his principal (sec. 13).	Contains a similar, though not identical provision (sec. 13).
Financing provision.	Establishes a system of graduated license fees designed to cover, insofar as practicable, the cost of administering the program. License fee collections would be deposited in a special fund which would remain available without regard to fiscal year limitations. Also authorizes such appropriations by Congress as may be necessary from time to time (sec. 17).	Requires dealers to pay in license fees an amount sufficient to finance the administration of the program. License fee collection would be deposited as treasury miscellaneous receipts. No authority for appropriations (sec. 16).
Appeals from Secretary's final order.	Provides for appeals by research facilities, dealers, and other aggrieved persons to U.S. circuit courts of appeal (sec. 12(c)).	No provision included in bill for appeals.
Definitions of "person," "Secretary," "commerce," "dog," "cat," "research facility."	Substantially the same, though not identical, in both bills. (Sec. 2(a) through 2(f).)	Substantially the same, though not identical, in both bills. (Sec. 2(a) through 2 (g).)
Constitutional invalidity clause.	Identical in both bills. (Sec. 16.)	Identical in both bills. (Sec. 15.)
Date effective.	Identical in both bills (120 days after enactment). (Sec. 18.)	Identical in both bills (120 days after enactment). (Sec. 17.)

Mr. Chairman, I believe that the previous speakers have quite well pointed out the emphasis and impact of this legislation, as well as the necessity for it. Rather than take any greater length of time, I shall just let the record stand, based upon what the other speakers have said.

Mr. Chairman, I might say that my own attitude on this legislation is that at first I felt we should have limited it only to the dealers, and in so no way mentioned the research facilities. However, based upon the committee information I changed my mind. They found it necessary to license research facilities in order that the records may be compared and a determination made if any unlicensed dealers are providing dogs and cats for the research facilities this provides a means for the regulation of dealers that we could not otherwise have had.

Mr. DOLE. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kansas.

Mr. DOLE. Mr. Chairman, I take this time to rise in support of H.R. 13881.

Mr. Chairman, I rise in support of H.R. 13881, which would 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 and experimentation, and certain other purposes.

The purposes of this bill have been amply discussed, and essentially they are threefold: First, enactment of this bill would provide protection to the owners of dogs and cats from the theft of such pets; second, to prevent the use or sale of stolen animals for purposes of research or experimentation; and third, to establish humane standards for the treatment of these animals while they are on the way to medical research facilities.

Under the bill, the Secretary of Agriculture would issue licenses to both dealers and research facilities. The dealers would be required to keep records of their handling, transportation, purchase, and sale of dogs and cats. The research facilities would keep records of their purchase, sale, and transportation of dogs and cats acquired by them.

A significant feature of the bill would make it unlawful for a dealer or research facility to operate without a license, and a research facility could purchase dogs and cats only from a licensed dealer. Reasonable penalty provisions are included in the bill, and violations of this act or any regulation, after confirmed by a hearing, could result in a $500 per day penalty, suspension or revocation of a dealer's license, the issuance of a cease-and-desist order, or possible withdrawal of Federal aid to a research facility if the withdrawal would not be contrary to the public interest.

I am a member of the Subcommittee on Livestock and Feed Grains, and, frankly, I was shocked at some of the testimony presented by many of the very fine witnesses who appeared. It is difficult to believe that anyone would subject dumb animals to such cruel and unusual treatment as was evidenced by photographs made available to our committee. In my opinion, this is a reasonable proposal and one that should have the support of every Member of this body. There are certain amendments and exceptions, one of which will permit farmers or other owners of relatively small numbers of dogs and cats to sell these animals to dealers without obtaining a license. In addition, section V of the bill completely excludes the research facility from having to meet humane standards set by the Secretary of Agriculture for the handling, transportation and sale of dogs and cats.

As in many cases, some people view this measure as being too weak, while others indicate it is too strong; but, in my opinion, it is reasonable and just and deserves your support.

(Mr. DOLE asked and was given permission to revise and extend his remarks.)

Mr. GOODELL. Want a 57-percent raise? Join the staff of the Job Corps. The 208 staff personnel at Camp Gary, San Marcos, Tex., drawing salaries over $9,000 got an average increase of 57 percent above their previous salary; 22 of them got more than double their previous salary. Here are some examples of past and present salaries of Camp Gary personnel:

The manager of personnel from a previous salary of $5,000 to $10,000.

The math chairman from $4,730 to $10,080.

The citizenship teacher from $4,800 to $10,080.

The chairman of commercial skills from $4,650 to $10,080.

The welding instructor from $3,200 to $9,780.

The teacher of commercial skills from $4,500 to $9,780.

Another teacher of commercial skills from $4,300 to $9,780.

The auto mechanic instructor from $3,800 to $9,780.

The drafting instructor from $4,764 to $9,780.

The science teacher from $4,700 to $9,780.

The duty officer from $4,500 to $9,493.

The physical education instructor from $4,600 to $9,480.

The automatic, facile explanation always given by poverty officials for high salaries is, "We need the best people." Is it really necessary, however, to go this far? Aside from the leakage of poverty funds for extravagant salaries, there is a distressing impact on school systems. What school board can compete with their rich Uncle Sam who apparently has money to burn?

One hundred and fifty-four of the two hundred and eight at Camp Gary who make over $9,000 came directly to Gary from school jobs. Is is necessary to offer $9,780 to a math instructor making $4,887 or to a music teacher making $4,200 in order to attract them to come to business?

These are the kind of facts that should have been brought out in congressional hearings and which were not brought out. In spite of our efforts, and those of Congresswoman GREEN, the reason for extravagant costs of Job Corps camps remained a mystery in the hearings. Camp Gary does not stand alone; on the contrary, it appears to be a typical outgrowth of inept administration of the Job Corps.

I have today telegraphed seven other urban Job Corps centers for full data on their staff salaries. In the meanwhile, my colleagues and the press, you are welcome to examine the complete salary records of Camp Gary in my office.

I think we might change the name of this operation to the "Silver Salaried Job Corps"—or the "Story of Rags to Riches."

Mr. CALLAWAY. Mr. Chairman, I want to offer my wholehearted support for H.R. 13881. It is time that we put an end to the suffering which millions of animals in America have undergone for the benefit of research. It is time that we set up regulations by which all persons dealing with these animals must abide, and for which punishment is issued in the event of violation. Over the months, I have had many letters from disheartened constituents in which they express their concern, dismay, and horror over the treatment and handling of experimental animals. On behalf of my constituents in their compassion for animals that will be involved in future research, let me again offer affirmative support for this legislation.

Mr. SICKLES. Mr. Chairman, I am most happy to support H.R. 13881 as reported from the Agriculture Committee.

The reported bill eliminates regulation of "other animals" as provided for in the bills that I and several other Members introduced, and provides for protection of dogs and cats only. In view of the uncertainties raised with respect to the problems involved in the protection of "other animals," it is not unreasonable to restrict protection to dogs and cats only at the present time. Certainly it is the inhumane abuse of dogs and cats that is the overwhelming concern to millions of our citizens.

The reported bill also eliminates some references to "research facilities" in order to make it even more certain that bona fide research endeavors are not subject to outside interference. These technical changes merely confirm what I believe to be the intent of the Members of the House.

In short, the objective of the bill is to provide protection against the repulsive and widely reported abuses of dogs and cats, but at the same time to protect the legitimate and necessary functions of research institutions. I urge the House to act favorably on this important legislation.

Mr. VIVIAN. Mr. Chairman, I support H.R. 13881. This bill, if enacted, should bring to a halt the growing, organized, multi-million-dollar traffic in stolen dogs and cats.

The bill before us today should effectively stop this stealing of pets, for it closes off the market for any animals whose history of ownership is not verifiable. The bill will not, however, inhibit or restrict essential and responsible medical research; for, while each medical research laboratory will be obligated to obtain animals only from licensed dealers and to maintain records of all purchases, no laboratory will be subject to penalties unless it willfully and persistently evades these simple steps.

The family cat or dog occupies a warm place in the hearts of its young owners—and their parents. Be it fancy feline with pedigree, or plain pooch with mixed-up bloodline, each pet becomes a valued member of the family. It is a sad evening indeed when a family calls in vain for the cat or dog which does not return at its habitual hour. I hope we succeed in stopping these miserable men who have succeeded in making their living by stealing and selling pets.

Mr. STRATTON. Mr. Chairman, I rise in support of this legislation providing for the humane treatment of dogs and cats in connection with research purposes. It has been clear for some time that some kind of legislation has been very much needed to prevent the inhumane and sickening conditions that have recently come to light with regard to the activities of unscrupulous dealers in household pets. I feel sure that this bill will put an effective end to these deplorable practices and will do so without interfering with the proper activities of legitimate research organizations in the drug and medical fields.

Actually I had hoped that the pending legislation might have been amended to eliminate the requirement that research facilities themselves be licensed in handling of dogs and cats obtained from dealers in pets. It had seemed to me that by licensing and regulating the dealers in dogs and cats we were giving the Government the power to wipe out the deplorable and inhumane conditions that have recently come to light. By extending the requirement for Federal licensing into the research facilities themselves I was fearful, frankly, that we might be running the risk of putting too much Federal control in the field of private medicine where it properly should have no place.

However, I am pleased to learn that the bill before us has now received the support of the research people, who feel that the requirements imposed by the bill will not interfere with proper and legitimate medical research, and will make it possible for us to deal even more effectively with those who would act in improper and inhumane ways in acquiring dogs and cats for research purposes.

Therefore I am pleased to support this legislation, and believe that we are taking an important forward step that is in line with the wishes and desires of an overwhelming majority of the American people and is clearly in line with the public interest.

Mr. SCHWEIKER. Mr. Chairman, H.R. 13881, the Poage bill which this House is today being asked to consider is a woefully inadequate attempt to regulate the transportation, sale, and handling of animals intended to be used for research and experimentation. There is a crying need for prompt passage of meaningful animal protection legislation but H.R. 13881 falls far short of meeting that need.

This bill is inadequate because, first, it would permit the continued sale of animals at auction and by weight, a method of sale in which the greatest number of stolen animals change hands and cruelty is routine; second, it fails to give the legislative intent of the humane standards which the Secretary of Agriculture would promulgate for the handling and transportation of animals; third, it fails to prohibit the sale and transport of sick, injured, unweaned, or pregnant animals; fourth, it fails to require dealers to have bills of sale as proof of legal acquisition of animals; fifth, it fails to require inspection of dealers' facilities and transportation; and sixth, it calls for an inadequate fine.

Mr. Chairman, a bill which I have introduced, H.R. 13720, would remedy these glaring weaknesses which are in the bill before us today. A number of other bills have also been introduced, such as H.R. 10743 by the gentleman from New Jersey [Mr. HELSTOSKI], which would provide a good answer to this tragic problem.

I urge my colleagues to support amendments and to support a motion to recommit with instructions to strengthen this proposed legislation and make it meaningful. I intend to do so.

It has been suggested that those of us who believe that H.R. 13881 is inadequate should vote against its final passage unless our efforts to amend it or to recommit it with instructions to improve it are successful. However, I do not believe this would be the proper course to follow.

If our efforts to improve the Poage bill fail, I shall reluctantly support its passage in the great hope that the other body will pass a better piece of legislation and that the conferees of both bodies, in their wisdom, will agree to a worthwhile bill. I shall do this because I truly fear that if the House does not pass an animal bill today, then we will not be given an opportunity to pass any legislation in this field at all this year. It would be better, therefore, to pass an inadequate bill which could be improved in the other body, than to pass no bill at all.

Mr. CORBETT. Mr. Chairman, as a longtime advocate of legislation to outlaw some of the vicious cruelties inflicted

on research animals, I urge passage of H.R. 13881.

The bill admittedly does not go as far as many of us would have liked, but it is a good first step in banning a grisly and sordid commercialism that has sprung up in recent years to meet the ever-growing demand for laboratory animals in legitimate medical and biological research. I refer to the bootleg traffic of family pets—the outright theft of dogs and cats and their subsequent mistreatment by so-called wholesalers and dealers of laboratory animals.

I am hopeful that the measure now before the House will eliminate this illicit procurement, which has become a national problem and a national shame. Whether a spillout effect will be to curb the shocking cruelties to animals other than dogs and cats that have been revealed in recent articles by national publications remains to be seen. I am convinced, though, that H.R. 13881 is a desirable reform to current practices in the wholesaling of animals intended for use in research and deserves the support of every Member.

Mr. FINO. Mr. Chairman, I would like to speak in support of H.R. 13881, similar to my bill, H.R. 11002, which would regulate the transportation, sale, and handling of animals intended for research.

The issue has aroused a great deal of controversy. Heavy mail in many congressional offices indicates the intensity of feeling among both proponents and opponents of the legislation we are considering today.

Proponents argue that a high percentage of the dogs and cats used for research purposes in this country are stolen pets and that, this question aside, animals intended for research are cruelly abused in the course of transportation and while in temporary shelter. The number of animals stolen annually for sale to research facilities can be quibbled over, but it is becoming more and more difficult to deny the charges of brutality leveled at many animal dealers. From all parts of the country come newspaper reports of straving, thirsty animals, herded together in filthy facilities, in extreme discomfort—often in pain—from chains so short they cannot lie down and cages so small and crowded they can neither stand nor lie. Many dealers have, in fact, been repeatedly convicted for cruelty to animals; they remain in operation because State penalties are so light.

Opponents argue that the proposed legislation would be difficult to enforce and damaging to much medical and scientific research. While we can readily admit that as with most legislation there may well be difficulties in enforcement, I would like to counter their argument at several other points.

I seriously question whether the legislation proposed would be damaging to research. The bill as amended would simply require research facilities to purchase a license, prohibit research facilities from purchasing animals except from a licensed dealer, and require that they keep records relating to the purchase of animals.

So the only provisions relating to research facilities are that they purchase only from licensed dealers and that they keep records of their transactions. This last requirement may be somewhat burdensome, but it can scarcely be interpreted as interference with the purposes or methods of research. Purchasing only from licensed dealers need not cut down the number of animals available for research for there are many other legitimate sources—and it is very likely to improve the quality of animals used in research, scarcely an objectionable result.

The main functions of the law would be, therefore, to make it a grave risk for dealers to steal pets for resale to research facilities and to compel them to treat the animals in their possession with a degree of decency.

This seems to me both reasonable and productive—for pet owners and research facilities alike. I advocate your support of H.R. 13881.

Mr. FASCELL. Mr. Chairman, I would like to join my colleagues in supporting the bill, H.R. 13881, to regulate the transportation, sale, and handling of dogs and cats intended for research.

As most of us know from the mail we have received in the last few months, the issue has aroused great interest and controversy. And quite rightly. The conditions in many animal dealers' facilities disclosed recently by the national press are deeply shocking. Hunger, pain, and fear—deliberately inflicted on helpless, homeless animals—can scarcely be tolerated in a nation thinking itself civilized.

In application, however, this becomes a difficult problem. The Agriculture Committee is to be commended for the care it has taken in gathering information, considering widely divergent opinions, and fashioning a workable and effective piece of legislation.

By requiring dealers to purchase licenses, keep records of their handling, transportation, and sale of dogs and cats, and adhere to humane standards of care prescribed by the Secretary of Agriculture, the law would work to insure that these animals are legally obtained and humanely treated. Requiring research facilities to be licensed, to buy dogs and cats only from licensed dealers, and to keep records will reinforce and guarantee dealer compliance with the law. Penalties for violation of the law are stern but reasonable, and procedures for determining violation and penalties are eminently fair.

I am pleased to support this fine bill.

Mr. CARTER. Mr. Chairman, having long realized the great need for legislation to control the theft of pets and their sale for research purposes and to require humane treatment by handlers of dogs and cats legally acquired for such research, I support the bill before the House today, H.R. 13881, and urge its adoption.

During the past 15 months, I have received many letters and petitions, and several delegations have visited my office urging enactment of legislation to eliminate what they described as "pet stealing" and put to an end the "inhumane treatment to which they are subjected during transportation and in confinement."

Since the intent of this legislation is to correct these conditions, I am glad to join proponents of the bill in giving it my support.

Mr. BOLAND. Mr. Chairman, I rise in favor of H.R. 13881, 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.

The purposes of this bill are to protect the owners of dogs and cats from the theft of such pets, to prevent the use or sale of stolen animals for purposes of research or experimentation, and to establish humane standards for the treatment of these animals while they are on the way to medical research facilities. The bill specifically authorizes the Secretary of Agriculture to regulate the transportation, purchase, sale and handling in commerce of dogs and cats which are destined for use in research or experimentation.

Mr. Chairman, Life magazine on February 4, 1966, printed a lead article illustrating some shocking abuses in the procurement of animals for laboratories that urgently needs to be corrected. The Life article was entitled "Concentration Camps for Dogs—Pets for Sale Cheap—No Questions Asked." Research facilities and laboratories last year used thousands of dogs and cats for which they paid many millions of dollars. This demand has given rise to a large network of dealers who oftentimes secure dogs and cats by simply combining the streets and picking up any animal they can catch, as was vividly portrayed in the Life magazine pictures. These dogs and cats are usually stripped of all identification and often moved across State lines to escape the jurisdiction of local and state law.

Under this legislation the Secretary of Agriculture would issue licenses to both dealers and research facilities. The dealers would be required to keep records of their handling, transportation, purchase, and sale of dogs and cats. The research facilities would keep records of their purchase, sale and transportation of dogs and cats acquired by them. The Secretary would specify humane methods of identification and prescribe humane standards to govern the transportation and handling of dogs and cats by the dealers.

Mr. Chairman, I have been advised by members of the Agriculture Committee that the amendments adopted by the committee reflects the sentiments of many of the humane societies and medical organizations which appeared at the public hearings held by the Subcommittee on Livestock and Feed Grains.

Since the Life magazine article appeared in February, I have received hundreds of letters from my constituents who were horrified by the scandalous revelations on the snatching of pets to be sold by dealers for research purposes. These animals should be purchased from validly licensed dealers, and not stolen from the streets. This would have the effect of improving the quality of animals used for research, making it more likely that they will productively endure

the research procedures to which they will be subjected. And it would make the stealing of pets for sale to research institutions risky and difficult. I hope that the legislation passes overwhelmingly.

Mr. ROGERS of Florida. Mr. Chairman, I rise in support of legislation which will curb the inhumane traffic in laboratory animals which currently exists in this country. The great weight of evidence now confirms that Federal legislation is needed if we are to find an effective solution to this problem. I want to commend Chairman COOLEY, Mr. POAGE, Mr. RESNICK, the original sponsor, and the other members of the Agriculture Committee for time and effort they have put into this legislation. While this is a very emotional issue, the committee has taken the time to write, what is in essence, a very workable solution to the problem.

I have long been interested in the welfare of animals which are used in the great research programs of this Nation. It is my feeling that the Federal Government, as the supporter of over two-thirds of all biomedical research in this country, has an obligation to insure that the animals used in that research are given the best treatment that is possible. This "dealer" bill is one step in the right direction to insure that that goal is reached. It will deal with the serious problem of the transportation, sale, and handling of dogs and cats used in research and experimentation. It is my feeling that the authors of this bill made the correct decision in stopping at the laboratory door, so to speak, and leaving the treatment of the animals in the laboratory as the subject of other legislation. I have introduced legislation on this latter subject, which will not place unnecessary burdens on research, as have many other Members, and we have already had some hearings on these proposals. It is our intention to continue to pursue this matter.

The bill before the House, H.R. 13881, would require that all dealers, in the business of selling cats and dogs to laboratories, obtain a license. It would also require that any laboratories which obtain Federal funds only purchase their animals from licensed dealers. These are indeed constructive steps in the solution of this problem.

Only recently Life magazine did a feature article on the almost unbelievable conditions to which some dealers have been subjecting these animals. The particular dealer lived within 45 minutes of Washington and was a major source of supply. It is my hope and belief that this legislation will go a great way in protecting animals which are used in research. It is my belief that the goals of progress through research, and humane treatment of the animals used in that research, are not incompatible.

Mr. SCHMIDHAUSER. Mr. Chairman, I want to take this opportunity to express my support for the Poage bill upon which we are today acting. I believe our distinguished colleague, Congressman POAGE, and the members of the House Committee on Agriculture have done a fine job in this important area of legislation.

I have long believed some legislation was necessary to help protect our family pets from being subjected to inhumane treatment as a result of the actions of certain unscrupulous individuals who make a profit from the theft of beloved pets. I also believe H.R. 13881 protects the legitimate medical research programs at our great American universities and medical centers by not restricting sound medical practices.

I believe H.R. 13881 ably serves these two important purposes: it will help to protect our family pets and, at the same time, it will not unduly restrict medical research. For these reasons, and because of my deep interest in this area, I support H.R. 13881.

Mr. BROCK. Mr. Chairman, I would like to take this opportunity to congratulate the House Interstate and Foreign Commerce Committee for drafting an excellent measure, H.R. 13881, regarding the transportation, sale and handling of dogs and cats for research purposes.

A great deal of concern has been generated as a result of the tremendous volume of illicit traffic in these animals which are stripped of identification and shipped across State lines for sale to research facilities and laboratories.

I commend the committee for reporting legislation which will effectively prohibit these practices without imposing unnecessary Federal controls and I support it wholeheartedly.

Mr. O'HARA of Illinois. Mr. Chairman, this in my opinion, is a good bill. Certainly it will serve to give a greater measure of protection to the dogs and cats that are bound in affection to family circles and too often are stolen by ruthless and heartless procurers. It is said it will provide protection up to the door of the hospital and to that extent it will serve the humane cause. Whether at a later time there should be legislation that will provide some measure of prudent regulation within the doors of the hospital is not unlikely. I am too much a friend of dogs, and my memories of Tommy, Peerless and Red, the three dogs that contributed so much sweetness to my life at different stages, is so vibrantly fresh that I would not wish any dog to suffer unnecessary pain and definitely would wish none mistreated. Mr. Chairman, I have received several hundred letters on the bill now before us, most from men and women of medicine. None presents the case for research more graphically than this letter from Howard S. Ducoff, 1516 West Charles Street, Champaign, Ill.

DEAR CONGRESSMAN O'HARA: I am greatly disturbed by proposals to add to the Poage bill restrictions on medical research laboratories. Since we lived in your district, from 1950 to 1957, and were ardent and outspoken supporters of yours while surrounded by Vailites, I thought you might be interested in our personal involvement.

Early in 1957, I accepted an offer from the University of Illinois, and we began to prepare for the move to Champaign-Urbana. My wife had a miserable summer, what with moving, preganancy, and illness. The baby was born here in April 1958, and though she looked lovely, she had a severe heart murmur, and several heart wall and valve defects. In 1961, she underwent open heart surgery at Children's Memorial Hospital; the operation was almost completely successful, and today she is unrestricted in her activities.

If animal experimentation had been restricted 15 years ago, this particular surgical procedure would have taken at least 5 to 10 years longer to develop—and that would have been too late to save the life of my daughter. I'm sorry to take so much of your time, but I'm sure you'll understand our strong feelings in this matter.

Sincerely yours,

HOWARD S. DUCOFF.

Mr. DONOHUE. Mr. Chairman, it seems convincingly clear, from the authoritative evidence presented here this afternoon in connection with animals required for scientific, and experimental research, there is urgent need of Federal legislation to protect the owners of dogs and other animals against the theft of these pets; to protect the animals themselves from cruel and inhuman treatment by unscrupulous persons while waiting upon delivery to these research facilities and to establish penalties to prevent and discourage the transportation and delivery of stolen household pets and other animals for research purposes.

I, and most every other Member here, have received multitudinous letters from constituents, and from a great many heartbroken children, relating instances of theft of their animal pets and, perhaps, even worse, numerous instances of cruel and torturous treatment of dogs and other animals marked for sale and delivery to experimental research facilities. The documented testimony of this growing and most reprehensive traffic in animals for research purposes demonstrates that the situation borders on being a national disgrace which requires legislative action for prompt correction and future prevention.

Mr. Chairman, our legislative duty and challenge here is to protect the owners of all animals against theft of their pets and to require humane treatment of the animals affected by this situation while, at the same time, we prudently try to insure, for the maintenance of the great basic human betterment progress involved, that the experimental and research facilities are not stifled and frustrated in their legitimate scientific projections.

I think that this should be our objective in our action on this bill before us now and I most earnestly hope and trust that this objective will be completely realized in our further discussion and final adoption of this measure this afternoon.

Mr. CLANCY. Mr. Chairman, I have received numerous letters, as I am sure most of my colleagues have, deploring the inhumane conditions and treatment that so many animals destined for laboratories for research purposes have been subjected to. I know we all want to prevent the needless suffering and abuse of these animals.

The bill approved by the Agriculture Committee and before us today seeks to reduce the theft and abuse of animals by dealers, but I would prefer to see a stronger bill enacted to curb the unspeakably cruel practices engaged in by conscienceless dealers and to stop the traffic in stolen pets.

I have introduced a bill, H.R. 13464, identical to that of the gentlewoman from Ohio [Mrs. BOLTON] and the gentleman from New Jersey [Mr. HELSTOSKI] and several other Members of the House, which would prohibit the sale of animals at auction or by weight. The bill under consideration would not do this. As most of us know, stolen pets change hands very quickly at animal auctions and in the process are usually terribly mistreated. Our bill would license dealers only and require laboratories to purchase animals only from licensed dealers. In many additional ways, because of its clear and mandatory language, it would come closer to insuring an end to the abuse and stealing of animals by certain cruel and unscrupulous dealers.

I intend to support the motion which will be made by the gentlewoman from Ohio [Mrs. BOLTON] to recommit to the Committee on Agriculture the bill it approved with instructions to substitute the more effective provisions of her bill. As I indicated, I have introduced an identical measure.

I also support the change in the language of section 7 of the substitute bill which she has proposed. This would result in elimination of the requirement that research facilities make and keep records for a period of at least 2 years. With this amendment, only dealers would be requred to keep such records.

However, if the recommittal motion should fail, I will vote for passage of H.R. 13881, introduced by the gentleman from Texas [Mr. POAGE]. This bill does not go as far as the legislation which I have introduced, but because in all probability we will have no other opportunity this year to vote on legislation of this nature, we should at least take a step in the right direction. This should serve to put the unscrupulous animal thieves on notice that the Congress will no tolerate any longer their shameful activities.

Mr. CLEVELAND. Mr. Chairman, I rise in support of H.R. 13881, to regulate the sale, transportation and handling of dogs and cats used in research, although I consider it only a beginning on work which should be done to provide humane care for animals used in scientific research.

This bill covers only dogs and cats and it stops at the laboratory door. I am the sponsor of legislation, H.R. 5647, the Cleveland-Clark bill—along with the senior Senator from Pennsylvania—which would set standards of humane care inside the laboratory. It would cover all vertebrate animals used in federally financed scientific research. I am deeply sorry that this bill or one substantially like it has not been brought to the floor of the House.

The bill before us today, however, is a beginning. It is the first step in providing legal requirements for that humane care for animals which ought to be a hallmark of any civilized society. Hopefully, H.R. 13881 will pave the way for further progress. For this reason, I am voting for this worthwhile, if rather timid, step forward.

Mr. DANIELS. Mr. Speaker, I rise in support of the substitute bill offered by my good friend and neighbor from New Jersey [Mr. HELSTOSKI]. While I feel that the bill which has come to us from the Agriculture Committee is certainly better than the status quo. I also feel that the measures introduced by the gentleman from New Jersey and a similar bill introduced by the beloved gentlewoman from Ohio [Mrs. BOLTON] are more far reaching in nature and thus are preferable to the measure under discussion. I urge all Members to accept the Helstoski substitute.

Mrs. DWYER. Mr. Chairman, I wholeheartedly support the present bill, H.R. 13881, as an effective means of controlling the growing traffic in stolen pets and of assuring at least minimum standards of decency and humaneness in the handling and transporting of dogs and cats intended for use in medical or scientific research.

It seems to me, Mr. Chairman, that this bill represents the very least that Congress can do in dealing with a situation which has become scandalously bad in a relatively short time. Because I believe this bill will equip the Secretary of Agriculture with adequate authority to develop and enforce workable regulations, I have been glad to cosponsor it. But I do not believe we can stop here. I hope that the Committee on Agriculture will take steps to encourage the Secretary to act expeditiously and effectively. I hope the committee will watch the implementation of the legislation carefully and will not hesitate to come back to the House with recommendations for plugging loopholes or otherwise strengthening the law as experience may indicate is necessary.

I also hope that other committees having jurisdiction over related legislation in the field of animal welfare will be encouraged by what I hope will be overwhelming passage of the pending bill to give active consideration to other proposals for protecting both wildlife and domestic animals. It is evident that the people are aroused over the heartless kidnaping of family pets, the brutal treatment of animals being shipped to laboratories, the sometimes needlessly inhumane use to which animals are put within laboratories, and in general the heartless, unthinking, and blindly selfish manner with which we treat a very precious resource.

On few, if any, other legislative issues before Congress during my 10 years in the House have I received so much correspondence over so long and continuing a period of time. By and large, these have been letters from thoughtful and deeply responsible people, representing every social and economic group. They have expressed concern—which I fully share—not only about the suffering imposed on helpless animals or the sense of loss when a family pet is killed or stolen but even more important about the brutalizing effect upon human beings and upon society as a whole when senseless torture of animals entrusted to our care is tolerated.

Those of our constituents who write us on this issue are being moved by truly noble feelings and by the most rational of objectives. It is up to us to listen and to respond effectively.

This bill represents the first significant forward step since we passed the Humane Slaughter Act in 1958. It will immobilize, hopefully, those ruthless and illicit dealers who roam the countryside and prowl the streets in search of cats and dogs. It will require, through licensing and recordkeeping as well as inspection and sanctions, dealers and research facilities to act in a humane and responsible fashion in buying, selling, transporting, and handling cats and dogs. And it will do so in a way that will not interfere with legitimate medical research or scientific experimentation.

I urge our colleagues, Mr. Chairman, to show those most concerned that we mean business.

Mr. QUIE. Mr. Chairman, I have no further requests for time.

Mr. POAGE. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 13881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to protect the owners of dogs and cats and other animals from theft of such pets and to prevent the sale or use of stolen dogs and cats and other animals for purposes of research and experimentation, it is essential to regulate the transportation, purchase, sale, or handling of dogs, cats, and other animals by persons or organizations engaged in using them for research or experimental purposes or in transporting, buying, or selling them for use.

SEC. 2. When used in this Act—

(a) The term "person" includes any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

(b) The term "Secretary" means the Secretary of Agriculture.

(c) The term "commerce" means commerce between any State, territory, or possession, or the District of Columbia, or Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, but through any place outside thereof; or within any territory or possession or the District of Columbia.

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

(e) The term "cat" means any live domestic cat (Felis catus) for use or intended to be used for research, tests, or experiments at research facilities.

(f) The term "animal" means any vertebrate animal for use or intended to be used for research, tests, or experiments at research facilities, except cattle, horses, mules, sheep, goats, or swine.

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

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

SEC. 3. No research facility shall purchase or transport dogs, cats, or other animals in commerce unless and until such research facility shall have obtained a license from the

Secretary, or acquire any dog, cat, or other animal from any person except a person holding a valid license as a dealer.

SEC. 4. No dealer shall sell or offer to sell or transport or offer for transportation to any research facility any dog, cat, or other animal, or buy, sell, offer to buy or sell, transport or offer for transportation in commerce to or from another dealer under this Act any such animal, unless and until such dealer shall have obtained a license from the Secretary and such license shall not have been suspended or revoked.

SEC. 5. The Secretary is authorized to promulgate humane standards to govern the handling and transportation of dogs, cats, and other animals by dealers and research facilities, and to promote their health, well-being, and safety: *Provided, however,* That nothing in this Act shall be construed to authorize the Secretary to set standards for the handling of these animals during the actual research or experimentation.

SEC. 6. The Secretary shall issue licenses to research facilities and to dealers upon application therefor in such form and manner as he may prescribe and upon payment of such fee pursuant to section 17 of this Act: *Provided,* that no such license shall be issued until the applicant shall have demonstrated that his facilities comply with the standards promulgated by the Secretary pursuant to section 5 of this Act. The Secretary is further authorized to license, as dealers, persons who do not qualify as dealers within the meaning of this Act upon such persons' complying with the requirements specified above and agreeing, in writing, to comply with all the requirements of this Act and the regulations promulgated by the Secretary hereunder.

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

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

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

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

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

SEC. 12. (a) If the Secretary has reason to believe that any research facility has violated or is violating any provision of this Act or any of the rules or regulations promulgated by the Secretary hereunder and if, after notice and opportunity for hearing, he finds a violation, he may make an order that such research facility shall cease and desist from continuing such violation. If the Secretary determines that such violation was willful, he shall also prepare a report in writing in which he shall state his findings as to the facts and shall certify such report to each agency of the Federal Government furnishing funds to such research facility to finance research, tests, or experiments involving the use of dogs, cats, or other animals with a recommendation that such funds be withdrawn for such period as the Secretary may specify, and each such agency so notified shall suspend all such payments, loans, or grants to such research facility, all other laws or parts of law notwithstanding.

(b) If the Secretary has reason to believe that any person licensed as a dealer has violated or is violating any provision of this Act or any of the rules or regulations promulgated by the Secretary hereunder, the Secretary may 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 and may make an order that such person shall cease and desist from continuing such violation.

(c) Any research facility, dealer, or other person aggrieved by a final order of the Secretary issued pursuant to subdivisions (a) and (b) of this section may, within sixty days after entry of such order, file a petition to review such order in the United States Court of Appeals for the judicial circuit in which the party or any of the parties filing the petition for review resides or has its principal office, or in the United States Court of Appeals for the District of Columbia. Upon the filing and service of a petition to review, the Court of Appeals shall have jurisdiction of the proceeding. For the purposes of this Act, the provisions of chapter 19A (Hobbs Act) of title 5, United States Code, shall be applicable to appeals pursuant to this section.

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

SEC. 14. Any research facility or dealer who operates without a license from the Secretary issued pursuant to this Act or while such license is suspended or revoked, and any research facility, dealer, or person licensed as a dealer pursuant to the second sentence of section 6 who knowingly fails to obey a cease-and-desist order made by the Secretary under the provisions of section 12 of this Act shall forfeit to the United States the sum of $500 for each offense. Such forfeiture shall be recoverable in a civil suit in the name of the United States. It shall be the duty of the various United States attorneys, under the direction of the Attorney General, to bring suit for the recovery of forfeitures.

SEC. 15. Whenever it shall appear to the Secretary that any person has engaged, is engaging, or is about to engage in any act or practice constituting a violation of any provision of this Act, or any rule, regulation, or order thereunder, the Secretary may notify the Attorney General, and the Attorney General may bring an action in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such act or practice and to enforce compliance with this Act, or any rule, regulation, or order thereunder, and said courts shall have jurisdiction to entertain such actions. Any action under this section may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or in the district where the act or practice in question occurred or is about to occur, and process in such cases may be served in any district where the defendant may be found.

SEC. 16. If any provision of this Act or the application of any such provision to any person or circumstances shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 17. In order to finance the administration of this Act, the Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued. Such fees shall be adjusted on an equitable basis taking into consideration the type and nature of the operations to be licensed and shall cover as nearly as practicable the costs of administering the provisions of this Act. All such fees shall be deposited in a fund which shall be available without fiscal year limitation for use in administering the provisions of this Act together with such funds as may be appropriated thereto, and there are hereby authorized to be appropriated such funds as Congress may from time to time provide.

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

Mr. POAGE (during the reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and be open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlemen from Texas?

There was no objection.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

On page 1, line 3, strike out "and other animals".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 1, line 5, strike out "and other animals".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

On page 1, beginning on line 7, strike out "dogs, cats, and other animals" and insert "dogs and cats".

The committee amendment was agreed to.

Mr. POAGE. Mr. Chairman, I ask unanimous consent that the remaining committee amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will report the remaining committee amendments.

The Clerk read as follows:

Page 2, line 2, after the word "for", insert "such".

Page 2, line 11, after the word "or", insert with caps "The Commonwealth of".

Page 2, beginning on line 22 strike out all of subsection (f). Redesignate subsections (g) and (h) as subsections (f) and (g), respectively.

Page 3, line 3, strike out "dogs, cats, or other animals" and insert "dogs or cats".

Page 3, line 5, strike out "such animals" and insert "dogs or cats".

Page 3, line 12, strike out "dogs, cats, or other animals" and insert "dogs or cats".

Page 3, line 15, strike out "dogs, cats, or other animals" and insert "dogs or cats".

Page 3, line 17, strike out "dog, cat, or other animal" and insert "dog or cat".

Page 3, beginning on line 21, strike out "dog, cat, or other animal", and insert "dog or cat,".

Page 3, line 24, strike out "such animal," and insert "dog or cat,".

Page 4, line 5, strike out "dogs, cats, and other animals" and insert "dogs and cats".

Page 4, beginning on line 5, strike out "and research facilities".

Page 4, line 9, strike out "these animals" and insert "dogs and cats".

Page 4, line 10, strike out the period and add "or at any time subsequent to the arrival of such animals at a research facility".

Page 4, line 14, following the word "fee" insert "established".

Page 4, line 15, strike out "applicant" and insert "dealer".

On page 4, line 18, change the period after the word "Act" to a colon and add:

Provided, however, That any person who derives less than a substantial portion of his income (as determined by the Secretary) from the breeding and raising of dogs and cats on his own premises and sells such animals to a dealer shall not be required to obtain a license as a dealer under this Act.

Page 5, line 3, strike out "Research facilities and dealers" and insert "Dealers".

Page 5, line 5, strike out "dogs, cats, and other animals," and insert "dogs and cats".

Page 5, line 6, following the first sentence of section 8, insert the following new sentence: "Research facilities shall make and keep such records with respect to their purchase, sale, and transportation of dogs and cats as the Secretary may prescribe.".

Page 6, line 4, strike out "willful" and insert "willful and likely to continue,".

Page 6, line 9, strike out "dogs, cats, or other animals" and insert "dogs or cats".

Page 6, line 12, after the phrase "such research facility," insert "unless such agency finds that such suspension would not be in the public interest,".

Page 7, line 1, strike out "subdivisions" and insert "subsections".

Page 8, line 1, strike out the period at the end of the sentence and add "and each day of operating without a valid license or failing to obey a cease and desist order shall constitute a separate offense."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

AMENDMENT OFFERED BY MRS. BOLTON

Mrs. BOLTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BOLTON: Strike out all after the enacting clause and insert in lieu thereof the text of the bill H.R. 13346, as amended, as follows:

That, in order to protect the owners of dogs, cats, and other animals from theft of such pets and to prevent the sale or use of stolen dogs, cats, or other animals for purposes of research and experimentation, it is essential to regulate the transportation, purchase, sale, and handling of dogs, cats, and other animals by persons or organizations engaged in transporting, buying, or selling them for use in research or experimental purposes.

SEC. 2. As used in this Act—

(a) The term "person" includes any individual, partnership, association, or corporation;

(b) The term "Secretary" means the Secretary of Agriculture;

(c) The term "commerce" means commerce between any State, territory, or possession, or the District of Columbia or Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, but through any place outside thereof; or within any territory or possession or the District of Columbia.

(d) The term "dog" means any live dogs of the species Canis familiaris for use or intended to be used for research tests or experiments at research facilities.

(e) The term "cat" means any live domestic cat (Felis catus) for use or intended to be used for research, tests, or experiments at research facilities.

(f) The term "animal" means any vertebrate animal.

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

(h) The term "dealer" means any person who for compensation or profit delivers for transportation, transports, boards, buys, or sells dogs, cats, or other animals in commerce for research purposes.

SEC. 3. It shall be unlawful for any research facility to purchase or transport dogs, cats, or other animals in commerce except from a dealer licensed in accordance with this Act.

SEC. 4. It shall be unlawful for any dealer to sell or offer to sell or to transport to any research facility any dog, cat, or other animal to buy, sell, offer to buy or sell, transport or offer for transportation in commerce or to another dealer under this Act any such animal, unless and until such dealer shall have obtained a license from the Secretary in accordance with such rules and regulations as the Secretary may prescribe pursuant to this Act, and such license shall not have been suspended or revoked.

SEC. 5. The Secretary shall promulgate standards for the humane care of animals by dealers. The term "humane care" shall mean the type of care which a responsible and conscientious owner would ordinarily provide for an animal kept as a household pet to prevent the animal's suffering, sickness, injury, or other discomfort and shall include but not be limited to housing, feeding, watering, handling, sanitation, ventilation, shelter from extremes of weather and temperature, and separation by species, sex, and temperament both in the dealer's facility and in transportation. The sale, offer to buy or sell, transport or offer for transportation in commerce or to another dealer of any sick, injured, unweaned, or pregnant animal is expressly forbidden.

SEC. 6. All dogs and cats delivered for transportation, transported, purchased, or sold in commerce or to research facilities shall be identified by a photograph or by such other humane and painless manner as the Secretary may prescribe.

SEC. 7. Dealers shall make and keep for a period of no less than two years such records with respect to their purchase, sale, transportation, and handling of dogs, cats, and other animals, as the Secretary may prescribe. Such records shall include a bill of sale for each animal and any collars, tags, or other identifying equipment which accompanied the animals at the time of their acquisition by the dealer. The bill of sale shall contain such information as shall be prescribed by the Secretary. Any bill of sale which is fraudulent or indicates larceny of any animal shall be grounds for prosecution and revocation of license called for in section 14 and for the penalty called for in section 12. Dealers shall be open to inspection by representatives of the Secretary or to any police officer or agent of any legally constituted law enforcement agency.

SEC. 8. The Secretary shall take such action as he may deem appropriate to encourage the various States of the United States to adopt such laws and to take such action as will promote and effectuate the purposes of this Act and the Secretary is authorized to cooperate with the officials of the various States in effectuating the purposes of this Act and any State legislation on the same subject.

SEC. 9. No dealer shall sell or otherwise dispose of any dog, cat, or other animal within a period of five business days after the acquisition of such animals. Representatives of the Secretary, any police officer or agent of any legally constituted law enforcement agency shall assist any owner of any animal who has reason to believe the animal may be in the possession of a dealer in searching the dealer's premises, after obtaining the proper search warrant from the local authorities in whose jurisdiction the dealer's premises are located.

SEC. 10. Dogs, cats, and other animals shall not be offered for sale or sold in commerce or to a research facility at public auction or by weight; or purchased in commerce or by a research facility at public auction or by weight. No research facility shall purchase any animals except from a licensed dealer.

SEC. 11. The Secretary is authorized and directed to promulgate such rules, regulations and orders as he may deem necessary in order to require compliance with the standards for the humane care of animals called for in section 5 and all other purposes and provisions of this Act. Such rules, regulations, and orders shall be published within a reasonable time after enactment of this Act.

(a) Representatives of the Secretary shall inspect dealer's facilities no less than six times a year to determine whether the standards and other provisions of this Act are being complied with. The Secretary shall also require the regular inspection of transportation of animals by and from dealers to research facilities and may delegate that responsibility to law enforcement officers of the States or to agents of any legally constituted law enforcement agencies.

SEC. 12. Any person who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year or a fine of not more than $10,000 and to revocation of the license described in section 4 and shall not be eligible for another license under this Act. The penalty created by this section shall be recovered by civil action in the name of the United States in the circuit or district court within the district where the violation may have been committed or the person or corporation resides or carries on business; and it shall be the duty of the United States attorneys to prosecute all violations of this Act reported by the Secretary, or which come to their notice or knowledge by other means.

SEC. 13. When construing or enforcing the provisions of this Act, the act, omission, or failure of any individual acting for or employed by a research facility or a dealer within the scope of his employment or office shall be deemed the act, omission, or failure of such research facility or dealer as well as of such individual.

SEC. 14. If the Secretary has reason to believe that a dealer has violated any provision of this Act or the regulations promulgated thereunder, the Secretary shall suspend such dealer's license temporarily, and, after notice and opportunity for hearing, shall revoke such license if such violation is determined to have occurred. The Secretary shall also suspend temporarily the license of any dealer prosecuted for cruelty under the laws of any of the States for the prevention of cruelty to animals and in the event of a conviction under any of such laws of the States, the Secretary shall revoke the dealer's license.

SEC. 15. If any provisions of this Act or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 16. In order to finance the administration of this Act, the Secretary shall charge, assess, and cause to be collected appropriate fees for licenses issued to dealers. All such

fees shall be deposited and covered into the Treasury as miscellaneous receipts.

SEC. 17. EFFECTIVE DATE.—This Act shall take effect one hundred and twenty days after enactment.

Mrs. BOLTON (interrupting the reading). Mr. Chairman, since copies of the bill are available to Members, it is not necessary to read it, and I ask unanimous consent that further reading of the amendment be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

Mr. POAGE. Mr. Chairman, reserving the right to object, I should like to ask whether the bill to which the amendment refers is the same as the Helstoski bill?

Mrs. BOLTON. Not quite.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The CHAIRMAN. The gentlewoman from Ohio is recognized for 5 minutes in support of her amendment.

Mrs. BOLTON. Mr. Chairman, the amendment is very simple. I think it would be well if I merely said that the definitions are the same. The term "dealer" would mean the same. I omitted, as the committee did, research and facilities and leaving the dealers, the matter of records, and the matter of records being open to investigation or open to reading by anyone.

The same is there in respect to the violations. It is, in a way, rather a simpler bill. I ask that it be accepted.

SUBSTITUTE AMENDMENT OFFERED BY MR. HELSTOSKI TO THE AMENDMENT OFFERED BY MRS. BOLTON

Mr. HELSTOSKI. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentlewoman from Ohio.

The Clerk read as follows:

Substitute amendment offered by Mr. HELSTOSKI to the amendment offered by Mrs. BOLTON:

"That, in order to protect the owners of dogs, cats, and other animals from theft of such pets and to prevent the sale or use of stolen dogs, cats, or other animals for purposes of research and experimentation, it is essential to regulate the transportation, purchase, sale, and handling of dogs, cats, and other animals by persons or organizations engaged in transporting, buying, or selling them for use in research or experimental purposes.

"SEC. 2. As used in this Act—

"(a) The term 'person' includes any individual, partnership, association, or corporation;

"(b) The term 'Secretary' means the Secretary of Agriculture;

"(c) The term 'commerce' means commerce between any State, territory, or possession, or the District of Columbia or Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, but through any place outside thereof; or within any territory or possession or the District of Columbia.

"(d) The term 'dog' means any live dogs of the species Canis familiaris for use or intended to be used for research tests or experiments at research facilities.

"(e) The term 'cat' means any live domestic cat (Fells catus) for use or intended to be used for research, tests, or experiments at research facilities.

"(f) The term 'animal' means any vertebrate animal.

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

"(h) The term 'dealer' means any person who for compensation or profit delivers for transportation, transports, boards, buys, or sells dogs, cats, or other animals in commerce for research purposes.

"SEC. 3. It shall be unlawful for any research facility to purchase or transport dogs, cats, or other animals in commerce except from a dealer licensed in accordance with this Act.

"SEC. 4. It shall be unlawful for any dealer to sell or offer to sell or to transport to any research facility any dog, cat, or other animal to buy, sell, offer to buy or sell, transport or offer for transportation in commerce or to another dealer under this Act any such animal, unless and until such dealer shall have obtained a license from the Secretary in accordance with such rules and regulations as the Secretary may prescribe pursuant to this Act, and such license shall not have been suspended or revoked.

"SEC. 5. The Secretary shall promulgate standards for the humane care of animals by dealers. The term 'humane care' shall mean the type of care which a responsible and conscientious owner would ordinarily provide for an animal kept as a household pet to prevent the animals' suffering, sickness, injury, or other discomfort and shall include but not be limited to housing, feeding watering, handling, sanitation, ventilation, shelter from extremes of weather and temperature, and separation by species, sex, and temperament both in the dealer's facility and in transportation. The sale, offer to buy or sell, transport or offer for transportation in commerce or to another dealer of any sick, injured, unweaned, or pregnant animal is expressly forbidden.

"SEC. 6. All dogs and cats delivered for transportation, transported, purchased, or sold in commerce or to research facilities shall be identified by a photograph or by such other humane and painless manner as the Secretary may prescribe.

"SEC. 7. Research facilities and dealers shall make and keep for a period of no less than two years such records with respect to their purchase, sale, transportation, and handling of dogs, cats, and other animals, as the Secretary may prescribe. Such records shall include a bill of sale for each animal and any collars, tags, or other identifying equipment which accompanied the animals at the time of their acquisition by the dealer. The bill of sale shall contain such information as shall be prescribed by the Secretary. Any bill of sale which is fraudulent or indicates larceny of any animal shall be grounds for prosecution and revocation of license called for in section 14 and for the penalty called for in section 12. Records made and kept by research facilities shall be open to inspection by representatives of the Secretary or to any police officer or agent of any legally constituted law enforcement agency.

"SEC. 8. The Secretary shall take such action as he may deem appropriate to encourage the various States of the United States to adopt such laws and to take such action as will promote and effectuate the purposes of this Act and the Secretary is authorized to cooperate with the officials of the various States in effectuating the purposes of this Act and any State legislation on the same subject.

"SEC. 9. No dealer shall sell or otherwise dispose of any dog, cat, or other animal within a period of five business days after the acquisition of such animals. Representatives of the Secretary, any police officer or agent of any legally constituted law enforcement agency shall assist any owner of any animal who has reason to believe the animal may be in the possession of a dealer in searching the dealer's premises, after obtaining the proper search warrant from the local authorities in whose jurisdiction the dealer's premises are located.

"SEC. 10. Dogs, cats, and other animals shall not be offered for sale or sold in commerce or to a research facility at public auction or by weight; or purchased in commerce or by a research facility at public auction or by weight. No research facility shall purchase any animals except from a licensed dealer.

"SEC. 11. The Secretary is authorized and directed to promulgate such rules, regulations and orders as he may deem necessary in order to require compliance with the standards for the humane care of animals called for in section 5 and all other purposes and provisions of this Act. Such rules, regulations, and orders shall be published within a reasonable time after enactment of this Act.

"(a) Representatives of the Secretary shall inspect dealer's facilities no less than six times a year to determine whether the standards and other provisions of this Act are being complied with. The Secretary shall also require the regular inspection of transportation of animals by and from dealers to research facilities and may delegate that responsibility to law enforcement officers of the States or to agents of any legally constituted law enforcement agencies.

"SEC. 12. Any person who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year or a fine of not more than $10,000 and to revocation of the license described in section 4 and shall not be eligible for another license under this Act. The penalty created by this section shall be recovered by civil action in the name of the United States in the circuit or district court within the district where the violation may have been committed or the person or corporation resides or carries on business; and it shall be the duty of the United States attorneys to prosecute all violations of this Act reported by the Secretary, or which come to their notice or knowledge by other means.

"SEC. 13. When construing or enforcing the provisions of this Act, the act, omission, or failure of any individual acting for or employed by a research facility or a dealer within the scope of his employment or office shall be deemed the act, omission, or failure of such research facility or dealer as well as of such individual.

"SEC. 14. If the Secretary has reason to believe that a dealer has violated any provision of this Act or the regulations promulgated thereunder, the Secretary shall suspend such dealer's license temporarily, and, after notice and opportunity for hearing, shall revoke such license if such violation is determined to have occurred. The Secretary shall also suspend temporarily the license of any dealer prosecuted for cruelty under the laws of any of the States for the prevention of cruelty to animals and in the event of a conviction under any of such laws of the States, the Secretary shall revoke the dealer's license.

"SEC. 15. If any provisions of this Act or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

"SEC. 16. In order to finance the administration of this Act, the Secretary shall

charge, assess, and cause to be collected appropriate fees for licenses issued to dealers. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

"SEC. 17. EFFECTIVE DATE.—This Act shall take effect one hundred and twenty days after enactment."

Mr. HELSTOSKI. Mr. Chairman, the bill under present consideration by the House is a result of hearings which were held by the House Agriculture Committee. These hearings have spotlighted the old, but not widely known, story of how miserly our civilized society lets some of its members treat defenseless animals in the process of making a fast dollar.

The hearings have proven beyond any reasonable doubt that Federal legislation is absolutely essential to eliminate a nationwide evil. Essentially, the hearings brought out the tale so graphically told in the February 4 issue of Life magazine, of animals destined for scientific experiment, kept and shipped under appalling conditions of dirt, semistarvation and lack of proper shelter.

Many of these animals are domestic pets, stolen and sold in greedy haste by dognapers. Thefts are estimated to account for about half of the Nation's annual toll of missing pets.

The people of the Nation have been shocked into reality of this vast enterprise and have become outraged by the abuse heaped upon these defenseless animals.

The hearings covered about 50 bills designed to regulate the traffic in laboratory animals or their treatment under experiment. The result of these hearings is, as I stated before, the bill under consideration, which actually does not provide the necessary means to correct the present abuses.

We speak of correcting these abuses, yet to me, this bill becomes a totally meaningless mass of words actually licensing federally these abuses. It offers ample room for much-needed improvement in its language. In my estimation, this legislation is not what the aroused public wants. It has many flaws and omissions of factors which are so vital to good legislation in this field of dognaping and cat stealing, and the transportation thereof. This is the heart of the matter.

Some of the major factors which are missing in this bill and which are of prime importance to the correction of present abuses can be enumerated on the fingers of one hand, which I cannot stress too deeply as being necessary to this bill.

First, the most glaring omission is the fact that it permits the continued practice of selling dogs and cats at auction sales and by body weight. This practice is the most widely used abuse of animals in which a great number of them are fraudulently acquired and which change hands so frequently that an owner has no chance or hope of reclaiming or recovering his or his child's pet.

Practically every bill introduced on this topic, from the time the first bill was introduced early last year, has provisions which would ban the sale of pets at auction or by body weight. Why should this bill be different by the omission of this vital factor? The prohibition on the sale of animals by weight and public auction would dry up the sources of animal supply that is so cheap that callous dealers can afford to let many starve or freeze to death.

A safeguard against theft or fraudulent acquisition of animals is the necessity of having a bill of sale indicating legal acquisition issued for each animal. This bill omits that feature and, again, I ask why this provision is not embodied in the pending legislation?

Next, this bill fails to require inspection of dealer's facilities and his methods of transportation of animals. Since this omission is so evident, the dealers can continue to operate without fear that their business will be curtailed because of unsanitary conditions and with dilapidated transportation means.

As we look deeper into this pending bill, we notice that it does not call for the revocation of licenses of dealers who violate the law. With this feature lacking in the bill, any violator can be sure that he can continue in business even if he is caught in the web of the law. It does not provide for adequate fines for any violations, and the penalties imposed by the pending bill, to my way of thinking, can be construed by unscrupulous dealers as a nominal fine and continue their business operations. The volume of their trade can readily absorb any penalties which may be imposed upon them under the terms of this bill.

Last, but not least, this bill does not give the legislative intent on the humane standards that the Secretary of Agriculture would be required to promulgate.

This legislation is basically permissive in character and radically different from the bill which I introduced on this topic. My bill, H.R. 10743, and eight similar bills introduced by Members of this body would require mandatory enforcement in this field.

In contrast to this bill, which embodies the previously mentioned deficiencies and complete lack of clarity, my bill and the several others of similar text would present the very minimum in legislation required to do the job which we wish to correct in the field of animal theft and abuse.

We, in this Congress, have many weighty matters to consider along with this legislation. We will have matters that are less urgent as well, but as we consider a curb on pet theft and needless cruelty to animals we should take into cognizance a measure that is moderate, workable, realistic and the minimum that we should pass at this time. The presently pending bill does not do so.

It appears that this House will pass a meaningless and weak bill and it should not take the attitude that something is better than nothing. The present bill will not solve anything, rather it will add to the confusion surrounding the practice of dognaping and cat stealing.

My interest in this legislation is of long duration, but I cannot see the adequacy of this bill insofar as being an instrument in correcting the obvious abuses. My bill, 10743, requiring realistic regulations is available for consideration. Bills of like text are also available for action.

It is my hope that this House passes legislation realistic in its purposes and effective in its workability.

Mr. RESNICK. Mr. Chairman, I rise in opposition to the amendment.

I do not find it a pleasant duty to disagree with my distinguished colleague and friend from New Jersey, but I believe I must.

I should like to go back to the original bill I introduced in this field, H.R. 9743. In that bill there was a prohibition on auction by body weight. The committee bill does not contain that prohibition for a simple reason. We could find no evidence and no testimony to the effect that it was still going on. It might have been going on in days past, but a very throough investigation showed it had been stopped. As a matter of fact, CBS News spent days at the auctions and could find no evidence of this terrible practice taking place.

It is also important to point out, as our distinguished chairman pointed out, that the auctions will be regulated, as dealers will be, so that such terrible conditions will not be allowed to exist.

So far as inspection is concerned, I believe my distinguished colleague from New Jersey is wrong on that. As I pointed out in my colloquy with the gentleman from Ohio, unless these dealers meet certain standards they simply will not get licenses. If they do not get licenses they will not be in business and they will not be permitted to sell animals to the research facilities.

Again I must disagree with my friend from New Jersey, when he says that there is no provision for humane treatment. That is not so. The Secretary is instructed to set humane treatment standards for the dealers.

I believe the gentleman will agree with me that most of the evidence turned up to date shows that the inhuman handling and treatment of dogs has been by the dealers rather than by the hospitals and research centers.

We all know that the whole area of humane treatment for research animals is a broad one and requires a great deal of study and care. This is the subject of a bill introduced by my distinguished colleague from Florida [Mr. PEPPER] and my distinguished colleague from Florida [Mr. ROGERS] and this subject will be discussed at a later date.

Again I would like to make it very clear for the RECORD why I oppose the substitute amendment to the amendment. It is because the Poage bill accomplishes essentially what we want to accomplish. It prevents as much as is humanly possible the theft of dogs and cats for medical research purposes by taking the profit motive out of it. That is the whole thrust of the bill, and I think it accomplishes it very well.

Mr. HELSTOSKI. Mr. Chairman, will the gentleman yield?

Mr. RESNICK. I yield to the gentleman from New Jersey.

Mr. HELSTOSKI. The point is this: We do not have to leave this to the Secretary of Agriculture to promulgate any

standards of humane treatment. We can write it in the bill and say:

The Secretary shall promulgate standards for the humane care of animals by dealers. The term "humane care" shall mean the type of care which a responsible and conscientious owner would ordinarily provide for an animal kept as a household pet to prevent the animal's suffering, sickness, injury, or other discomfort and shall include but not be limited to housing, feeding, watering, handling, sanitation, ventilation, shelter from extremes of weather and temperature, and separation by species, sex, and temperament both in the dealer's facility and in transportation. The sale, offer to buy or sell, transport or offer for transportation in commerce or to another dealer of any sick, injured, unweaned, or pregnant animal is expressly forbidden.

Mr. RESNICK. If the gentleman will permit me to answer, I will say it is very true, and I believe that again it was a question as to whether it should go under the Secretary of Agriculture or the Secretary of Health, Education, and Welfare. I believe it should go under the Secretary of Agriculture, because of the Department's long history and knowledge of the care and handling of all kinds of animals and not just dogs and cats. I think it is reasonable to assume, and I have full confidence, that our distinguished Secretary of Agriculture and his great Department will certainly come up with standards which will satisfy the most critical eye.

Mr. MINSHALL. Mr. Chairman, I rise in support of the amendment.

I urge the House to support the amendment offered by my friend, neighbor, and distinguished colleague, the gentlewoman from Ohio [Mrs. BOLTON].

As all of us know, the public demands strong legislation to protect animals against theft and against cruel treatment by dealers of animals used in research.

We will not satisfy this public mandate or stamp out the cruel traffic through the bill reported by the House Committee on Agriculture which is before us today.

The committee bill is entirely permissive, leaving enforcement to the discretion of the Secretary of Agriculture. The present occupant of that office has shown a singular lack of enthusiasm for legislation of this type.

There is no clarification of humane standards in the committee bill. It permits the continued sale of animals at auction and by body weight, and it is in this area that some of the greatest cruelties have occurred.

Nowhere in the bill is there a provision requiring bills of sale as a safeguard against theft and fraudulent acquisitions of animals by dealers.

And nowhere does the measure require that a dealer's license be revoked for violation of the statute. There are no criminal penalties, and the fine provided is scarcely a deterrent when one considers that with our civil dockets so crowded it might well be a year or more before a case would reach the courts.

Mrs. BOLTON's amendment, as one of our Cleveland newspapers put it, makes "A dog bill with teeth in it." I hasten to point out that it, of course, protects more than dogs, but includes all animals. Here too it is far more inclusive than the committee bill, which provides protection only to dogs and cats.

The amendment would prohibit the sale of animals at auction or by weight; require the humane housing, handling, and transport of animals by dealers; require Federal inspection of dealers' premises and transport; would license dealers, subject to revocation for violations of the act or of the anticruelty laws of the individual State. It calls for stern and realistic penalties.

We know what American citizens want in the way of law and by supporting this amendment we can give it to them.

Mr. KUPFERMAN. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. No, I do not yield to the gentleman. I am out of time.

Mr. QUIE. Mr. Chairman, I rise in opposition to the Helstoski amendment.

(Mr. QUIE asked and was given permission to revise and extend his remarks.)

Mr. QUIE. Mr. Chairman, the gentleman from Ohio [Mr. MINSHALL], said he wants a dog bill with teeth in it.

Mr. Chairman, I would say that the committee bill has more teeth in it than the Helstoski bill.

Mr. Chairman, I thought that we ought to just take a minute and see some of the faults that are contained in the Helstoski bill, and there were a number of bills similar to it introduced by others of my colleagues, which bills came before our Committee on Agriculture and which committee looked at and studied seriously.

However, Mr. Chairman, we felt very strongly that the legislation which we reported out and which is before us today as H.R. 13881 is better than the legislation in these two amendments. H.R. 13881 is not exactly what anyone introduced. It surely was not what I introduced. I believe it represents a stronger piece of legislation than any bill which the committee considered.

Mr. Chairman, the Helstoski bill could very likely impair the flow of animals to research facilities. These animals are very desperately needed at our various research facilities.

Mr. Chairman, if we are going to work on diseases that now kill human beings—and human beings come first in our view—then the flow of research animals must continue to be available to our research facilities.

Mr. Chairman, under section 16 of the Helstoski bill the cost of the license would be borne entirely by the dealer and the common carrier. There is no provision under their bill for supplemental financing through the medium of appropriations or for research facilities to share the cost thereof.

But, Mr. Chairman, let us assume that there are 1,000 dog dealers and common carriers throughout the Nation. Based upon the estimate of the Department of Commerce of a little over $1 million as the annual cost of this program, the licensing could run as high as $1,000 per person.

Mr. Chairman, this figure seems to me to be prohibitive for any person of average means to pay. We do not feel badly at all at charging a license of $1,000 to a dog dealer who has been abusing and stealing animals. However, there are legitimate and good dealers in the business. This charge, in our opinion, would put them out of business and the result would be that fewer animals would find their way into this outlet, animals that should be used for research purposes.

Mr. Chairman, next permit me to point out that all vertebrates, not just cats and dogs, would be covered in the Helstoski bill. At first I had sympathy with this point of view, but after hearing the witnesses I am convinced that dogs and cats are all it should regulate at the present time.

Mr. Chairman, one section of the various proposals such as contained in the Helstoski bill requires that the bill of sale be available for each animal kept by research facilities for not less than 2 years.

Mr. Chairman, one can imagine the paperwork and administrative burden imposed through such a requirement when applied to about 59 million rats and mice which are used for cancer research alone. It is not feasible.

Further, Mr. Chairman, section 11(a) of that bill would permit the Secretary of the Department of Agriculture to delegate to State and local law enforcement officers the responsibility for enforcing the provisions of this legislation. One can ask the question, Is this constitutional for a Federal Cabinet officer to use the State and county enforcement authorities to carry out his responsibilities? If so, who is to pay them for their time and work?

Mr. Chairman, it is obvious from this that there are serious questions with reference to the provisions of the Helstoski bill.

Next, Mr. Chairman, there are proposals which would require common carriers to be licensed dealers, notwithstanding the fact that all common carriers except trucks are already required by the 28-hour law to treat in a humane manner any animals that they carry.

Next the Helstoski bill requires that the Secretary of Agriculture become a State lobbyist because when you look at the language in section 8, it says:

The Secretary shall take such actions as he may deem appropriate to encourage the various States of the United States to adopt such laws and to take such actions as will promote and effectuate the purposes of this Act and the Secretary is authorized to cooperate with the officials of the various States in effectuating the purposes of this Act and any State legislation on the same subject.

This does not seem to me to be a very desirable policy for the Secretary of Agriculture to pursue.

Next, there exists a serious question whether these bills are drafted in a manner to insure adequate enforcement. Section 14 states than any "person" who violates the legislation will be subject to fine or imprisonment. But is a research facility a "person"? "Person" is defined earlier in these bills as an "individual, partnership, association, or corporation." In most cases, I would guess research fa-

cilities would not be "persons," thus the prohibition against purchasing animals in section 3 would not be enforcible.

Next, the language of section 2(h) in these proposals is broad enough to include every farmer, hatcheryman, or pet owner in the United States who sells one dog, cat, or other vertebrate animal for medical research purposes. The committee bill has taken care of this problem by creating an exemption for persons who sell small number of animals. Unless some reasonable exemption is provided for, a very vital source of research animals would be completely eliminated, thus causing irreparable injury to our medical research effort.

Finally, these bills propose to spell out in greater detail the definition of "humane care." Yet the standard set in section 5 is still vague and indefinite.

In summary, these bills are all aimed at the same target as the committee bill, but they contain many defects. They would impair medical research, impose excessive license fees, regulate common carriers, create continuing litigation and place upon the Secretary of Agriculture an unwise responsibility.

The Committee on Agriculture has considered all these problems and proposals and has incorporated the best of 45 different bills into H.R. 13881 which deserves the support of this body.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Iowa.

Mr. GROSS. I have read this bill rather carefully. Nowhere do I find any provision, with reference to the humane treatment of dogs, that they not be lifted by their ears. Does the gentleman think this might be included in the bill?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. ADDABBO. Mr. Chairman, I move to strike out the last word and rise in support of the amendment offered by the gentleman from New Jersey [Mr. HELSTOSKI].

Mr. Chairman, I rise in support of the Helstoski amendment for I believe that the bill before us today is a step in the direction of humane treatment of animals, but it is such a minor step that one worries whether it is even worthwhile. I realize that scientific research is necessary and do not wish to give the impression that animals should not be used in research, but I do believe that certain standards of humane treatment are warranted. I believe that we should take this opportunity today to enact a more far-reaching and effective bill than H.R. 13881. Let us make sure that poor defenseless animals are not subjected to inhuman torture even in the name of medical progress.

(Mr. ADDABBO asked and was given permission to revise and extend his remarks.)

Mr. FRASER. Mr. Chairman, I move to strike out the last word and rise in opposition to both amendments.

Mr. Chairman, I will just take a minute or two to reemphasize the point that the gentleman from Minnesota has been making. As I understand it, under either of these proposed amendments not only would dogs and cats be covered but so would mice, fish, hamsters and rabbits, guinea pigs and a variety of other animals, the numbers of species of which run something on the order of several hundred. So it would seem to me that the suggestion that some 50 million or 60 million mice ought to be separately identified and photographed and a record kept of each one of these animals would be an excessive burden where there is no evidence of a problem of theft of these kinds of animals.

So, Mr. Chairman, I think the work of the committee which has been careful and deliberate ought to be sustained and that both of these amendments which have provisions in them that are really unreasonable and unworkable ought to be rejected.

Mrs. MAY. Mr. Chairman, I rise in opposition to the amendments.

Mr. Chairman, for the reasons that have been outlined by my colleagues, I am opposed to the Helstoski amendment as it amends the Bolton amendment and also to the Bolton amendment.

I would like to comment on one statement made by our colleagues, the gentleman from New Jersey [Mr. HELSTOSKI] when he said in support of his amendment that the bill we have before us here today does not allow us to inspect premises of dealers.

I would point out that under the language of this bill—and this language is in the report on the bottom of page 8 by the way—as I say, the language provides:

> The committee also contemplates that the Secretary will establish and enforce by adequate inspection humane standards concerning the health, well-being, and safety of dogs and cats at auction sales of these animals. Humane standards would of course include housing, feeding, ventilation, and watering criteria.

This would be on any premises or elsewhere.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New Jersey [Mr. HELSTOSKI], to the amendment offered by the gentlewoman from Ohio [Mrs. BOLTON].

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio [Mrs. BOLTON].

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DUNCAN of Oregon, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 13881) 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, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mrs. BOLTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentlewoman opposed to the bill?

Mrs. BOLTON. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mrs. BOLTON moves to recommit the bill 13881 to the Committee on Agriculture.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes had it, and that the motion was not agreed to.

The SPEAKER. The question is on passage of the bill.

For what purpose does the gentleman from New Jersey rise?

Mr. HELSTOSKI. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. HELSTOSKI. I would like to have the yeas and nays on the motion to recommit.

The SPEAKER. The Chair will state that that stage has already been passed. The question is now on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

YEAS AND NAYS DEMANDED

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 352, nays 10, not voting 70, as follows:

[Roll No. 76]

YEAS—352

Abernethy	Bow	Collier
Adair	Brademas	Conable
Adams	Brooks	Conte
Addabbo	Broomfield	Conyers
Anderson, Ill.	Brown, Clarence J., Jr.	Craley
Anderson, Tenn.	Broyhill, N.C.	Cramer
Andrews, George W.	Broyhill, Va.	Cunningham
Andrews, Glenn	Buchanan	Curtin
Andrews, N. Dak.	Burke	Curtis
Arends	Burton, Calif.	Daddario
Ashbrook	Burton, Utah	Dague
Ashmore	Byrne, Pa.	Daniels
Aspinall	Byrnes, Wis.	Davis, Wis.
Bandstra	Cabell	Dent
Baring	Callan	Denton
Barrett	Carey	Derwinski
Bates	Casey	Devine
Battin	Cederberg	Dickinson
Belcher	Chamberlain	Diggs
Bell	Chelf	Dole
Bennett	Clancy	Donohue
Berry	Clark	Dorn
Bingham	Clausen, Don H.	Dow
Boland	Clawson, Del	Downing
Bolling	Cleveland	Dulski
	Clevenger	Duncan, Oreg.
	Cohelan	Duncan, Tenn.
		Dwyer
		Dyal

Edmondson
Edwards, Ala.
Edwards, Calif.
Erlenborn
Everett
Evins, Tenn.
Fallon
Farnsley
Farnum
Fascell
Findley
Fino
Fisher
Flood
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Friedel
Fulton, Pa.
Gallagher
Garmatz
Gathings
Gettys
Giaimo
Gibbons
Gilbert
Gilligan
Gonzalez
Goodell
Grabowski
Gray
Green, Oreg.
Green, Pa.
Greigg
Grider
Gross
Grover
Gubser
Gurney
Hagen, Calif.
Haley
Hall
Halleck
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Iowa
Hansen, Wash.
Hardy
Harsha
Harvey, Ind.
Harvey, Mich.
Hathaway
Hawkins
Hechler
Henderson
Herlong
Hicks
Holifield
Holland
Horton
Hosmer
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jennings
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, Mo.
Jones, N.C.
Karsten
Karth
Kastenmeier
Kee
Keogh
King, Calif.
King, N.Y.
King, Utah
Kornegay
Kunkel
Kupferman
Laird
Landrum
Langen
Latta
Leggett
Lennon
Lipscomb
Long, La.
Long, Md.
Love
McCarthy
McClory
McCulloch
McDowell
McEwen
McFall
McGrath
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Mahon
Mailliard
Marsh
Martin, Mass.
Martin, Nebr.
May
Meeds
Michel
Miller
Mills
Minish
Mink
Minshall
Monagan
Moore
Moorhead
Morgan
Morris
Morrison
Morse
Morton
Mosher
Moss
Multer
Murphy, Ill.
Murphy, N.Y.
Murray
Natcher
Nedzi
Nelsen
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pool
Powell
Price
Pucinski
Purcell
Quie
Quillen
Race
Randall
Redlin
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Resnick
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Robison
Rodino
Rogers, Fla.
Rogers, Tex.
Ronan
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Rumsfeld
Ryan
Satterfield
St Germain
St. Onge
Saylor
Scheuer
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Senner
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Talcott
Taylor
Teague, Calif.
Tenzer
Thomas
Thompson, Tex.
Thomson, Wis.
Todd
Trimble
Tuck
Tunney
Tuten
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Walker, Miss.
Walker, N. Mex.
Watkins
Watson
Watts
Weltner
Whalley
White, Idaho
White, Tex.
Whitener
Whitten
Widnall
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Young
Younger

NAYS—10

Bolton
Brown, Calif.
Cahill
Cameron
Corman
Helstoski
Krebs
McDade
Martin, Ala.
Sweeney

NOT VOTING—70

Abbitt
Albert
Annunzio
Ashley
Ayres
Beckworth
Betts
Blatnik
Boggs
Bray
Brock
Burleson
Callaway
Carter
Celler
Colmer
Cooley
Corbett
Culver
Davis, Ga.
Dawson
de la Garza
Delaney
Dingell
Dowdy
Edwards, La.
Ellsworth
Evans, Colo.
Farbstein
Feighan
Flynt
Fogarty
Fulton, Tenn.
Fuqua
Griffin
Griffiths
Hagan, Ga.
Halpern
Hays
Hébert
Jarman
Johnson, Okla.
Keith
Kelly
Kirwan
Kluczynski
McMillan
Madden
Mathias
Matsunaga
Matthews
Mize
Moeller
Nix
Patman
Reuss
Rivers, Alaska
Roberts
Rogers, Colo.
Rooney, N.Y.
Roudebush
Scott
Sickles
Teague, Tex.
Thompson, N.J.
Toll
Tupper
Williams
Willis
Zablocki

So the bill was passed.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Corbett.
Mr. Rooney of New York with Mr. Betts.
Mrs. Kelly with Mr. Halpern.
Mr. Teague of Texas with Mr. Carter.
Mr. Fulton of Tennessee with Mr. Brock.
Mr. Culver with Mr. Keith.
Mr. Hébert with Mr. Mathias.
Mr. McMillan with Mr. Mize.
Mr. Dingell with Mr. Bray.
Mr. Dowdy with Mr. Callaway.
Mr. Patman with Mr. Roudebush.
Mr. Delaney with Mr. Ayres.
Mr. Moeller with Mr. Griffin.
Mr. Annunzio with Mr. Ellsworth.
Mr. Toll with Mr. Tupper.
Mr. Zablocki with Mr. Matthews.
Mr. Madden with Mr. de la Garza.
Mr. Cooley with Mr. Celler.
Mr. Burleson with Mr. Ashley.
Mr. Albert with Mr. Hays.
Mr. Colmer with Mr. Rivers of Alaska.
Mr. Nix with Mr. Farbstein.
Mrs. Griffiths with Mr. Willis.
Mr. Fogarty with Mr. Williams.
Mr. Feighan with Mr. Sickles.
Mr. Rogers of Colorado with Mr. Scott.
Mr. Blatnik with Mr. Dawson.
Mr. Jarman with Mr. Matsunaga.
Mr. Kirwan with Mr. Edwards of Louisiana.
Mr. Flynt with Mr. Thompson of New Jersey.
Mr. Fuqua with Mr. Reuss.
Mr. Hagan of Georgia with Mr. Evans.
Mr. Kluczynski with Mr. Roberts.
Mr. Davis of Georgia with Mr. Johnson of Oklahoma.
Mr. Abbitt with Mr. Beckworth.

Mr. ADAMS changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The title was amended 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 purposes of research or experimentation, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. POAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT OVER TO MONDAY, MAY 2, 1966

Mr. SISK. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet at 12 o'clock noon on Monday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs have until Saturday night, April 30, to file a report on H.R. 13417.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and it is so ordered.

There was no objection.

LEGISLATIVE PROGRAM—ADDITION OF BILL TO BE CONSIDERED UNDER SUSPENSION OF THE RULES

(Mr. SISK asked and was given permission to address the House for 1 minute.)

Mr. SISK. Mr. Speaker, I rise for the purpose of adding a bill to the suspension calendar on Monday of next week. I ask that H.R. 13417 be added to the bills which will be called up under suspension of the rules on Monday next.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Will the gentleman from California read the title of the bill?

Mr. SISK. I yield to the gentleman from Colorado [Mr. ASPINALL] to announce the title of the bill.

Mr. ASPINALL. The bill (H.R. 13417) is an act to amend the act of October 4, 1916; to facilitate the efficient preservation and protection of certain lands in Prince Georges and Charles Counties, Md., and for other purposes.

Mr. GERALD R. FORD. I thank the gentleman.

COMMITTEE ON EDUCATION AND LABOR

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent to have until midnight tomorrow to file a report on the Higher Education Act of 1966.

The SPEAKER. Is there objection?

The Chair hears none, and it is so ordered.

There was no objection.

ADDITIONAL LEGISLATIVE PROGRAM

Mr. SISK. Mr. Speaker, at this time I wish to announce an addition to the suspension calendar for Monday, May 2, 1966. At that time we will consider H.R. 14644, the Higher Education Act of 1966.

COLUMNISTS CHARGE THAT MARTIN IS GREATER THREAT TO GREAT SOCIETY THAN VIETNAM WAR

(Mr. PATMAN asked and given permission to extend his remarks at this

NGRESS
SESSION

H. R. 13881

IN THE SENATE OF THE UNITED STATES

MAY 2, 1966

Read twice and referred to the Committee on Commerce

AN ACT

orize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be d for purposes of research or experimentation, and for er purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That in order to protect the owners of dogs and cats from unfair competition and to insure the sale or use of dogs and

June 7

June

May 2

June 22

June 23

June 24

A 1

A 1

89TH CONGRESS
2D SESSION

H. R. 13881

IN THE SENATE OF THE UNITED STATES

MAY 2, 1966

Read twice and referred to the Committee on Commerce

AN ACT

To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats 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 from
4 theft of such pets and to prevent the sale or use of stolen
5 dogs and cats for purposes of research and experimentation,
6 it is essential to regulate the transportation, purchase, sale, or
7 handling of dogs and cats by persons or organizations en-
8 gaged in using them for research or experimental purposes
9 or in transporting, buying, or selling them for such use.

1 SEC. 2. When used in this Act—

2 (a) The term "person" includes any individual,
3 partnership, firm, joint stock company, corporation, as-
4 sociation, trust, estate, or other legal entity.

5 (b) The term "Secretary" means the Secretary of
6 Agriculture.

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

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

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

21 (f) The term "research facility" means any school,
22 institution, organization, or person that uses or intends
23 to use dogs or cats in research, tests, or experiments, and
24 that (1) purchases or transports any dogs or cats in com-
25 merce, or (2) receives any funds from the United

1 States or any agency or instrumentality thereof to finance
2 its operations by means of grants, loans, or otherwise.
3 (g) The term "dealer" means any person who for
4 compensation or profit delivers for transportation, or
5 transports, except as a common carrier, buys, or sells
6 dogs or cats in commerce for research purposes.
7 SEC. 3. No research facility shall purchase or transport
8 dogs or cats in commerce unless and until such research
9 facility shall have obtained a license from the Secretary, or
10 acquire any dog or cat from any person except a person
11 holding a valid license as a dealer.
12 SEC. 4. No dealer shall sell or offer to sell or transport
13 or offer for transportation to any research facility any dog or
14 cat, or buy, sell, offer to buy or sell, transport or offer for
15 transportation in commerce to or from another dealer under
16 this Act any dog or cat, unless and until such dealer shall
17 have obtained a license from the Secretary and such license
18 shall not have been suspended or revoked.
19 SEC. 5. The Secretary is authorized to promulgate
20 humane standards to govern the handling and transportation
21 of dogs and cats by dealers, and to promote their health,
22 well-being, and safety: *Provided, however,* That nothing in
23 this Act shall be construed to authorize the Secretary to set
24 standards for the handling of dogs and cats during the actual

1 research or experimentation or at any time subsequent to
2 the arrival of such animals at a research facility.

3 SEC. 6. The Secretary shall issue licenses to research
4 facilities and to dealers upon application therefor in such
5 form and manner as he may prescribe and upon payment of
6 such fee established pursuant to section 17 of this Act: *Pro-*
7 *vided,* that no such license shall be issued until the dealer
8 shall have demonstrated that his facilities comply with the
9 standards promulgated by the Secretary pursuant to sec-
10 tion 5 of this Act: *Provided, however,* That any person who
11 derives less than a substantial portion of his income (as
12 determined by the Secretary) from the breeding and raising
13 of dogs or cats on his own premises and sells such animals
14 to a dealer shall not be required to obtain a license as a dealer
15 under this Act. The Secretary is further authorized to li-
16 cense, as dealers, persons who do not qualify as dealers
17 within the meaning of this Act upon such persons' complying
18 with the requirements specified above and agreeing, in writ-
19 ing, to comply with all the requirements of this Act and the
20 regulations promulgated by the Secretary hereunder.

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

25 SEC. 8. Dealers shall make and keep such records with

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

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

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

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

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

1 make an order that such research facility shall cease and de-
2 sist from continuing such violation. If the Secretary deter-
3 mines that such violation was willful and likely to continue,
4 he shall also prepare a report in writing in which he shall
5 state his findings as to the facts and shall certify such report
6 to each agency of the Federal Government furnishing funds
7 to such research facility to finance research, tests, or experi-
8 ments involving the use of dogs or cats with a recommenda-
9 tion that such funds be withdrawn for such period as the
10 Secretary may specify, and each such agency so notified
11 shall suspend all such payments, loans, or grants to such
12 research facility, unless such agency finds that such suspen-
13 sion would not be in the public interest, all other laws or
14 parts of law notwithstanding.

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

25 (c) Any research facility, dealer, or other person

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

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

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

1 under the provisions of section 12 of this Act shall forfeit
2 to the United States the sum of $500 for each offense and
3 each day of operating without a valid license or failing to
4 obey a cease-and-desist order shall constitute a separate
5 offense. Such forfeiture shall be recoverable in a civil suit in
6 the name of the United States. It shall be the duty of the
7 various United States attorneys, under the direction of the
8 Attorney General, to bring suit for the recovery of forfeitures.
9 SEC. 15. Whenever it shall appear to the Secretary that
10 any person has engaged, is engaging, or is about to engage
11 in any act or practice constituting a violation of any pro-
12 vision of this Act, or any rule, regulation, or order there-
13 under, the Secretary may notify the Attorney General, and
14 the Attorney General may bring an action in the proper
15 district court of the United States or the proper United
16 States court of any territory or other place subject to the
17 jurisdiction of the United States, to enjoin such act or prac-
18 tice and to enforce compliance with this Act, or any rule,
19 regulation, or order thereunder, and said courts shall have
20 jurisdiction to entertain such actions. Any action under
21 this section may be brought in the district wherein the
22 defendant is found or is an inhabitant or transacts business

1 or in the district where the act or practice in question
2 occurred or is about to occur, and process in such cases
3 may be served in any district where the defendant may
4 be found.

5 SEC. 16. If any provision of this Act or the application
6 of any such provision to any person or circumstances shall
7 be held invalid, the remainder of this Act and the applica-
8 tion of any such provision to persons or circumstances other
9 than those as to which it is held invalid shall not be affected
10 thereby.

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

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

Passed the House of Representatives April 28, 1966.

Attest: RALPH R. ROBERTS,
Clerk.

Stop capture

89TH CONGRESS
2D SESSION

H. R. 13881

AN ACT

To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes.

MAY 2, 1966

Read twice and referred to the Committee on Commerce

June 7

June 15

June 22

June 23

June 24

H. R. 13881

AN ACT

To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes.

MAY 2, 1966

Read twice and referred to the Committee on COMMERCE

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued June 8, 1966
For actions of June 7, 1966
89th-2nd; No. 93

CONTENTS

Animal research.....15
Appropriations.....2
Cotton.....16
Dairy products.....22
Disaster relief.....1
Education.....18
Electrification.....3
Farm program.....7
Fishery resources.....12
Foreign aid.....17
Imports.....22
Investigations.....25
Job Corps.....10
Labeling.....14
Loans.....10,23
Milk.....16
Monopolies.....4
Opinion poll.....20
Packaging.....14
Parity.....16
Pork purchases.....8
Poverty.....10
Prices.....5,16
Public debt.....9,19
Recreation.....21
Research.....13,15,24
School milk.....11
Soil conservation.....6
Water research.....13

HIGHLIGHTS: House agreed to conference report on bill to permit alternate crops in disaster areas. Senate subcommittee approved school milk, cotton promotion, and parity price-income bills. Senate committee voted to report dog-cat handling bill.

HOUSE

1. DISASTER RELIEF. Agreed to the conference report on H. R. 15151, to permit the planting of alternate crops on acreage which is unplanted because of natural disaster. p. 11878

2. LEGISLATIVE APPROPRIATION BILL. Passed as reported this bill, H. R. 15456, which includes funds for the Government Printing Office and the Library of Congress. pp. 11881-8

3. ELECTRIFICATION. Rep. Hungate spoke in support of the REA program. pp. 11906-8

4. MONOPOLIES. Rep. Patman commended the Supreme Court's decision in the Von's Grocery Case and asked strong enforcement of the anti-trust laws. pp. 11909-17

5. PRICES. Rep. Curtis said all prices are not up and that there are improved quality, wider distribution, increased wages, etc. pp. 11920-3

6. SOIL CONSERVATION. Rep. Quie commended the work of the soil conservation districts. p. 11923

7. FARM PROGRAM. Rep. Poage and others debated the farm program. pp. 11923-30

8. PORK PURCHASES. Rep. Quie questioned the accuracy of the Secretary's statement on pork purchases by the Defense Department and inserted an article on this subject. pp. 11932-3

9. PUBLIC DEBT. The Rules Committee reported a resolution for consideration of H. R. 15202, to provide for an increase in the public debt (p. 11945). This bill is to be debated today (p. D497).

10. POVERTY. H. R. 15111, the "Economic Opportunity Amendments of 1966," as reported June 1, includes provisions for enrollment of more women in the Job Corps and to raise the limit on loans to low-income rural families from $2,500 to $3,000.

SENATE

11. SCHOOL MILK. Sen. Proxmire inserted a statement by Sen. Inouye commending S. 2921, the Proxmire school milk bill. pp. 11847-8

12. FISHERY RESOURCES. Passed as reported S. J. Res. 29, to direct the Interior Department to survey the coastal and fresh-water commercial fishery resources. pp. 11850-1

13. WATER RESEARCH. Sen. Monroney inserted James M. Quigley's statement at the dedication ceremonies for the Kerr Water Research Center in Okla. pp. 11854-6

14. PACKAGING; LABELING. Continued debate on S. 985, the fair packaging and labeling bill. p. 11869

15. RESEARCH ANIMALS. The Commerce Committee voted to report (but did not actually report) H. R. 13881, to regulate the transportation, sale, and handling of dogs and cats intended to be used for experimental purposes. p. D496

16. MILK; COTTON; PARITY. A subcommittee of the Agriculture and Forestry Committee approved for full committee action S. 2921, the Proxmire school milk bill; H. R. 12322, the cotton promotion bill; and S. Con. Res. 88, to make it explicit that the parity price and income goal for agriculture shall be binding on all Government agencies. p. D495

Daily Digest

HIGHLIGHTS

Senate passed bill on bank holding companies, three sundry bills on calendar call, and resumed consideration of bill on packaging and labeling.

House passed the Legislative Appropriations Act for fiscal year 1967.

House passed the Bail Reform Act of 1966.

Senate

Chamber Action

Routine Proceedings, pages 11846–11861

Bills Introduced: Six bills were introduced, as follows: S. 3472–3477. Page 11845

Bills Referred: Eight House-passed bills were referred to appropriate committees. Page 11846

Calendar Call: On call of calendar, three measures were passed, as follows:

Without amendment and cleared for President:

Railway labor: H.R. 706, to provide for the establishment of special adjustment boards to resolve disputes referable to the National Railroad Adjustment Board at the request of a carrier or employee group (motion to reconsider tabled).

With amendment and cleared for House:

Fisheries: S.J. Res. 29, authorizing a survey of marine and fresh water commercial fishery resources of the U.S. and its possessions; and

Public lands—Alaska: S. 2412, terminating use restrictions on certain real property previously conveyed to Kodiak, Alaska, by the U.S. Pages 11849–11851

Authority To Meet: Committee on Foreign Relations was authorized to meet on Wednesday, June 8, while Senate is in session. Page 11846

Banking: Senate passed (motion to reconsider tabled) H.R. 7371, to amend in several regards the Bank Holding Company Act of 1956, after adopting committee amendment in the nature of a substitute, as amended, and rejecting three additional amendments thereto as follows:

By 35 yeas to 47 nays (motion to reconsider tabled), Lausche amendment to give to each group of banks involved in the bill until June 30, 1973, to divest nonbanking interests; by 16 yeas to 64 nays, Hart amendment to strike section 11 of the bill respecting application of antitrust laws; and Long (Louisiana) amendment authorizing Comptroller of the Currency to acquire and hold stock or other evidences of ownership in one or more banks organized under the law of a foreign country or a U.S. dependency or insular possession. Pages 11861–11869

Packaging and Labeling: Senate resumed its consideration of S. 985, proposed Fair Packaging and Labeling Act of 1966. Pending at adjournment was Cotton amendment to eliminate language in the bill to establish procedures for the development of standards of weights or quantities for the retail distribution of consumer commodities. Vote will be taken on this amendment at 4 p.m. on Wednesday, June 8. Page 11869

Nomination: Two judicial nominations were received. Page 11876

Record Votes: Two record votes were taken today. Pages 11864, 11865–11866

Program for Wednesday: Senate met at 11 a.m. and adjourned at 1:41 p.m. until noon Wednesday, June 8, when it will continue on S. 985, packaging and labeling, with vote on pending Cotton amendment to be taken at 4 p.m. Page 11876

Committee Meetings

(*Committees not listed did not meet*)

MILK, COTTON, AND FARM PRICES

Committee on Agriculture and Forestry: Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices, in executive session, approved for full committee consideration with amendments S. 2921, authorizing funds for programs to provide milk for schoolchildren.

Subcommittee agreed to report to the full committee without prejudice H.R. 12322, authorizing establishment of a program to promote the U.S. cotton industry.

Subcommittee referred back to the full committee S. Con. Res. 88, to make it explicit that parity price and income goal for agriculture shall be binding on all Government agencies.

COMMITTEE BUSINESS

Committee on Commerce: Committee, in executive session, ordered favorably reported with amendments ~~S. 2218, to establish a contiguous fishery zone beyond the territorial sea of the U.S., and~~ H.R. 13881, to regulate the transportation, sale, and handling of dogs and cats intended to be used for experimental purposes.

Committee also considered S. 3005, to establish motor vehicle safety standards, but did not complete action thereon, and will meet again tomorrow.

MERCHANT MARINE

Committee on Commerce: The Merchant Marine and Fisheries Subcommittee continued its hearings to receive testimony on merchant marine fleet replacement problems, having as its witnesses W. Lyle Bull and Richard W. Kurrus, both of the American Export Isbrandtsen Lines, Inc.; and William T. Moore, president, Moore-McCormack Lines, Inc.

Hearings were recessed subject to call.

FOREIGN AID AUTHORIZATIONS

Committee on Foreign Relations: Committee continued its executive consideration of S. 2859, fiscal 1967 authorizations for the foreign aid program, and S. 2861, proposed Military Assistance and Sales Act, but made no announcements, and will meet again for their further consideration tomorrow.

DEPARTMENT OF TRANSPORTATION

Committee on Government Operations: Committee held an executive meeting and considered S. 3010, to create at the cabinet level a Department of Transportation, but took no final action, and recessed subject to call.

CIVIL RIGHTS

Committee on the Judiciary: Constitutional Rights Subcommittee continued hearings on S. 3296, proposed Civil Rights Act of 1966, and other pending related bills, receiving further testimony from Attorney General Nicholas deB. Katzenbach.

Hearings continue tomorrow.

ANTITRUST

Committee on the Judiciary: Antitrust and Monopoly Subcommittee continued hearings in connection with its study of international aspects of antitrust, having as its witnesses Carl H. Fulda, professor of law, University of Texas; and James A. Rahl, professor of law, Northwestern University.

Hearings continue tomorrow.

INVASIONS OF PRIVACY

Committee on the Judiciary: Subcommittee on Administrative Practice and Procedure resumed its inquiry into wiretapping, eavesdropping, and other forms of invasions of privacy, this series of hearings to be concentrated on industrial espionage, especially as it relates to proceedings before Federal agencies. Witnesses heard were Bernard Spindel, a private investigator of New York City; and William Hussey, former special agent of the New York Telephone Co.

Hearings continue tomorrow.

MINE SAFETY

Committee on Labor and Public Welfare: Committee, in executive session, ordered favorably reported with amendments H.R. 8989, to promote health and safety in metal and nonmetallic mineral industries.

MANPOWER RESOURCES

Committee on Labor and Public Welfare: Subcommittee on Employment, Manpower, and Poverty met in executive session and agreed to recommend for full committee consideration additional amendments to the bill S. 2974, to provide for more effective development and utilization of the Nation's manpower, to which bill the subcommittee had previously given conditional approval.

HIGHWAY TRAFFIC SAFETY

Committee on Public Works: Committee, in executive session, ordered favorably reported with amendments S. 3052, providing for a coordinated national highway safety program.

Also, committee approved for reporting the nomination of William M. McCandless, of Oklahoma, to be Federal Cochairman, Ozarks Regional Commission.

AIR POLLUTION

Committee on Public Works: Subcommittee on Air and Water Pollution began hearings on S. 3112, authorizing grants under the Clean Air Act for maintenance of air pollution control programs, and S. 3400, authorizing programs to provide for a more orderly system for the disposal of junked autos, and other pending air pollution abatement legislation. Witnesses heard were Senator Douglas; John W. Gardner, Secretary of HEW; and Norman Cousins, editor, Saturday Review, and chairman, Task Force on Air Pollution of the Mayor of New York.

Hearings continue tomorrow.

June 15

June 22

June 23

June 24

SENATE June 15, 1966

13. FUND ADJUSTMENTS. The Government Operations Committee reported without amendment H. R. 6438, to authorize any executive department or independent establishment of the Government, or any bureau or office thereof to make appropriate reimbursement between the respective appropriations available to such departments and establishments, or any bureau or office thereof (S. Rept. 1284). p. 12528

14. PUBLIC DEBT. The Finance Committee reported without amendment H. R. 15202, to provide, for the period beginning on July 1, 1966, and ending June 30, 1967, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act (S. Rept. 1275). p. 12528

Sen. Williams, Del., submitted an amendment intended to be proposed to this bill (p. 12541) and Sen. Tower expressed his opposition to the bill (pp. 12624-5).

15. PARITY PRICES. The Agriculture and Forestry Committee reported with amendments S. Con. Res. 88, relative to parity prices for agricultural commodities (S. Rept. 1276). p. 12528

16. RESEARCH ANIMALS. The Commerce Committee reported with amendments H. R. 13881, 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 (S. Rept. 1281). p. 12528

17. PERSONNEL. Sen. Scott submitted an amendment intended to be proposed to H. R. 10607, to provide for reimbursement of certain moving expenses of employees, and to authorize payment of expenses for storage of household goods and personal effects of employees assigned to isolated duty stations within the continental United States. p. 12541

18. FARM PROGRAM. Sen. Dirksen commended and inserted two editorials on the "plight of the farmer and Federal interference." pp. 12545

19. MILK. Sen. Proxmire commended and inserted the testimony by Sen. Montoya supporting S. 2921, to provide a special milk program for children. p. 12568

Sen. Proxmire stated "the production of milk is going to be grossly insufficient to meet the Nation's needs unless the Secretary acts promptly to lift the support price to at least $4 a hundredweight and promptly." p. 12577

20. WATER. Sen. Tower spoke in support of the bill to create a National Water Commission and inserted an article, "Water for the Future." pp. 12571-2

Sen. Muskie stated that while it is too early to determine whether "our fears were justified" over the transfer of the new Federal Water Pollution Control Administration from HEW to Interior, he is "encouraged" to read that Secretary Udall "is optimistic" about the new administration in his Department. pp. 12578-9

21. CLEAN AIR. Sen. Muskie commended and inserted an article, "Developing Abatement Policies Under the Clean Air Act." pp. 12580-2

22. FORESTS. Sen. Morse spoke against the "irresponsible proposal to rip open the Federal forests in Oregon," stating that it would "involve the cutting of the protective green strips that separate logged-over sections of Federal forests." pp. 12657-9

23. DISASTER RELIEF. Sen. Pearson urged additional programs to provide reasonable and necessary relief for tornado victims. pp. 12575-7

24. PRICE STATISTICS. Sen. Proxmire questioned the accuracy and reliability of price statistics information, and inserted an article, "'Primitive' Price Statistics?" pp. 12546-9

25. SCREW-WORM. Sen. Tower expressed his support for the screw-worm eradication bill and urged "overwhelming approval" by the Senate. p. 12568

26. FOREIGN AID. Sen. McClellan commended the work of the Inspector General's Office of Foreign Assistance, and inserted articles on this subject. pp. 12568-9

27. COSPONSORS. Sen. Tower was added as a cosponsor of S. 3385, to make surplus property available to State health, education, and civil defense agencies. p. 12542-3

Several Senators were added as cosponsors of S. 3408, to strengthen intergovernmental cooperation and the administration of grant-in-aid programs. p. 12543

28. HOLIDAY RECESS. Sen. Mansfield announced that it is now planned for the Senate to recess from close of business on July 1 through the week of July 4. pp. 12545-6

BILLS INTRODUCED

29. LABELING. H. R. 15707 by Rep. Multer, to regulate interstate and foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer commodities distributed in such commerce; to Interstate and Foreign Commerce Committee. Remarks of author pp. 12713-4

H. R. 15708 by Rep. O'Neill of Mass., to regulate interstate and foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer commodities distributed in such commerce; to Interstate and Foreign Commerce Committee. Remarks of author p. 12665

30. HOLIDAYS. H. R. 15699 by Rep. Celler, relating to national observances and holidays; to Judiciary Committee.

31. CIVIL DEFENSE. H. R. 15703 by Rep. Long of La., to amend the Federal Civil Defense Act of 1950 to authorize certain activities and measures to minimize the effects of natural disasters; to Armed Services Committee.

32. ORGANIZATION. H. R. 15705 by Rep. Moorhead, to redesignate the Department of the Interior as the Department of Natural Resources and to transfer certain agencies to and from such Department; to Government Operations Committee.

33. POVERTY. H. R. 15710 by Rep. Price, relating to the poverty area amendment; to Public Works Committee.

34. TORNADO RELIEF. H. R. 15718 by Rep. Mize, to provide assistance to the State of Kansas for the reconstruction of areas damaged by recent tornadoes; to Public Works Committee.

Calendar No. 1246

89TH CONGRESS, 2d Session | SENATE | REPORT No. 1281

TRANSPORTATION, SALE, AND HANDLING OF DOGS AND CATS AND CERTAIN OTHER ANIMALS FOR RESEARCH PURPOSES

JUNE 15, 1966.—Ordered to be printed

Mr. MAGNUSON, from the Committee on Commerce, submitted the following

REPORT

together with

INDIVIDUAL VIEWS

[To accompany H.R. 13881]

The Committee on Commerce, to which was referred the bill (H.R. 13881) to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

THE AMENDMENT

Strike out all after the enacting clause and insert in lieu thereof the following:

That, in order to protect the owners of dogs and cats from theft of such pets, to prevent the sale or use of dogs and cats which have been stolen, and to insure that certain animals intended for use in research facilities 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 in transporting, buying, or selling them for such use.

SEC. 2. When used in this Act—

(a) The term "person" includes any individual, partnership, association, or corporation;

(b) The term "Secretary" means the Secretary of Agriculture;

(c) The term "commerce" means commerce between any State, territory, possession, or the District of Columbia, or the Commonwealth of Puerto Rico, and any place outside thereof; or between points within the same State, territory,

or possession, or the District of Columbia, or the Commonwealth of Puerto Rico, but through any place outside thereof; or within any territory, possession, or the District of Columbia, or the Commonwealth of Puerto Rico;

(d) The term "cat" means any live cat (Felis catus);

(e) The term "dog" means any live dog (Canis familiaris);

(f) The term "research facility" means any school, institution, organization, or person that uses or intends to use dogs or cats in research, tests, or experiments, and that (1) purchases or transports dogs or cats in 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;

(g) The term "dealer" means any person who, regularly and for profit, transports, except as a common carrier, or buys and sells animals intended for use in research facilities;

(h) the term "animal" means live dogs, cats, monkeys (nonhuman primate mammals), guinea pigs (Cavia cobaya), hamsters (Cricetus), and rabbits (Oryctolagus cuniculus).

Sec. 3. It shall be unlawful for any research facility to purchase animals from any dealer unless such dealer holds a valid license issued by the Secretary pursuant to this Act.

Sec. 4. It shall be unlawful for any dealer to buy, sell, offer to buy or sell, transport or offer for transportation in commerce any animal unless such dealer has obtained a license from the Secretary in accordance with such rules and regulations as the Secretary may prescribe pursuant to this Act, and such license has not been suspended or revoked.

Sec. 5. No department, agency, or instrumentality of the United States which uses animals for research or experimentation shall purchase or otherwise acquire animals for such purposes from any dealer unless such dealer holds a valid license issued by the Secretary pursuant to this Act.

Sec. 6. Every research facility shall register with the Secretary in accordance with such rules and regulations as he may prescribe.

Sec. 7. The Secretary shall establish and promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers and research facilities. Such standards shall include, but not necessarily be limited to, minimum requirements with respect to the housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation by species, and adequate veterinary care. The foregoing shall not be construed as authorizing the Secretary to prescribe standards for the handling, care, or treatment of animals during actual research or experimentation by a research facility as determined by such research facility.

Sec. 8. Any department, agency or instrumentality of the United States having laboratory animal facilities shall comply with the standards promulgated by the Secretary for a research facility under section 7.

Sec. 9. All dogs and cats delivered for transportation, transported, purchased, or sold in commerce by any dealer shall be marked or identified in such humane manner as the Secretary may prescribe.

Sec. 10. Research facilities and dealers 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 dogs and cats as the Secretary may prescribe, upon forms supplied by the Secretary. Such records shall be made available at all reasonable times for inspection by the Secretary, by any Federal officer or employee designated by the Secretary.

Sec. 11. The Secretary shall issue a license to any dealer upon application therefor and payment of the license fee prescribed pursuant to section 23 of this Act if the Secretary determines that the facilities of such dealer comply with the standards prescribed by the Secretary pursuant to section 7 of this Act. The Secretary may license as a dealer any person who is not a dealer within the meaning of section 2(g) of this Act, upon application and payment of the prescribed fee, if such person enters into a written agreement with the Secretary under which such person agrees to comply with the requirements of this Act and the regulations prescribed hereunder.

Sec. 12. The Secretary shall make such investigations or inspections as he deems necessary to determine whether any person has violated or is violating any provision of this Act or any regulation issued thereunder. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confiscate or destroy animals in a humane manner found to be suffering as a result of a failure to comply with this Act or any regulation issued thereunder.

SEC. 13. (a) The Secretary shall consult and cooperate with other Federal departments, agencies, or instrumentalities concerned with the welfare of animals used for research or experimentation when establishing standards pursuant to section 7 and in carrying out the purposes of this Act.

(b) The Secretary shall take such action as he may deem appropriate to encourage the various States of the United States to adopt such laws and to take such action as will promote and effectuate the purposes of this Act, and the Secretary is authorized to cooperate with the officials of the various States in effectuating the purposes of this Act and any State legislation on the same subject.

SEC. 14. No dealer shall sell or otherwise dispose of any dog or cat within a period of five business days after the acquisition of such animal, except pursuant to regulations prescribed by the Secretary.

SEC. 15. The Secretary shall issue rules and regulations requiring licensed dealers and research facilities to permit inspection of their premises and records at reasonable hours upon request by legally constituted law enforcement agencies in search of lost animals.

SEC. 16. No dog or cat may be sold or offered for sale in commerce at a public auction or by weight, and no research facility may purchase a dog or cat at a public auction or by weight, unless the sale or offer for sale of such animal is made (1) in accordance with regulations prescribed by the Secretary, and (2) by a dealer licensed under this Act.

SEC. 17. (a) Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders for the handling, care, treatment, or inspection of animals during actual research or experimentation by a research facility as determined by such research facility.

(b) The Secretary is authorized to promulgate such additional standards, rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this Act.

SEC. 18. Any dealer who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both.

SEC. 19. (a) If the Secretary has reason to believe that a dealer or any person licensed as a dealer has violated or is violating any provision of this Act or any rule or regulation prescribed hereunder, he may suspend such person's license temporarily, but not to exceed thirty days, and, after notice and opportunity for hearing, may revoke or suspend such license for such additional period as he may specify if such violation has occurred, and may order such person to cease and desist from continuing such violation.

(b) Any person 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 manner provided in section 10 of the Administrative Procedure Act (5 U.S.C. 1009).

SEC. 20. Whenever the Secretary has reason to believe that any research facility has violated or is violating any provision of this Act or any rule or regulation prescribed thereunder, he shall cause a complaint in writing to be delivered to such research facility, describing the alleged violation or violations. If the Secretary, after the expiration of twenty days following the day on which the complaint was delivered to such research facility, has reason to believe that such research facility is continuing to violate the provisions of this Act, or any rule or regulation prescribed thereunder, as described in the complaint, he shall apply to the District Court for the district in which such research facility is located for a court order directing such research facility to cease and desist from committing the violations described in the Secretary's complaint.

SEC. 21. When construing or enforcing the provisions of this Act, any act, omission, or failure of any individual, while acting within the scope of his office or employment for a dealer, shall be deemed to be the act, omission, or failure of such dealer as well as of such individual.

SEC. 22. If any provision of this Act or the application of any such provision to any person of circumstances shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 23. The Secretary is authorized to charge, assess, and cause to be collected reasonable fees for licenses issued to dealers. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

SEC. 24. The regulations referred to in section 7 and section 10 shall be prescribed by the Secretary as soon as reasonable but not later than six months from the date of enactment of this Act. Additions and amendments thereto may be prescribed from time to time as may be necessary or advisable. Compliance by

dealers with the provisions of this Act and such regulations shall commence ninety days after the promulgation of such regulations. Compliance by research facilities with the provisions of this Act and such regulations shall commence six months after the promulgation of such regulations, except that the Secretary may grant extensions of time to research facilities which do not comply with the standards prescribed by the Secretary pursuant to section 7 of this Act provided that the Secretary determines that there is evidence that the research facilities will meet such standards within a reasonable time.

Amend the title so as to read:

A bill to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats, and certain other animals intended to be used for purposes of research or experimentation, and for other purposes.

PURPOSES AND BRIEF SUMMARY

The purposes of this bill, as amended, are (1) to protect the owners of dogs and cats from theft of such pets, (2) to prevent the use or sale of stolen dogs or cats for purposes of research or experimentation, and (3) to establish humane standards for the treatment of dogs, cats, and certain other animals (monkeys, guinea pigs, hamsters, and rabbits) by animal dealers and medical research facilities.

In summary, the bill—as reported by the committee in the form of an amendment in the nature of a substitute—

(1) Requires the licensing of animal dealers by the Secretary of Agriculture.

(2) Makes it unlawful for a research facility to purchase animals from any dealer unless the dealer has been licensed.

(3) Requires research facilities to register with the Secretary of Agriculture.

(4) Directs the Secretary of Agriculture to promulgate regulations after consultation with other Federal agencies to insure—

(*a*) The humane handling, care, treatment, and transportation of animals by dealers and research facilities except during actual research or experimentation as determined by a research facility;

(*b*) That dogs and cats are marked or identified in a humane manner;

(*c*) That research facilities and dealers make and retain records of their purchase and sale of dogs and cats;

(*d*) That licensed dealers and research facilities permit inspection of their facilities by legally constituted law enforcement agencies in search of lost animals;

(*e*) That dogs and cats are humanely treated during auction sale; and

(*f*) That inspectors will be able to confiscate or destroy dealer-held and postresearch animals found suffering because of violations of the act.

(5) Directs the Secretary of Agriculture to make inspections to determine whether dealers and research facilities are complying with the act.

(6) Provides a criminal penalty for violation of the act by dealers and suspension or revocation of a dealer's license for violations of the act or regulations issued thereunder with the right of review in the proper district court.

(7) Provides that in the case of violations by a research facility the Secretary can apply to a district court for a cease-and-desist order.

BACKGROUND AND NEED FOR THE LEGISLATION

This bill recognizes the need for Federal legislation to deal with the abuses that have developed as a result of the Nation's vast program of medical research. Much of this medical research involves experiments and tests with animals. The demand for research animals has risen to such proportions that a system of unregulated dealers is now supplying hundreds of thousands of dogs, cats, and other animals to research facilities each year.

The committee held 3 days of hearings on the subject of regulating those who sell, transport, or handle animals intended for use in medical research. During these hearings, shocking testimony was received concerning the existence of pet stealing operations which supply some animals eventually used by many research institutions. Stolen pets are quickly transported across State lines, changing hands rapidly, and often passing through animal auctions. While in the hands of dealers, these animals are faced with inhumane conditions. Quarters are cramped, uncomfortable, and unsanitary, with inadequate provisions for food and water.

The public has been aroused by exposés of pet theft and the treatment encountered by many of these animals on their way to the medical laboratory. Yet, State laws have proved inadequate both in the apprehending and conviction of the thieves who operate in this interstate operation, and in providing for adequate conditions within dealer premises.

Much of the responsibility for creating this huge demand for medical research animals rests with the Federal Government. Grants to research institutions for biomedical research have multiplied twelve-fold since the early 1950's. H.R. 13881 provides a mechanism that will block the existing interstate trade in stolen pets and at the same time will insure humane treatment of those animals which are destined for use in research facilities.

However, it is not just the animal on the way to the laboratory that is faced with inadequate care and treatment. The committee hearings disclosed that shortcomings existed in the care and housing that animals receive after arriving in many medical research laboratories. Cramped quarters and inadequate care are often present, especially in the older research institutions.

H.R. 13881 as amended by the committee also recognizes the need for upgrading animal standards in the laboratory, but at the same time provides adequate safeguards to insure that medical research will not be impaired. While all witnesses before the committee recognized the need for improving care and housing in the research laboratory, contradictory testimony was received on the question of whether this problem was a responsibility for the Secretary of Agriculture or the Secretary of Health, Education, and Welfare. After lengthy consideration, including an extra day of hearings on the specific issue, it was the committee's determination that the Department of Agriculture was the proper agency for regulating care and housing in the laboratory. However, the committee was very careful to provide protection for the researcher in this matter by exempting from

regulation all animals during actual research or experimentation, as opposed to the pre- and post-research treatment. It is not the intention of the committee to interfere in any way with research or experimentation.

The medical research community was unanimous in its position that additional funds might be needed in order for many research facilities to meet desirable standards in their animal care facilities. The committee took cognizance of this situation by providing that the Secretary may grant extensions of time for compliance by research facilities beyond the 6-month compliance time in the bill, provided that the research facility can comply within a reasonable time.

The bill does not provide for any additional Federal funds for laboratory animal care facilities. It is hoped that the appropriate committees in the Congress will be able to consider the desirability of additional aid to research facilities for animal quarters in the future.

SECTION-BY-SECTION ANALYSIS

Section 1.—This section sets forth the objectives of the bill which are (*a*) to protect owners of dogs and cats from the theft of such pets; (*b*) to regulate the transportation, purchase, sale, handling, and treatment of dogs, cats, and certain other animals destined for use in research or experimentation; and (*c*) to regulate the handling, care, and treatment of dogs, cats, and certain other animals in research facilities.

Section 2.—This section contains definitions of eight terms used in the bill.

(a) The term "person" is limited to various private forms of business organizations. It is, however, intended to include nonprofit or charitable institutions which handle dogs, cats, monkeys, guinea pigs, hamsters, or rabbits. It is *not* intended to include public agencies or political subdivisions of State or municipal governments.

(b) The term "Secretary" means the Secretary of Agriculture.

(c) The term "Commerce" is defined as interstate commerce (1) between the several States, the District of Columbia, or the Commonwealth of Puerto Rico, or (2) between points within the same State, territory, possession, or District of Columbia, but through any point outside of there, or (3) within any territory or possession or the District of Columbia.

(d) The term "cat" is limited to a live cat of the species *Felis catus*.

(e) The term "dog" is limited to a live dog of the species *Canis familiaris*.

(f) The term "research facility" means any school, institution, organization, or person (or defined in subsection 2(a)) that uses or intends to use dogs or cats for research or experimental purposes and that (1) purchases or transports dogs or cats in commerce (as defined in subsection 2(c)), or (2) receives any funds from a U.S. Government department, agency, or instrumentality for the purposes of carrying out research, tests, or experiments. The research, tests, or experiments in subsection (2) is limited to research, tests, or experiments with animals (as defined in section 2(h)).

By limiting the definition of research facility in subsection 2(f) to those purchasing or transporting dogs or cats in commerce, the committee's intention is to limit the coverage of this legislation to major research facilities and exclude the thousands of hospitals, clinics, and

schools which use other animals for research and tests. However, if an institution meets the definition of "research facility," it is subject to regulations in regard to all animals defined in subsection 2(h).

(g) The term "dealer" means any person (as defined in subsection 2(a)) who regularly and for profit, transports, (except as a common carrier) or buys and sells animals (as defined in subsection 2(h)) intended for use in research facilities.

The definition of dealer is intended to exclude from licensing and regulation those nonprofit or charitable institutions and municipal dog pounds or animal shelters which supply animals to research facilities for compensation of their out-of-pocket expenses and not for a profit. In addition the exclusion of farmers or pet owner who sell only an occasional litter of puppies or kittens or only a few dogs or cats to a dealer or research facility is intended.

(h) The term "animal" is limited to live dogs and cats (defined in subsections 2 (d) and (e)), monkeys (all nonhuman primate mammals), guinea pigs (species *Cavia colaya*), hamsters (species *Cricetus cricetus*), and rabbits (species *Oryctolagus cuniculus*).

Section 3.—This section prohibits research facilities from acquiring any animal (as defined in section 2(1)) from any dealer (as defined in 2(g)) unless such dealer holds a valid license issued under section 11 of this legislation.

It is the intent of the committee to allow research facilities to continue acquiring animals from those sources which do not meet the definition of a dealer (section 2(g)) such as municipal dog pounds or animal shelters, farmers, and animal breeders.

Section 4.—This section prohibits dealers (as defined in section 2(g)) from conducting any animal (as defined in section 2(h)) business with research facilities or other dealers without a valid license.

Section 5.—This section extends to departments, agencies, and instrumentalities of the Federal Government the same prohibition on animal purchases as applies to research facilities under section 3.

Section 6.—This section requires research facilities to register with the Secretary of Agriculture. This is not a license provision.

Section 7.—This section requires that the Secretary establish humane standards to govern the humane handling, care, treatment, and transportation of animals (as defined in section 2(h)) by dealers and research facilities. Standards for certain humane considerations are mandatory but the Secretary is given additional discretionary authority. The intent of the committee is clearly set forth in the last sentence of this section which states that the Secretary is *not* authorized to prescribe standards for the handling, care, or treatment of animals during actual research or experimentation by a research facility. The important determination of when an animal is in actual research so as to be exempt from regulations under the bill is left to the research facility, but such determination must be made in good faith. Research or experimentation is also intended to include use of animals as teaching aids in educational institutions.

Section 8.—This section requires Federal departments, agencies, or instrumentalities to meet the same standards for the humane handling, care, and treatment of animals as required of research facilities under section 7.

Section 9.—This section requires all cats and dogs covered by this bill to be marked or identified in a humane manner. The methods,

type, and time of marking or identification are to be prescribed by the Secretary. The purpose of such marking and identification is intended as a means of tracing lost or stolen pets.

Section 10.—This section requires recordkeeping by dealers and research facilities with regard to the purchase, sale, transportation, identification, and previous ownership of dogs and cats. The Secretary is directed to provide the proper forms for this recordkeeping and these records are to be made available to the Secretary for inspection by him or any Federal officer or employee which the Secretary may designate. The committee does not contemplate the designation of private citizens or non-Federal Government employees in the administration of this section.

Section 11.—This section sets forth the requirements and procedures for issuing licenses to dealers. A separate provision is included in the last sentence to allow persons who do not, for one reason or another, qualify as dealers (as defined in section 2(g)) to obtain a license. It is the intent of the committee that nonprofit or charitable institutions and municipal dog pounds or animal shelters supplying animals for research, but not meeting the definition of dealer under section 2(g), be allowed to display their adherence to humane care of animals by obtaining a license under this section. This section, however, is not intended to require those municipal pounds or animal shelters not now supplying animals for research or experimentation to alter their existing policies.

Section 12.—This section directs the Secretary to make such investigations or inspections as he deems necessary to effectuate the purpose of the bill and insure compliance with the bill or any regulation issued thereunder. The second sentence is intended to permit the Secretary to insure that animals suffering because of inhumane treatment are not left unattended. It is the intent of the committee that inspectors not be permitted to interfere with the carrying out of research or experimentation and that the application of the second sentence be specifically limited in the case of research facilities to animals whose use in experimentation has been completed and are suffering because of the lack of humane care while in their postoperative condition.

Section 13(a).—This section directs the Secretary to consult with other Federal departments, agencies, or instrumentalities concerned with the welfare of animals used for research or experimentation when establishing standards of care and treatment. The committee recognizes that other Federal departments have already developed experience in laboratory animal care and this experience should be made available to the Secretary. In addition, continued cooperation with other departments and agencies is directed.

Section 13(b).—This section directs the Secretary to encourage various States to adopt laws and take such action as will promote the purposes of this bill. In addition, this section authorizes the Secretary to cooperate with State and local officials in preventing the theft of dogs and cats, in the apprehension of suspected dog and cat thieves, and in administering the other provisions of this legislation.

Section 14.—This section prohibits dealers from selling or otherwise disposing of any dog or cat within 5 business days after the acquisition of such animals, or within such other period as the Secretary may specify in regulations issued pursuant to this legislation. The purpose of the waiting period is to give owners, law enforcement

officers, and the Secretary a greater opportunity to trace lost or stolen dogs and cats.

Section 15.—This section directs the Secretary to establish rules and regulations which would require licensed dealers and research facilities to permit inspection of the premises and records upon request by legally constituted law enforcement agencies. The purpose of this section is to expedite the search for stolen pets. It is the intent of the committee that inspection under this section be specifically limited to searches for lost and stolen pets and that legally constituted law enforcement agencies means agencies with general law enforcement authority and not those agencies whose law enforcement duties are limited to enforcing local animal regulations. It is *not* intended that this section be used by private citizens to harass or interfere in any way with the carrying out of research or experimentation.

Section 16.—This section prohibits the sale of cats or dogs by auction sale or by weight except under regulations promulgated by the Secretary. In addition, an auction sale or sale by weight must be conducted by a licensed dealer. It is the purpose of this section to abolish the inhumane conditions which often arise at unregulated auction sales.

Section 17(a).—This section provides that nothing in the legislation is to be construed as authorizing the Secretary to regulate the handling, care, treatment, or inspection of animals which are undergoing actual research or experimentation. The determination of when research begins and ends is to be made by the research facility. It is the intent of this committee that such a determination must be made in good faith. Actual research and experimentation also include the use of animals as a teaching aid in educational institutions.

Section 17(b).—This section authorizes the Secretary to promulgate such rules, regulations, orders, and other administrative details as may be necessary to effectuate the purposes of this legislation.

Section 18.—This section provides that any dealer who violates any provision of this act shall on conviction thereof be subject to a criminal penalty of imprisonment for not more than 1 year or a fine of not more than $1,000 or both. It is the intent of the committee that this provision apply to each offense.

Section 19.—This section provides—

(*a*) That if the Secretary has reason to believe that a dealer or any person licensed as a dealer has violated or is violating any provision of this legislation or any rule or regulation promulgated under authority of this legislation, he may suspend such person's license temporarily but not for more than 30 days. After notice and opportunity for hearing, the Secretary may suspend the dealer's license for such additional period as he may specify, or he may revoke the license, and he may make an order that the dealer shall cease and desist from continuing such violation.

(*b*) That any person aggrieved by a final order of the Secretary regarding suspension or revocation of a license shall have the right, within 60 days after entry of such order, to seek review of such order in a Federal district court under the provisions of section 10 of the Administrative Procedure Act (5 U.S.C. 1009).

Section 20.—This section directs the Secretary to issue a complaint in writing to a research facility if he has reason to believe that the research facility has violated or is violating any provision of this

legislation or any regulation promulgated under authority of this legislation. If the research facility still continues in its violation after a 20-day period, the Secretary is then directed to apply to the district court in which the research facility is located for a cease and desist order.

Section 21.—This section establishes the principal-agent relationship between dealers and their employees.

Section 22.—This section carries a constitutional invalidity clause which states that if any part of this legislation, or individual circumstances concerning it, are held invalid, the remainder remains effective.

Section 23.—This section authorizes the Secretary to charge, assess, and collect reasonable fees for licenses issued to dealers. It is intended that these fees be adjusted equitably, taking into consideration the type and nature of the operation to be licensed. It is *not* intended, however, that these fees cover the total costs of administering the provisions of this legislation. These fees are to be deposited and covered into the Treasury as miscellaneous receipts.

Section 24.—This section specifies that the Secretary shall promulgate the regulations referred to in sections 7 and 10 as soon as reasonable but not later than 6 months from the date of enactment of this legislation. Compliance by dealers with this legislation is required 90 days following promulgation of regulations by the Secretary. Compliance by research facilities is required 6 months after promulgation of regulations by the Secretary. However, in the case of research facilities, the Secretary may grant individual extensions of time to certain research facilities if he is convinced that these research facilities will be able to meet the regulations within a reasonable time. The purpose for this extension of time for compliance by research facilities is to enable those research facilities whose compliance depends upon obtaining additional funds for construction or personnel to secure such funds.

COST

The Department of Agriculture advised the committee that it estimates the cost of administering this legislation to be about $2 million per year. However, license fees collected under the act would decrease to some extent the cost to the Government in the future. Exact figures on cost are difficult to predict because the present number of dealers to be licensed is unknown.

AGENCY COMMENTS

The following communications were received from interested Government agencies on S. 2322, the Senate version of H.R. 13881:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 25, 1966.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: We wish to thank you for your letter of July 26, 1965, giving us the opportunity to report on S. 2322. The bill is entitled "To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be

used for purposes of research or experimentation, and for other purposes."

The bill, S. 2322, would provide that (1) no research facility, as defined in the bill, could lawfully purchase or transport dogs or cats in commerce unless it has been licensed by the Secretary of Agriculture; (2) no dealer, as defined in the bill, could lawfully sell or offer to sell or transport to any such research facility, or buy, sell, offer to buy or sell, transport or offer for transportation in commerce or to another dealer, dogs or cats, unless he has been licensed by the said Secretary; and (3) no such research facility could lawfully purchase any dogs or cats except from a licensed dealer. The Secretary would be authorized to promulgate standards governing the handling and transportation of dogs and cats, exclusive of the handling of the animals during the actual research or experimentation.

The bill would provide further that (1) all dogs and cats delivered for transportation, transported, purchased, or sold in commerce or to research facilities, be marked or identified in such manner as the Secretary might prescribe; (2) such records be kept by research facilities and dealers with respect to the purchase, sale, transportation and handling of dogs and cats as the Secretary might prescribe; (3) no dealer sell or otherwise dispose of any dog or cat within a period of 5 business days after its acquisition; (4) dogs and cats not be offered for sale or sold in commerce or to a research facility at public auction or by weight; (5) a violator, on conviction, would be subject to imprisonment for not more than 1 year or a fine of not more than $10,000; and (6) the Secretary could suspend a dealer's license temporarily if the Secretary had reason to believe that there had been a violation of the act or the regulations promulgated thereunder, and after opportunity for hearing, revoke such license if such violation was determined to have occurred. The bill also provides that in order to finance the administration of the act the Secretary shall charge, assess, and collect reasonable fees for licenses issued to research facilities and dealers. Such fees would be deposited in the Treasury as miscellaneous receipts.

This Department conducts programs in research related to animal production and animal diseases. In addition, it is charged with the administration of programs for the control and eradication of infectious, contagious, and communicable diseases of livestock and poultry; for the prevention of the introduction into and dissemination within the United States of such diseases; and for the prevention of the exportation off diseased livestock and poultry. It also administers laws regarding the humane slaughter and treatment of livestock.

This Department supports the objective of S. 2322. We are concerned about the illicit traffic in family pets. There are many State laws covering this subject and licensing requirements pertaining to dogs are common. Since the operating methods of people who steal family pets and the commercial aspects of the purchase and transfer of dogs and cats in commerce are not areas as to which this Department has expertise, we are unable to evaluate the effectiveness of existing State laws. In respect to animals, the functions of this Department relate basically to livestock and poultry. Accordingly, there is a question as to whether it would not be desirable that a law such as that in question be administered by a Federal agency more directly concerned and having greater expertise with respect to the subject than this Department.

The Bureau of the Budget has advised that, while there is no objection to the presentation of this report from the standpoint of the administration's program, the Bureau agrees with the Department of Health, Education, and Welfare that the application of this bill should be limited to the care and handling of dogs and cats by dealers. The care and use of such animals within research facilities pose more difficult problems. The executive branch expects to be ready in the near future to submit to the Congress its proposals on the care and use of animals in research facilities. The Bureau of the Budget believes it would be desirable for the Congress to consider these related legislative proposals concurrently.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., March 28, 1966.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of July 26, 1965, for a report on S. 2322, a bill to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes.

The bill would provide for regulation of the transportation, purchase, sale, and handling of dogs and cats by persons or organizations engaged in using them for research or experimental purposes or in transporting, buying, or selling them for such use. It is intended to protect owners of dogs and cats from the theft of such pets for sale to research institutions.

Under the provisions of the bill it would be unlawful for any research facility to purchase or transport dogs or cats in commerce and for any dealer to sell or offer to sell or to transport to any research facility any dog or cat, or to buy, sell, offer to buy or sell, transport or offer for transportation in commerce or to another dealer any such animal unless a license had been obtained from the Secretary of Agriculture in accordance with such rules and regulations as may be prescribed by the Secretary pursuant to this act.

S. 2322 would authorize the Secretary of Agriculture to promulgate standards to govern the handling and transportation of dogs and cats by dealers and research facilities, to promote their health, well-being and safety, provided this authority is not construed to authorize the Secretary to set standards for the handling of such animals during actual research or experimentation.

Further, the bill would require that all dogs and cats delivered for transportation, transported, purchased, or sold in commerce or to research facilities be marked or identified in a manner prescribed by the Secretary; and that dealers and research facilities keep such records with respect to their purchase, sale, transportation, and handling of dogs and cats as the Secretary may prescribe.

The National Institutes of Health of the Public Health Service, which carries on the major medical research activities of this Department, has continually reiterated its concern with the humane care

and handling of laboratory animals to be used in medical research, and, to this end, has published the "Guide for Laboratory Animal Facilities and Care" for use in its direct operations and in grantee institutions.

Of course, this Department strongly opposes the use of stolen pets in research programs.

We wish to support sound legislation to alleviate abuses which now exist in the transportation, purchase, sale, and handling of animals intended for use in research laboratories. Such legislation would eliminate deplorable conditions and unnecessary suffering for the animals involved. In addition, we believe it would stimulate the acquisition and breeding of high-quality animals specifically for research purposes, and would thereby make a positive contribution to medical research and to the health of the Nation.

In order to achieve these goals, this Department would recommend several modifications in the legislation now before your committee.

1. We oppose the licensing of research facilities as proposed in S. 2322. This Department is in favor of the maintenance of adequate standards of care in all research laboratories, but does not favor licensing these laboratories under a provision to protect pet animals. It would be preferable to license animal dealers and then to require, as is proposed, that research laboratories deal only with licensed dealers. Therefore, we would recommend the deletion of section 3 of the bill, in its entirety, and "research facilities and" from section 16, at page 6, lines 6 and 7.

We also recommend the deletion of "and research facilities" from section 5, at page 3, line 23. The executive branch is now studying what legislation is necessary with respect to standards for the care and handling of animals in research facilities and expects soon to be ready to submit its proposals on this subject to the Congress.

2. We oppose the proscription against the sale of animals at public auctions by weight. Historically, all kinds of animals from guinea pigs to cattle have been exchanged at animal auctions. Since the same identification procedures, etc., can be practiced there, it does not seem reasonable to assume that the animal owner should be forbidden from selling his animals at auction. Weight is a reasonable criterion for the exchange of dogs, cats, and other animals. This, in addition to the health and temperament of the animal, is the prime determinant of price. Some other objective criteria of size will have to be developed if the provision prohibiting sale by weight is adopted. Therefore, we propose the deletion of that provision ("Dogs * * *" through "by weight") from section 10.

3. We recommend that—

(*a*) Section 4 of the bill be amended by adding at the end thereof the following new sentence: "The Secretary is also authorized to license as a dealer any person who does not come within clause (1) of section 2(g)."

(*b*) Section 2(g) of the bill be amended by inserting "(1)" after "profit" and by inserting before the period", or (2) is licensed pursuant to the last sentence of section 4".

We believe that the bill in its present form would prohibit research facilities from purchasing animals from persons who are willing to comply with requirements of the Secretary of Agriculture but who cannot be licensed because they are not "dealers," i.e., they do not sell dogs and cats in interstate commerce. The changes we are recommending would permit purchases to be made from persons who deal

only in intrastate commerce but who are ready, able, and willing to meet the requirements for licensure. In this connection, we have assumed that the definition of "research facility" is intended to apply separately to the various schools of an institution where more than one school is included therein.

4. There is one significant omission in the bill as drafted: A procedure for restoring a dealer's license once revoked. Clearly the purpose of this bill is not to preclude animal dealing, but rather to regulate the conditions under which such dealing is to be carried out. Therefore, we would recommend a provision to make explicit the procedure for restoring a revoked license. The circumstances surrounding such situations might well be dealt with in the proposed regulations to be promulgated by the Secretary of Agriculture.

5. We propose an effective date for the licensing provisions of this legislation of 1 year after enactment. We consider 4 months unrealistic since a substantial period of time may be required for many of the dealers to achieve Federal standards in both their facilities and their handling of animals. Perhaps 4 or 6 months would be a reasonable period for the promulgation of the regulations by the Secretary of Agriculture, with the remainder of the year available for dealers to meet the standards promulgated.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program. The Bureau of the Budget agrees with this Department that this bill should be limited to the care and handling of dogs and cats by dealers.

Sincerely,

WILBUR J. COHEN,
Under Secretary.

BOARD OF COMMISSIONERS,
Washington, D.C., March 25, 1966.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: The Commissioners of the District of Columbia have for report S. 2322 and S. 3059, bills to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats (and other animals, in the case of S. 3059) intended to be used for purposes of research or experimentation, and for other purposes.

Designed as they are to protect the owners of pet animals from the theft of such pets, and to prevent the sale or use of stolen dogs, cats, and other animals for purposes of research and experimentation, the Commissioners favor the principle of the bills. In this connection, the Commissioners desire to inform the committee that existing law in the District of Columbia already affords a great measure of protection to the owners of pet animals. Provisions in the act of June 19, 1878 (20 Stat. 173), as amended (secs. 47–2003, 2004 and 2007, D.C. Code), provide for the impounding and protection of dogs. Health regulations relating to the use for experimentation of impounded animals also afford a considerable degree of control over such animals, and some protection to the owners of dogs and cats against their being stolen.

In the belief that both bills would improve the degree of protection afforded pet animals, the Commissioners support them in principle, but with respect to the provisions of the bills, the Commissioners defer to the agencies directly concerned.

The Commissioners have been advised by the Bureau of the Budget that, from the standpoint of the administration's program, there is no objection to the submission of this report to the Congress.

Sincerely yours,

WALTER N. TOBRINER,
President.

GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE,
Washington, D.C., March 25, 1966.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of this Department with respect to S. 2322, a bill to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes; and S. 3059, 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.

The purpose of these related bills is to make it unlawful for any research facility to purchase or transport animal pets and for any dealer to sell or transport such pets in interstate commerce to a research facility or to another dealer without a license issued by the Secretary of Agriculture. The bills are intended to prevent the theft and use of animal pets for purposes of research and experimentation, and to regulate the handling and transportation of such pets.

This Department is in full sympathy with the intent of these bills to discourage illegal traffic in animal pets. The present responsibilities of the Departments of Agriculture; Health, Education, and Welfare; and Justice, however, place them in the best position to advise on the extent of criminal activity and of improper handling of animals; the adequacy of existing criminal statutes; and the problems of research facilities in obtaining an adequate supply of animals for legitimate purposes. Accordingly, we defer to the views of these Departments on the adequacy of the specific provisions of S. 2322 and S. 3059.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of our report from the standpoint of the administration's program.

Sincerely,

ROBERT E. GILES,
General Counsel.

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C., March 28, 1966.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on S. 2322, to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes.

The bill, intended to provide protection to owners of dogs and cats from theft of the animals, would authorize the Secretary of Agriculture to regulate the transportation and sale in commerce of such animals intended for research or experimental purposes by prohibiting such traffic unless a license is obtained from the Secretary in accordance with such rules and regulations as may be prescribed pursuant to the act.

The bill would also authorize the Secretary of Agriculture to promulgate standards to govern the handling and transportation of dogs and cats by dealers and research facilities to promote their health, well-being, and safety, but this authority is not to be construed as authorizing the Secretary to set standards for the handling of the animals during the actual research or experimentation.

The question of whether authority should be granted to the Secretary of Agriculture to regulate the transportation and handling of animals in commerce is a matter on which we would defer to the views of other agencies more directly concerned. However, this Department anticipates no administrative difficulties in carrying out the provisions of the bill insofar as they would affect the importation of such animals.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the submission of this report to your committee.

Sincerely yours,

FRED B. SMITH,
Acting General Counsel.

FEDERAL AVIATION AGENCY,
OFFICE OF THE ADMINISTRATOR,
Washington, D.C., March 31, 1966.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of this Agency with respect to S. 2322, a bill to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes; S. 3059, 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; and S. 3138, a bill to authorize the Secretary of Agriculture to regulate the transportation, purchase, sale, and handling of dogs and cats in commerce.

Since nothing in these bills relates to any matter within the jurisdiction of the Federal Aviation Agency, we offer no comment on them.

The Bureau of the Budget has advised that there is no objection from the standpoint of the administration's program to the submission of this report to your committee.

Sincerely,

WILLIAM F. MCKEE,
Administrator.

INDIVIDUAL VIEWS OF MRS. NEUBERGER

As one who for years has been actively promoting humane animal care legislation and acutely conscious of the difficulties of sailing a course between the Scylla of maximum animal protection and the Charybdis of unhampered medical research, I want to pay particular tribute to Chairman Magnuson and Senator Monroney for their readiness to amend several provisions of the original and later drafts of this bill. Their cooperation in seeking compromise and clarification of legislative language and intent was outstanding.

The issue before this committee has not been whether research facilities ought to be required to meet certain minimum standards of humane animal care. Everyone agreed that they should. Rather, the issues were whether the Department of Agriculture or the Department of Health, Education, and Welfare should administer such a program, how broad should the program be, and should the Federal Government take additional steps to insure that the financial means are available for the research facilities to meet the standards. Unfortunately, I believe that the committee did not resolve these questions satisfactorily.

On the basis of experience, rapport, and administrative efficiency and cost the Department of Health, Education, and Welfare would appear to be the logical agency to handle a program affecting medical research laboratories. All previously introduced legislation had such authority directed to HEW. The Department of Agriculture testified to this committee that it did not want the responsibility of administering this program and that HEW was better qualified. The committee has rejected this logic and this counsel, opting instead for the Department of Agriculture on the grounds that to give such responsibilities to HEW would be tantamount to self-regulation by the medical researchers. Why self-regulation in the accreditation of hospitals for human ills and of universities for the human mind is acceptable but self-regulation of animal research facilities unacceptable is not readily apparent. The final irony of this line of argument is that sections 7 and 17(a) specifically grant to the medical researchers the authority to determine whether or not the animals in the research facilities must meet the standards established by the Department, which is self-regulation writ large.

The proviso in sections 7 and 17(a) that the authority of the Secretary to establish standards governing the humane handling, care and treatment of animals shall not be construed as extending into animal research and experimentation is predicated on the assumption that animal *care* facilities are always separate from animal *experiment* facilities. No such assumption is warranted.

In most research facilities covered by this bill there are no animal care quarters separate from the plant where the experimentation takes place for guinea pigs, hamsters, rabbits, and cats. These animals enter experimentation as soon as they arrive in the research

facility and therefore would be outside the regulating authority of the Secretary, if the research facilities wish to do so.

Additionally, I cannot endorse the complete divorce of the standard establishing and enforcing mechanism from the means of meeting the standards. The research facilities have testified on numerous occasions that the sources of financial aid for the upgrading of animal care facilities and for the training of animal care personnel are not adequate. I am most appreciative that my "reasonable time" amendment was accepted in section 24 of the bill, for it allows research facilities more time to seek out additional funds for capital expenditure for animal care and the hiring of trained personnel. But further Federal funding is absolutely necessary if the research facilities are going to be able to comply with the standards in good faith.

In summary, the words "good intentions" characterize this bill, but good intentions are not enough in this case for either the benefit of the animals or the medical research facilities. It seems clear that a further legislative review would be desirable in the near future.

MAURINE B. NEUBERGER.

○

Calendar No. 1246

89TH CONGRESS
2D SESSION

H. R. 13881

[Report No. 1281]

IN THE SENATE OF THE UNITED STATES

MAY 2, 1966

Read twice and referred to the Committee on Commerce

JUNE 15, 1966

Reported by Mr. MAGNUSON, with amendments

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, ~~That, in order to protect the owners of dogs and cats from theft of such pets and to prevent the sale or use of stolen dogs and cats for purposes of research and experimentation, it is essential to regulate the transportation, purchase, sale, or handling of dogs and cats by persons or organizations engaged in using them for research or experimental purposes or in transporting, buying, or selling them for such use.~~

1 ~~SEC. 2. When used in this Act—~~

2 ~~(a) The term "person" includes any individual,~~
3 ~~partnership, firm, joint stock company, corporation, as-~~
4 ~~sociation, trust, estate, or other legal entity.~~

5 ~~(b) The term "Secretary" means the Secretary of~~
6 ~~Agriculture.~~

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

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

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

21 ~~(f) The term "research facility" means any school,~~
22 ~~institution, organization, or person that uses or intends~~
23 ~~to use dogs or cats in research, tests, or experiments, and~~
24 ~~that (1) purchases or transports any dogs or cats in com-~~
25 ~~merce, or (2) receives any funds from the United~~

~~States or any agency or instrumentality thereof to finance its operations by means of grants, loans, or otherwise.~~

~~(g) The term "dealer" means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells dogs or cats in commerce for research purposes.~~

~~SEC. 3. No research facility shall purchase or transport dogs or cats in commerce unless and until such research facility shall have obtained a license from the Secretary, or acquire any dog or cat from any person except a person holding a valid license as a dealer.~~

~~SEC. 4. No dealer shall sell or offer to sell or transport or offer for transportation to any research facility any dog or cat, or buy, sell, offer to buy or sell, transport or offer for transportation in commerce to or from another dealer under this Act any dog or cat, unless and until such dealer shall have obtained a license from the Secretary and such license shall not have been suspended or revoked.~~

~~SEC. 5. The Secretary is authorized to promulgate humane standards to govern the handling and transportation of dogs and cats by dealers, and to promote their health, well-being, and safety: *Provided, however,* That nothing in this Act shall be construed to authorize the Secretary to set standards for the handling of dogs and cats during the actual~~

~~research or experimentation or at any time subsequent to the arrival of such animals at a research facility.~~

~~SEC. 6. The Secretary shall issue licenses to research facilities and to dealers upon application therefor in such form and manner as he may prescribe and upon payment of such fee established pursuant to section 17 of this Act: *Provided,* that no such license shall be issued until the dealer shall have demonstrated that his facilities comply with the standards promulgated by the Secretary pursuant to section 5 of this Act: *Provided, however,* That any person who derives less than a substantial portion of his income (as determined by the Secretary) from the breeding and raising of dogs or cats on his own premises and sells such animals to a dealer shall not be required to obtain a license as a dealer under this Act. The Secretary is further authorized to license, as dealers, persons who do not qualify as dealers within the meaning of this Act upon such persons' complying with the requirements specified above and agreeing, in writing, to comply with all the requirements of this Act and the regulations promulgated by the Secretary hereunder.~~

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

~~SEC. 8. Dealers shall make and keep such records with~~

~~respect to their purchase, sale, transportation, and handling of dogs and cats as the Secretary may prescribe. Research facilities shall make and keep such records with respect to their purchase, sale, and transportation of dogs and cats as the Secretary may prescribe. Such records shall be kept open at all reasonable times to inspection by the Secretary or any person duly authorized by him.~~

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

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

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

~~SEC. 12. (a) If the Secretary has reason to believe that any research facility has violated or is violating any provision of this Act or any of the rules or regulations promulgated by the Secretary hereunder and if, after notice and opportunity for hearing, he finds a violation, he may make an order that such research facility shall cease and de-~~

1 ~~sist from continuing such violation. If the Secretary deter-~~
2 ~~mines that such violation was willful and likely to continue,~~
3 ~~he shall also prepare a report in writing in which he shall~~
4 ~~state his findings as to the facts and shall certify such report~~
5 ~~to each agency of the Federal Government furnishing funds~~
6 ~~to such research facility to finance research, tests, or experi-~~
7 ~~ments involving the use of dogs or cats with a recommenda-~~
8 ~~tion that such funds be withdrawn for such period as the~~
9 ~~Secretary may specify, and each such agency so notified~~
10 ~~shall suspend all such payments, loans, or grants to such~~
11 ~~research facility, unless such agency finds that such suspen-~~
12 ~~sion would not be in the public interest, all other laws or~~
13 ~~parts of law notwithstanding.~~
14 ~~(1) 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 subsections (a) and (b) of this section may, within sixty days after entry of such order, file a petition to review such order in the United States Court of Appeals for the judicial circuit in which the party or any of the parties filing the petition for review resides or has its principal office, or in the United States Court of Appeals for the District of Columbia. Upon the filing and service of a petition to review, the Court of Appeals shall have jurisdiction of the proceeding. For the purposes of this Act, the provisions of chapter 19A (Hobbs Act) of title 5, United States Code, shall be applicable to appeals pursuant to this section.~~

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

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

~~to the United States the sum of $500 for each offense and each day of operating without a valid license or failing to obey a cease-and-desist order shall constitute a separate offense. Such forfeiture shall be recoverable in a civil suit in the name of the United States. It shall be the duty of the various United States attorneys, under the direction of the Attorney General, to bring suit for the recovery of forfeitures.~~

~~SEC. 15. Whenever it shall appear to the Secretary that any person has engaged, is engaging, or is about to engage in any act or practice constituting a violation of any provision of this Act, or any rule, regulation, or order thereunder, the Secretary may notify the Attorney General, and the Attorney General may bring an action in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such act or practice and to enforce compliance with this Act, or any rule, regulation, or order thereunder, and said courts shall have jurisdiction to entertain such actions. Any action under this section may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or in the district where the act or practice in question occurred or is about to occur, and process in such cases may be served in any district where the defendant may be found.~~

~~SEC. 16. If any provision of this Act or the application of any such provision to any person or circumstances shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.~~

~~SEC. 17. In order to finance the administration of this Act, the Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued. Such fees shall be adjusted on an equitable basis taking into consideration the type and nature of the operations to be licensed and shall cover as nearly as practicable the costs of administering the provisions of this Act. All such fees shall be deposited in a fund which shall be available without fiscal year limitation for use in administering the provisions of this Act together with such funds as may be appropriated thereto, and there are hereby authorized to be appropriated such funds as Congress may from time to time provide.~~

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

That, in order to protect the owners of dogs and cats from theft of such pets, to prevent the sale or use of dogs and cats which have been stolen, and to insure that certain animals intended for use in research facilities are provided humane

1 *care and treatment, it is essential to regulate the transporta-*
2 *tion, purchase, sale, housing, care, handling and treatment*
3 *of such animals by persons or organizations engaged in using*
4 *them for research or experimental purposes or in transport-*
5 *ing, buying, or selling them for such use.*

6 *SEC. 2. When used in this Act—*

7 *(a) The term "person" includes any individual, part-*
8 *nership, association, or corporation;*

9 *(b) The term "Secretary" means the Secretary of Agri-*
10 *culture;*

11 *(c) The term "commerce" means commerce between*
12 *any State, territory, possession, or the District of Columbia,*
13 *or the Commonwealth of Puerto Rico, and any place outside*
14 *thereof; or between points within the same State, territory,*
15 *or possession, or the District of Columbia, or the Common-*
16 *wealth of Puerto Rico, but through any place outside thereof;*
17 *or within any territory, possession, or the District of Co-*
18 *lumbia, or the Commonwealth of Puerto Rico;*

19 *(d) The term "cat" means any live cat (Felis catus);*

20 *(e) The term "dog" means any live dog (Canis*
21 *familiaris);*

22 *(f) The term "research facility" means any school, in-*
23 *stitution, organization, or person that uses or intends to use*
24 *dogs or cats in research, tests, or experiments, and that (1)*
25 *purchases or transports dogs or cats in commerce, or (2)*

1 *receives funds under a grant, award, loan, or contract from*
2 *a department, agency, or instrumentality of the United*
3 *States for the purpose of carrying out research, tests, or*
4 *experiments;*
5 *(g) The term "dealer" means any person who, regu-*
6 *larly and for profit, transports, except as a common carrier,*
7 *or buys and sells animals intended for use in research*
8 *facilities;*
9 *(h) the term "animal" means live dogs, cats, monkeys*
10 *(nonhuman primate mammals), guinea pigs (Cavia cobaya),*
11 *hamsters (Cricetus), and rabbits (Oryctolagus cuniculus).*
12 *SEC. 3. It shall be unlawful for any research facility*
13 *to purchase animals from any dealer unless such dealer*
14 *holds a valid license issued by the Secretary pursuant to*
15 *this Act.*
16 *SEC 4. It shall be unlawful for any dealer to buy, sell,*
17 *offer to buy or sell, transport or offer for transportation*
18 *in commerce any animal unless such dealer has obtained a*
19 *license from the Secretary in accordance with such rules*
20 *and regulations as the Secretary may prescribe pursuant*
21 *to this Act, and such license has not been suspended or*
22 *revoked.*
23 *SEC. 5. No department, agency, or instrumentality of*
24 *the United States which uses animals for research or experi-*
25 *mentation shall purchase or otherwise acquire animals for*

1 *such purposes from any dealer unless such dealer holds a*
2 *valid license issued by the Secretary pursuant to this Act.*
3 *SEC. 6. Every research facility shall register with the*
4 *Secretary in accordance with such rules and regulations as*
5 *he may prescribe.*
6 *SEC. 7. The Secretary shall establish and promulgate*
7 *standards to govern the humane handling, care, treatment,*
8 *and transportation of animals by dealers and research facil-*
9 *ities. Such standards shall include, but not necessarily be*
10 *limited to, minimum requirements with respect to the hous-*
11 *ing, feeding, watering, sanitation, ventilation, shelter from*
12 *extremes of weather and temperature, separation by species,*
13 *and adequate veterinary care. The foregoing shall not be*
14 *construed as authorizing the Secretary to prescribe standards*
15 *for the handling, care, or treatment of animals during actual*
16 *research or experimentation by a research facility as deter-*
17 *mined by such research facility.*
18 *SEC. 8. Any department, agency or instrumentality of*
19 *the United States having laboratory animal facilities shall*
20 *comply with the standards promulgated by the Secretary for*
21 *a research facility under section 7.*
22 *SEC. 9. All dogs and cats delivered for transportation,*
23 *transported, purchased, or sold in commerce by any dealer*
24 *shall be marked or identified in such humane manner as the*
25 *Secretary may prescribe.*

1 *Sec. 10. Research facilities and dealers shall make, and*
2 *retain for such reasonable period of time as the Secretary*
3 *may prescribe, such records with respect to the purchase,*
4 *sale, transportation, identification, and previous ownership of*
5 *dogs and cats as the Secretary may prescribe, upon forms*
6 *supplied by the Secretary. Such records shall be made avail-*
7 *able at all reasonable times for inspection by the Secretary, by*
8 *any Federal officer or employee designated by the Secretary.*
9 *Sec. 11. The Secretary shall issue a license to any dealer*
10 *upon application therefor and payment of the license fee*
11 *prescribed pursuant to section 23 of this Act if the Secretary*
12 *determines that the facilities of such dealer comply with the*
13 *standards prescribed by the Secretary pursuant to section 7*
14 *of this Act. The Secretary may license as a dealer any per-*
15 *son who is not a dealer within the meaning of section 2(g)*
16 *of this Act, upon application and payment of the prescribed*
17 *fee, if such person enters into a written agreement with the*
18 *Secretary under which such person agrees to comply with*
19 *the requirements of this Act and the regulations prescribed*
20 *hereunder.*
21 *Sec. 12. The Secretary shall make such investigations*
22 *or inspections as he deems necessary to determine whether*
23 *any person has violated or is violating any provision of this*
24 *Act or any regulation issued thereunder. The Secretary*
25 *shall promulgate such rules and regulations as he deems*

1 *necessary to permit inspectors to confiscate or destroy in a*
2 *humane manner any animals found to be suffering as a*
3 *result of a failure to comply with any provision of this Act*
4 *or any regulation issued thereunder if (1) such animals*
5 *are held by a dealer, or (2) such animals are held by a*
6 *research facility and are no longer required by such research*
7 *facility to carry out the research, test, or experiment for*
8 *which such animals have been utilized.*

9 *SEC. 13. (a) The Secretary shall consult and cooperate*
10 *with other Federal departments, agencies, or instrumental-*
11 *ities concerned with the welfare of animals used for research*
12 *or experimentation when establishing standards pursuant to*
13 *section 7 and in carrying out the purposes of this Act.*

14 *(b) The Secretary shall take such action as he may*
15 *deem appropriate to encourage the various States of the*
16 *United States to adopt such laws and to take such action*
17 *as will promote and effectuate the purposes of this Act, and*
18 *the Secretary is authorized to cooperate with the officials of*
19 *the various States in effectuating the purposes of this Act*
20 *and any State legislation on the same subject.*

21 *SEC. 14. No dealer shall sell or otherwise dispose of*
22 *any dog or cat within a period of five business days after*
23 *the acquisition of such animal, except pursuant to regula-*
24 *tions prescribed by the Secretary.*

25 *SEC. 15. The Secretary shall issue rules and regula-*

1 *tions requiring licensed dealers and research facilities to*
2 *permit inspection of their premises and records at reasonable*
3 *hours upon request by legally constituted law enforcement*
4 *agencies in search of lost animals.*

5 *SEC. 16. No dog or cat may be sold or offered for sale*
6 *in commerce at a public auction or by weight, and no re-*
7 *search facility may purchase a dog or cat at a public auction*
8 *or by weight, unless the sale or offer for sale of such animal*
9 *is made (1) in accordance with regulations prescribed by the*
10 *Secretary, and (2) by a dealer licensed under this Act.*

11 *SEC. 17. (a) Nothing in this Act shall be construed as*
12 *authorizing the Secretary to promulgate rules, regulations,*
13 *or orders for the handling, care, treatment, or inspection of*
14 *animals during actual research or experimentation by a*
15 *research facility as determined by such research facility.*

16 *(b) The Secretary is authorized to promulgate such*
17 *additional standards, rules, regulations, and orders as he*
18 *may deem necessary in order to effectuate the purposes of*
19 *this Act.*

20 *SEC. 18. Any dealer who violates any provision of this*
21 *Act shall, on conviction thereof, be subject to imprisonment*
22 *for not more than one year or a fine of not more than $1,000,*
23 *or both.*

24 *SEC. 19. (a) If the Secretary has reason to believe that*
25 *a dealer or any person licensed as a dealer has violated or is*

1 *violating any provision of this Act or any rule or regulation*
2 *prescribed hereunder, he may suspend such person's license*
3 *temporarily, but not to exceed thirty days, and, after notice*
4 *and opportunity for hearing, may revoke or suspend such*
5 *license for such additional period as he may specify if such*
6 *violation has occurred, and may order such person to cease*
7 *and desist from continuing such violation.*
8 *(b) Any person aggrieved by a final order of the Secre-*
9 *tary issued pursuant to subsection (a) of this section may,*
10 *within sixty days after entry of such an order, seek review*
11 *of such order in the manner provided in section 10 of the*
12 *Administrative Procedure Act (5 U.S.C. 1009).*
13 *SEC. 20. Whenever the Secretary has reason to believe*
14 *that any research facility has violated or is violating any*
15 *provision of this Act or any rule or regulation prescribed*
16 *thereunder, he shall cause a complaint in writing to be de-*
17 *livered to such research facility, describing the alleged vio-*
18 *lation or violations. If the Secretary, after the expiration of*
19 *twenty days following the day on which the complaint was*
20 *delivered to such research facility, has reason to believe that*
21 *such research facility is continuing to violate the provisions*
22 *of this Act, or any rule or regulation prescribed thereunder,*
23 *as described in the complaint, he shall apply to the district*
24 *court for the district in which such research facility is lo-*
25 *cated for a court order directing such research facility to*

1 *cease and desist from committing the violations described in*
2 *the Secretary's complaint.*
3 *SEC. 21. When construing or enforcing the provisions*
4 *of this Act, any act, omission, or failure of any individual,*
5 *while acting within the scope of his office or employment for*
6 *a dealer, shall be deemed to be the act, omission, or failure*
7 *of such dealer as well as of such individual.*
8 *SEC. 22. If any provision of this Act or the application*
9 *of any such provision to any person or circumstances shall*
10 *be held invalid, the remainder of this Act and the application*
11 *of any such provision to persons or circumstances other than*
12 *those as to which it is held invalid shall not be affected*
13 *thereby.*
14 *SEC. 23. The Secretary is authorized to charge, assess,*
15 *and cause to be collected reasonable fees for licenses issued*
16 *to dealers. All such fees shall be deposited and covered*
17 *into the Treasury as miscellaneous receipts.*
18 *SEC. 24. The regulations referred to in section 7 and*
19 *section 10 shall be prescribed by the Secretary as soon as rea-*
20 *sonable but not later than six months from the date of enact-*
21 *ment of this Act. Additions and amendments thereto may be*
22 *prescribed from time to time as may be necessary or advisable.*
23 *Compliance by dealers with the provisions of this Act and*
24 *such regulations shall commence ninety days after the pro-*
25 *mulgation of such regulations. Compliance by research fa-*

1 *cilities with the provisions of this Act and such regulations*
2 *shall commence six months after the promulgation of such*
3 *regulations, except that the Secretary may grant extensions*
4 *of time to research facilities which do not comply with the*
5 *standards prescribed by the Secretary pursuant to section 7*
6 *of this Act provided that the Secretary determines that there*
7 *is evidence that the research facilities will meet such stand-*
8 *ards within a reasonable time.*

Amend the title so as to read: "An Act to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats, and certain other animals intended to be used for purposes of research or experimentation, and for other purposes."

Stop capture

Calendar No. 1246

89TH CONGRESS
2D SESSION

H. R. 13881

[Report No. 1281]

AN ACT

To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes.

MAY 2, 1966

Read twice and referred to the Committee on Commerce

JUNE 15, 1966

Reported with amendments

June 22

June 23

June 24

H. R. 13881

[Report No. 1281]

AN ACT

To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes.

MAY 2, 1966

Read twice and referred to the Committee on Commerce

JUNE 15, 1966

Reported with amendments

DIGEST of Congressional Proceedings
OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued June 23, 1966
For actions of June 22, 1966
89th-2nd; No. 102

CONTENTS

Air pollution.....3
Animal research.....1
Appropriations.....19,34
Butter.....17
Continuing appropriations.....19
Dairy.....30
Education.....18
Electrification.....31
Employment.....14
Food for freedom.....27
Food prices.....10
Foreign aid.....26
Foreign trade.....6,30
Forestry.....8
Future farmers.....25
Income tax.....32
Inflation.....11
Information.....17
Intergovernmental affairs.....4,12
Iowa trip.....15
Labeling.....28
Legislative program.....21
Libraries.....2
Meat imports.....16
Milk.....9,30
National park.....20
Opinion poll.....24
Pay.....7
Personnel.....7,32
Poultry.....22
Poverty.....34
Property.....35
Public works.....29
Research.....1,5,33
School milk.....9
Soybeans.....5
Voting record.....15
Water pollution.....3,13
Water resources.....23
Wheat.....6

HIGHLIGHTS: Senate passed dog-cat handling bill. Sen. Hartke urged soybean research. Sen. McGovern criticized wheat shipping restriction. Sen. Proxmire credited farmer with "stability in consumer prices." Sen. Proxmire commended USDA's "support for the special milk program." Rep. McVicker praised food for freedom program. Rep. Nelsen objected to cutback in military pork purchases and increased meat imports. Rep. Gross criticized Secretary Freeman's "political junket." Rep. Findley criticized "planned news leak" re USDA butter purchases.

SENATE

1. RESEARCH ANIMALS. Passed with amendments, by a unamious vote of 85, H. R. 13881, to authorize this Department to regulate the transportation, sale, and handling of dogs, cats, and other animals intended to be used for research. pp. 13248-60

2. LIBRARIES. Passed as reported H. R. 14050, to amend and extend the Library Services and Construction Act. pp. 13262-65

3. WATER AND AIR POLLUTION. A subcommittee of the Public Works Committee approved for full committee consideration with amendments S. 2947, to improve and make more effective certain programs under the Federal Water Pollution Control Act and S. 3112, authorizing grants under the Clean Air Act for maintenance of air pollution control programs. p. D559

4. INTERGOVERNMENTAL AFFAIRS. Senators Clark and Metcalf were added as cosponsors of S. 3509, to establish a National Intergovernmental Affairs Council. p. 13213

5. SOYBEANS. Sen. Hartke commended the potential ability of soybeans to feed the world's undernourished persons and urged an appropriation to maintain a soybean research program. pp. 13225-6

6. FOREIGN TRADE. Sen. McGovern criticized the "senseless export control order requiring that half of any wheat we sell to the Russians be shipped in American vessels," and urged the revision of the Export Control Act "so that it cannot be misused." pp. 13231-2

7. PERSONNEL. Sen. Morse inserted letters urging prompt action by the Senate on the Federal pay raise bill. pp. 13230-31

8. FORESTRY. Sen. Byrd, W. Va., commended and inserted an article, "Giant Hemlocks To Be Preserved--Pendleton Forest Will Be Sanctuary." p. 13238

9. MILK. Sen. Proxmire commended a statement by Secretary Freeman before the Senate Agriculture and Forestry Committee which "indicates the Department's complete support for the special milk program for schoolchildren." pp. 13239-40

10. FOOD PRICES. Sen. Proxmire credited the farmer with the "stability in consumer prices last month" and inserted an article on the subject. p. 13239

11. INFLATION. Sen. Pearson stated "the administration's policy in seeking to hold down prices and wages should be brought into the open and submitted to a full and searching inquiry" on the Senate floor and in appropriate congressional committees. pp. 13241-2

HOUSE

12. INTERGOVERNMENTAL RELATIONS. Received from the Committee on Government Operations a report, "Unshackling Local Government-A Survey of Proposals by the Advisory Commission on Intergovernmental Affairs" (H. Rept. 1643). p. 13336

13. WATER POLLUTION. Received from the Committee on Government Operations a report, "1965 Survey on Disposal of Sewage and Industrial Wastes by Federal Installations (Water Pollution Control and Abatement)" (H. Rept. 1644) p. 13336

14. EMPLOYMENT. Passed without amendment H. R. 15119, to extend and improve the Federal-State unemployment compensation program. pp. 13273-304, 13313-4

15. IOWA TRIP; VOTING RECORD. Rep. Gross took issue with statements attributed to Secretary Freeman on his recent Iowa trip regarding the Congressman's voting record. p. 13306

Total tax collections and selected Federal expenditures [1] by State, fiscal year, 1964

	Total tax collections	Total, selected Federal expenditures in the several States	Federal grants-in-aid payments to States	Federal wage and salary disbursements [2]		Old-age, survivors, and disability insurance benefit payments	Veterans' compensation pensions and other benefits	Military prime contract awards
				Civilian	Military			
	Thousands			*Millions*	*Millions*	*Thousands*		*Thousands*
Alabama	$726,075	$1,331,850,373	$248,820,168	$425	$125	$221,258	$121,091,205	$190,681
Alaska	81,299	473,311,297	115,294,599	120	127	5,992	3,479,699	101,545
Arizona	427,550	685,921,395	111,514,580	142	95	107,333	56,248,845	173,825
Arkansas	358,881	606,628,441	175,749,730	94	70	145,354	91,793,711	29,731
California	10,534,708	11,205,196,424	1,153,938,266	1,735	1,351	1,335,117	529,491,158	5,100,650
Colorado	1,348,563	1,174,405,924	174,691,643	243	165	132,622	69,581,281	389,511
Connecticut	1,944,718	1,780,966,327	165,525,084	100	64	254,078	71,309,243	1,126,054
Delaware	986,032	170,054,134	28,418,109	23	38	36,713	13,499,025	30,424
District of Columbia	(3)	1,349,579,251	128,607,508	760	89	50,920	98,104,743	222,947
Florida	1,803,001	2,653,459,043	315,836,538	346	413	588,256	207,775,505	782,591
Georgia	1,415,391	1,961,112,382	293,108,938	374	397	242,032	134,802,444	520,169
Hawaii	293,453	521,876,023	64,220,557	160	203	32,070	10,473,466	52,112
Idaho	206,824	238,420,812	69,889,609	50	30	54,289	26,441,203	7,804
Illinois	8,697,901	3,098,710,769	560,979,891	626	257	936,153	289,396,878	429,201
Indiana	2,549,350	1,596,111,773	210,766,396	214	64	436,627	132,778,377	537,940
Iowa	856,388	776,317,558	166,231,434	120	23	265,920	94,774,124	103,392
Kansas	738,063	1,011,261,656	151,101,489	137	160	191,904	82,211,167	289,045
Kentucky	1,844,540	1,050,209,064	255,495,330	179	213	253,586	108,651,734	40,476
Louisiana	928,317	1,135,154,248	339,874,376	154	159	192,290	108,562,872	181,427
Maine	270,544	386,035,757	71,615,943	73	75	95,263	39,625,814	31,531
Maryland	[3] 2,629,382	2,367,573,970	176,460,024	1,049	291	212,781	90,396,946	547,936
Massachusetts	3,221,613	2,781,476,174	388,493,998	424	195	526,090	215,830,176	1,032,062
Michigan	9,382,587	2,415,609,770	451,258,275	292	144	721,139	215,922,495	591,290
Minnesota	1,764,467	1,114,524,289	249,706,495	163	42	304,454	136,422,794	217,941
Mississippi	342,933	767,391,825	172,086,580	105	118	134,272	82,122,245	155,911
Missouri	2,006,494	2,683,039,430	309,797,145	318	138	410,828	157,343,285	1,349,071
Montana	187,267	309,334,091	96,267,216	67	46	56,456	27,188,875	16,422
Nebraska	664,886	514,464,185	109,756,828	97	93	129,693	51,093,357	33,921
Nevada	240,646	172,470,612	51,612,364	46	37	20,204	11,293,248	6,361
New Hampshire	235,984	297,211,383	44,971,168	59	43	64,492	20,891,215	64,857
New Jersey	3,513,804	2,580,711,117	243,734,656	410	232	602,098	175,317,461	917,561
New Mexico	251,737	516,589,326	113,417,264	149	98	48,402	36,284,062	71,486
New York	20,167,510	7,068,803,614	898,372,065	1,157	291	1,699,775	526,218,549	2,496,438
North Carolina	2,738,295	1,502,262,459	242,900,027	385	355	299,505	146,341,432	273,416
North Dakota	134,035	446,414,683	93,942,801	39	48	49,646	22,800,882	192,025
Ohio	6,693,373	3,456,104,093	525,188,187	577	152	872,358	299,611,906	1,028,946
Oklahoma	1,091,472	1,107,773,505	264,303,896	279	155	190,824	96,156,609	122,489
Oregon	748,948	657,151,437	193,861,619	144	35	185,611	69,580,818	29,104
Pennsylvania	7,088,866	3,949,372,420	599,281,567	810	143	1,133,583	389,442,853	883,065
Rhode Island	469,582	408,547,537	68,576,536	81	99	90,093	31,705,001	38,173
South Carolina	489,959	773,735,221	125,082,042	153	233	140,977	70,055,179	51,621
South Dakota	152,889	287,511,731	86,105,381	55	32	58,198	32,900,350	23,308
Tennessee	1,041,970	1,211,518,445	273,890,896	255	99	251,085	138,978,549	193,564
Texas	4,240,209	4,419,557,112	607,347,391	774	792	621,988	329,790,721	1,294,431
Utah	324,575	753,431,890	104,636,695	191	25	59,322	34,033,195	340,040
Vermont	120,646	135,074,976	42,117,043	19	4	38,295	14,650,933	14,012
Virginia	1,823,564	2,949,892,457	283,980,230	1,036	587	262,936	134,124,227	590,852
Washington	1,382,842	2,266,086,070	243,289,980	321	245	265,782	105,398,090	1,085,696
West Virginia	398,255	569,177,732	131,628,368	65	13	185,386	86,836,364	87,327
Wisconsin	1,959,380	1,078,657,913	198,628,185	127	44	392,226	139,586,128	177,217
Wyoming	107,027	217,353,711	71,172,612	38	19	24,268	15,505,099	49,408
Total	[4] 112,216,792	82,983,411,829	12,220,868,322	15,560	8,967	15,633,521	6,184,915,507	24,417,107

[1] This tabulation does not include all Federal expenditure programs carried on in the several States but is limited to those for which information is readily available on a State basis.
[2] Data are for the calendar year 1963.
[3] Tax collections for the District of Columbia are included in the total for the State of Maryland.
[4] Details do not add to total due to rounding.
Sources:
Department of Commerce, Survey of Current Business, August 1964, pp. 18–21.
Department of Defense, Office of the Secretary of Defense, Military Prime Contract Awards by State. Release of June 1964.
Department of Health, Education, and Welfare, Social Security Bulletin, December 1964, p. 31.
Treasury Department, 1964 Annual Report, Commissioner of Internal Revenue, Washington, Government Printing Office, 1965, p. 73.
Treasury Department, preliminary tabulation to be included in the Annual Report of the Secretary of the Treasury for the fiscal year 1964, "Expenditures Made By the Government as Direct Payments to States Under Cooperative Arrangements and Expenditures Within States Which Provided Relief and Other Aid, Fiscal Year 1964."
Veterans' Administration, Annual Report, Administrator of Veterans' Affairs, 1964, Washington, Government Printing Office, 1964, pp. 324–325.

Mr. MORSE. Mr. President, before I offer my amendment, I close my argument by saying to my good friend, the Senator from California, that I have no personal difference with him whatsoever. I do have a very emphatic professional difference with him this afternoon in regard to the merits of the position he is taking. I have a high regard for the dedication of the Senator from California to his duty as he sees that duty in connection with this bill.

Mr. President, I send to the desk my amendment, the controlling section of which I shall take a moment to read:

On page 2, after line 4, insert the following new section:

"SEC. 3. Sections 1 and 2 of this Act shall take effect upon the payment by the State of California to the Secretary of Commerce of an amount equal to 50 per centum of the fair market value, as determined by the Secretary of Commerce after appraisal, of the property interest of the United States to be released to the State of California by the first section of this Act."

Mr. President, after the Senator from California or anyone else makes such remarks as he cares to make, I shall ask for a quorum call—not a live quorum, but just long enough, let me say to my majority leader, who already has assured me that he will do what he can to help me obtain a yea and nay vote on my amendment, to obtain such a vote.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The legislative clerk read as follows:

On page 2, line 1, beginning with the comma, strike out all through the comma on line 2,

On page 2, after line 4, insert the following new section:

"SEC. 3. Sections 1 and 2 of this Act shall take effect upon the payment by the State of California to the Secretary of Commerce of an amount equal to 50 per centum of the fair market value, as determined by the Secretary of Commerce after appraisal, of the property interest of the United States to be released to the State of California by the first section of this Act."

Mr. MORSE. Mr. President, I suggest the absence of a quorum.

Mr. KUCHEL. Mr. President, will the Senator from Oregon yield before he suggests the call of the quorum?

Mr. MORSE. I am glad to yield to the Senator from California.

The PRESIDING OFFICER. Does the Senator from Oregon withhold his request?

Mr. MORSE. Mr. President, I withdraw my request.

The PRESIDING OFFICER. Without objection, the request of the Senator from Oregon is withdrawn and the Senator from California is recognized.

Mr. KUCHEL. Mr. President, as I tried to indicate earlier, any attempt to apply that kind of provision to this bill is both unwarranted and unreasonable, and as such, should be rejected by the Senate.

However, I do not rise at this time to further expatiate on that subject.

Let me say to my friend, the Senator from Oregon, that I placed a hold on his bill in order that I might study it at greater length. I have given this proposal careful consideration and have no objections to its passage. A time problem, however, has developed with numerous Senators attempting to return to the Capitol from various engagements downtown. It would therefore be appreciated if the distinguished Senator from Oregon would agree to temporarily the set aside his amendment and place his bill on the calendar for the present consideration of the Senate. I am certain this could be arranged with the approval of the majority leader.

Mr. MORSE. I appreciate the courtesy of the Senator from California, but I would not want to do that. I would want my bill to take its course under the Unanimous Consent Calendar. The bill in no way violates the Morse formula, for reasons which I have already set forth. There is no Federal interest involved. Therefore, I would prefer to have the bill come up on the regular calendar and if any objection is raised I will discuss the objection at that time.

Mr. MANSFIELD. Mr. President, will the Senator from Oregon yield to me?

Mr. MORSE. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. So far as the call of the calendar is concerned, it would be in order at any time. If I may suggest, however, in view of the situation which has developed regarding some Senators who are now downtown on official engagements, would the Senator from Oregon consider the possibility of entering a unanimous-consent agreement to vote on the Morse amendment at 2:15 o'clock p.m. and, in the meantime, take up the Johnson bill, S. 2602, which is on the calendar and ready for action?

Mr. MORSE. I would agree to a unanimous-consent agreement to vote at 2:15 o'clock p.m., but I would not want to take up the Johnson bill in the format of this discussion this afternoon.

Mr. MANSFIELD. No.

Mr. MORSE. I know. The Senator may not agree with me, but I think it could be very much misunderstood. The Johnson bill, so far as I am concerned, should stand on its own merits and I will defend it on its merits in regular consideration of the unanimous consent calendar, where the bill now is, and in due course of time the Senate will come to its consideration on that Unanimous Consent Calendar. I would not want my bill taken off that calendar by this procedure this afternoon. There are certainly other matters the Senate could discuss up until 2:15 o'clock p.m. Let me say to my majority leader that perhaps I could pay my disrespects to the war on Vietnam until that time. Perhaps we could use that time for that subject.

Mr. MANSFIELD. No; there are other legislative measures which I would like the Senate to consider, if that would be agreeable to the Senator from Oregon. And I would like to include the Johnson bill in that program—I use the word "Johnson" because I believe that is its popular name.

Mr. MORSE. That is right.

Mr. MANSFIELD. There is no objection to it, but I am more than willing to agree to the suggestion of the Senator from Oregon and take up afterward——

Mr. MORSE. Just put it down as a legislative eccentricity on my part. But, I would not want to have that bill taken off the calendar. I want it to go through its normal procedural rulings on the Unanimous Consent Calendar.

Mr. MANSFIELD. Both land bills could be taken up today. Therefore, I wish the Senator would reconsider. I do not make this request on the premise that there is a similarity between the bill now under consideration and the Johnson bill. I am confident we can reach an agreement and only ask the Senator to think it over.

Mr. MORSE. There is nothing to think over, so far as I am concerned. I hope that the majority leader will not press the Johnson bill today—in any event, not take up the Johnson bill until some other intervening legislation is passed by the Senate.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. All right, that is agreeable and will be worked out. In view of the seeming assent of the two Senators, Mr. President, I ask unanimous consent that the vote on the pending Morse amendment be held at 2:15 o'clock p.m.

Mr. KUCHEL. Mr. President, reserving the right to object—and I do not object—let me ask the majority leader and the Senator from Oregon, would they be inclined to agree to a unanimous-consent agreement for a yea-and-nay vote, which has not yet been ordered—but I commit myself to it—would they be agreeable to having a yea-and-nay vote on the pending amendment to commence at 2:20 p.m., to be followed immediately thereafter by a vote on final passage?

Mr. MORSE. That would be perfectly all right.

Mr. MANSFIELD. That would be satisfactory.

Mr. KUCHEL. That would give a little time for Senators to return to the Capitol from downtown.

Mr. MANSFIELD. Very well. Mr. President, I amend my request in the sense stated by the distinguished Senator from California.

Mr. KUCHEL. I thank the majority leader.

Mr. President, I also ask unanimous consent that rule XII be waived.

The PRESIDING OFFICER. Is there objection? The Chair hears none, the unanimous-consent request is agreed to, and rule XII is waived.

DOGS AND CATS USED IN RESEARCH

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily, and that the Senate proceed to the consideration of Calendar No. 1246, H.R. 13881.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 13881) to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with an amendment, to strike out all after the enacting clause and insert:

That, in order to protect the owners of dogs and cats from theft of such pets, to prevent the sale or use of dogs and cats which have been stolen, and to insure that certain animals intended for use in research facilities 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 in transporting, buying, or selling them for such use.

SEC. 2. When used in this Act—

(a) The term "person" includes any individual, partnership, association, or corporation;

(b) The term "Secretary" means the Secretary of Agriculture;

(c) The term "commerce" means commerce between any State, territory, possession, or the District of Columbia, or the Commonwealth of Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, or the Commonwealth of Puerto Rico, but through any place outside thereof; or within any territory, possession, or the District of Columbia, or the Commonwealth of Puerto Rico;

(d) The term "cat" means any live cat (Felis catus);

(e) The term "dog" means any live dog (Canis familiaris);

(f) The term "research facility" means any school, institution, organization, or person that uses or intends to use dogs or cats in research, tests, or experiments, and that (1) purchases or transports dogs or cats in 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;

(g) The term "dealer" means any person who, regularly and for profit, transports, except as a common carrier, or buys and sells animals intended for use in research facilities;

(h) the term "animal" means live dogs, cats, monkeys (nonhuman primate mammals), guinea pigs (Cavia cobaya), hamsters (Cricetus), and rabbits (Oryctolagus cuniculus).

SEC. 3. It shall be unlawful for any research facility to purchase animals from any dealer unless such dealer holds a valid license issued by the Secretary pursuant to this Act.

SEC. 4. It shall be unlawful for any dealer to buy, sell, offer to buy or sell, transport or offer for transportation in commerce any animal unless such dealer has obtained a license from the Secretary in accordance with such rules and regulations as the Secretary may prescribe pursuant to this Act, and such license has not been suspended or revoked.

SEC. 5. No department, agency, or instrumentality of the United States which uses

animals for research or experimentation shall purchase or otherwise acquire animals for such purposes from any dealer unless such dealer holds a valid license issued by the Secretary pursuant to this Act.

SEC. 6. Every research facility shall register with the Secretary in accordance with such rules and regulations as he may prescribe.

SEC. 7. The Secretary shall establish and promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers and research facilities. Such standards shall include, but not necessarily be limited to, minimum requirements with respect to the housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation by species, and adequate veterinary care. The foregoing shall not be construed as authorizing the Secretary to prescribe standards for the handling, care, or treatment of animals during actual research or experimentation by a research facility as determined by such research facility.

SEC. 8. Any department, agency or instrumentality of the United States having laboratory animal facilities shall comply with the standards promulgated by the Secretary for a research facility under section 7.

SEC. 9. All dogs and cats delivered for transportation, transported, purchased, or sold in commerce by any dealer shall be marked or identified in such humane manner as the Secretary may prescribe.

SEC. 10. Research facilities and dealers 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 dogs and cats as the Secretary may prescribe, upon forms supplied by the Secretary. Such records shall be made available at all reasonable times for inspection by the Secretary, by any Federal officer or employee designated by the Secretary.

SEC. 11. The Secretary shall issue a license to any dealer upon application therefor and payment of the license fee prescribed pursuant to section 23 of this Act if the Secretary determines that the facilities of such dealer comply with the standards prescribed by the Secretary pursuant to section 7 of this Act. The Secretary may license as a dealer any person who is not a dealer within the meaning of section 2(g) of this Act, upon application and payment of the prescribed fee, if such person enters into a written agreement with the Secretary under which such person agrees to comply with the requirements of this Act and the regulations prescribed hereunder.

SEC. 12. The Secretary shall make such investigations or inspections as he deems necessary to determine whether any person has violated or is violating any provision of this Act or any regulation issued thereunder. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confiscate or destroy in a humane manner any animals found to be suffering as a result of a failure to comply with any provision of this Act or any regulation issued thereunder if (1) such animals are held by a dealer, or (2) such animals are held by a research facility and are no longer required by such research facility to carry out the research, test, or experiment for which such animals have been utilized.

SEC. 13. (a) The Secretary shall consult and cooperate with other Federal departments, agencies, or instrumentalities concerned with the welfare of animals used for research or experimentation when establishing standards pursuant to section 7 and in carrying out the purposes of this Act.

(b) The Secretary shall take such action as he may deem appropriate to encourage the various States of the United States to adopt such laws and to take such action as will promote and effectuate the purposes of this Act, and the Secretary is authorized to cooperate with the officials of the various States in effectuating the purposes of this Act and any State legislation on the same subject.

SEC. 14. No dealer shall sell or otherwise dispose of any dog or cat within a period of five business days after the acquisition of such animal, except pursuant to regulations prescribed by the Secretary.

SEC. 15. The Secretary shall issue rules and regulations requiring licensed dealers and research facilities to permit inspection of their premises and records at reasonable hours upon request by legally constituted law enforcement agencies in search of lost animals.

SEC. 16. No dog or cat may be sold or offered for sale in commerce at a public auction or by weight, and no research facility may purchase a dog or cat at a public auction or by weight, unless the sale or offer for sale of such animal is made (1) in accordance with regulations prescribed by the Secretary, and (2) by a dealer licensed under this Act.

SEC. 17. (a) Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders for the handling, care, treatment, or inspection of animals during actual research or experimentation by a research facility as determined by such research facility.

(b) The Secretary is authorized to promulgate such additional standards, rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this Act.

SEC. 18. Any dealer who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both.

SEC. 19. (a) If the Secretary has reason to believe that a dealer or any person licensed as a dealer has violated or is violating any provision of this Act or any rule or regulation prescribed hereunder, he may suspend such person's license temporarily, but not to exceed thirty days, and, after notice and opportunity for hearing, may revoke or suspend such license for such additional period as he may specify if such violation has occurred, and may order such person to cease and desist from continuing such violation.

(b) Any person 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 manner provided in section 10 of the Administrative Procedure Act (5 U.S.C. 1009).

SEC. 20. Whenever the Secretary has reason to believe that any research facility has violated or is violating any provision of this Act or any rule or regulation prescribed thereunder, he shall cause a complaint in writing to be delivered to such research facility, describing the alleged violation or violations. If the Secretary, after the expiration of twenty days following the day on which the complaint was delivered to such research facility, has reason to believe that such research facility is continuing to violate the provisions of this Act, or any rule or regulation prescribed thereunder, as described in the complaint, he shall apply to the district court for the district in which such research facility is located for a court order directing such research facility to cease and desist from committing the violations described in the Secretary's complaint.

SEC. 21. When construing or enforcing the provisions of this Act, any act, omission, or failure of any individual, while acting within the scope of his office or employment for a dealer, shall be deemed to be the act, omission, or failure of such dealer as well as of such individual.

SEC. 22. If any provision of this Act or the application of any such provision to any person or circumstances shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 23. The Secretary is authorized to charge, assess, and cause to be collected reasonable fees for licenses issued to dealers. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts.

SEC. 24. The regulations referred to in section 7 and section 10 shall be prescribed by the Secretary as soon as reasonable but not later than six months from the date of enactment of this Act. Additions and amendments thereto may be prescribed from time to time as may be necessary or advisable. Compliance by dealers with the provisions of this Act and such regulations shall commence ninety days after the promulgation of such regulations. Compliance by research facilities with the provisions of this Act and such regulations shall commence six months after the promulgation of such regulations, except that the Secretary may grant extensions of time to research facilities which do not comply with the standards prescribed by the Secretary pursuant to section 7 of this Act provided that the Secretary determines that there is evidence that the research facilities will meet such standards within a reasonable time.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, may I say that at 2:20 the Senate will return to the business which has just been laid aside temporarily, the Morse amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the Morse amendment, which will be voted on at 2:20.

The yeas and nays were ordered.

Mr. MONRONEY. Mr. President, I desire to address myself to the bill H.R. 13881, reported by the Senator from Washington [Mr. MAGNUSON], chairman of the Committee on Commerce, as amended by the committee.

This bill is generally known as the Humane Act for the Handling of Research Animals.

I think, after nearly half a century of failing to note the plight of animals who serve humanity so well in research and who have helped bring us forward in the frontiers of medical science, it is high time Congress addressed itself to the correction of these unnecessary and inhumane conditions.

The bill, which has been carefully studied and amended a great many times, strikes first at the source of supply for laboratory animals in seeking to eliminate the theft of household pets, dogs and cats, and to put restrictions on dealers who sell animals for research purposes.

There have been many exposes, by some of our finest magazines and newspapers, regarding the well-organized theft of animals from homes and from farms, collecting them in secret places, and shipping them out in illicit and clandestine interstate commerce to other

States, where they then find their way, presumably, into the research facilities.

I think the sections of the bill which deal with the transportation, the sale, and the handling of these dogs and cats by such dealers can most effectively be carried out and in fact can only be carried out by the Federal Government, because the ease with which they can be put in trucks and shipped across State lines overnight takes them far away from their homes and far away from the possibility of identification by the owners who would be searching for them.

The purposes of the bill, I think, are clearly set out in the report, which places under the Secretary of Agriculture the operations of the bill, and which—

(1) Requires the licensing of animal dealers by the Secretary of Agriculture.

(2) Makes it unlawful for a research facility to purchase animals from any dealer unless the dealer has been licensed.

(3) Requires research facilities to register with the Secretary of Agriculture.

(4) Directs the Secretary of Agriculture to promulgate regulations after consultation with other Federal agencies to insure—

(*a*) The humane handling, care, treatment, and transportation of animals by dealers and research facilities except during actual research or experimentation as determined by a research facility;

(*b*) That dogs and cats are marked or identified in a humane manner;

(*c*) That research facilities and dealers make and retain records of their purchase and sale of dogs and cats;

(*d*) That licensed dealers and research facilities permit inspection of their facilities by legally constituted law enforcement agencies in search of lost animals;

(*e*) That dogs and cats are humanely treated during auction sale; and

(*f*) That inspectors will be able to confiscate or destroy dealer-held and postresearch animals found suffering because of violations of the act.

(5)—

And this is the point, I think, in greatest controversy—

Directs the Secretary of Agriculture to make inspections to determine whether dealers and research facilities are complying with the act.

The enforcement of the provisions of the bill, particularly with respect to dealers and research facilities, in prescribing humane conditions under which the animals must be cared for, rests with the Secretary of Agriculture. Some have urged that enforcement be placed with the Department of Health, Education, and Welfare.

The bill further—

(6) Provides a criminal penalty for violation of the act by dealers and suspension or revocation of a dealer's license for violations of the act or regulations issued thereunder with the right of review in the proper district court.

Research institutions, because of their high standing and their important leadership in medical research, are treated entirely differently. In the case of such institutions, the bill merely provides that in cases of violation by research facilities, after having been warned over a period of 20 days, the Secretary, upon failing to receive voluntary compliance with an order for humane care, can apply to the appropriate district court for a cease and desist order.

Twice in the bill it is pointed out specifically that there can be no interference by the Secretary of Agriculture, in enforcement, with any type of research facility whatsoever, in its actual research on the animal, either preoperative or postoperative.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MONRONEY. I am happy to yield to my fellow member of the committee, the distinguished Senator from Rhode Island.

Mr. PASTORE. First of all, Mr. President, I should like to compliment the distinguished Senator from Oklahoma for the yeoman work he has done on this legislation.

I agree with the spirit and the purpose of the bill 100 percent. Yes, the time has come when something affirmative must be done to insure the treatment of research animals in a humane manner.

Personally, I am a dog lover. We have always had a dog in our family, and our family dog has always been very dear to all of us. I think it is disgraceful, in this enlightened age, that people should treat animals in some of the ways of which experience has indicated they are capable.

My feelings are shared by the legion of pet-owners in my State of Rhode Island and in the sincerest letters they have made their views known to me.

The other day, Dr. Shannon, the distinguished head of our National Institutes of Health visited me at the office. He is very much in favor of this legislation exactly as it is. His only expressed fear was that because the rehabilitation of animal care facilities usually is not as dramatic as some of the other items upon which we have been spending our money, there has been a reluctance to use any funds for that purpose.

Realizing that, the committee wrote into the bill a provision that insofar as research facilities are concerned, they would have a reasonable opportunity to meet the requirements of the law. Am I not correct in that?

Mr. MONRONEY. That is absolutely correct, and we would anticipate a moving forward on a gradual basis, so that research institutions would not be required or expected to obtain complete new animal care facilities within a period of 30 or 60 days. We do wish to see the facilities they have cleaned up and improved.

We felt the Secretary of Agriculture could administer this, and then we provided for the grants of which the Senator is well aware, having served so faithfully on the Health, Education, and Welfare Appropriations Subcommittee under the chairmanship of the distinguished Senator from Alabama [Mr. HILL], whereby research facilities could obtain the 50–50 fund matching that is available for the improvement of animal quarters.

Mr. PASTORE. On that point—and I agree implicitly with the Senator from Oklahoma—Dr. Shannon intimated that possibly we should review the formula of 50–50 fund matching. There may be cases, he thought, where we could speed up the modernization of such facilities if we took into account the fact that some such establishments do not have the money available to match, and that a more favorable formula might be devised.

I realize we cannot write this contingency into this bill, and he does not pretend for one moment that we should. But I should like to ask the Senator whether or not he would be amenable to such an idea.

Mr. MONRONEY. I would not only be amenable, I would be happy to associate myself with the distinguished Senator from Rhode Island and the dozens of other Senators who would like to see this matching made greater, and expedited in sums sufficient to correct the situations in the roughly 2,000 research laboratories that would be primarily affected by the bill.

We think it is penny-wise and pound foolish to appropriate $1,900 million for medical research facilities and for medical research, and to be penurious on the care of the research animals.

Mr. PASTORE. Without which you cannot have the research.

Mr. MONRONEY. Without which we could not have research in the first place; that is correct.

Mr. PASTORE. I congratulate my fellow Senator. I say again, he has done a magnificent job on this measure. He is to be congratulated, and I hope the bill will pass by an overwhelming vote. As a matter of fact, I hope it will pass without a dissenting vote.

Mr. MONRONEY. I thank the Senator from Rhode Island. We appreciate the support of Dr. Shannon.

We felt that when it was understood what the bill as amended provides, there could be no objection from the research fraternity, which is doing so great a work throughout the country.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. MONRONEY. Mr. President, I am happy to yield to the distinguished Senator from Pennsylvania, who has fought for so long for the very helpful legislation that we hope will be passed in the current session of Congress.

Mr. CLARK. Mr. President, I congratulate the chairman of the Commerce Committee, the senior Senator from Washington [Mr. MAGNUSON], and the Senator in charge of the bill, the senior Senator from Oklahoma [Mr. MONRONEY] for the splendid work that they have done in reporting the bill dealing with the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation.

The background of need for this legislation is well set forth in the committee report which begins at the top of page 5.

I ask unanimous consent that that portion of the report beginning at the top of page 5 and ending immediately before the section-by-section analysis may be printed in the RECORD.

There being no objection, the portion of the report was ordered to be printed in the RECORD, as follows:

BACKGROUND AND NEED FOR THE LEGISLATION

This bill recognizes the need for Federal legislation to deal with the abuses that have developed as a result of the Nation's vast program of medical research. Much of this medical research involves experiments and tests with animals. The demand for research animals has risen to such proportions that a system of unregulated dealers is now supplying hundreds of thousands of dogs, cats, and other animals to research facilities each year.

The committee held 3 days of hearings on the subject of regulating those who sell, transport, or handle animals intended for use in medical research. During these hearings, shocking testimony was received concerning the existence of pet stealing operations which supply some animals eventually used by many research institutions. Stolen pets are quickly transported across State lines, changing hands rapidly, and often passing through animal auctions. While in the hands of dealers, these animals are faced with inhumane conditions. Quarters are cramped, uncomfortable, and unsanitary, with inadequate provisions for food and water.

The public has been aroused by exposés of pet theft and the treatment encountered by many of these animals on their way to the medical laboratory. Yet, State laws have proved inadequate both in the apprehending and conviction of the thieves who operate in this interstate operation, and in providing for adequate conditions within dealer premises.

Much of the responsibility for creating this huge demand for medical research animals rests with the Federal Government. Grants to research institutions for biomedical research have multiplied twelvefold since the early 1950's. H.R. 13881 provides a mechanism that will block the existing interstate trade in stolen pets and at the same time will insure humane treatment of those animals which are destined for use in research facilities.

However, it is not just the animal on the way to the laboratory that is faced with inadequate care and treatment. The committee hearings disclosed that shortcomings existed in the care and housing that animals receive after arriving in many medical research laboratories. Cramped quarters and inadequate care are often present, especially in the older research institutions.

H.R. 13881 as amended by the committee also recognizes the need for upgrading animal standards in the laboratory, but at the same time provides adequate safeguards to insure that medical research will not be impaired. While all witnesses before the committee recognized the need for improving care and housing in the research laboratory, contradictory testimony was received on the question of whether this problem was a responsibility for the Secretary of Agriculture or the Secretary of Health, Education, and Welfare. After lengthy consideration, including an extra day of hearings on the specific issue, it was the committee's determination that the Department of Agriculture was the proper agency for regulating care and housing in the laboratory. However, the committee was very careful to provide protection for the research in this matter of exempting from regulation all animals during actual research or experimentation, as opposed to the pre- and post-research treatment. It is not the intention of the committee to interfere in any way with research or experimentation.

The medical research community was unanimous in its position that additional funds might be needed in order for many research facilities to meet desirable standards in their animal care facilities. The committee took cognizance of this situation by providing that the Secretary may grant extensions of time for compliance by reasearch facilities beyond the 6-month compliance time in the bill, provided that the research facility can comply within a reasonable time.

The bill does not provide for any additional Federal funds for laboratory animal care facilities. It is hoped that the appropriate committees in the Congress will be able to consider the desirability of additional aid to research facilities for animal quarters in the future.

Mr. CLARK. Mr. President, for several years under the pressure of—and I use that word advisedly and in the best possible sense—a number of splendid women, including wives of Members of this splendid body, it has been my pleasure to introduce and pursue to enactment legislation which would deal with the really shocking conditions which exist with respect to the handling of animals.

A bill is presently pending in the Committee on Labor and Public Welfare which is sponsored by me and cosponsored by the able Senator from Ohio [Mr. YOUNG]. That bill was originally also cosponsored by the junior Senator from Oregon [Mrs. NEUBERGER]. I regret that she saw fit at a later date to remove her endorsement.

That bill would deal across the board with the basic and fundamental problems of animal care in connection with research.

May I state very clearly that nobody who supported either that bill or this bill can legitimately be classified as an antivivisectionist. We all appreciate the need for medical research, research in biology, and in chemistry, and the existing need to use animals in connection with medical training if the pursuit of knowledge is to be successfully carried on.

That is no reason that these animals should be treated cruelly and inhumanely during the period of time in which they are awaiting experimentation or, even though the bill does not call for it, once the experimentation is completed.

An incident which occurred in Slatington, Pa., a year or two ago in which a pet poodle of a member of the local power structure was stolen by an animal dealer, transported to New York, placed in a hospital, and killed as a result of the research experiments before the owner of the dog could discover what had happened to his dog, induced me to introduce legislation which in principle is identical with the bill now before us.

I found present in the Senate Chamber that same day the able senior Senator from Washington [Mr. MAGNUSON], who was in the process of introducing a similar bill. We coordinated our efforts and combined our activities. The bill which is now reported and being acted on by the Senate is the result of that activity.

I note that my colleague, the junior Senator from Pennsylvania, is present in the Chamber. He also introduced a bill along the same lines, making his contribution to the final effort in which we are now engaged.

I thank my friend, the senior Senator from Oklahoma, for his courtesy in yielding, and I indicate my very strong support for the legislation and hope that it might be promptly passed.

Mr. MONRONEY. Mr. President, I thank the distinguished Senator for his pioneering work and for his great drive in assisting the crusade for corrective legislation.

Mr. President, I am happy to yield to the distinguished junior Senator from Pennsylvania and to thank him for his continuing interest evidenced by the introduction of his legislation, his sponsorship of the pending matter, and the very active part he has taken on the Committee on Commerce in helping to work out a compromise and bring it to the floor.

Mr. SCOTT. Mr. President, I am most grateful to my friend, the distinguished senior Senator from Oklahoma.

I favor H.R. 13881 wholeheartedly. We of the Committee on Commerce have worked out the best possible bill in my opinion. It was essential to move to cure the evils which have pervaded so many American neighborhoods in which dogs and cats have been stolen and brutally and savagely treated and kept under cruel and inhumane conditions.

In order to accomplish our purpose, we were careful not to interfere with the legitimate research activities involving the use of animals in research by properly authorized and suitably inspected hospitals and other medical research agencies.

My own bill, S. 3059, was quite similar to the bill finally reported. Some of the provisions of my bill are included in the pending measure.

I am well satisfied with the final product.

I appreciate the references to my bill by my colleague, the distinguished senior Senator from Pennsylvania.

This legislation is in the public interest. It should bring some comfort to people who own and love their pets.

I am very happy to support the measure. I thank the senior Senator from Oklahoma for yielding to me.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. ELLENDER. Mr. President, I understood that the Department of Agriculture had some objections to the original bill. They objected because the inspection of the animals and the records to be kept was to be done by the animal handlers and not by those people who actually used the animals.

Do I correctly understand that the bill has been amended to provide that the records will be kept not only by those people who handle the animals, but also by those who use them?

Mr. MONRONEY. The Senator is correct, and by those who buy the animals from the dealers. A mark of identification will be placed upon the animals, and the records of the care of the animals and everything related to the research facility is the problem of the research facility.

Mr. ELLENDER. The department would have to look for a record to those who handle the animals and to those who use them.

Mr. MONRONEY. The Senator is correct. A fee is to be charged for the license. We expect to provide adequate

funds for the Department of Agriculture to carry on the inspection work which is to be carried on under the act with relation to both the animals and the research quarters in which the animals are kept.

Mr. ELLENDER. Will the fees be sufficient to take care of the cost of operating the program?

Mr. MONRONEY. We believe that the program will require an expenditure of approximately $2 million a year total to enforce the legislation. Certainly the Department of Agriculture is eligible for appropriations for this purpose.

Mr. ELLENDER. Would the fees be deposited in the Treasury?

Mr. MONRONEY. License fees collected under the act would decrease, to some extent, the future cost to the Government. It would revert to the Treasury under the bill.

Mr. ELLENDER. But the bill actually provides that the fees and charges would go to the Treasury.

Mr. MONRONEY. The Senator is correct.

(At this point, Mr. PASTORE assumed the chair as Presiding Officer.)

Mr. MONRONEY. I yield to my distinguished colleague, the Senator from Oregon.

Mrs. NEUBERGER. Mr. President, for many years, several of us have been sponsoring legislation to provide uniform Federal standards for the humane care and treatment of animals used in medical research. In previous Congresses the reaction of the organized medical research community was completely negative. The National Society for Medical Research rejected out of hand any suggestion that there was a need for Federal legislation. All those who proposed such measures were branded as antivivisectionists or well-intentioned but ill informed. Either way, it was claimed that the result of Federal legislation would be disastrous to medical research. The care and treatment of animals in the laboratories was adequate already; no Federal involvement was necessary or desirable. This concern by the medical researchers that the proposed remedy was worse than the disease was legitimate as it applied to some of the legislation introduced through the years. But to deny that inhumane or substandard conditions existed in animal research laboratories was, to put it mildly, less than candid; or to suggest that the Federal Government, with its enormous financial investment in research, has no legitimate interest in humane care is ludicrous.

In the 89th Congress, the NSMR decided to reverse a long standing policy and to support Federal legislation. This measure was introduced by Congressman ROYBAL in the other body. The Roybal bill was long on money but short on standards. All other proposals before Congress were roundly condemned as restrictive of medical research, with the exception of my own bill, S. 1087, which was singularly described as both helpful and backward.

With this long history of opposition to any Federal legislation in the area of humane animal care in research laboratories, I find it difficult to work up much sympathy for those doctors who bemoan the passage of the measure before us today and who urge support for the bill drafted by the National Institutes of Health, which was recently introduced by the distinguished chairman of the Labor and Public Welfare Committee [Mr. CLARK]. If the medical community had supported rather than fought legislation in past years, it could have had money and trained personnel years ago. It gets neither in this bill, and what it does get are administrative problems that may cause nightmares for several years.

By denying categorically over the years in intemperate language that any problems existed in the laboratories, the doctors forfeited their bargaining position in the legislative process.

Their "thou shalt not pass" attitude taken on medicare is another case in point, of what happens when those most affected by proposed legislation refuse to cooperate and compromise with Congress.

With that said, I want to turn to some serious problems which exist in the pending legislation, H.R. 13881. When this bill came to the Senate from the other House it was strictly an animal dealer measure. It established humane standards for the care and handling by commercial dealers of certain animals to be used in medical research. In the Senate, however, the coverage was expanded to include research facilities. The reason for research facilities being included in this bill from the Commerce Committee is directly related to the history of animal care legislation which I have just related.

The medical research animal care legislation introduced into Congress in the past has been referred to the Labor and Public Welfare Committee. Due primarily to the adamant opposition of medical opinion to legislation in this area, that committee has not taken any action on the bills. Therefore, when the animal dealer bill came to the Commerce Committee, it appeared to some supporters of humane care legislation to provide an ideal opportunity to get Senate action, after years of frustration, by amending the dealer bill which was before a committee which might be more receptive than the Labor and Public Welfare Committee had ever been.

It is interesting to note here that the only support for this approach from the organized humane movement came from the Society for Animal Protective Legislation. The much larger Humane Society of the United States, the American Humane Society, and the Catholic Animal Protection League all opposed the inclusion of research facilities in the pending legislation. These latter groups took their position on the grounds that the Labor and Public Welfare Committee was at long last ready to hold extensive public hearings on the various humane care bills before it and that the resulting bill would be much more comprehensive and effective than the amended Commerce Committee version. The medical community also opposed the Commerce Committee amended bill on the grounds that the NIH bill before the Labor and Public Welfare Committee met the needs of humane animal care much more adequately. The Commerce Committee rejected these appeals from the national humane societies and the medical researchers, deciding to include research facilities in the bill, presumably on the theory that a bird in the hand is worth two in the bush.

It being agreed then that humane standards ought to be established for research facilities, who should draw them up and administer them? The alternatives before the committee were the Agriculture Department and the Department of Health, Education, and Welfare. Agriculture was charged with setting up the standards in the bill for the dealers, so it was natural that its authority should be extended to cover research facilities. On the other hand, it was medical research which was being conducted on the animals, so HEW was also a natural agency to which to turn. The Department of Agriculture made very clear to the committee in both correspondence and in testimony that it did not want the responsibility of administering standards of animal care in research facilities, and itself suggested that HEW was the more appropriate department.

The committee, however, decided in favor of Agriculture. It did so for two reasons. One was that giving the administration of standard setting and investigation over to medical people in HEW to apply to medical research facilities smacked of self-regulation. Self-regulation in the abuse of animals was considered inappropriate by the committee.

Secondly, the committee decided that the standards for humane care in research facilities would apply only to pre- and post-experiment situations, not when the animals were in experimentation. The committee report and the explicit language of the bill make it very clear that it is not the intention of the committee to interfere in any way with medical experimentation. This assumption of the committee that animal care can be separated from animal experimentation was then used to justify giving Agriculture the administrative responsibilities in the bill. Everyone agreed that Agriculture employees were not qualified to make decisions about animals in experimentation. But the committee decided that the standards would apply only before and after experimentation, and at those times the Agriculture employees were certainly capable of making intelligent decisions.

Unfortunately, neither rationale just mentioned is satisfactory. In the first place the refusal to trust doctors to regulate animal facilities seems a bit silly when we allow those same doctors self-regulation in the accreditation of our hospitals which take care of human ills. On the basis of experience, rapport, and administrative efficiency and cost the HEW would appear to be the logical agency to handle a program affecting medical research laboratories.

The second assumption, though, is even less warranted. Animal care facilities cannot be separated under the definitions of this bill from animal experiment facilities. In most research

facilities covered by this bill there are no animal care quarters separate from the plant where the experimentation takes place for guinea pigs, hamsters, rabbits, and cats. In some laboratories this is also true of dogs. These animals enter experimentation as soon as they arrive in the research facility and therefore would be outside the regulating authority of the Secretary, if the research facilities so determine.

This situation is unfair to everyone. It places the researcher in a position of interpreting the explicit language of sections 7 and 17(a) in such a way that no Federal standards would apply if he wants it that way. It means that the humane groups will charge bad faith. It means that the Agriculture Department is in the most uneviable position of having to make some decisions that only Solmon could tackle. The only way to avoid this administrative mess is to amend the bill so that HEW administers the standards. Then sections 7 and 17(a) could be amended as well. But I see no realistic chance of such an amendment being carried. I want to go on record as having great sympathy for all who will be concerned with the administration and enforcement of this bill, as I see nothing but trouble.

Its intent is good but it is what I consider rather poor legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Unlock the Doors," published in the bulletin of the National Society for Medical Research, January–February 1966.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the bulletin of the National Society for Medical Research, January-February, 1966]

UNLOCK THE DOORS

(By Ken Niehans)

The University of Oregon Medical School has gone a step farther than unlocking the doors. The doors to the animal facilites have no locks.

Discussion of the use of animals in medical research has traditionally been a taboo topic in most institutional public information programs. This was true at Oregon Medical School until a little over two years ago when this tradition was tossed out. An about face was made.

It was the director of animal care, Allan Rogers, and the clinical veterinarian, Dr. Leroy Erickson, who nudged school authorities into starting a public education program concerning animal care and animals in research. Assistant Dean Joe Adams, Rogers, Erickson and Ken Niehans got together to talk over some of the problems facing the animal care department. An antivivisectionist city ordinance made animals unavailable locally. Another problem was recruitment of qualified animal caretakers and educating them about the function of good animal care in successful investigative programs.

Both Rogers and Erickson, who hold full-time faculty positions at the medical school, base their animal-care philosophy on the principle that animals must be given care effectively similar to that of human patients. It was felt that if by word and deed we could show the public this philosophy at work, we could gain support for our program.

There was nothing to hide. Our animals were extremely well cared for. So it was decided not only to establish an "open door" policy but to present to the public, through various news media, information about how animals are used in medical research, how they are cared for and their contribution to medical science.

Shortly after deciding to initiate an information campaign, the Medical Research Foundation of Oregon purchased a 180-acre farm for the medical school to use in breeding and housing animals. This purchase gave an excellent starting point for the information program. Families on neighboring farms and ranches were visited and informed as to the type of facility the farm would be. A caretaker was hired from the area. He knew everyone nearby and was well liked.

News stories about the farm and plans for its use were prepared in the Public Affairs Office. These were sent to newspapers, radio and television stations. When new animals arrived at the farm they were photographed and the pictures were provided to the news media.

During this developmental period the new nine-story research building was under construction. The first two floors of the new building are devoted to animal quarters, experimental animal surgery, the animal morgue, cage washing facilities, etc.

In December 1962, following a preview for the press, an open house for the public was held. One of the most popular areas, visited by several thousand persons, was the experimental animal surgery suite, where, with the use of department-store mannequins, a very authentic mock animal-surgery setup was presented. A member of the animal care department was on hand to answer questions and explain the use of the various pieces of equipment.

Science stories released to the news media included information on the use of animals. When Dr. Erickson, the school's first full-time veternarian was appointed to the faculty, brief announcements were sent to the newspapers. Later these were followed with a feature story in our school publication which goes to all the news media and "thought leaders" throughout the state, as well as to the employees and faculty of the medical school.

The program appeared to have gained acceptance from the local animal humane groups. The way seemed to have been paved for a more direct approach. A local medical reporter was approached regarding a story on our animal care department and our animal breeding program. He accepted the idea enthusiastically. A full picture page appeared in the press along with the story about the animals at the school, the farm, and about our dog breeding program.

A few days later, quite by accident, an incident happened which gave an excellent opportunity to get research animals into the news again. One of the goats in which an artificial aorta had been implanted was being brought in from the farm for a checkup by the surgeon. In the act of being unloaded at the medical school, he jumped out of the pick-up truck and literally went "over the hill" into the forested area which surrounds the school. An extensive search failed to turn up the evasive animal. The surgeon, of course, was very anxious to get him back as he was important to the investigator's evaluation of the artificial aorta and the method of implantation.

We called the newspapers, radio and television stations and asked them to help us find the lost goat. The papers all ran stories about him, radio stations mentioned him daily on their newscasts and TV stations asked their viewers to keep on the lookout for the white goat, which by this time had been named "Barney" by a local reporter.

Bartley remained lost for 10 days before a filling-station attendant spotted him high on one of the hills in Jackson Park. Finding him led to more stories in the press, again informing the public about research animals.

It was then decided the time was right—and the public ready—for a television documentary on animals in research. Scouting around produced a perfect star for the show, a black and tan mongrel dog at the farm which had been used in the open-heart surgery program. For supporting actors Rogers, Dr. Erickson, Dr. John Brookhart, chairman of the medical school's research committee and Dr. William Fletcher, a young surgeon on our staff were used. But the real star of the TV show was the mongrel dog named Duke.

Thanks to the kennel manager Vic Reynolds, in a matter of a week Duke was trained to make his entrance on cue, and sit in a chair just like the other members of the panel. The show was called "Animal, Soldiers in Research."

To promote viewing of the documentary, post cards were printed with Duke's picture on them and sent to kennel owners, humane groups, legislators and community thought leaders. No punches were pulled in showing and speaking the truth on this show. (A copy of the film is available for loan from the National Society for Medical Research.)

It must be admitted that there was much speculation whether the switchboard would be flooded with calls after the broadcast. Concern proved to be unwarranted. Not a single objection to the program was received by either the school or by KGW, the NBC-affiliate station which telecast the show.

Duke, the canine star, who had contributed so much to the school's heart surgery program was later nominated and named National Research Dog Hero of the Year. Perhaps you already know about the rather elaborate press conference that was held for the dog, resulting in front-page newspaper picture stories in most of the major cities in the country and television broadcasts to an estimate 160 million viewers in and beyond the United States.

Those who have been through a formal press conference, facing dozens of reporters and a battery of cameras will agree that for this alone Duke deserved retirement—not to mention his contributions to medicine. Duke was presented to a 6-year old boy who had had the same type of surgery as the dog, and today Duke is enjoying life with his beneficiary and his family on a large farm near Portland.

It seemed extremely important to direct some of our efforts in this information program to youngsters. Last year a tour program of the school was arranged that included the animal-care department. The student groups ranged from high school students to youngsters 9 or 10 years old. We found that children of all ages spent more time in the animal quarters than anywhere else on the campus. During the past year more than 1,000 students toured our facilities. The animal-care department received a number of letters of thanks, not only from teachers and scout group leaders, but from the children themselves.

It is probable that in the years to come these youngsters will have a better understanding of the use of animals in scientific research. They will be less likely to be influenced by nonsensical anti-vivisection literature.

A large number of adults also have toured our facilities. Responsible adults always are invited to go into animal surgery if they wish, provided they mask, cap and gown and observe the other sterile precautions. We feel it is important for them to see that our animal surgery suite compares favorably with a human operating room.

The same "open door" policy is practiced at the farm. There are no gates to the driveway. Anyone is free to drive in and take a look for himself. When nothing is hidden it is amazing how much the whole approach to the animal situation is simplified.

On several occasions people have called and said they were sure we had their dog. They were told that it was quite unlikely, but they were welcome to look at dogs in our kennels. After inspecting the animals they were not only satisfied that the school did not actually have their dog, they also were impressed by the fine accommodations provided for dogs at the medical school.

We enrolled some of our breeding-colony dogs in Canine Club Obedience Clases. This not only resulted in well-trained animals for the medical school, but exposed other dog owners in the community to the fine care and treatment the animals get at the medical school.

Also, each year some of the animals are entered in both the county and state fairs and they usually bring back their share of blue ribbons.

At our invitation, the director of Portland's Humane Society and the mayor's administrative assistant spent a half a day in the animal qurters. This visit resulted in a good working relationship between the Humane Society and the animal care people of the medical school. Although the city ordinance still prevents the medical school from getting dogs from the Portland pound, the director of animal care was recently consulted by the mayor's office when a committee was working on a new ordinance to insure proper transportation and care of animals in pet shops and retail establishments.

Although the animal information program is far from completed here are some of the results to date.

1. More animals are being donated.
2. The public knows of the variety of animals now used in medical research.
3. Recruitment of good animal care personnel has been possible.
4. The faculty is pleased with changing public attitudes toward use of animals.
5. Our 2,000 employees show an increased pride in our animal care facilities and are telling their friends in no uncertain terms that research animals are not mistreated.
6. Because of the far-reaching implications which are involved for all institutions of higher education in America, we presented a summary of this public relations program in national competition of the American College Public Relations Association. We were pleased that it won first prize for distinguished achievement in a public relations project. However, we feel that the real value of entering the competition was to make other universities and colleges aware that research animals need not be a taboo topic but rather a subject that should be and can be explained to the public.

It is believed that great progress has been made since this program was started. But it is going to take the work of more than one institution in the Pacific northwest to gain national public understanding and support of the use of animals in scientific research.

Advances in public understanding have been made. It is hoped that other medical school people will talk to their public relations office and initiate an appropriate information program.

If you sincerely believe that an information program such as is underway at the University of Oregon Medical School will not work in your area, perhaps you should look over your operation with a supercritical eye. If you have decent facilities and you are doing a good job, you should have nothing to hide from the public.

If acceptable facilities are not available, or if animals are not cared for properly, this not only presents a potentially dangerous public relations problem to an institution, but a real headache to faculty and researchers who must have healthy animals if the results of their investigations are to be valid.

If you unlock your doors and tell the people, in the long run you are going to make your job easier. You are going to gain support for the use of animals in research, and you will discourage undue legislative controls over the use of animals.

Mr. JAVITS. Mr. President, will the Senator from Oklahoma [Mr. MONRONEY] yield to me?

Mr. MONRONEY. I am happy to yield to the Senator from New York.

Mr. JAVITS. Mr. President, I introduced the Humane Laboratory Animal Treatment Act of 1966, S. 3218, patterned after legislation suggested by the New York State Society for Medical Research, which seeks the same objectives as the bill now before us which the Senator from Oklahoma [Mr. MONRONEY] is discussing.

I am glad to see the pending bill before the Senate and, of course, I support it.

I do have one question. The fact is that the bill does leave to the researcher himself the decision as to when the animal is for experimental purposes. As we know, there are also big institutions, foundations, research agencies, and hospitals involved. The view of the Senator from Oregon [Mrs. NEUBERGER] is very impressive on this point.

Can the Senator from Oklahoma [Mr. MONRONEY] assure us that at least the Department of Agriculture will make itself helpful to agencies charged with this decision; that we will see to that through legislative oversight; and that if there is coordination necessary with HEW for medical and research decisions the Department of Agriculture will seek that kind of coordination?

Mr. MONRONEY. Certainly, in my mind there is no danger that any researcher is going to say that an animal is always undergoing research when he is in the research facility. They do know, as we know, that there are long periods of time when animals are undergoing research, and that they should be completely exempted from any interference by the Department of Agriculture, or any supervisory group.

For this reason, we wrote it twice in the bill to make certain that it was not overlooked. We would be happy to urge the Department of Agriculture to supply advice in an area where they have no room to operate, so that the people will be certain that the exemption means exactly what it says, that we do not interfere with research. In following out our oversight responsibilities in the Committee on Commerce, we will be careful to look into the results of this legislation as it applies to our research facilities.

Mr. JAVITS. They should also consult with HEW, the private scientific researchers, and the humane societies, in order to get as much guidance as possible.

Mr. MONRONEY. Section 13(a) of the bill states:

SEC. 13. (a) The Secretary shall consult and cooperate with other Federal departments, agencies, or instrumentalities concerned with the welfare of animals used for research or experimentation when establishing standards pursuant to section 7 and in carrying out the purposes of this Act.

THE REMOVAL OF A RESTRICTION ON CERTAIN REAL PROPERTY HERETOFORE CONVEYED TO THE STATE OF CALIFORNIA

The Senate resumed the consideration of the bill (H.R. 1582) to remove a restriction on certain real property heretofore conveyed to the State of California.

The PRESIDING OFFICER. The hour of 2:20 o'clock p.m. having arrived, under the unanimous-consent agreement entered into, the Senate will proceed to vote on the amendment of the Senator from Oregon.

UNANIMOUS-CONSENT AGREEMENT

Mr. MAGNUSON. Mr. President, may I ask the majority leader and the acting minority leader if I may propound a unanimous-consent request, to postpone the vote until 2:35 o'clock p.m. on the Morro Rock matter. I do this out of consideration for one of the Senators from California whom I have just left, both of us having important engagements downtown. He was to make a speech. I believe that inasmuch as he is now on his way to the Capitol, I do not think the Senate would like to have a yea-and-nay vote without his presence in the Chamber because of his great interest in this subject.

Mr. KUCHEL. Mr. President, I have no objection whatsoever.

Mr. MANSFIELD. Mr. President, I fully agree with the distinguished Senator from Washington and the acting minority leader. I believe that this may discommode other Senators but, under the circumstances. I ask unanimous consent that the vote on the Morse amendment take place at 2:35 o'clock p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DOGS AND CATS USED IN RESEARCH

The Senate resumed the consideration of the bill [H.R. 13881] to authorize the Secretary of Agriculture so regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation and for other purposes.

Mr. MAGNUSON. Mr. President, I offer an amendment to the committee amendment and send it to the desk. It would delete certain language.

The PRESIDING OFFICER. The amendment to the committee amendment will be stated for the information of the Senate.

The legislative clerk read as follows:

On page 10, line 18, after "District of Columbia", to strike out the comma and "or the Commonwealth of Puerto Rico".

Mr. MAGNUSON. Mr. President, I do this because the Resident Commissioner of the Commonwealth of Puerto Rico was concerned about the inclusion of the internal commerce of Puerto Rico in the bill. He states that such a regu-

lation of Puerto Rican internal commerce would violate the compact between the United States and Puerto Rico and should, therefore, be deleted from the bill.

Mr. President, I ask unanimous consent that the letter from SANTIAGO POLANCO-ABREU, Resident Commissioner of the Commonweath of Puerto Rico, requesting the amendment be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 21, 1966.

Hon. WARREN G. MAGNUSON,
Senate Commerce Committee,
Room 5202, U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: I would like to call your attention to a matter of immediate concern to me. In the form reported by your Committee, H.R. 13881 authorizes the regulation of the commerce of dogs and cats "within . . . the Commonwealth of Puerto Rico." The House-passed version did not so impose upon the internal commerce of Puerto Rico.

As I explained to you in my recent letter concerning the proposed Hartke-Mackay Amendment to the Traffic Safety Act, regulation of the internal commerce of Puerto Rico by the United States Government would be a direct violation of the 1952 compact, between the United States and Puerto Rico, which created the Commonwealth.

A member of my staff discussed this problem today with Mr. Donald Cole, and was informed that this error probably originated in the office of the Senate Legislative Council. Mr. Cole suggested that it be corrected by a Floor amendment, when the bill is considered by the Senate.

I would appreciate it very much if you would offer the enclosed amendment to remedy this situation.

Sincerely yours,
SANTIAGO POLANCO-ABREU.

Mr. MAGNUSON. Mr. President, since this does violate the compact, I believe that we should all agree it be deleted from the bill, and urge adoption of my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the committee amendment of the Senator from Washington.

The amendment to the committee amendment was agreed to.

Mr. MONRONEY. Mr. President, the painful plight of animals used in medical research has been a topic of controversy for many years. Ninety years ago, the British Parliament enacted the Cruelty to Animals Act which provided for minimum standards of care and comfortable housing of research animals. During the past decade, numerous bills have been introduced in both Houses of Congress attempting to remedy the situation in this country.

These proposals have been the source of continuous struggle between humane societies and medical research facilities. Perhaps the problem has remained unsolved because both sides have been so unwilling to compromise. This is a highly complicated and emotionally charged issue. Both the humane groups and the research community have had divisions among their own ranks.

We are all aware that without the use of living animals in research the tremendous advances in medical knowledge of the past few decades could not have occurred. Medical experimentation is necessarily painful sometimes. Researchers are properly afraid of any legislation or control that would restrict or inhibit the necessary surgical or other medical experiments that they must perform on animals if the life sciences are to continue to advance.

Something can be done, however, without interfering with research, to insure that laboratory animals are provided decent, humane care before and after the period of actual experimentation.

For too long the housing, care, and feeding of research animals has been neglected in many of our research institutions and medical colleges. The great emphasis on medical and other research in the life sciences of the last several years has left little time, it seems, to provide for the animals who make most of these activities possible. In some instances, only unskilled attendants or careless part-time workers have been to blame. But inadequate facilities for the care of research animals and callous disregard for even the fundamental principles of cleanliness and comfort on the part of some supervisory officials, have caused the necessary laboratory suffering to be compounded many times.

Often our finest research centers with the very best in laboratory equipment utilize ill-kept basements, cramped inside rooms, or ramshackle wooden out-buildings to house the animals they use. Few of our research institutions provide outside exercise pens so these animals can have proper exercise, sunshine, and fresh air.

The committee heard of many heartbreaking examples. Cages large enough for a dog to stand or lie down in comfortably are often not available. The chance of saving a few cents on cleaning often leads to wire flooring in cages that cuts the dogs' feet. Even such an elementary service as fresh water for the animals is frequently neglected.

The details of the testimony concerning the inhumane treatment of research animals are not pleasant. The pitiful conditions that exist in some animal detention rooms never come to public attention because these rooms are seldom available for public inspection. The sights, sounds, and smells that emanate from them are often repugnant and offensive.

But not always are the animals caged within these rooms allowed to cry out in protest. Dogs used in research sometimes are "debarked"—surgically made voiceless so that their protests cannot be heard.

The details that appear in the committee record reflect very poorly upon a nation so affluent that it now can spend $1.9 billion annually on medical research. Unsavory and repulsive as they are, I feel that some of the facts brought out in these hearings must be mentioned in connection with this legislation.

Repeated testimony in the hearings cited cases of malnutrition and extreme restraint and confinement in animal quarters. Witnesses described one laboratory after another where dogs were caged in tiers or stacks of cages. Some of these cages have no floors other than the wire mesh.

The committee was told about research dogs which had had internal organs removed or altered but which had been returned to cages where no comfortable resting place was available. The committee was advised that the wounds resulting from surgical experiments had, in some instances, become infected because of poor maintenance of confinement kennels—or cages, as the case might be.

In one large university hospital, large German Shepherd dogs were found stuffed into cages that were far too small. This was not part of an experiment involving physical restraint. The dogs simply had been mistreated, carelessly placed in cages designed, apparently, for toy breeds, or for rabbits.

Cases were reported of animals being allowed to starve, either because the food supplied them was miserably inadequate or their food needs simply neglected.

I hesitate to go on with gruesome details. I hesitate to mention that in one research facility the bodies of monkeys that had been dead for possibly a week were found in a neglected confinement area.

I could go on and cite one case after another of cramped and inadequate quarters, poor and inadequate food, pitiful animals suffering from infections not related to research but resulting from carelessness and neglect.

Let me make it crystal clear that this bill in no way will impair the rights of researchers and the managers of research facilities to subject animals to medical or surgical procedures required for research and experimentation. It spells out adequate safeguards that medical research will not be impaired. It specifically exempts from regulation those procedures required during actual experimentation. Section 7 and section 17 of the bill both state:

> Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders for the handling, care, treatment, or inspection of animals during actual research or experimentation by a research facility as determined by such research facility.

The researcher is left completely free to use an animal in his research project in whatever way, no matter how painful, and for as long as he deems necessary, including removing any organs or vital parts, or even experimentation that he knows will result in the death of the animal.

The original provision that was in the bill to license research facilities has been deleted and, hence, there is no question of revocation or suspension of licenses. The most severe penalty is the right of the Federal court to issue a cease and desist order which merely directs the institution to correct the situation in its animal quarters.

In summary, the provisions regulating research facilities provide the following:

First. Prohibit research facilities from buying animals from an unlicensed dealer.

Second. Require research facilities to register with the Secretary of Agriculture.

Third. Direct the Secretary of Agriculture to establish minimum standards for the humane handling, care, treatment, and transportation of animals by research facilities, exempting periods of actual research.

Fourth. Direct the Secretary of Agriculture to consult with other Federal agencies concerned with the welfare of research animals, including HEW.

Fifth. Allow inspectors to confiscate or destroy postresearch animals found suffering because of violations of the act. The committee report limits this to animals whose use in experimentation has been completed and which are suffering because ofthe lack of humane care while in their postoperative condition.

Sixth. That in case of a violation by a research facility the Secretary of Agriculture could issue a complaint to the offending facility and they would have 20 days in which to comply. If the facility failed to comply, the Secretary could then seek a cease and desist order in Federal court.

Seventh. The research facility has 6 months after promulgation to comply with the regulations and the Secretary can grant extensions of time for compliance if he determines the research facility will meet the standards within a reasonable time.

Eighth. The application of these provisions is narrowed to those facilities purchasing or transporting dogs or cats in commerce or which receive Federal grants for research involving animals. This limits the application only the 2,000 largest facilities and excludes the thousands of hospitals, clinics, and schools which use other animals such as mice, rats, and hamsters for research and tests.

These provisions clearly do not interfere with research otherwise I would not have put them in the bill. I have always been an advocate of medical research. I proposed the original amendment establishing the 50–50 matching for the construction of research facilities. My goal here is only to eliminate the unnecessary suffering of these animals.

The objection has been raised that research facilities do not have the necessary funds available to bring their animal quarters up to proper standards. This objection is raised by institutions now receiving more than $1 billion annually from the Federal Government for research, most of which involves animals. Certainly, the cost of providing decent animal facilities would be a small fraction of the total research expenditures. The bill carefully allows for extensions of time for research facilities to comply with the standards.

Another objection that has been raised is that the regulation of animal care and housing in research laboratories should be carried out by the Department of Health, Education, and Welfare rather than the Department of Agriculture. The Department of Agriculture, with its well-established inspection service and its experts in the field of animal husbandry, is ideally suited for the task. Agriculture conducts programs in research related to animal diseases, and it presently administers laws regarding the humane slaughter and treatment of livestock, and the 28-hour law to prevent cruelty to animals in interstate transit.

HEW, on the other hand, has failed in the past to require decent standards of animal care of research institutions receiving millions of dollars in NIH grants. HEW has implied that they would farm out the regulatory authority to the American Association of Accreditation of Laboratory Animal Care, a group formed by the American Medical Association and several other medical bodies. This group would make an initial accreditation of animal facilities and then reevaluate them every 5 years.

The American Association of Accreditation of Laboratory Animal Care seems hardly adequate to the problem, especially since the inspectors would be drawn from the same scientific community involved in being inspected, a situation where there would be no serious impartiality.

The reason Federal legislation is needed in the first place is the shocking failure of self-policing by the medical community.

Again, I want to emphasize that this bill will not interfere with, restrict, or inhibit research or experimentation in any way. Its objective is merely to provide protection from unnecessary suffering to all laboratory animals in the hands of animal dealers, in transit, and in the laboratory. The bill provides for reasonable reform. I believe it will prove to be beneficial to the research institutions for it will insure them a supply of healthy animals with which to carry out their important mission.

It is commonsense that the use and even reuse of weak, infected, and injured animals can only lead to high mortality rates and inaccurate or even misleading conclusions, and waste of time and money.

Mr. President, we are respected throughout the world not only because our Nation is rich and powerful—but also because we are humane. Life is precious to us—we abhor needless pain and suffering.

This emphasis on humanity is typified by our treatment of animals. The "bad guy" is best caricatured as an ill-tempered citizen who vents his spleen by kicking his dog—and we have a special contempt for such acts.

Some 5 million animals are used each year in U.S. research. This bill will bring our treatment of these animals up to a level in keeping with the high standards we apply to all aspects of our national life.

Mr. President, I believe that Senators are now ready to vote on this vital matter.

Mr. MAGNUSON. Mr. President, I ask for the yeas and nays on the bill.

The yeas and nays were ordered.

Mr. MAGNUSON. Mr. President, today, we have an opportunity to take an important step in insuring that the vast number of animals used in our vital medical research programs are neither stolen nor abused.

Since last summer, the public has been aroused by the press reports of stolen dogs and cats being sold to dealers who, in turn, sell them to research institutions. In addition, there have been many instances uncovered where dealers in these animals have subjected their animals to cruel and inhumane conditions. And even after these animals reach the research institution, conditions for their care and housing are often, in the words of one noted medical researcher, less than desirable.

H.R. 13881, as amended by the committee, recognizes the need for Federal legislation to deal with the abuses that have developed as a result of the Nation's vast program of medical research. Much of this medical research involves experiments and tests with animals. The demand for research animals has risen to such proportions that a system of unregulated dealers is now supplying hundreds of thousands of dogs, cats, and other animals to research facilities each year.

The committee held 3 days of hearings on the subject of regulating those who sell, transport, or handle animals intended for use in medical research. During these hearings, shocking testimony was received concerning the existence of pet stealing operations which supply some animals eventually used by many research institutions. Stolen pets are quickly transported across State lines, changing hands rapidly, and often passing through animal auctions. While in the hands of dealers, these animals are faced with inhumane conditions. Quarters are cramped, uncomfortable, and unsanitary, with inadequate provisions for food and water.

The public has been aroused by exposés of pet theft and the treatment encountered by many of these animals on their way to the medical laboratory. Yet, State laws have proved inadequate both in the apprehending and conviction of the thieves who operate in this interstate operation and in providing for adequate conditions within dealer premises.

Much of the responsibility for creating this huge demand for medical research animals rests with the Federal Government. Grants to research institutions for biomedical research have multiplied twelvefold since the early 1950's. H.R. 13881, as amended, provides a mechanism that will block the existing interstate trade in stolen pets and at the same time will insure humane treatment of those animals which are destined for use in research facilities.

However, it is not just the animal on the way to the laboratory that is faced with inadequate care and treatment. The committee hearings disclosed that shortcomings existed in the care and housing that animals receive after arriving in many medical research laboratories. Cramped quarters and inadequate care are often present, especially in the older research institutions.

H.R. 13881, as amended by the committee, also recognizes the need for upgrading animal standards in the laboratory, but at the same time provides ade-

quate safeguards to insure that medical research will not be impaired. While all witnesses before the committee recognized the need for improving care and housing in the research laboratory, contradictory testimony was received on the question of whether this problem was a responsibility for the Secretary of Agriculture or the Secretary of Health, Education, and Welfare. After lengthy consideration, including an extra day of hearings on the specific issue, it was the committee's determination that the Department of Agriculture was the proper agency for regulating care and housing in the laboratory. However, the committee was very careful to provide protection for the researcher in this matter by exempting from regulation all animals during actual research or experimentation, as opposed to the pre- and post-research treatment. It was not the intention of the committee to interfere in any way with research or experimentation.

Mr. President, the growing traffic in stolen pets and the inhumane treatment that animals receive at the hands of dealers has generated a public outcry rarely experienced by Members of Congress. The members of the Committee on Commerce have received tens of thousands of letters demanding action. Newspapers and magazines throughout the Nation have devoted many editorials to this problem. It is now time for the Senate to act.

Mr. CLARK. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I am happy to yield to the Senator from Washington.

Mr. CLARK. As the Senator well knows, I strongly support the bill. However, I have discovered—somewhat to my surprise—that the record has not been printed. If we are going to have a yea-and-nay vote, we may have to go to conference, and I would therefore urge the chairman of the committee to see that the staff has the record printed.

Mr. MAGNUSON. We will. It is on its way over right now. We just did not have it here to put on Senators' desks.

Mr. MORSE. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I am happy to yield to the Senator from Oregon.

Mr. MORSE. I want to commend the Senator from Washington, and others on the committee which brought forth this bill. It is a long overdue bill and a sound one, and I am proud to associate myself with it.

Mr. MAGNUSON. I thank the Senator.

Mr. YARBOROUGH. Mr. President, will the Senator from Washington yield?

Mr. MAGNUSON. I am happy to yield to the Senator from Texas.

PROTECT OUR PETS FROM THEFT

Mr. YARBOROUGH. Mr. President, I support H.R. 13881, as amended by the Committee on Commerce. This legislation, which authorizes the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended for use in research and experimentation, is a good step in the direction of eliminating the increasing evil trade in stolen pets. This Nation's families should be protected from dog and cat thieves who steal the family's cherished pet, to sell those pets by the pound or at auction.

This bill strikes at the dog and cat stealers and those who work and cooperate with them by authorizing licensing of animal dealers, prohibiting research facilities from buying from unlicensed dealers, and by directing the Secretary of Agriculture to issue regulations concerning the care, handling, and treatment of the animals they have.

Humane treatment of animals in the hands of dealers and research facilities is furthered by those parts of the law requiring that animals be marked in a humane fashion, that they be humanely treated during auction sale, and that inspectors can confiscate or destroy animals found suffering because of violations of the act.

Particularly helpful to families whose pets are stolen are provisions which facilitate the recovery of stolen pets: law enforcement officials are allowed to inspect the facilities of dealers and research facilities in search of lost animals, and the dogs and cats may not be disposed of for 5 business days after the animal has been acquired by the dealer.

Mr. President, I urge the passage of this legislation.

Mr. YOUNG of Ohio. Mr. President, this is an extremely important bill—one of the very important legislative proposals that we shall have before us this year. I hope it will pass in the Senate by unanimous vote. It gives me pleasure to report, Mr. President, that when the senior Senator from Pennsylvania [Mr. CLARK] introduced the first bill providing for humane treatment of experimental animals I was recorded as cosponsor. I spoke out at that time and at times since in this Chamber in support of this meritorious and needed legislative proposal.

This legislative proposal should effectively deter the inhumane treatment of animals by unscrupulous dealers who heretofore have toured the countryside picking up stray dogs and cats and selling them to animal concentration camps. It also provides for humane treatment of these animals when they arrive at experimental laboratories and institutions. In that regard the amendments by the Committee on Commerce to this bill have done much to strengthen it and to make it really effective legislation.

Mr. President, I am hopeful that in the future additional legislation will be enacted which will assure that when essential experiments are conducted animals such as dogs and cats will be subjected to a minimum of torture, as provided in the bill, S. 1071, introduced by the distinguished senior Senator from Pennsylvania [Mr. CLARK]. That bill is so important and so greatly needed I hope that later this year or early in the next congressional session it will be further considered in committee and reported to the Senate for debate and vote.

Mr. President, subjecting animals to needless suffering does nothing to advance science or human welfare, and a nation as idealistic in tradition and as great in resources as ours should not tolerate any unnecessary inhumane treatment of animals used in experiments. Such humane legislation will in no way deter the advancement of medical science. To the contrary, it will eliminate needless brutality.

Mr. COOPER. Mr. President, as the sponsor of what I believe was the first bill in the Senate to provide for the humane treatment of laboratory animals, I am very glad to support today, H.R. 13881.

Six years ago, when I was a member of the Senate Committee on Labor and Public Welfare, I introduced S. 3570, the purpose of which was to assure the humane treatment of animals used in federally financed research, in which Senators CLARK, MANSFIELD, BARTLETT, BYRD of West Virginia, Kefauver, MORSE, PROXMIRE, RANDOLPH, GRUENING, and McNamara joined as sponsors. But, no hearings were ever held on the bill by the Labor Committee, I assume, because of the severe attacks upon it by some researchers, and by some groups who wanted to stop all research. And the only opportunity we had at that time to direct public attention to this matter was on the Senate floor, as when Senator MORSE and I discussed the problem and the need for hearings in February of 1961. Although no action was taken by the committee or the Congress at that time, I feel that the introduction of that bill did stimulate voluntary steps by medical schools, hospitals, and laboratories to care for the animals they use for research.

Other legislation has been introduced in the intervening years, including in this Congress, S. 1071 by Senator CLARK, and S. 1087 by Mrs. NEUBERGER, to authorize the Surgeon General to establish minimum standards for the humane care and treatment of research animals. The House Committee on Interstate and Foreign Commerce held hearings last year on H.R. 5191, introduced by Congressman ROYBAL, to authorize the Surgeon General to support grant programs relating to the care of laboratory animals and to establish standards of care and treatment, and set up an advisory committee to prepare a biennial report to the Congress on the status of laboratory animal care. Many Kentucky doctors wrote to me in support of the Roybal bill, and I agree that its proposals were well directed toward the root of the problem. Also, last year, the House Committee on Agriculture held hearings on the bill to authorize the Secretary of Agriculture to regulate the transportation, sale and handling of dogs and cats intended to be used for research or experimentation, and this is the bill which was passed by the House and which concerns us today. I am glad to support H.R. 13881 as amended by the Senate Commerce Committee.

I note that in its report to the Senate, the Commerce Committee called attention to the need for the appropriate committees in the Congress "to consider the desirability of additional aid to research facilities for animal quarters in the future." It is clear that the stealing of pets, which causes much pain and heartbreak, should be stopped. It is also clear that this traffic in pets may be caused

by the large demand for animals to be used in medical research and to train doctors, and by the lack of facilities for the large-scale production of high-quality standardized laboratory animals. Research and experimentation utilizing animals must go on, and I hope the Senate Labor Committee will now go on to hold hearings on S. 3332, introduced last month by Senator HILL, to provide financial assistance for the construction of better and proper laboratory animal facilities.

Mr. President, I ask unanimous consent that excerpts from the CONGRESSIONAL RECORD for May 18, 1960, and February 6, 1961, be included at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, May 18, 1960]

HUMANE TREATMENT FOR CERTAIN ANIMALS

Mr. COOPER. Mr. President, on behalf of myself, and Senators MANSFIELD, BARTLETT, BYRD of West Virginia, Kefauver, MORSE, PROXMIRE, RANDOLPH, GRUENING, MCNAMARA, and CLARK, I introduce, for appropriate reference, a bill which would provide for the humane treatment of animals used in experiments by recipients of grants from the United States, and by departments and agencies of the Government.

I am aware that there are those who have raised objection to this proposal. Yet it seems to me that the objectives of the bill are such that they are entitled to be considered by the appropriate committees of the Congress. I do not say that the language is perfect or that every approach is necessarily the proper one. Certainly, the objectives of the bill are worth while, and it merits earnest attention.

I am informed that this bill would not inhibit or prevent experimental research. Nor is it my intention or that of the cosponsors of this bill to do so. Its basic goal is to insure that in experiments requiring the use of animals, precautions will be taken and every effort will be made to conduct such experiments in a manner that is as humane as possible.

I ask unanimous consent that the bill lie on the table for 5 days so that other Senators who wish to join in sponsoring the bill may have the opportunity to do so.

[From the CONGRESSIONAL RECORD, Feb. 6, 1961]

RULES AND REGULATIONS FOR TREATMENT OF EXPERIMENTAL ANIMALS BY RESEARCH GROUPS RECEIVING FEDERAL RESEARCH FUNDS

Mr. MORSE. Mr. President, last year the Senator from Kentucky [Mr. COOPER] introduced a bill, numbered S. 3570, of which I was happy to be on of the cosponsors. The bill provided some rules and regulations for the treatment of experimental animals by research groups receiving Federal research funds.

The bill was subsequently attacked very strongly by medical research organizations and many persons in the medical profession. Last fall there appeared in Science magazine a letter from Prof. Bradley T. Scheer, chairman of the department of biology at the University of Oregon, in which he made what I regard as a very sound and worthwhile analysis of the bill and its purpose. I ask unanimous consent to have Dr. Scheer's letter to Science magazine printed at this point in the RECORD, for the information of my colleagues.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

"The bill S. 3570 recently introduced into the Senate by Senator COOPER and others, 'to provide for the humane treatment of animals,' has been strongly attacked both in Science [132, 7 (1960)] and in the Bulletin of the National Society for Medical Research. These attacks have given what I think to be a false idea of the nature and intent of the bill, and of the motives of its sponsors, and prompt me to make a carefully considered statement of my own opinion.

"The issue of humane treatment itself is a moral one: To what extent are we justified in inflicting pain and discomfort on other organisms in our search for knowledge? Bill S. 3570 takes the position 'that living vertebrate animals used for scientific experiments shall be spared unnecessary pain and fear; that they shall be used only when no other feasible and satisfactory methods can be used to ascertain biological and scientific information for the cure of disease, alleviation of suffering, prolongation of life, or for military requirements; and that all such animals shall be comfortably housed, well fed, and humanely handled.' This is a statement with which, I think, most biologists would agree in principle; personally I should feel more comfortable if the words 'potentially valuable' were inserted after the words 'scientific information,' but I think that the efforts of the National Society for Medical Research, the Animal Care Panel, and the American Physiological Society over the past several years have been directed toward the general aims stated above.

"The second issue posed by the bill is a practical political one: Granted that humane treatment is desirable, is legislation, and in particular this legislation, the best means to assure it? The alternatives would seem to be voluntary action by the investigators or local control by individual communities. The charges recently brought against Stanford University and the College of Medical Evangelists in California show that local action under the influence of extremist pressure groups may still endanger medical research; it seems probable that the existence of Federal legislation of the type proposed in S. 3570 would do much to protect laboratories against this sort of local attack. The question of voluntary action is a more debatable one. In my own experience I have never come across an instance of wanton cruelty to experimental animals, but I have encountered numerous cases of neglect due to callousness, inadequate facilities, inexperience, or carelessness; again, it would seem that S. 3570 would help to eliminate such instances.

"The reasonable objections which have been made to the specific provisions of S. 3570 are well summarized in the Science editorial: 'Advanced approval of experimental plans by the Department of Health, Education, and Welfare, burdensome recordkeeping, annual or more frequent reports to HEW, additional costs and a new and unnecessary amount of redtape.' As I read the bill, it seems to me that the requirements are not greatly beyond those now in force. Every application for Federal research funds requires submission of an experimental plan which is approved by a panel of scientists. I hope that all of us who publish results of animal experiments do at least the amount of recordkeeping specified by the bill. Every Federal research grant now requires an annual report. The only additional features are that the experimental plan must specify what animals are to be used and what type of experiments are to be performed; there is nothing in the bill requiring advance approval of every minor change in experimental procedure. The report, also, must specify the animals used and the procedures employed, but there is nothing in the bill to say that this must coincide exactly with the plan proposed. Compliance with the provisions of the bill will cost more, insofar as the existing laboratories do not provide adequate facilities for the animals used, but this should result in better experimental results as well as more humane care.

"The National Society for Medical Research has devoted much attention to the provision for inspection of facilities and for certificates of compliance with regulations to be laid down by the Secretary of Health, Education, and Welfare; this is presumably the redtape with which Science is concerned. At present, every institution receiving grants from Federal agencies is visited—or if you wish, inspected—by officers of those agencies. On the basis of past experience, I think that we have nothing to fear from these officers, who have abundantly demonstrated that their main aim is to further research of the highest quality. Any regulations which HEW might lay down under an act of the sort proposed would, I think, not depart from this aim. In any event, the bill gives no police powers to HEW or anyone else, so that work sponsored by any but Federal agencies would not be in any way affected.

"In sum, I cannot find in this bill the evils which the National Society for Medical Research or Science profess to see, and I would urge my colleagues who are interested in animal experimentation, humane treatment, or both, to read the bill with care, to make their own appraisals on the basis of their own judgments, and to communicate these judgments to their representatives in the Congress.

"BRADLEY T. SCHEER."

Mr. MORSE. I do not know whether or not the Senator from Kentucky contemplates reintroducing his bill at a later time in this session. I shall, at a later time, present some information I have received in opposition to the bill in the form in which it was introduced last year.

I feel it is only fair to see to it that the points of view of both the opponents and proponents of the bill are made available for the study of our colleagues in the Senate before any further action is taken on the bill.

I think it is quite possible some of the objections to the bill may lead to a consideration of some modification in the language of the bill, or possible amendment to the bill, in case it is introduced in its original form.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. COOPER. I appreciate very much the references made by the Senator from Oregon to the bill I introduced last year. As the Senator will remember, the purpose of the bill was to assure humane treatment of animals used in federally financed research.

After I introduced the bill—and the Senator from Oregon and other Senators joined in introduction of the bill—I was flooded with letters of protest from various sources, many of them from people engaged in research, who made the assertion that the bill, if passed, would very seriously interfere with all such research. Others have said that its hidden purpose is to stop all research with animals.

I have also read the articles that have been appearing in the magazines. I must say that those articles and advertisements, sponsored by the antivivisection society, must have cost a great deal of money. They say, on the contrary, that it is a ruse for actually approving the use of animals for research.

I am not an expert in this subject. It could very well be true that the bill should be modified. I assume it would be the function of the Committee on Labor and Public Welfare to consider modification when it reaches the committee.

I intend to introduce the bill again. I hope the Senator from Oregon will join me in its introduction. I am sure that most people doing research use humane methods, as has been stated in their letters, and I know it is not the intent of any of the bill's sponsors to interfere with their search in

any way. But there may be some who should not be engaged in research; and if they are using methods which are not humane or necessary, or if animals are neglected in some places prior to their use by qualified researchers, then I think there is a real purpose in the bill.

I was much interested in one article I read only yesterday, which will appear in one of the leading magazines in a short time. It said, commenting on the "dangers" of the bill which I introduced, that it would "torpedo" medical research, that it would "strangle" it.

I assert that the statements which have been made are exaggerated, and most of them are without any foundation at all. I would say some of them have evidently been devoted to preventing any kind of judgment as to what kind of methods are being used.

Research with animals has produced great benefit for humanity and society, as a result of methods which have been developed to treat human disease. I am sure that the lot of animals killed or injured for that purpose is not always pleasant or happy or without pain. Surely, if the lives of animals are to be taken for our benefit—to help mankind—standards ought to be established to treat those animals humanely. That is the purpose of the bill.

As I have said, I have no scientific knowledge as to whether the particular provisions of the bill are extreme or whether it should be modified. But I say flatly the purpose of the bill is not in any way to inhibit, frustrate, or interfere with research. It is to encourage research, for the best research is carried out as humanely as possible.

The bill does have a humane purpose. When animals are to be used to save human life or treat disease, surely we can establish methods to give assurance the animals are well treated. If one does not care about life in one form, he may not care about life in any form.

I thank the Senator for yielding to me.

Mr. MORSE. I thank the Senator from Kentucky for his comments. I shall make available to the Senator from Kentucky the material I am now having a staff member study in connection with this bill, preparatory to submitting recommendations to me as to whether or not he would advise any modification of the language of the bill. As soon as that study is completed, I shall make it available to the Senator from Kentucky.

The purpose of the bill, as stated by the Senator from Kentucky, is exactly the same purpose he stated when the bill was introduced, a purpose of which I approve.

There is no question about the fact that the purpose of the bill is to meet the complaint on the part of some persons within our country who state that research with animals is not conducted in the most humane way possible. It certainly is not unsound or unfair for us to take the position that, consonant with research objectives, these experimentations should be carried on in a humane manner. That is all that is sought by the bill; and if that objective can be accomplished with some modification of the bill, so far as I am concerned I would have no quarrel with any amendments.

But I am sure, may I say to the Senator from Kentucky, that he and I are dealing with one of those "hot potatoes," legislatively speaking, in which we are bound to displease some, no matter what course of action we follow. The Senator will recall that last year, or the year before, we finally passed a humane slaughter bill. The proposals that were made by some of those who have very deep feelings about problems of slaughtering were, in my judgment, so extreme that, if we were to comply with the wishes of some of them, all of us would become vegetarians, because to adopt their policy would have involved the closing down of all the slaughterhouses in America. We could not possibly have operated slaughterhouses in America if we had carried out the proposals that were made in regard to how animals were going to be slaughtered. That is, it would not have been possible to conduct slaughterhouses on the basis of the American free enterprise system; and I would be the first, in this field, as in any other, to oppose nationalization of any segment of our economy, may I say, as a liberal.

So what we tried to do in the slaughterhouse bill was to find an area that answered the question in regard to humane proposals for slaughtering actually being advocated. To the extent that they were followed, we thought they ought to be incorporated in the bill. We passed the bill. Perhaps the Senator from Kentucky or some other Senator has heard of some calamity which has followed the passage of the bill, but I have not heard about any.

Mr. COOPER. No.

Mr. MORSE. I think it has come to be recognized that we did at least a fairly good job in meeting a problem which needed to be met.

The Senator from Kentucky has referred to the antivivisectionists. One of the communications I received in regard to the bill was from a distinguished doctor in this Nation. I am sure the Senator from Kentucky will recognize the name the moment he takes a look at the letter. It was a pretty rough letter on both the Senator from Kentucky and the Senator from Oregon. In fact, it said that we had surrendered to the antivivisectionists.

When someone writes to me in that vein I am inclined to suspect that there is a great big hole in his case, because if he has the evidence and the facts which support his position he does not have to accuse Senators of engaging in some form of surrendering to or "buckling under" to some legislative group in the country.

I replied to the good doctor by pointing out to him that I had always made clear I did not adopt the point of view of the antivivisectionist; but the fact is, as I said, that some of our finest citizens in all the communities of America share the antivivisectionist point of view. They are as sincere as are those who are opposed to their point of view, and as sincere as those of us who feel that our responsibility as legislators is to try to find the middle ground between the antivivisectionists and those who feel that no legislation is regard to humane treatment of animals, in respect to experimentation and laboratory tests, should be passed at all.

I said that I happen to be one who believes it is essential, in the interest of protecting human existence, to make use of animals in experimentation in the medical field, and in endeavors to help us bring to an end some of the great disease scourges which plague mankind, but I also hold to the point of view that there is this much which can be said for the position of the antivivisectionists, although they want to go much further: They are certainly correct in pointing out that if there is any lack of humaneness, if there is any unnecessary suffering and cruelty inflicted upon animals in the carrying out of experimentations, then it is necessary to devise proper controls and improvements in laboratory techniques to keep the suffering to a minimum.

I shall discuss this matter at greater length later, when I bring to the Senate the study I am having made by a staff member.

Let the RECORD show that the senior Senator from Oregon is not going to support the extreme position taken by the antivivisectionists, which, when all is said and done, would have the effect of saying, "Pass legislation which stops the use of animals in this whole matter of experimentation in the laboratories which are seeking to carry on investigations to solve some of the great disease problems which plague mankind."

That is the position I take. I should like to confer with the Senator from Kentucky in the next few days about his bill, before he introduces it, if he things it is feasible to wait for that period of time.

Mr. COOPER. I will be glad to do so, and I appreciate the comments of the Senator from Oregon.

I am not an antivivisectionist, and of course I do not adhere to that point of view. I know we have to have experiments and we have to use animals in these experiments.

I am sure that in most places over the country those who are engaged in these experiments observe, as best they can, humane procedures, but the charge is made that some do not.

Even to have the bill introduced, to bring it before the committee, and to allow hearings to be held upon it, will certainly establish whether any law is needed. If none is needed, the committee can decide the point. If the bill which I have introduced is not proper for the purposes we both seek, the committee can make whatever modifications are necessary. I have served on the Committee on Labor and Public Welfare. I know it is a good committee.

I have received letters from deans of medical colleges and universities which have said flatly the bill would stop all research. After I had written to them expaining the purposes of the proposal, I have also received letters from several which said, "We think it is all right. Let the matter be heard."

I know this much about the Senator from Oregon—he is not afraid of any outcry which may be raised about a bill before it has even been discussed and considered by a committee. I know he knows I am not.

Let the matter be heard. I agree with the Senator. I remember the situation which occurred when the humane slaughter bill was introduced. A great outcry was heard all over the country, that the passage of such legislation would stop the processing and distribution of food. It was claimed that passage of such legislation would put people out of business, especially the small packers, and that it was a move to help the great packing industry—although that part of the industry was not in favor of the proposed legislation either and fought it. The Senator remembers that. It took about 2 years to pass the bill.

Finally, a reasonable bill was passed. I have asked what has happened since then. I have learned that the Department of Agriculture has already secured 87 percent compliance in this field, and secured that in less than half a year that the act has been in force.

I am sure the Senator also remembers a bill which was called the wild horse bill. I always liked the title. Although I am from Kentucky, which is a horse State, when the bill was first brought to my attention, I was puzzled by its reference to wild horses. I learned that there was a problem in the West in regard to catching wild horses. I think the horses were being chased by airplanes, and various inhumane ways were used to capture them.

That bill was fought. It was said that it was necessary to do the things being done to capture the horses. The committee considered the bill. The Congress passed the bill. I do not believe it has ruined the wild horse industry.

The Senator is a horseman, and can tell me about the subject.

Mr. MORSE. It might have increased the cost of dog meat a little bit, but that was probably either necesary or desirable.

Mr. COOPER. I am very happy to have the Senator's contribution.

Mr. MORSE. I say to the Senator from Kentucky that in answering the distinguished doctor I took the liberty of stating it was my position—and I was sure it was the position of the Senator from Kentucky—that

when the hearings were held on the bill, if evidence could be brought forth that the bill needed either modification or defeat the Senthe Senator from Oregon and the Senator from Kentucky would follow where the evidence led, but that the proponents of the bill, being responsible citizens of this country, had a right to petition their Government for consideration of the subject matter of the bill, and that right alone justified the introduction of a bill for hearings, as the Senator from Kentucky has indicated this afternoon.

I happen to be a member of the committee to which the Senator refers. If the bill is introduced and is referred to our committee for hearings, I will see to it that all sides of the question receive a full and adequate hearing, so that they can present their evidence in support of their respective positions.

Mr. COOPER. I hope the bill will be referred to the subcommittee of which the Senator is chairman. I had the honor of serving with the Senator from Oregon on the Senate Committee on Labor and Public Welfare for 5 years. I served on a subcommittee with him, and remember very well one bill which we considered for 2 years, the Railway Labor Act. Whatever agreement or disagreement others may have with the Senator from Oregon—and we all differ at times with each other on various subjects—I may say that I never saw a chairman of a committee or of a subcommittee who took more pains to give everyone on both sides a chance to be heard, to hear the evidence, and then to consider the evidence submitted and work out bills properly based on that evidence, than did the Senator from Oregon. I know his conscientious methods from intimate association with him on committees, and I am glad to have the opportunity to tell what I have observed during my various terms in the Senate of the United States.

Mr. MORSE. The Senator from Kentucky is very kind and gracious. His leaving the Senate Committee on Labor and Public Welfare is a great loss to the committee, and I wish I had the power of suasion which would induce him to return to the committee, because I would very much like to have him on the committee again.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the committee amendment as amended, and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announced that the Senator from Tennessee [Mr. BASS], the Senator from Arizona [Mr. HAYDEN], the Senator from Wisconsin [Mr. NELSON], and the Senator from Maryland [Mr. TYDINGS], are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from South Carolina [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN], are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. BASS,] the Senator from Maryland [Mr. BREWSTER, the Senator from Oklahmoa [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from Wisconsin [Mr. NELSON], the Senator from South Carolina [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS], the Senator from Alabama [Mr. SPARKMAN], and the Senator from Maryland [Mr. TYDINGS], would each vote "yea."

Mr. KUCHEL. I announce that the Senator from New Jersey [Mr. CASE] is absent on official business.

The Senator from Nebraska [Mr. CURTIS], the Senator from South Dakota [Mr. MUNDT], the Senator from Vermont [Mr. PROUTY], and the Senator from Wyoming [Mr. SIMPSON], are necessarily absent.

If present and voting, the Senator from New Jersey [Mr. CASE], the Senator from Nebraska [Mr. CURTIS], the Senator from South Dakota [Mr. MUNDT], the Senator from Vermont [Mr. PROUTY], and the Senator from Wyoming [Mr. SIMPSON], would each vote "yea."

The result was announced—yeas 85, nays 0, as follows:

[No. 106 Leg.]

YEAS—85

Aiken	Gruening	Morse
Allott	Hart	Morton
Anderson	Hartke	Moss
Bartlett	Hickenlooper	Murphy
Bayh	Hill	Muskie
Bennett	Holland	Neuberger
Bible	Hruska	Pastore
Boggs	Inouye	Pearson
Burdick	Jackson	Pell
Byrd, Va.	Javits	Proxmire
Byrd, W. Va.	Jordan, N.C.	Randolph
Cannon	Jordan, Idaho	Ribicoff
Carlson	Kennedy, Mass.	Robertson
Church	Kennedy, N.Y.	Russell, Ga.
Clark	Kuchel	Saltonstall
Cooper	Lausche	Scott
Cotton	Long, Mo.	Smith
Dirksen	Long, La.	Stennis
Dodd	Magnuson	Symington
Dominick	Mansfield	Talmadge
Douglas	McCarthy	Thurmond
Eastland	McGee	Tower
Ellender	McGovern	Williams, N.J.
Ervin	McIntyre	Williams, Del.
Fannin	Metcalf	Yarborough
Fong	Miller	Young, N. Dak.
Fulbright	Mondale	Young, Ohio
Gore	Monroney	
Griffin	Montoya	

NAYS—0

NOT VOTING—15

Bass	Hayden	Russell, S.C.
Brewster	McClellan	Simpson
Case	Mundt	Smathers
Curtis	Nelson	Sparkman
Harris	Prouty	Tydings

So the bill (H.R. 13881) was passed.

The title was amended, so as to read: "An Act to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats, and certain other animals intended to be used for purposes of research or experimentation, and for other purposes."

Mr. MANSFIELD. Mr. President, the Senate's unanimous passage of this measure which is designed to protect our Nation's dogs, cats and other animals is another great tribute to the able and effective leadership of the senior Senator from Washingon [Mr. MAGNUSON]. A success of this magnitude could be achieved only with his strong and articulate advocacy. Once again the Senate and the Nation owe him a debt of sincere gratitude for his unmatched skill and devotion.

Equally in the debt of the Senate and the Nation today for the outstanding success of this measure, is the distinguished senior Senator from Oklahoma [Mr. MONRONEY]. His able efforts have been behind the bill throughout its history in this body. His capable leadership and articulate advocacy assured its unanimous endorsement by the Senate today.

As is so often the case, many other Senators played vital roles in helping to accomplish this achievement. The highly able support and cooperation of the distinguished junior Senator from Oregon [Mrs. NEUBERGER] was indispensable to its overwhelming acceptance. Similarly, both of the Senators from Pennsylvania [Mr. CLARK and Mr. SCOTT] were characteristically most articulate in their support, as was the Senator from Rhode Island [Mr. PASTORE], the Senator from Louisiana [Mr. ELLENDER], the Senator from New York [Mr. JAVITS], and the senior Senator from Oregon [Mr. MORSE].

Finally, to the Senate as a whole I personally am deeply grateful for the highly efficient and orderly disposition of the bill. Its great success is a tribute to this entire body.

THE REMOVAL OF A RESTRICTION ON CERTAIN REAL PROPERTY HERETOFORE CONVEYED TO THE STATE OF CALIFORNIA

The Senate resumed the consideration of the bill (H.R. 1582) to remove a restriction on certain real property heretofore conveyed to the State of California.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senate will now proceed to vote on the amendment of the Senator from Oregon to the bill (H.R. 1582). The question is on agreeing to the amendment of the Senator from Oregon. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee. [Mr. BASS], the Senator from Louisiana [Mr. ELLENDER], the Senator from Wisconsin [Mr. NELSON], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Georgia [Mr. RUSSELL], and the Senator from Maryland [Mr. TYDINGS], are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arkansas [Mr. MCCLELLAN], the Senator from South Carolina [Mr. RUSSELL], the Senator from Florida [Mr. SMATHERS] and the Senator from Alabama [Mr. SPARKMAN] are necessarily absent.

June 23

June 24

Aug 16

Aug 17

June 23, 1966

13. RESEARCH ANIMALS. Sen. Bartlett commended the dog-cat handling bill. pp. 13466-7

14. TARIFF. Sen. Hruska commended and inserted editorials, articles, and a report on the trade negotiations currently underway in Geneva as part of the Sixth Round of Trade Negotiations under GATT. pp. 13488-500

HOUSE

15. FOREIGN AID. The Foreign Affairs Committee reported with amendment H. R. 15750, the foreign aid authorization bill, 1966 (H. Rept. 1651). p. 13404
Rep. Fraser inserted an AID report on foreign aid to the Near East and South America. pp. 13382-3

16. ANIMAL RESEARCH. Conferees were appointed on H. R. 13881, to authorize this Department to regulate the transportation, sale, and handling of dogs, cats, and other animals intended to be used for research (p. 13363). Senate conferees have not yet been appointed.

17. BANKING. Passed without amendment S. 3368, to extend until June 30, 1968, the present authority of the Federal Reserve banks to purchase securities directly from the Treasury in amounts not to exceed $5 billion at any one time. This bill will now be sent to the President. pp. 13345-6, 13363-6

18. COMMUNITY DEVELOPMENT DISTRICTS. The Agriculture Committee voted to report (but did not actually report), S. 2934, to authorize grants for comprehensive planning for public services and development in community development districts designated by the Secretary of Agriculture. p. D566

19. WATERSHEDS. Rep. Dole alleged that the administration has "apparently deliberately killed the small watershed program" by holding up project applications. p. 13343

20. RECREATION. Rep. Morrison urged the development of more rural recreational opportunities, especially small watershed projects. pp. 13398-9

21. LIVESTOCK MARKETING COOPERATIVES. Rep. Olsen, Mont., spoke recommending "strengthening and recognition" for livestock marketing cooperatives. p. 13368

22. RESEARCH. Rep. Rogers, Fla., commended the signing into law of S. 944, the oceanography bill, as a significant step for oceanographic research. p. 13372

23. WATER RESOURCES. Rep. Boggs commended and inserted the 1966 annual report of the National Rivers and Harbors Congress. pp. 13384-6

24. ADJOURNED until Monday, June 27. p. 13400

ITEMS IN APPENDIX

25. POSTAL SERVICE. Rep. Pool inserted an article concerning the problems confronting mailers in meeting the ZIP code deadline. pp. A3374-6

26. ECONOMICS. Extension of remarks of Rep. Ullman stating that the economy is being threatened by "skyrocketing interest rates" and inserting an article, New Economic Myths." pp. A3376-7

27. TECHNOLOGY; RESEARCH. Extension of remarks of Rep. Saylor inserting an addre "Challenges of Modern Management", stating that it should be read by Members of Congress and by executive department officials, and applauding the remind that "business and not big government produced the industrial revolution and is continuing our technological advance." pp. A3378-80

28. FOOD PRICES. Reps. Olson, Quie, and Stalbaum commended and inserted an article, "Food Prices", which suggests that "The tendency to make agriculture the goat for rises in living costs has been deplorable..." pp. A3387, A3391, A3393

29. EDUCATION. Rep. Brademas inserted an editorial in support of the proposed International Education Act of 1966. pp. A3389-90

30. DROUGHT. Extension of remarks of Rep. Ullman expressing concern over drought conditions in Oregon. pp. A3393-4

BILLS INTRODUCED

31. HOUSING. H. R. 15890 by Rep. Patman and H. R. 15891 by Rep. Barrett, to assis city demonstration programs for rebuilding slum and blighted areas and for providing the public facilities and services necessary to improve the general welfare of the people who live in these areas, to improve and amend our housing programs; to Banking and Currency Committee.

32. AREA REDEVELOPMENT. S. 3541 by Sen. Metcalf, to amend the Public Works and Economic Development Act of 1965 in order to allow more flexibility in the designation of redevelopment areas; to Public Works Committee.
H. R. 15916 by Rep. Senner, to amend the Public Works and Economic Development Act of 1965 to extend for an additional year the eligibility of certain areas; to Public Works Committee.

33. TARIFFS. S. J. Res. 171 by Sen. Holland, to require the removal of certain agricultural products from negotiation of tariff reductions under the Trade Expansion Act of 1962; to Finance Committee. Remarks of author pp. 13428-9
H. R. 15920 by Rep. Ullman, to amend the Tariff Act of 1930 to facilitate the formulation of sound tariff policies with respect to agricultural commodities; to Ways and Means Committee. Remarks of author p. 13396

34. HOUSING. H. R. 15890 by Rep. Patman, to assist city demonstration programs for rebuilding slum and blighted areas and for providing the public facilities and services necessary to improve the general welfare of the people who live in these areas, to improve and amend our housing programs; to Banking and Currenc Committee.

35. POVERTY. H. R. 15922 by Rep. Hawkins, to amend the Economic Opportunity Act of 1964 to provide insurance for loans made to assist in the creation of employment opportunities for low-income persons; to Education and Labor Committee.

36. LOANS. S. 3540 by Sen. Metcalf, to authorize Rural Housing loans to lessees of nonfarm rural land; to Banking and Currency Committee.

Hardy
Harvey, Mich.
Hathaway
Hawkins
Hays
Hébert
Hechler
Helstoski
Henderson
Herlong
Hicks
Holland
Horton
Hosmer
Howard
Hull
Hungate
Huot
Hutchinson
Ichord
Irwin
Jacobs
Jarman
Jennings
Joelson
Johnson, Calif.
Johnson, Okla.
Johnson, Pa.
Jonas
Jones, Ala.
Karsten
Karth
Kastenmeier
Keith
Keogh
King, Calif.
King, N.Y.
King, Utah
Kirwan
Kluczynski
Kornegay
Krebs
Kunkel
Laird
Landrum
Langen
Latta
Lennon
Lipscomb
Long, Md.
Love
McCarthy
McClory
McCulloch
McDade
McDowell
McEwen
McFall
McGrath
McMillan
McVicker
Macdonald
MacGregor
Machen
Mackay
Mackie
Madden
Mahon
Marsh
Martin, Ala.
Mathias
Matsunaga
Matthews
May
Meeds
Michel
Miller
Mills
Minish
Mink
Mize
Moeller
Monagan
Moore
Moorhead
Morgan
Morrison
Morse
Morton
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nelsen
O'Brien
O'Hara, Ill.
O'Hara, Mich.
O'Konski
Olsen, Mont.
Olson, Minn.
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Pool
Price
Purcell
Quie
Quillen
Race
Randall
Redlin
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reinecke
Reuss
Rhodes, Ariz.
Rhodes, Pa.
Rivers, S.C.
Rivers, Alaska
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Roncalio
Rooney, Pa.
Rostenkowski
Roudebush
Roybal
Rumsfeld
Ryan
St Germain
St. Onge
Saylor
Schisler
Schmidhauser
Schneebeli
Schweiker
Secrest
Selden
Senner
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Smith, Va.
Springer
Stafford
Staggers
Stalbaum
Stanton
Steed
Stephens
Stratton
Stubblefield
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Tenzer
Thomas
Thompson, N.J.
Thompson, Tex.
Thomson, Wis.
Todd
Tuck
Tunney
Tupper
Tuten
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Vivian
Waggonner
Waldie
Walker, N. Mex.
Watson
Whalley
White, Idaho
White, Tex.
Whitener
Widnall
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Yates
Young
Younger
Zablocki

NAYS—0

NOT VOTING—68

Abernethy
Anderson, Ill.
Andrews, Glenn
Andrews, N. Dak.
Bandstra
Brock
Brown, Clarence J., Jr.
Burton, Utah
Carey
Clawson, Del
Colmer
Corbett
Craley
Dawson
Denton
Dow
Ellsworth
Evins, Tenn.
Farbstein
Flood
Flynt
Fogarty
Gilbert
Griffiths
Hagan, Ga.
Hanna
Harsha
Harvey, Ind.
Holifield
Jones, Mo.
Jones, N.C.
Kee
Kelly
Kupferman
Leggett
Long, La.
Mailliard
Martin, Mass.
Martin, Nebr.
Minshall
Morris
Multer
Murphy, N.Y.
Murray
Nix
Powell
Pucinski
Resnick
Rogers, Tex.
Rooney, N.Y.
Rosenthal
Roush
Satterfield
Scheuer
Scott
Shipley
Sickles
Sweeney
Toll
Trimble
Utt
Walker, Miss.
Watkins
Watts
Weltner
Whitten
Williams
Willis

So the bill was passed.

The Clerk announced the following pairs:

Mr. Morris with Mr. Anderson of Illinois.
Mr. Sweeney with Mr. Martin of Massachusetts.
Mr. Jones of North Carolina with Mr. Glenn Andrews.
Mr. Shipley with Mr. Corbett.
Mr. Multer with Mr. Mailliard.
Mr. Denton with Mr. Andrews of North Dakota.
Mr. Satterfield with Mr. Walker of Mississippi.
Mr. Long of Louisiana with Mr. Brock.
Mr. Abernethy with Mr. Minshall.
Mr. Evins of Tennessee with Mr. Ellsworth.
Mr. Hagan of Georgia with Mr. Clarence J. Brown, Jr.
Mr. Roush with Mr. Utt.
Mr. Weltner with Mr. Martin of Nebraska.
Mr. Flynt with Mr. Burton of Utah.
Mr. Colmer with Mr. Harvey of Indiana.
Mrs. Kelly with Mr. Kupferman.
Mr. Rooney of New York with Mr. Del Clawson.
Mr. Murphy of New York with Mr. Watkins.
Mr. Scott with Mr. Harsha.
Mr. Nix with Mr. Toll.
Mr. Holifield with Mr. Scheuer.
Mr. Dawson with Mr. Resnick.
Mr. Pucinski with Mr. Powell.
Mr. Carey with Mr. Kee.
Mr. Sickles with Mr. Craley.
Mr. Bandstra with Mr. Rosenthal.
Mr. Farbstein with Mr. Hanna.
Mr. Dow with Mrs. Griffiths.
Mr. Willis with Mr. Trimble.
Mr. Williams with Mr. Rogers of Texas.
Mr. Whitten with Mr. Watts.
Mr. Fogarty with Mr. Gilbert.
Mr. Leggett with Mr. Murray.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight Saturday, June 25, 1966, to file certain sundry reports.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMITTEE ON AGRICULTURE

Mr. POAGE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture be given until midnight Saturday, June 25, to file a report on the bill S. 2934.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DOGS AND CATS USED IN RESEARCH

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill—H.R. 13881—to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

The Chair hears none, and appoints the following conferees: Messrs. COOLEY, POAGE, PURCELL, RESNICK, QUIE, Mrs. MAY and Mr. DOLE.

TWO-YEAR EXTENSION OF FEDERAL RESERVE DIRECT PURCHASE AUTHORITY

Mr. PATMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 3368) to amend section 14(b) of the Federal Reserve Act, as amended, to extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill S. 3368, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. PATMAN], will be recognized for 30 minutes, and the gentleman from New York [Mr. FINO] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. PATMAN].

(Mr. PATMAN asked and was given permission to revise and extend his remarks.)

Mr. PATMAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, S. 3368 is a straightforward and uncomplicated bill. It is noncontroversial. This legislation received the unanimous approval of your Banking and Currency Committee as it has in previous years. This is good legislation. To my knoweldge it has received almost unanimous, if not unanimous, support from this body in previous years.

TWO-YEAR EXTENSION OF FEDERAL RESERVE DIRECT PURCHASE AUTHORITY

S. 3368, which recently passed the Senate unanimously would amend section 14 (b) of the Federal Reserve Act, as amended, to extend for 2 additional years the authority of the Federal Reserve banks, through the Federal Open Market Committee, to purchase U.S. obligations directly from the Treasury in an amount

not to exceed $5 billion at any one time. The existing authority which provides for this identical procedure expires on June 30, 1966. Initially, this direct purchase authority was provided for in 1942 and has been extended periodically since that time. In other words, Mr. Chairman, this bill, S. 3368, would do nothing more than change the date in section 14(b) of the Federal Reserve Act, as amended, from July 1, 1966, to read July 1, 1968.

This legislation is supported by the administration, including the Board of Governors of the Federal Reserve System. No public or private body has voiced any opposition to this legislation. The importance of this legislation which, as I have indicated, would allow the Treasury to borrow up to $5 billion directly from the Federal Reserve System lies, as pointed out by the Secretary of the Treasury in support of this legislation, not in the amount or frequency of its use but rather in its availability in time of need. The existence of this authority allows, for example, the Treasury to operate with a smaller cash balance than would otherwise be prudently justified.

In addition, this authority would allow the Treasury to use the Federal Reserve as a direct source of purchase for up to $5 billion outstanding at any one time in case of emergency.

The Federal Reserve Board concurs in these views as indicated in their letter supporting S. 3368 which has been reproduced in the Committee Report No. 1640, as has the letter to the Speaker of the House from the Secretary of the Treasury. Further, the letter from Chairman Martin, as the facts show, indicate that this authority has been used most judicially since it was first enacted. This authority was last used over 8 years ago at which time the Treasury borrowed a total of $350 million from the Federal Reserve.

I strongly recommend renewal of this authority at this time.

A CHALLENGE TO THE FEDERAL RESERVE

I believe it is in order for me to state that the Federal Reserve System has the greatest challenge it has ever had to act in the public interest. We are in a war situation now. We hope it does not expand. But, if it were to expand, interest rates which now are a major item in our budget would, of course, become a problem of increasing proportions.

INTEREST RATES HELD LOW IN THE PUBLIC INTEREST FROM 1939–51

In World War II we had a Federal Reserve Board that was responsive to and working in the public interest. From 1939 to 1951, over a 12-year period, we were for part of that time in a devastating depression. People's homes and farms were being sold by the sheriffs of thousands of our counties for the purpose of liquidating the debts to creditors. People were in breadlines and at the soup kitchens. We actually had people starving during part of that time. The most terrible situation that had ever confronted our country occurred during this 12-year period.

Then during another part of the 12 years we had an inflationary situation. That was during World War II. People were working and making good wages. They were unable to buy automobiles and durable goods, so that money continued to pile up in their bank accounts and in their pockets. This created the greatest potential threat of inflation we ever had. That occurred during part of this 12-year period.

But a Federal Reserve Board, acting in the public interest, under President Franklin D. Roosevelt—the late President—demanded that they operate in the public interest—by keeping interest rates low.

THE FEDERAL RESERVE BOARD SETS INTEREST RATES

The Federal Reserve Board has the power and the privilege of fixing interest rates at any level they desire. The Federal Reserve could say, "We are going to have interest rates at 1.99 percent," or they could say "at 5.01 percent." The Federal Reserve Board can fix rates at any point it wants to and it can keep the rate right there.

If there is any doubt about that statement, let me present some undisputed proof. With war in Europe—the year 1941 was the roughest we had in this country preceding our own entry in the war on December 7, 1941, at Pearl Harbor. During that time of those 12 years, and following—our Government never paid more than three-eighths of 1 percent on short-term obligations. Much of the time the Government only paid one-eighth of 1 percent. Why should it have paid more? It is just paying interest on interest-bearing currency, on short-term obligations.

But now, compared to then, we have just recently paid almost 5 percent on short-term obligations, because the market was rigged and forced up.

This is a great challenge to the Federal Reserve Board, since our interest rate burden is such a terriffic one. These high rates can be changed by the Federal Reserve Board. They can be changed over night.

Today our national debt is about $330 billion. If the rates that were fixed by Mr. Roosevelt and by Mr. Truman had been retained since that time, our national debt would be more than $40 billion less and our interest costs on the national debt, instead of being $13 billion a year—the second largest item in the budget—would be only $6.5 billion, or only one-half as much.

THE 4¼-PERCENT CEILING ON LONG-TERM BONDS

We have had an interest rate ceiling of 4¼ percent on long-term Treasury bonds in this country since 1918, during the administration of Woodrow Wilson. The laws say interest rates on long-term Government obligations shall not exceed 4¼ percent.

An effort was made during a preceding administration, upon two occasions, to remove that ceiling, so that the rate could go up to 5, 6, 7, or maybe even 10 percent, but the Democrats succeeded in stopping it, so that the 4¼-percent ceiling is still there—but the Federal Reserve has been getting around it, because the Federal Reserve has permitted, and in some cases forced, interest rates on short-term issues to go up to much beyond this ceiling.

From 1939 to 1951 were the 12 years which were the roughest years in the history of our Nation, from the standpoint of devastating inflation and from the standpoint of a world war. It was a terrible war. During those 12 years we maintained reasonable interest rates. The Federal Reserve Board held rates not exceeding 2½ percent. Anyone who had a Government bond, who wanted to get his money, could get his money, 100 cents on the dollar, plus accrued interest.

That is a good record. Nobody can object to that. Now what are we doing? Interest rates which cost us $1,000 during the war for a certain sum of money for a specified length of time—short-term Government rates—now cost us from $21,000 to $62,500.

Is that not shocking, my friends? Of course it is shocking, when interest rates go up from 2,000 to 6,000 percent. This is a runaway inflationary condition. There can be no question of this.

Nobody can deny the statements I am making. If anybody denies any statement I make, let him ask me to yield and I will yield right now, at any time. I hear no such request. So no one can deny that the Federal Reserve Board during 12 years kept the interest rates low, short term, and now they are 2,000 to 6,000 percent higher today.

Suppose an automobile which cost a person $1,000 in 1941—now cost him $62,500. Using the same percentage increase as in the case of short-term Treasury rates, this is what that car would cost today if car prices had risen as far and as fast as money prices.

In addition to this, long-term rates on Government securities have doubled. They have gone up more than 100 percent.

If it were necessary or if this were a free market, that would be all right, but let us remember that no person in authority—the Federal Reserve Board members or anyone else—will tell us that there is a free market in Government bonds.

It just cannot be. It is a fixed market. It cannot be anything else.

I repeat, the Federal Reserve has a great challenge now. Will the Federal Reserve roll back short-term interest rates to World War II levels and save the Government and the people a lot of money or will they keep on raising them?

THE FEDERAL RESERVE AND THE CD SCANDAL

Now, December 6, 1965, the Federal Reserve Board met and increased interest rates right in the midst of the Vietnam war just as though—I will not say they did it for that purpose, but some people claim they said, "Well, we will get ours while the getting is good." We will raise the rates which the banks can offer from 4 percent to 5½ percent," which is a 37½ percent increase. This has forced rates up all across the board. The Federal Reserve did not have to do this except in their shenanigans to move up the short-term Treasury rate they had to get these corporate purchasers of Government short-term securities every Monday out

Aug 1

Aug 2

Aug 3 11

Jan 19

Oct 11

Aug 1

June 24

Aug 16

Aug 17

DIGEST of Congressional Proceedings
F INTEREST TO THE DEPARTMENT OF AGRICULTURE

TED STATES DEPARTMENT OF AGRICULTURE
HINGTON, D.C. 20250
FICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF AGRICULTURE

FICE OF BUDGET AND FINANCE
R INFORMATION ONLY;
T TO BE QUOTED OR CITED)

Issued June 27, 1966
For actions of June 24, 1966
89th-2nd; No. 104

CONTENTS

imal research.....5	Inflation.....13	Screw-worm.....11
aims.....1	Legislative program....12	Statute of limitations..1
rm prices.....8	Milk.....10	Tariff.....9
refighters.....15	Pay.....12	Vehicles.....6
od for freedom.....3	Personnel.....2,12	Water.....7
od prices.....13	Research.....5	Watersheds.....14
reign trade.....4	School milk.....10	Wheat.....4

IGHLIGHTS: Sen. Proxmire called school milk program essential to good scholarship. en. Allott spoke in favor of measure to remove certain agricultural products from onsideration for tariff reductions. Sen. McGovern urged higher income for farmers. en. McGovern urged removal of restrictions on wheat shipments to Russia. Rep. ggett praised small watershed program.

SENATE

1. CLAIMS. The Judiciary Committee reported without amendment H. R. 13650, to increase to $25,000 the amount of a claim which Government agencies may settle under the Federal Tort Claims Act (S. Rept. 1327); H. R. 13652, to establish a statute of limitations for certain actions brought by the Government (S. Rept. 1328); H. R. 14182, to provide that when the Government loses a lawsuit, a judgement for cost may be awarded the prevailing party (S. Rept. 1329); and, with amendment H. R. 13651, to authorize Government agencies to compromise claims up to $5,000 under joint regulations of the Attorney General and the Comptroller General (S. Rept. 1331). p. 13538

2. PERSONNEL. Passed as reported H. R. 1535, to amend the Classification Act of 1949 to authorize the establishment of hazardous duty pay in certain cases. p. 13543

3. FOOD FOR FREEDOM. Sen. Mondale submitted and discussed two amendments to the food for freedom bill, the first calling upon other advanced countries to play a greater role in the war in world hunger, the second urging increased emphasis on adaptive agricultural research in nations receiving food for freedom assistance. pp. 13539-40

4. FOREIGN TRADE. Sen. Carlson inserted his speech, "Agricultural Trade with Japan-Bond of Prosperity and Friendship." pp. 13541-2
   Sen. McGovern criticized the "unwise export restriction" on the sale of wheat to Russia and inserted an editorial, "Bridge of Wheat." p. 1356-9

5. RESEARCH ANIMALS. Conferees were appointed on H. R. 13881, to authorize this Department to regulate the transportation, sale, and handling of dogs, cats, and other animals intended to be used for research (p. 13630). House conferees have already been appointed.

6. VEHICLES. Passed, 76-0, with amendments S. 3005, to establish motor vehicle safety standards. pp. 13570-616

7. WATER UTILIZATION. Sen. Church inserted an editorial opposing the suggestion that water from the Pacific Northwest be diverted to the American Southwest. pp. 13569-70

8. FARM PRICES. Sen. McGovern commended and inserted an editorial "on food prices and the farmers' right to an equitable return." p. 13566

9. TARIFFS. Sen. Allott spoke in favor of S. J. Res. 171, to require the removal of certain agricultural products from negotiation of tariff reductions under the Trade Expansion Act of 1962. pp. 13558-9

10. SCHOOL MILK. Sen. Proxmire commended the school milk program as essential to proper nourishment and good scholarship. p. 13546

11. SCREW-WORM. Sen. Yarborough commended and inserted an article, "Between Atoms and Computers: The Screw-Worm's Days Are Numbered." pp. 13557-8

12. LEGISLATIVE PROGRAM. Sen. Mansfield announced that it is "the present intention of the leadership" to take up the Federal employees' pay raise bill in the week following the Fourth of July recess. p. 13540

ITEMS IN APPENDIX

13. INFLATION. Extension of remarks of Rep. Ullman discussing the "dangerous situation" of our economy and inserting an article, "Economic Takeoff Levels Out in May." p. A3396
   Rep. Anderson, Tenn., inserted an editorial refuting "President Johnson's claim that 'food prices and three metals are responsible for 80% of inflation'." p. A3398

there is hereby authorized to be appropriated the sum of $20,000,000 for the fiscal year ending June 30, 1967, $25,000,000 for the fiscal year ending June 30, 1968, and $25,000,000 for the fiscal year ending June 30, 1969.

SEC. 107. For the purpose of carrying out section 406 of title 23, United States Code, there is hereby authorized to be appropriated the sum of $40,000,000 for the fiscal year ending June 30, 1967, $60,000,000 for the fiscal year ending June 30, 1968; and $60,000,000 for the fiscal year ending June 30, 1969.

SEC. 108. Section 101(a) of title 23, United States Code, is hereby amended by adding the following term at the end thereof: "The term 'State highway safety agency' means those departments, commissions, boards, or officials of any State charged by its laws with the responsibility for administering the State highway safety program, or any part thereof."

SEC. 109. Section 105 of title 23, United States Code, is hereby amended by adding the following subsection at the end thereof:

"(e) In approving programs for projects on the Federal-aid systems pursuant to chapter 1 of this title, the Secretary shall give priority to those projects which incorporate improved standards and features with safety benefits."

SEC. 110. Nothing contained in this Act shall be deemed to supersede the authority under existing law of any Federal department or agency.

SEC. 111. The Secretary of Commerce shall make a thorough and complete study of the relationship between the consumption of alcohol and its effect upon highway safety and drivers of motor vehicles, in consultation with such other government and private agencies as may be necessary. Such study shall cover review and evaluation of State and local laws and enforcement methods and procedures relating to driving under the influence of alcohol, State and local programs for the treatment of alcoholism, and such other aspects of this overall problem as may be useful. The results of this study shall be reported to the Congress by the Secretary on or before July 1, 1967, and shall include recommendations for legislation if warranted.

SEC. 112. In order to provide the basis for evaluating the continuing programs authorized by this Act, and to furnish the Congress with the information necessary for authorization of appropriations for fiscal years beginning after June 30, 1969, the Secretary, in cooperation with the Governors or the appropriate State highway safety agencies, shall make a detailed estimate of the cost of carrying out the provisions of this Act. The Secretary shall submit such detailed estimate and recommendations for Federal, State, and local matching funds to the Congress not later than January 10, 1968.

Mr. MANSFIELD. Mr. President, the distinguished chairman of the Committee on Public Works [Mr. RANDOLPH] has today earned a high mark for strong and able advocacy with his successful handling of the popularly known highway safety measure—a companion proposal of the automobile safety measure unanimously approved by the Senate a short time ago. Since his ascent to the committee chairmanship earlier in the session, Senator RANDOLPH has demonstrated outstanding leadership ability. In managing this important bill today it was clear that his great talents and wise judgment are highly valued in this body. We are indeed grateful.

Outstanding also was the support of the Senator from Kentucky, the ranking minority member of the committee [Mr. COOPER]. His gracious cooperation is always welcome. Senator COOPER is truly devoted to achieving sound and effective legislation. His outstanding work on this proposal was certainly characteristic.

Again I note the effective support of the Senator from Connecticut [Mr. RIBICOFF] who so ably backed both safety measures passed today. And also to be commended is the junior Senator from Minnesota [Mr. MONDALE] for his splendid cooperation and assistance.

Finally, to the Senate as a whole I am deeply grateful for another achievement for which we all may be proud.

ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSENT OF CONGRESS TO MASSACHUSETTS TO BECOME A PARTY TO AGREEMENT RELATING TO BUS TAXATION PRORATION AND RECIPROCITY

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 13935) to give the consent of Congress to the State of Massachusetts to become a party to the agreement relating to bus taxation proration and reciprocity as set forth in title II of the act of April 14, 1965 (79 Stat. 60), and consented to by Congress in that act and in the act of November 1, 1965 (79 Stat. 1157), and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DIRKSEN. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. EASTLAND, Mr. MCCLELLAN, Mr. ERVIN, Mr. DIRKSEN, and Mr. HRUSKA conferees on the part of the Senate.

EXECUTIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate proceeded to consider executive business for action on nominations reported favorably today by the Committee on the Judiciary.

U.S. DISTRICT JUDGE

The legislative clerk read the nomination of W. Arthur Garrity, Jr., of Massachusetts, to be U.S. district judge for the district of Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. President, it gives me great pleasure to speak on behalf of the nomination of W. Arthur Garrity, Jr., the present U.S. attorney in Massachusetts, for Federal district judge in Massachusetts.

Mr. Garrity is a man whom I have personally known and admired for many years. A cum laude graduate from Holy Cross in 1941, Arthur Garrity served with the U.S. Army in World War II with great distinction. He was decorated with five European Theater Battle Stars and the Bronze Arrowhead, representative of participation in the Normandy invasion.

Following the war he returned to Harvard Law School and received his LL.B. in 1946. Since 1946 he has been devoted to the law and to the administration of justice. His background in the various areas of the law is extensive and his performance has been exemplary. He served as legal secretary to the Honorable Francis J. W. Ford, U.S. district judge. He has had extensive trial experience. At the trial level he has tried cases in the district, superior, and probate courts of Massachusetts, U.S. district court, and the Tax Court. On the appellate level he has argued cases before the Supreme Court of the United States and before appellate courts on both the Federal and State level.

He has also been called upon to perform duties similar to those of judges in acting as a master in Massachusetts and U.S. district court hearings, and as a receiver and trustee in connection with bankruptcy proceedings and corporate reorganizations.

I could go on at great length with regard to Mr. Garrity's legal qualifications. However, as the late Judge Clark, of the Second Circuit Court of Appeals and former dean of the Yale Law School has admonished, there is a danger in overstressing professionalism.

A judge must conduct the proceedings in his court with that special blend of objectivity and compassion known as judicial "temperament." From my personal knowledge of Arthur Garrity I can assure you that his broad experience with the law and with the people involved while handling a great variety of cases has instilled in him a strong sense of fairness and a dedication to the principles of due process.

Both those who have worked with him and those who have faced him in an adversary proceeding have nothing but respect for Arthur Garrity's character, honesty, ability, and his capacity to deal with the problems of the law. A number of bar associations have indicated they consider him well qualified to serve as Federal district judge.

He is a man of standing in his community and among the members of the bar. The measure of the man and his record of achievement in the legal profession speaks for itself and suggests that W. Arthur Garrity, Jr., would serve with distinction as a Federal judge.

I am pleased to support his nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

U.S. CIRCUIT JUDGE

The legislative clerk read the nomination of Harrison L. Winter, of Maryland, to be U.S. circuit judge, fourth circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

ANIMAL RESEARCH AND EXPERIMENTATION

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 13881) 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, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MANSFIELD. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. MONRONEY, Mrs. NEUBERGER, Mr. BREWSTER, Mr. COTTON, and Mr. SCOTT conferees on the part of the Senate.

REPEAL OF SECTION 6 OF THE SOUTHERN NEVADA PROJECT ACT

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2999) to repeal section 6 of the Southern Nevada Project Act (Act of October 22, 1965 (79 Stat. 1068)), which were to strike out all after the enacting clause and insert:

That section 6 of the Southern Nevada Project Act (Act of October 22, 1965; 79 Stat. 1068) is hereby amended to read as follows:

"SEC. 6. The contract for delivery of water and repayment of reimbursable construction costs of the Southern Nevada Water Project required by section 3 of this Act shall provide that if, within five years from the date of this Act, Basic Management, Inc., and/or the Las Vegas Valley Water District apply for contracts for the storage and delivery of water in accordance with the provisions of section 5 of the Boulder Canyon Project (45 Stat. 1060, as amended; 43 U.S.C. 617d) and the regulations of the Secretary of the Interior heretofore issued pursuant to said Act, the rights of the party contracting pursuant to section 3 of this Act shall be subordinate to those of Basic Management, Inc., and/or the Las Vegas Valley Water District to the extent of 41,266 acre-feet per annum and 15,407 acre-feet per annum, respectively, or so much thereof as in required for beneficial consumptive use by them, their rights to the storage and delivery of the same having been properly maintained in accordance with the terms of their contracts. Nothing contained in this Act shall be construed as affecting the satisfaction of present perfected rights as defined by the decree of the United States Supreme Court in Arizona v. California, 367 U.S. 340."

And to amend the title so as to read: "An Act to amend section 6 of the Southern Nevada Project Act (Act of October 22, 1965; 79 Stat. 1068)."

Mr. BIBLE. Mr. President, I offer several amendments to the House amendment, and ask that they be stated.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read as follows:

On page 1, lines 9 and 10, strike out "and/or the Las Vegas Valley Water District apply" and insert "or its assignees applies"

On page 1, line 10, strike out "contracts" and insert "a contract".

On page 1, line 12, after "Project" insert "Act".

On page 1, line 14, strike out "heretofore".

On page 2, line, strike out "and/or the Las Vegas Valley Water Disrtict" and insert "or its assignees".

On page 2, lines 4 and 5, strike "and 15,407 acre-feet per annum, respectively,".

On page 2, line 6, strike out "them, their rights" and insert "it, its right".

On page 2, line 8, strike "their contracts" and insert "its contract".

Mr. BIBLE. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. BIBLE. Mr. President, the purpose of the amendments which I propose to the House amendment to S. 2999, is to delete the references to the Las Vegas Valley Water District as contained in the House-passed amendment to this bill and to make the necessary technical changes.

S. 2999 amends section 6 of the Southern Nevada Project Act—act of October 22, 1965. This act authorizes the Secretary of the Interior to construct, operate and maintain the project in southern Nevada to supply water to meet the need of the Clark County area. All money so advanced will be paid back with interest.

At the time the President signed this act he called attention to the language then contained in section 6 and requested that it be clarified. In his signing statement the President stated in part as follows:

Although these provisions are couched in general terms, the scant legislative history of the bill indicates that they are intended to be applicable to one company only. While there may be some equities which would justify special consideration for this company, I am advised by the Secretary of the Interior that these provisions might have a much broader sweep. In these circumstances I have asked the Secretary of the Interior to develop legislation which would amend section 6 to limit its effect to that intended by Congress.

Subsequently, the Secretary of the Interior transmitted to the Congress a recommendation that section 6 be repealed for the reason that the State water right of Basic Management, Inc., will be fully protected by a contract which the Secretary is prepared to enter into. Pursuant to this transmittal I introduced S. 2999 which was cosponsored by my colleague, Senator CANNON. This bill, which passed the Senate on April 6, 1966, repealed section 6.

Although the Presidential statement did not specifically request the deletion of section 6, testimony from the Department of the Interior officials before the Water and Power Resources Subcommittee of the Senate Interior and Insular Affairs Committee on March 15, 1966, justified the procedure suggested in the Senate passed bill in the following language:

The President asked that section 6 be limited to the purposes intended by Congress, which were to protect this one company. It was our considered judgment that he asked for an amendment of section 6 to limit its effect to that intended by Congress. The point I want to suggest to you, Mr. Chairman, is that the course of deciding how to limit the effect of section 6 to the one company that we think Congress intended it to be limited to, our judgment was that the best way of doing it is to commit ourselves by contract, because that is what section 6 says. Section 6 says that in all water supply contracts the Secretary will recognize these rights under state law. Our reasoning was that if we get our contract negotiations to the point where we have done what section 6 tells us to do, then there is no longer any reason to continue it on the books. And rather than attempt to amend it in any way, the simpler thing to do is to repeal it. (Senate Rept. No. 1094, 89th Cong. 2d.)

In its consideration of S. 2999, the House Interior and Insular Affairs Committee in its wisdom amended the bill and rewrote section 6. In its report on S. 2999—House Report No. 1516, May 31, 1966—the House Committee stated in part as follows:

At the time President Johnson signed the Southern Nevada Project Act he stated his objection to section 6 because of the general terms used and the uncertainty as to the effect of the language. The President asked that legislation be developed which would "amend section 6 to limit its effect to that intended by the Congress." The language which the committee has developed is designed to do this. It recognizes the two entities which the committee believes should be given a priority of water rights over the rights of southern Nevada project water users.

The two entities whose rights to a priority are recognized by the committee are Basic Management, Inc., and the Las Vegas Valley Water District. Basic Management, Inc., holds certificated rights under Nevada State law to 41,266 acre-feet annually. The Las Vegas Valley Water District was issued a permit for the diversion of 43,000 acre-feet annually and has been issued a certificate for

Aug 1

Aug 11

Aug 16

Aug 17

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued August 2, 1966
For actions of August 1, 1966
89th-2nd; No. 124

CONTENTS

Air pollution.....18
Animal imports.....12
Appropriations.....13
CCC.....5
Civil rights.....1
Community development....2
Credit.....29
Dogs and cats.....6
Economy.....16,20
Employment.....31
Exhibition.....4
Food preservation.....23
Food prices.....9
Foreign aid.....8,18,24
Housing.....15
Inflation.....16,20
Lands.....30
Manpower.....7
Military construction....5
National parks.....26,32
Opinion poll.....14
Participation sales.....29
Personnel.....21,31
REA financing.....11
Research.....6
Scenic rivers.....30
School milk.....17
Seed.....28
Taxation.....27
Transportation.....3,22
Water resources.....10,25

HIGHLIGHTS: House Rules Committee cleared community development districts bill. Conferees agreed on dog-cat handling bill.

HOUSE

1. CIVIL RIGHTS. Continued debate on H. R. 14765, the civil rights bill. pp. 16961-83

2. COMMUNITY DEVELOPMENT. The Rules Committee reported a resolution for consideration of S. 2934, to authorize community development districts for planning. p. 17027

3. TRANSPORTATION. The Rules Committee reported a resolution for consideration of H. R. 14810, to authorize additional assistance for urban mass transportation. p. 17027

4. EXHIBITION. The Rules Committee reported a resolution for consideration of H. R. 15098, to amend the law for U. S. participation in the HemisFair 1968 Exhibition, Tex. p. 17027

5. MILITARY CONSTRUCTION. The Rules Committee reported a resolution for consideration of S. 3105, the military construction bill, which includes a provision for reimbursement of CCC for family housing. p. 17027

6. RESEARCH. The Merchant Marine and Fisheries Committee reported H. R. 16559, to authorize sea grant colleges for oceanography research, etc. (H. Rept. 1795). p. 17027

The conferees agreed to file a conference report on H. R. 13881, providing for regulation of the transportation and sale of dogs and cats which are intended for use in research. p. D700

7. MANPOWER. A subcommittee approved for consideration by the Education and Labor Committee H. R. 16715, to amend the Manpower Development and Training Act. p. D699

8. FOREIGN AID. Conferees were appointed on H. R. 15750, the foreign aid authorization bill. Senate conferees have been appointed. p. 16950

9. FOOD PRICES. Rep. Ryan asked for an investigation of recent increases in food prices. p. 16951

10. WATER RESOURCES. Conferees were appointed on S. 3034, to authorize the Interior Department to engage in feasibility investigations of certain water resource development proposals. Senate conferees have been appointed. pp. 16952-3

11. REA FINANCING. Rep. Teague, Calif., commended an article by Drew Pearson criticizing the present and proposed REA financing system regarding interest rates etc. p. 16994

12. ANIMAL IMPORTS. Rep. Cunningham inserted his letter to Secretary Freeman urging that arrangements be made for entry of a shipload of wild animals being shipped for American zoos. p. 17004

13. APPROPRIATIONS. Rep. Mahon reviewed House actions on appropriation bills and inserted a table showing the status and amounts. pp. 17015-6

14. OPINION POLL. Rep. Helstoski inserted results of his opinion poll, including items relating to this Department. pp. 17016-7

15. HOUSING. Several Representatives expressed concern about the tight money situation in connection with housing. pp. 16984-5, 16994-5, 17019-22, 17027

16. INFLATION. Several Representatives expressed concern about inflationary pressures. pp. 16985-6, 16995-7, 17012-5

Lower Rio Grande: H.R. 11880, to authorize conclusion of an agreement with Mexico for joint measures for solution of the Lower Rio Grande salinity problem.

Relicted lands: H.R. 15566, amending the Great Salt Lake relicted lands act.

Pennsylvania Avenue: H.J. Res. 1030, regarding administration and development of Pennsylvania Avenue as a national historic site. Pages 16953–16961

Foreign Assistance Act: The House disagreed to Senate amendments to H.R. 15750, to amend further the Foreign Assistance Act of 1961; agreed to a conference with the Senate; and appointed as conferees Representatives Morgan, Zablocki, Mrs. Kelly, Hays, Adair, Mailliard, and Frelinghuysen. Page 16950

Water Resource Development: The House insisted on its amendments to S. 3034, to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource development proposals; agreed to a conference with the Senate; and appointed as conferees Representatives Aspinall, Rogers of Texas, O'Brien, Saylor, and Hosmer. Pages 16952–16953

Civil Rights Act of 1966: The House began reading title II of H.R. 14765, the Civil Rights Act of 1966, for amendments.

The legislation will continue to be read and open for amendments on Tuesday, August 2, 1966.

Pages 16961–16983

Referrals: Two Senate-passed measures were referred to the appropriate committees. Page 17026

Quorums: Three quorum calls developed during the proceedings of the House and they appear on pages 16961, 16963–16964, and 16969.

Program for Tuesday: Adjourned at 6:18 p.m. until Tuesday, August 2, 1966, at 12 o'clock noon, when the House will continue to read for amendments, title II of H.R. 14765, the Civil Rights Act of 1966.

Committee Meetings

RURAL ELECTRIFICATION ACT

Committee on Agriculture: Subcommittee on Conservation and Credit met in executive session and continued on H.R. 14837, to amend the Rural Electrification Act of 1936, to provide additional sources of financing for the rural electrification and rural telephone programs; and H.R. 14000, and related bills, to amend the Rural Electrification Act of 1936, to establish REA electrification and telephone loan accounts and Federal banks for rural electric and rural telephone systems to provide supplemental financing for the rural electrification and rural telephone systems. No final action was taken.

D.C. AFFAIRS

Committee on the District of Columbia: Subcommittee No. 5 met in executive session and approved for full committee action the following bills:

H.R. 15706 (amended), to remove the dollar limit on the authority of the Board of Commissioners of the District of Columbia to settle claims of the District of Columbia in escheat cases;

H.R. 8205 (amended), to include members of the District of Columbia Fire Department in the Metropolitan Police Department band; and

H.R. 6143, to amend the Presidential Inaugural Ceremonies Act.

Considered, but took no final action on H.R. 3827, to permit homestead or building association or savings and loan association having an office in the District of Columbia and insured by the Federal Savings and Loan Insurance Corporation, to act as custodians of gifts to minors in the District of Columbia.

Prior to the executive session the subcommittee held a hearing on the bills. Testimony was heard from representatives of the District government; and public witnesses.

MANPOWER TRAINING ACT

Committee on Education and Labor: Select Subcommittee on Labor met in executive session and approved for full committee action H.R. 16715, to amend the Manpower Development and Training Act.

U.S. AID TO VIETNAM

Committee on Government Operations: Subcommittee on Foreign Operations and Government Information met in executive session and continued on audits and inspection of U.S. aid to Vietnam. Testimony was heard from Thomas D. Morris, Assistant Secretary of Defense for Manpower, Department of Defense.

WORKDAY LIMIT

Committee on Interstate and Foreign Commerce: Subcommittee on Transportation and Aeronautics continued hearings on H.R. 5196, to provide that the 16-hour limitation upon continuous duty for certain railroad employees shall apply to employees installing, repairing, and maintaining signal systems; and H.R. 8476, and related bills, to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon. Testimony was heard from public witnesses.

STATE TAXATION

Committee on the Judiciary: Special Subcommittee on State Taxation of Interstate Commerce met in executive

session and continued on H.R. 16491, to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce. No final action was taken.

D.C. BUILDING SITES

Committee on Public Works: Subcommittee on Public Buildings and Grounds concluded hearings on H.R. 14936, and related bills, to establish a site in the District of Columbia as headquarters for the Organization of American States. Testimony was heard from William Schmidt, Deputy Commissioner, Public Buildings Service, GSA; and Brig. Gen. Charles Duke, D.C. Board of Commissioners.

Joint Committee Meetings

DOGS AND CATS

Conferees, in executive session, agreed to file a conference report on the differences between the Senate- and House-passed versions of H.R. 13881, providing for the regulation of the transportation and sale of dogs and cats which are intended for use for experimental purposes.

COMMITTEE MEETINGS FOR TUESDAY, AUGUST 2

(*All meetings are open unless otherwise designated*)

Senate

Committee on Appropriations, subcommittee, executive, to mark up H.R. 14921, independent offices appropriations, 10 a.m. and 2 p.m., room S–128, Capitol.

Committee on Armed Services, subcommittee (Senators Symington, chairman, Cannon, Young of Ohio, Smith, and Tower), executive, on H.R. 14088 and S. 3169, military medical benefits legislation, 10 a.m., 212 Old Senate Office Building.

Committee on Banking and Currency, Subcommittee on Financial Institutions, executive, on S. 3158, Financial Institutions Supervisory Act of 1966, 10 a.m., 5302 New Senate Office Building.

Committee on the District of Columbia, Subcommittee on Fiscal Affairs, on H.R. 12119, relating to repair of existing 14th Street Highway Bridge over the Potomac River; and H.R. 11087 and S. 2465, relating to D.C. taxation of foreign corporations, 10 a.m., 6226 New Senate Office Building.

Full committee, executive, on subcommittee reports, 2 p.m., room S–126, Capitol.

Committee on Government Operations, Permanent Subcommittee on Investigations, on Small Business Investment Company programs of the Federal Government, 10 a.m., 3302 New Senate Office Building.

Committee on Interior and Insular Affairs, Public Lands Subcommittee, executive, on S. 3104, re Palo Verde Irrigation District lands, 10 a.m., 3112 New Senate Office Building.

Committee on the Judiciary, Subcommittee on Constitutional Amendments, on S.J. Res. 148, and other proposed amendments to permit voluntary participation in prayer in public schools, 10 a.m., 318 Old Senate Office Building.

Subcommittee on Patents, Trademarks, and Copyrights, to begin hearings on those provisions of S. 1006 (to revise the copyright laws) which relate to community antenna television systems, 10 a.m., 1318 New Senate Office Building.

Subcommittee on Refugees and Escapees, to continue, in executive session, its hearings on world refugee problems, to hear Deputy Under Secretary of State William J. Crockett, 10 a.m., 4110 New Senate Office Building.

Subcommittee, on the nomination of John P. Fullam, to be U.S. district judge for the eastern district of Pennsylvania, 10:30 a.m., 2300 New Senate Office Building.

House

Committee on Agriculture, Subcommittee on Conservation and Credit, executive, to continue consideration of H.R. 14837, and H.R. 14000, and related bills, to amend the Rural Electrification Act of 1936, 10 a.m., 1302 Longworth House Office Building.

Committee on Education and Labor, Special Subcommittee on Education, Education Study Group, to consider the U.S. Office of Education, 10 a.m., 2261 Rayburn House Office Building.

General Subcommittee on Education, to continue consideration of the Vocational Education Amendments of 1966, 9:30 a.m., 2257 Rayburn House Office Building.

Committee on Government Operations, executive, to consider H.J. Res. 1207, to authorize the Administrator of General Services to accept title to the John Fitzgerald Kennedy Library, 10 a.m., 2154 Rayburn House Office Building.

Committee on Interior and Insular Affairs, to consider H.R. 8678, to establish in the State of Michigan the Pictured Rocks National Lakeshore; S. 936, to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore; H.R. 5392, to terminate the Indian Claims Commission; H.R. 15059, to amend the law establishing the revolving fund for expert assistance loans to Indian tribes; H.R. 9324, to provide for guarantee and insurance of loans to Indians and Indian organizations; H.R. 9323, to amend the law establishing the Indian revolving loan fund; H.R. 13955, to authorize the Secretary of the Interior to grant patents to certain lands under the provisions of the Color of Title Act; H.R. 15953, to amend section 8 of the Revised Organic Act of the Virgin Islands to increase the special revenue bond borrowing authority; H.R. 14754, to direct the Secretary of the Interior to reinstate a certain oil and gas lease; S. 3423, to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Va.; S. 3035, to establish a program for the preservation of additional historic properties throughout the Nation; S. 3510, to authorize the Secretary of the Interior to study the feasibility and desirability of a Connecticut River National Recreation Area in the States of Connecticut, Massachusetts, Vermont, and New Hampshire; and S. 1674, to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, 9:45 a.m., 1324 Longworth House Office Building.

Committee on Interstate and Foreign Commerce, to continue consideration of H.R. 15440, and related bills, to regulate interstate and foreign commerce by preventing the use of unfair or deceptive methods of packaging or labeling of certain consumer

Aug 11

Aug 16

Aug 17

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued Aug. 12, 1966
For actions of Aug. 11, 1966
89th-1st; No. 132

CONTENTS

Accounting.....35
Adjournment.....15
Appropriations.....4,19,35
Civil rights.....17
Consumers.....35
Cotton.....26
Crop reporting.....27
Diet foods.....39
Dogs and cats.....2
Farm income.....35
Farm prices.....29
Food for freedom.....11
Food prices.....29,36
Foreign aid.....24
Forest roads.....1
Holiday.....34
Housing.....18,32
Inflation.....5,25
Labeling.....31,39
Lands.....28,33
Legislative program.....13
Minerals.....20
National service.....10
Organization.....3
Personnel.....3,6,22
Political activity....6,22
REA.....6
Reclamation.....12,16
Recreation.....33
Research.....2
Roads.....1
Rural development.....13
School milk.....23
Strip mining.....28,38
Sugar.....7
Trade fair.....13
Transportation.....8,30
Wage-price guideposts...21
Water pollution.....37
Watersheds.....9

HIGHLIGHTS: House passed road authorization bill. House received conference report on dog-cat handling bill. Rep. Skubitz criticized President's position on review of watershed projects. Senate rejected conference report on small reclamation projects bill; agreed to new conference. Rep. Culver introduced and discussed bill to provide separate accounting for certain USDA funds. Rep. Farbstein introduced and discussed bill to freeze food prices.

HOUSE

1. ROADS. Passed, 341-1, as reported H. R. 14359, the road authorization bill. Then passed S. 3155, the companion bill, with the language of the House bill. House conferees were appointed. Senate conferees have not yet been appointed. The bill includes authorizations of $33 million for forest highways and $170 million for forest development roads and trails for each of the fiscal years 1968 and 1969. pp. 18247-74

2. RESEARCH. Received the conference report on H. R. 13881, the dog-cat handling bill (H. Rept. 1848). Under the revised bill the Secretary of Agriculture would issue licenses to dealers who bought or sold dogs or cats in commerce; research facilities would be required to register with the Secretary of Agriculture but would not have to be licensed; the Secretary would specify the ti and humane method of identification of dogs and cats; the Secretary would establish standards to govern humane handling, care, treatment, and transportat of animals by dealers and research facilities; generally research facilities would have to purchase dogs and cats from licensees, but the Government could get them from municipal pounds, farmers, etc. pp. 18276-81

3. ORGANIZATION; PERSONNEL. Concurred in the Senate amendment to H. R. 10104, to enact into positive law title 5 of the U. S. Code, "Government Organization a Employees." This bill will now be sent to the President. pp. 18240-4

4. APPROPRIATIONS. Conferees were appointed on H. R. 14921, the independent offi appropriation bill. Senate conferees have been appointed. p. 18238

5. INFLATION. Rep. Todd urged more action to control inflation. pp. 18281-2
Rep. Cleveland said the administration now shows signs of believing inflation is a problem, and referred to the Secretary's campaign-briefing statemen pp. 18304-5

6. PERSONNEL. Rep. Nelsen expressed concern about "soliciting paid attendance at a reception from Federal employees" and referred to his previous charges about campaign-fund solicitation in REA. p. 18287

7. SUGAR. Rep. O'Neill criticized plans of EDA to finance a sugar refinery in Maine. pp. 18288-9

8. TRANSPORTATION. Rep. Rhodes, Ariz., inserted a Republican Policy Committee criticism of the Administration's bill to establish a Department of Transportation. p. 18290
Rep. Younger inserted a speech by Morris Forgash favoring work toward "containerization" and "piggyback" carrying of commodities. pp. 18290-5

9. WATERSHEDS. Rep. Skubitz criticized the President's position regarding "unconstitutionality" of congressional-committee jurisdiction over watershed projects. pp. 18298-300

10. NATIONAL SERVICE CORPS. Rep. Kunkel inserted an article discussing some of th possibilities for a National Service Corps including conservation work. pp. 18300-2

11. FOOD FOR FREEDOM. Rep. Quie inserted an article favoring the Dole amendment to the food-for-freedom bill providing for a "bread and butter corps." pp. 18302-4

12. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H. R. 4671, to authorize the lower Colorado River Basin project (H. Rep 1849). p. 18336

13. LEGISLATIVE PROGRAM. Rep. Albert announced the legislative program as follow Consent Calendar and various bills on suspension of the rules; Tues. and balance of the week, Private Calendar, urban transportation bill, traffic an vehicle safety bill, highway safety bill, rural community development bill,

89TH CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 1848

TRANSPORTATION, SALE, AND HANDLING OF DOGS, CATS, AND CERTAIN OTHER ANIMALS FOR RESEARCH PURPOSES

AUGUST 11, 1966.—Ordered to be printed

Mr. COOLEY, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 13881]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13881) to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: *That, in order to protect the owners of dogs and cats from theft of such pets, to prevent the sale or use of dogs and cats which have been stolen, and to insure that certain animals intended for use in research facilities 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 in transporting, buying, or selling them for such use.*

SEC. 2. When used in this Act—

(a) The term "person" includes any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity;

(b) The term "Secretary" means the Secretary of Agriculture;

(c) The term "commerce" means commerce between any State, territory, possession, or the District of Columbia, or the Commonwealth of Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, or the Commonwealth of Puerto Rico, but through any place outside thereof; or within any territory, possession, or the District of Columbia;

(d) The term "dog" means any live dog (Canis familiaris);

65-006

(e) The term "cat" means any live cat (Felis catus);

(f) The term "research facility" means any school, institution, organization, or person that uses or intends to use dogs or cats in research, tests, or experiments, and that (1) purchases or transports dogs or cats in 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 our research, tests, or experiments;

(g) The term "dealer" means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells dogs or cats in commerce for research purposes;

(h) The term "animal" means live dogs, cats, monkeys (nonhuman primate mammals), guinea pigs, hamsters, and rabbits.

Sec. 3. The Secretary shall issue licenses to dealers upon application therefor in such form and manner as he may prescribe and upon payment of such fee established pursuant to section 23 of this Act: Provided, That no such license shall be issued until the dealer shall have demonstrated that his facilities comply with the standards promulgated by the Secretary pursuant to section 13 of this Act: Provided, however, That any person who derives less than a substantial portion of his income (as determined by the Secretary) from the breeding and raising of dogs or cats on his own premises and sells any such dog or cat to a dealer or research facility shall not be required to obtain a license as a dealer under this Act. The Secretary is further authorized to license, as dealers, persons who do not qualify as dealers within the meaning of this Act upon such persons' complying with the requirements specified above and agreeing, in writing, to comply with all the requirements of this Act and the regulations promulgated by the Secretary hereunder.

Sec. 4. No dealer shall sell or offer to sell or transport or offer for transportation to any research facility any dog or cat, or buy, sell, offer to buy or sell, transport or offer for transportation in commerce to or from another dealer under this Act any dog or cat, unless and until such dealer shall have obtained a license from the Secretary and such license shall not have been suspended or revoked.

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

Sec. 6. Every research facility shall register with the Secretary in accordance with such rules and regulations as he may prescribe.

Sec. 7. It shall be unlawful for any research facility to purchase any dog or cat from any person except a person holding a valid license as a dealer issued by the Secretary pursuant to this Act unless such person is exempted from obtaining such license under section 3 of this Act.

Sec. 8. No department, agency, or instrumentality of the United States which uses animals for research or experimentation shall purchase or otherwise acquire any dog or cat for such purposes from any person except a person holding a valid license as a dealer issued by the Secretary pursuant to this Act unless such person is exempted from obtaining such license under section 3 of this Act.

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

Sec. 10. Research facilities and dealers 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 dogs and cats but not monkeys, guinea pigs, hamsters, or rabbits as the Secretary may prescribe, upon forms supplied by the Secretary. Such records shall be made available at all reasonable times for inspection by the Secretary, by any Federal officer or employee designated by the Secretary.

Sec. 11. All dogs and cats delivered for transportation, transported, purchased, or sold in commerce by any dealer shall be marked or identified at such time and in such humane manner as the Secretary may prescribe.

Sec. 12. The Secretary is authorized to promulgate humane standards and recordkeeping requirements governing the purchase, handling, or sale of dogs or cats by dealers or research facilities at auction sales.

Sec. 13. The Secretary shall establish and promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers and research facilities. Such standards shall include minimum requirements with respect to the housing, feeding, watering, sanitation, ventialtion, shelter from extremes of weather and temperature, separation by species, and adequate veterinary care. The foregoing shall not be construed as authorizing the Secretary to prescribe standards for the handling, care, or treatment of animals during actual research or experimentation by a research facility as determined by such research facility.

Sec. 14. Any department, agency, or instrumentality of the United States having laboratory animal facilities shall comply with the standards promulgated by the Secretary for a research facility under section 13.

Sec. 15. (a) The Secretary shall consult and cooperate with other Federal departments, agencies, or instrumentalities concerned with the welfare of animals used for research or experimentation when establishing standards pursuant to section 13 and in carrying out the puproses of this Act.

(b) The Secretary is authorized to cooperate with the officials of the various States or political subdivisions thereof in effectuating the purposes of this Act and of any State, local, or municipal legislation or ordinance on the same subject.

Sec. 16. The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer or research facility has violated or is violating any provision of this Act or any regulation issued thereunder. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confiscate or destroy in a humane manner any animals found to be suffering as a result of a failure to comply with any provision of this Act or any regulation issued thereunder if (1) such animals are held by a dealer, or (2) such animals are held by a research facility and are no longer required by such research facility to carry out the research, test, or experiment for which such animals have been utilized.

Sec. 17. The Secretary shall issue rules and regulations requiring licensed dealers and research facilities to permit inspection of their animals and records at reasonable hours upon request by legally constituted law enforcement agencies in search of lost animals.

Sec. 18. Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders for the handling, care, treatment, or inspection of animals during actual research or experimentation by a research facility as determined by such research facility.

Sec. 19. (a) If the Secretary has reason to believe that any person licensed as a dealer has violated or is violating any provision of this Act or any of the rules or regulations promulgated by the Secretary hereunder, the Secretary may 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 and may make an order that such person shall cease and desist from continuing such violation.

(b) Any dealer 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 manner provided in section 10 of the Administrative Procedure Act (5 U.S.C. 1009).

(c) Any dealer who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both.

Sec. 20. (a) If the Secretary has reason to believe that any research facility has violated or is violating any provision of this Act or any of the rules or regulations promulgated by the Secretary hereunder and if, after notice and opportunity for hearing, he finds a violation, he may make an order that such research facility shall cease and desist from continuing such violation. Such cease and desist order shall become effective fifteen days after issuance of the order. Any research facility which 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.

(b) Any research facility aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this section may, within sixty days after entry of such order, seek review of such order in the district court for the district in which such research facility is located in the manner provided in section 10 of the Administrative Procedure Act (5 U.S.C. 1009).

Sec. 21. The Secretary is authorized to promulgate such rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this Act.

Sec. 22. If any provision of this Act or the application of any such provision to any person or circumstances shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Sec. 23. The Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued. Such fees shall be adjusted on an equitable basis taking into consideration the type and nature of the operations to be licensed and shall be deposited and covered into the Treasury as miscellaneous receipts. There are hereby authorized to be appropriated such funds as Congress may from time to time provide.

Sec. 24. The regulations referred to in section 10 and section 13 shall be prescribed by the Secretary as soon as reasonable but not later than six months from the date of enactment of this Act. Additions and amendments thereto may be prescribed from time to time as may be necessary or advisable. Compliance by dealers with the provisions of this Act and such regulations shall commence ninety days after the promulgation of such regulations. Compliance by research facilities with the provisions of this Act and such regulations shall commence six months after the promulgation of such regulations, except that the

Secretary may grant extensions of time to research facilities which do not comply with the standards prescribed by the Secretary pursuant to section 13 of this Act provided that the Secretary determines that there is evidence that the research facilities will meet such standards within a reasonable time.

Amend the title so as to read: "An Act to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats, and certain other animals intended to be used for purposes of research or experimentation, and for other purposes."

And the Senate agree to the same.

HAROLD D. COOLEY,
W. R. POAGE,
GRAHAM PURCELL,
JOSEPH Y. RESNICK,
ALBERT H. QUIE,
CATHERINE MAY,
BOB DOLE,
Managers on the Part of the House.

WARREN G. MAGNUSON,
A. S. MIKE MONRONEY,
MAURINE NEUBERGER,
DANIEL BREWSTER,
NORRIS COTTON,
HUGH SCOTT,
Managers on the Part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses to the amendment of the Senate to the bill (H.R. 13881) to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The amendment of the Senate struck out all after the enacting clause of the House bill and substituted language which generally followed the structure of the House bill but was different in numerous substantial respects.

STATEMENT

We have diligently tried to bring back to the House an effective bill which will codify the noblest and most compassionate concern that the human heart holds for those small animals whose very existence is dedicated to the advancement of medical skill and knowledge while at the same time still preserving for the medical and research professions an unfettered opportunity to carry forward their vital work in behalf of all mankind.

The House bill and the Senate amendment were similar in objective yet different in detail. The conferees have attempted to select the best and most practicable provisions of each version and have combined and modified them in an effort to produce workable and meaningful legislation.

The conferees are aware of course that this bill, which was originated and developed by this Congress, creates a new responsibility for the Department of Agriculture.

In anticipation of future questions and problems about the new program, the conferees herewith submit an explanation and interpretation of this legislation which is designed to foresee some of these questions and problems. Yet the conferees recognized that no one possesses completely accurate forward vision and in that spirit we will continue to seek the advice and counsel of all those who share an interest in this program. This includes not only the medical and research professions, the various animal welfare groups, and the Department of Agriculture, but also the many thousands of Americans throughout the Nation whose conscience and concern have led to the enactment of this legislation.

BRIEF SUMMARY

The conference substitute contains the following major provisions:

(1) The Secretary of Agriculture would issue licenses to dealers who bought or sold dogs or cats in commerce. These license fees would

be set at a reasonable amount and the cost would be adjusted on an equitable basis with the Secretary considering the type and nature of the dealer operation to be licensed.

(2) Research facilities, as defined by the bill, would be required to register with the Secretary of Agriculture, but would not be required to be licensed.

(3) Dealers and research facilities would keep and retain for reasonable periods records of their purchase, sale, transportation, identification, and previous ownership of dogs and cats only. Although monkeys, guinea pigs, hamsters, and rabbits would be included under humane standards provisions obligatory to both dealers and research facilities, records would not be required to be kept on these animals.

(4) The Secretary would specify the time and humane method of identification of dogs and cats.

(5) The Secretary would establish standards to govern the humane handling, care, treatment, and transportation of animals (as defined in this legislation) by both dealers and research facilities. These standards would include minimum requirements with respect to the housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation by species, and adequate veterinary care. However, these standards would not be construed to apply to research facilities during actual research or experimentation as determined by the research facility itself.

(6) Departments, agencies, and instrumentalities of the United States which have laboratory animal facilities would be required to comply with the provisions of this legislation.

(7) The Secretary would consult and cooperate with other Federal departments, agencies, or instrumentalities concerned with animal welfare in research or experimentation when establishing humane standards for the handling of such animals by dealers and research facilities.

(8) The Secretary would make necessary investigations to see that dealers and research facilities are not violating any provisions of this legislation or any regulations established thereunder. The Secretary would establish necessary regulations to permit inspectors to confiscate or destroy in a humane manner any animal found to be suffering as a result of a violation of this legislation or any regulations established thereunder if animals are held by a dealer, or if animals are held by a research facility and are no longer required to carry out the research, test, or experiment for which they were utilized.

(9) The Secretary would issue rules and regulations requiring dealers and research facilities to permit inspection of their animals and records at reasonable hours upon request by legally constituted law enforcement agencies in search of lost animals. However, these regulations would not be construed to authorize any interference with research or experimentation by a research facility.

(10) As a general rule, research facilities would be required to purchase dogs or cats only from persons holding valid licenses as dealers. The same general rule would apply to departments, agencies, and instrumentalities of the United States. However, research facilities and U.S. Government facilities could obtain dogs and cats from certain exempted sources, such as, for example, municipal pounds and farmers.

(11) Whenever the Secretary has reason to believe that any person licensed as a dealer has violated or is violating any provision of this

legislation or any regulation established thereunder he may (1) suspend that person's license for up to 21 days; (2) after notice and opportunity for hearing he may suspend it for an additional period or revoke it if a violation is determined to have occurred; and (3) he may issue a cease-and-desist order to prevent a continuing of the violation. Any dealer who is convicted for a violation of any provision of this legislation would be subject to imprisonment for not more than 1 year or a fine of not more than $1,000, or both.

(12) If the Secretary has reason to believe that any research facility has violated or is violating any provision of this legislation or any regulations established thereunder and if, after notice and opportunity for hearing, he finds a violation (1) he may issue a cease-and-desist order, and (2) if the research facility knowingly fails to obey this cease-and-desist order, it shall be subject to a civil penalty of $500 for each offense, and each day such failure continues shall be deemed a separate offense.

(13) Any dealer or research facility aggrieved by a final order of the Secretary may within 60 days after entry of such order seek review in the manner provided in section 10 of the Administrative Procedure Act.

ARRANGEMENT OF SUBJECT MATTER

The conference substitute rearranges the order of most of the sections as they originally appeared in the House bill and the Senate amendment in order to establish an orderly and uniform coverage of the subject matter in conference. The 24 sections of the bill and the subject matter covered by each section are as follows:

Section 1. Statement of policy.
Section 2. Definitions.
Section 3. Licensing of dealers.
Section 4. Valid license for dealers required.
Section 5. Time period for disposal of dogs or cats by dealers.
Section 6. Registration of research facilities.
Section 7. Prohibition against research facilities purchasing dogs or cats except from dealers or exempted persons.
Section 8. Prohibition against U.S. Government facilities acquiring dogs or cats except from dealers or exempted persons.
Section 9. Principal-agent relationship established for dealers and research facilities.
Section 10. Recordkeeping by dealers and research facilities.
Section 11. Marking and identification of dogs and cats.
Section 12. Humane standards and recordkeeping for dogs and cats at auction sales.
Section 13. Humane standards for animals by dealers and research facilities.
Section 14. Humane standards for animals by U.S. Government facilities.
Section 15. Consultation and cooperation with Federal, State, and local governmental bodies by Secretary of Agriculture.
Section 16. Investigations or inspections by Secretary of Agriculture.
Section 17. Inspection by legally constituted law enforcement officers.
Section 18. Exemption applicable to animals during actual research or experimentation.

Section 19. Dealer penalties and enforcement.
Section 20. Research facility penalties and enforcement.
Section 21. Regulations.
Section 22. Constitutional invalidity clause.
Section 23. Fees and appropriations.
Section 24. Effective date.

SECTION BY SECTION ANALYSIS

Section 1.—This section sets forth the objectives of the bill which are (*a*) to protect owners of dogs and cats from the theft of such pets; (*b*) to regulate the transportation, purchase, sale, handling, and treatment of dogs, cats, and certain other animals destined for use in research or experimentation: and (*c*) to regulate the handling, care, and treatment of dogs, cats, and certain other animals in research facilities. Section 1 is identical to section 1 of the Senate amendment and is comparable to section 1 of the House bill.

Section 2.—This section contains definitions of eight terms used in the bill:

(a) The term "person" is limited to various private forms of business organizations. It is, however, intended to include nonprofit or charitable institutions which handle dogs and cats. It is *not* intended to include public agencies or political subdivisions of State or municipal governments or their duly authorized agents. It is the intent of the conferees that local or municipal dog pounds or animal shelters shall not be required to obtain a license since these public agencies are not a "person" within the meaning of section 2(a). Accordingly, research facilities would not (under sec. 3) be prohibited from purchasing or acquiring dogs and cats from city dog pounds or similar institutions or their duly authorized agents because these institutions are not "persons" within the meaning of section 2(a). Section 2(a) is identical to section 2(a) of the House bill which is broader in scope than the comparable provision in section 2(a) of the Senate amendment.

(b) The term "Secretary" means the Secretary of Agriculture. This provision was identical in both section 2(b) of the House bill and section 2(b) of the Senate amendment.

(c) The term "commerce" is defined as interstate commerce (1) between the several States, territories, possessions, the District of Columbia, or the Commonwealth of Puerto Rico; or (2) between points within the same State, territory, possession, the District of Columbia, or the Commonwealth of Puerto Rico, but through any point outside of there; or (3) within any territory or possession or the District of Columbia. Section 2(c) is identical to section 2(c) of the Senate amendment which was substantially the same as section 2(c) of the House bill.

(d) The term "cat" is limited to a live cat of the species *Felis catus*. Section 2(d) is identical to section 2(e) of the Senate amendment.

(e) The term "dog" is limited to a live dog of the species *Canis familiaris*. Section 2(e) is identical to section 2(d) of the Senate amendment. The conference substitute includes the Senate definitions of "dog" and "cat" which are broader than the House bill which was confined to dogs or cats used or intended for use in research or experimentation.

(f) The term "research facility" means any school, institution, organization, or person (as defined in sec. 2(a)) that uses or intends to use dogs or cats for research or experimental purposes *and* that (1) purchases or transports dogs or cats in commerce (as defined in sec. 2(c)), or (2) receives any funds from a U.S. Government department, agency, or instrumentality for the purposes of carrying out research, tests, or experiments.

By adopting the definition of research facility in section 2(f), the conferees' intention is to limit the coverage of this legislation to major research facilities and exclude the thousands of hospitals, clinics, and schools which don't use dogs or cats for research and tests. However, if an institution meets the definition of "research facility," it is subject to regulations in regard to all animals defined in section 2(h). This section 2(f) is identical to section 2(f) of the Senate amendment. A similar provision is included in section 2(f) of the House bill.

(g) The term "dealer" means any person (as defined in sec. 2(a)) who for profit or compensation delivers for transportation, transports (except as a common carrier), buys or sells dogs or cats in commerce (as defined in sec. 2(c)) for research purposes.

The definition of dealer is not intended to exclude from licensing or regulation those nonprofit or charitable institutions or animal shelters which supply animals in commerce to research facilities for compensation of their out-of-pocket expenses.

Except for the specific exemption provided in section 3, the term "dealer" would apply to any individual or other person who raises dogs or cats for sale in commerce to any dealer or research facility. Section 2(g) is similar to section 2(g) of the House bill and differs substantially from section 2(g) of the Senate amendment.

(h) the term "animal" is limited to live dogs and cats (defined in secs. 2 (d) and (e)), monkeys (nonhuman primate mammals), guinea pigs, hamsters, and rabbits. Section 2(h) is similar to section 2(h) of the Senate amendment. The Latin names for the latter three animals were deleted to avoid confusion. There is no comparable provision in the House bill.

Section 3.—This section sets forth the requirements and procedures for issuing licenses to dealers. A separate provision is included in the last sentence to allow persons who do not, for one reason or another, qualify as dealers (as defined in sec. 2(g)) to obtain a license. This allows persons who would otherwise be prohibited from selling to dealers or research facilities to obtain a license voluntarily and thus continue to provide dogs and cats for research and experimental use.

In addition, a person who derives less than a substantial portion of his income from the breeding and raising of dogs or cats on his own premises would be exempt from being licensed as a dealer under this legislation. This provision was adopted by the conference to allow farmers and other owners of relatively small numbers of dogs or cats to continue to sell their own animals to dealers or research facilities without obtaining a license. Conversely, research facilities and dealers would not be prohibited from purchasing dogs or cats from persons exempted under this section. The term "substantial portion of his income" as used in this provision is subject to the determination of the Secretary. The conferees do not contemplate the licensing of farmers or pet owners who sell only an occasional litter of puppies or kittens or only a few dogs or cats to a dealer or to a research facility. The specific requirement that these exempted persons breed dogs

or cats on their own premises is intended to prevent their selling to dealers for research purposes animals which were stolen or otherwise obtained for that purpose. Section 3 is similar to section 6 of the House bill. Comparable provisions were not included in the Senate amendment.

Section 4.—This section prohibits dealers from conducting any dog or cat business with research facilities or with other dealers without holding a valid license. Section 4 is identical to section 4 of the House bill and is comparable to section 4 of the Senate amendment.

Section 5.—This section prohibits dealers from selling or otherwise disposing of any dog or cat within 5 business days after the acquisition of such animals or within such other period as the Secretary may specify in regulations issued pursuant to this legislation. The purpose of the waiting period is to give owners, law-enforcement officers, and the Secretary a greater opportunity to trace lost or stolen dogs and cats. It is the intent of the conferees that section 5 be construed with section 21 of the conference substitute as granting the Secretary authority to deal with the problem of dogs and cats in transit. The conferees do not intend the holding period established hereunder to include the time during which the dogs and cats are in transit. Section 5 is identical to section 10 of the House bill. The comparable provision of the Senate amendment is section 14.

Section 6.—This section requires research facilities (as defined in sec. 2(f)) to register with the Secretary of Agriculture. Research facilities will not be licensed under this legislation. Section 6 is identical to section 6 of the Senate amendment. There is no comparable House provision.

Section 7.—This section provides that as a general rule, research facilities are prohibited from buying cats and dogs from persons who do not hold valid licenses as dealers. However, an exception to this rule has been made by the conferees in section 3 of the conference substitute.

Section 3 of the House bill would have prohibited research facilities from purchasing dogs or cats from any person, except a person holding a valid license as a dealer. Section 3 of the Senate amendment would have prohibited a research facility from purchasing dogs or cats from dealers unless the dealer held a valid license.

In conformance with section 2(a) of the conference substitute, the conferees have rewritten this section 7 in order to require research facilities to purchase dogs and cats only from (1) persons who hold valid licenses as dealers or (2) persons exempted under section 3 of the conference substitute or (3) sources that do not come within the definition of "persons" set forth in section 2(a).

The conferees contemplate, therefore, that research facilities which rely on farm sources, municipal dog and cat pounds, and the duly authorized agents of such local governments for their dogs and cats will continue to be able to obtain such animals from these sources.

Section 8.—This section extends to departments, agencies, and instrumentalities of the Federal Government a similar prohibition on dog or cat acquisitions as applies to research facilities under section 7. Section 8 as modified is similar to section 5 of the Senate amendment. There is no comparable House provision.

Section 9.—This section establishes the principal-agent relationship between dealers, research facilities and their employees. Except for an internal section reference, section 9 is identical to section 13 of the

House bill and is substantially the same as section 21 of the Senate amendment.

Section 10.—This section requires recordkeeping by dealers and research facilities with regard to the purchase, sale, transportation, identification, and previous ownership of dogs and cats. The Secretary is directed to provide the proper forms for this recordkeeping and these records are to be made available to the Secretary for inspection by him or any Federal officer or employee which the Secretary may designate. The conferees do not contemplate the designation of private citizens or non-Federal Government employees in the administration of this legislation. The conference substitute also makes it clear that records need not be maintained on monkeys, guinea pigs, hamsters, or rabbits. Except for the specific provisions in regard to the monkeys, guinea pigs, hamsters, or rabbits, section 10 is identical to section 10 of the Senate amendment. Section 8 of the House bill contains a similar provision.

Section 11.—This section requires all cats and dogs covered by this bill to be marked or identified in a humane manner. The methods, type, and time of marking or identification are to be prescribed by the Secretary. The purpose of such marking and identification is intended as a means of tracing lost or stolen pets. Except for the inclusion of the words "at such time and," section 11 is identical to section 9 of the Senate amendment. The comparable House provision is section 7 of the House bill.

Section 12.—This section authorizes the Secretary to establish and enforce recordkeeping requirements and humane standards for the purchase, sale or handling (which includes treatment, housing, and care of dogs or cats) by dealers or research facilities at auction sales. This section is not intended to prohibit auction sales. On the contrary, the conferees feel that auction sales should be continued and that these public sales present an opportunity for the Secretary to effectively meet the objectives of this legislation as set forth in section 1. Section 12 is a modification of section 16 of the Senate amendment. There is no comparable provision in the House bill.

Section 13.—This section requires that the Secretary establish standards to govern the humane handling, care, treatment, and transportation of animals (as defined in sec. 2(h)) by dealers and research facilities. Standards for the eight categories listed in this section are mandatory, and the Secretary is not given additional discretionary authority as was proposed in the Senate amendment. The intent of the conferees is clearly set forth in the last sentence of this section which states that the Secretary is *not* authorized to prescribe standards for the handling, care, or treatment of animals during actual research or experimentation by a research facility. It is the intention of the conferees that the Secretary neither directly nor indirectly in any manner interfere with or harass research facilities during the conduct of actual research and experimentation. The important determination of when an animal is in actual research so as to be exempt from regulations under the bill is left to the research facility itself. Research or experimentation is also intended to include use of animals as teaching aids in educational institutions. Except as indicated above, section 13 is identical to section 7 of the Senate amendment. Section 5 of the House bill authorized the Secretary to set humane standards for the handling of dogs and cats by dealers. It also contained a

similar prohibition against any interference with research and experimentation.

Section 14.—This section requires Federal departments, agencies, or instrumentalities having laboratory facilities to meet the same standards for the humane handling, care, and treatment of animals (as defined in sec. 2(h)) as are required of research facilities under section 13 of the conference substitute. Section 14 is identical to section 8 of the Senate amendment. No comparable provision is included in the House bill.

Section 15(a).—This section directs the Secretary to consult with other Federal departments, agencies, or instrumentalities concerned with the welfare of animals used for research or experimentation when establishing standards of care and treatment. The conferees recognize that other Federal departments have already developed experience in laboratory animal care and this experience should be made available to the Secretary. In addition, continued cooperation with other departments and agencies is directed.

(*b*) This section authorizes the Secretary to cooperate with State and local officials in preventing the theft of dogs and cats, in the apprehension of suspected dog and cat thieves, and in carrying out the other provisions of this legislation.

Except for an internal section reference, section 15(a) is identical with section 13(a) of the Senate amendment. Section 15(b) is identical to section 9 of the House bill.

Section 16.—This section directs the Secretary to make such investigations or inspections as he deems necessary to effectuate the purpose of the bill and insure compliance with the bill or any regulation issued thereunder. The conferees contemplate that these inspectors will be employees of the U.S. Department of Agriculture. The second sentence is intended to permit the Secretary to insure that animals suffering because of inhumane treatment are not left unattended. It is the intent of the conferees that inspectors not be permitted to interfere with the carrying out of actual research or experimentation as determined by a research facility. Section 16 is essentially the same as section 12 of the Senate amendment except for changing the word "person" to "dealer or research facility" for clarification. No comparable provision is included in the House bill.

Section 17.—This section directs the Secretary to establish rules and regulations which would require licensed dealers and research facilities to permit inspection of their animals and records by legally constituted law enforcement agencies. The purpose of this section is to expedite the search for stolen pets. It is the intent of the conferees that inspection under this section be specifically limited to searches for lost and stolen pets by officers of the law (not owners themselves) and that legally constituted law enforcement agencies means agencies with general law enforcement authority and not those agencies whose law enforcement duties are limited to enforcing local animal regulations. It is *not* intended that this section be used by private citizens or law enforcement officers to harass research facilities. Such officers cannot inspect the animals when the animals are undergoing actual research or experimentation. This is almost identical with section 15 of the Senate amendment. Similar provision dealing with the inspection of records was included in section 8 of the House bill.

Section 18.—This section provides that nothing in the legislation is to be construed as authorizing the Secretary to regulate the handling,

care, treatment, or inspection of animals which are undergoing actual research or experimentation. The determination of when research begins and ends is to be made by the research facility. It is the intent of the conferees that section 18 be construed to apply throughout this legislation, and particularly with regard to section 17. This section is the same as section 17(a) of the Senate amendment. A comparable provision was included in section 5 of the House bill which prohibited the establishment of humane standards at any time subsequent to the arrival of dogs or cats at a research facility.

Section 19.—This section deals with penalties which are applicable to dealers. Whenever the Secretary has reason to believe that any person licensed as a dealer has violated or is violating any provision of this legislation or any regulation established thereunder, he may (1) suspend that person's license for up to 21 days; (2) after notice and opportunity for hearing and a finding that a violation has occurred, suspend the license for an additional period or revoke it; and (3) issue a cease-and-desist order to prevent continuing the violation.

Any dealer who is convicted of a violation of any provision of this legislation would be subject to imprisonment for not more than 1 year or a fine of not more than $1,000, or both.

Any dealer aggrieved by a final order of the Secretary may, within 60 days after entry of such order, seek review in the manner provided in section 10 of the Administrative Procedure Act.

This section is a combination of sections 12, 14, and 15 of the House bill and sections 18 and 19 of the Senate amendment.

Section 20.—This section deals with penalties which are applicable to research facilities. Whenever the Secretary has reason to believe that any research facility has violated or is violating any provision of this legislation or any regulation established thereunder and if, after notice and opportunity for hearing, he finds a violation (1) he may issue a cease-and-desist order; (2) if the research facility knowingly fails to obey this cease-and-desist order, it shall be subject to a civil penalty of $500 for each offense, and each day such failure continues shall be deemed a separate offense.

Any research facility aggrieved by a final order of the Secretary may, within 60 days after entry of such order, seek review in the manner provided in section 10 of the Administrative Procedure Act.

This section is a combination of the House bill and the Senate amendment. It appeared in sections 12, 14, and 15 of the House bill and sections 19 and 20 of the Senate amendment.

Section 21.—This section authorizes the Secretary to promulgate such rules, regulations, orders, and other administrative details as may be necessary to effectuate the purposes of this legislation. As earlier noted, this section is intended to be construed with section 5. This section is identical to section 11 of the House bill and appeared in section 17(b) of the Senate amendment.

Section 22.—This section carries a constitutional invalidity clause which states that if any part of this legislation, or individual circumstances concerning it, are held invalid, the remainder remains effective. This section is identical to both section 16 of the House bill and section 22 of the Senate amendment.

Section 23.—This section directs the Secretary to charge, assess, and collect reasonable fees for licenses issued to dealers and research

facilities. These fees should be adjusted equitably, taking into consideration the type and nature of the operation to be licensed and shall be deposited and covered into the Treasury as miscellaneous receipts. Any additional funds which might be needed to administer this legislation are authorized to be appropriated by the Congress from time to time. This section is a modified version of section 17 of the House bill and section 23 of the Senate amendment.

Section 24.—This section specifies that the Secretary shall promulgate the regulations referred to in sections 10 and 13 as soon as reasonable but not later than 6 months from the date of enactment of this legislation. Compliance by dealers with this legislation is required 90 days following promulgation of regulations by the Secretary. Compliance by research facilities is required 6 months after promulgation of regulations by the Secretary. However, in the case of research facilities, the Secretary may grant individual extensions of time to certain research facilities if he is convinced that these research facilities will be able to meet the regulations within a reasonable time. The purpose for this extension of time for compliance by research facilities is to enable those research facilities whose compliance depends upon obtaining additional funds for construction or personnel to secure such funds. Except for internal references, this section is identical to that of section 24 of the Senate amendment. A comparable provision was included in the House bill as section 18.

HAROLD D. COOLEY,
W. R. POAGE,
GRAHAM PURCELL,
JOSEPH Y. RESNICK,
ALBERT H. QUIE,
CATHERINE MAY,
BOB DOLE,
Managers on the Part of the House.

○

H.R. 14810, Urban Mass Transportation Act of 1966—open rule, 1 hour of debate;

H.R. 13228, National Traffic and Motor Vehicle Safety Act of 1966—open rule, 3 hours of debate, making it in order to consider committee substitute for purpose of amendment;

H.R. 13290, Highway Safety Act of 1966—open rule, 2 hours of debate, making it in order to consider committee substitute for purpose of amendment;

S. 2934, Rural Community Development Act—open rule, 2 hours of debate; and

H.R. 15098, relating to U.S. Participation in the HemisFair 1968 Exposition—open rule, 1 hour of debate.

Mr. Speaker, this announcement is made subject to the usual reservation that conference reports may be brought up at any time and any further program will be announced later.

ADJOURNMENT OVER TO MONDAY, AUGUST 15, 1966

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, that it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if the gentleman has anything in mind with respect to the airline strike and the possibility of legislation, the possibility of any word from the White House as to a position in that matter—anything that he can give us with respect to the possibility of action.

Mr. ALBERT. All I can say to the gentleman is that before we can program the legislation, we must have legislation reported from the committee and we must have a rule. We have neither yet.

Mr. GROSS. Does the gentleman see any hope for legislation or any hope for action on the part of the White House with respect to this situation leading to some kind of conclusion?

Mr. ALBERT. I cannot speak for the White House, I will say to the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma? The Chair hears none, and it is so ordered.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TO AUTHORIZE THE PRINTING OF THE HEARINGS OF THE UNITED STATES-PUERTO RICO COMMISSION ON THE STATUS OF PUERTO RICO AS SENATE DOCUMENTS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up Senate Concurrent Resolution 82 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

S. CON. RES. 82

Resolved by the Senate (the House of Representatives concurring), That there be printed as Senate documents, in separate volumes, the transcripts of the bilingual public hearings held by the United States-Puerto Rico Commission on the Status of Puerto Rico on (1) legal constitutional matters, (2) social-cultural matters, and (3) economic matters held in San Juan, Puerto Rico, on May 14–18, July 28–August 2, and November 27–December 1, 1965, respectively.

SEC. 2. In addition to the usual number, there shall be printed four thousand five hundred copies of such Senate document for the use of the United States-Puerto Rico Commission on the Status of Puerto Rico.

With the following amendment:

On the first page, immediately after line 12, add the following new section:

"SEC. 3. The Public Printer is authorized to accept from the United States-Puerto Rico Commission on the Status of Puerto Rico an amount equal to one-half of the total cost of printing incurred under this concurrent resolution."

The amendment was agreed to.

The resolution, as amended, was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF THE COMMITTEE PRINT, "A STUDY OF FEDERAL CREDIT PROGRAMS"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Concurrent Resolution 666 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. CON. RES. 666

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Banking and Currency, House of Repersentatives, four thousand additional copies of the committee print entitled "A Study of Federal Credit Programs", prepared by that committee during the Eighty-eight Congress.

With the following committee amendment:

On the first page, line 4, strike out the word "four" and insert "two" in lieu thereof.

The amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE PRINTING AS A HOUSE DOCUMENT OF A REPORT ON U.S. POLICY TOWARD ASIA BY THE SUBCOMMITTEE ON THE FAR EAST AND THE PACIFIC OF THE COMMITTEE ON FOREIGN AFFAIRS, BY THAT SUBCOMMITTEE, AND OF ADDITIONAL COPIES THEREOF

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Concurrent Resolution 791 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. CON. RES. 791

Resolved by the House of Representatives (the Senate concurring), That the document "United States Policy Toward Asia", a report by the Subcommittee on the Far East and the Pacific of the Committee on Foreign Affairs, House of Representatives, together with hearings thereon held by that subcommittee, dated May 19, 1966, be printed as a House document and that an additional six thousand copies be printed for the use of the Committee on Foreign Affairs of the House of Representatives.

With the following committee amendment:

On the first page, line 7, strike out the word "six" and insert "three" in lieu thereof.

The amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FOR PRINTING 2,000 ADDITIONAL COPIES OF PART I OF UNITED STATES-SOUTH AFRICAN RELATIONS FOR USE OF THE COMMITTEE ON FOREIGN AFFAIRS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 879 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 879

Resolved, That there shall be printed for the use of the Committee on Foreign Affairs, House of Representatives, two thousand additional copies of part I of the hearings held by the Subcommittee on Africa in March 1966 on the subject of "United States-South African Relations."

With the following committee amendment:

On the first page, line 3, strike out the word "two" and insert "one" in lieu thereof.

The committee amendment was agreed to.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PRINTING ADDITIONAL COPIES OF THE FINAL REPORT OF THE JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 939, with an amendment, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 939

Resolved, That there be printed for the use of the Joint Committee on the Organization of the Congress eight thousand additional copies of its final report to the Congress pursuant to S. Con. Res. 2, Eighty-ninth Congress, first session.

With the following committee amendment:

On the first page, lines two and three, strike out the words "eight thousand" and insert "six thousand four hundred and fifty" in lieu thereof.

The committee amendment was agreed to.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF THE PAMPHLET ENTITLED "OUR CAPITOL"

Mr. HAYS. Mr. Speaker, by direction of the House Committee on Administration, I call up Senate Concurrent Resolution 98 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

S. CON. RES. 98

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document, will illustrations, the pamphlet entitled "Our Capitol"; and that one hundred and sixty-one thousand two hundred and fifty additional copies shall be printed, of which fifty-one thousand five hundred copies shall be for the use of the Senate and one hundred and nine thousand seven hundred and fifty copies for the use of the House of Representatives.

SEC. 2. The additional copies of such document shall be prorated to Members of the Senate and House of Representatives for a period of sixty days, after which the unused balances shall be distributed as directed by the Joint Committee on Printing.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF "ISTHMIAN CANAL POLICY QUESTIONS, CANAL ZONE—PANAMA CANAL SOVEREIGNTY, PANAMA CANAL MODERNIZATION, NEW CANAL"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Concurrent Resolution 925 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. CON. RES. 925

Resolved by the House of Representatives (the Senate concurring), That the document entitled "Isthmian Canal Policy Questions, Canal Zone—Panama Canal Sovereignty, Panama Canal Modernization, New Canal", a compilation of addresses and remarks by Congressman DANIEL J. FLOOD, be printed as a House document, and that an additional ten thousand five hundred copies be printed of which seven thousand five hundred copies shall be for the use of the House of Representatives and two thousand five hundred copies shall be for the use of the Senate.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF PUBLIC LAW 89–97, 89TH CONGRESS, THE "SOCIAL SECURITY AMENDMENTS OF 1965"

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 872 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 872

Resolved, That there be printed for the use of the House Document Room, House of Representatives, four thousand six hundred and eighty-seven additional copies of Public Law 89–97, Eighty-ninth Congress, the "Social Security Amendments of 1965".

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF HOUSE REPORT NO. 1539 BY THE COMMITTEE ON EDUCATION AND LABOR ON THE INTERNATIONAL EDUCATION ACT OF 1966

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 887 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 887

Resolved, That there be printed for the use of the Committee on Education and Labor, House of Representatives, five thousand additional copies of House Report Numbered 1539 by that committee on the International Education Act of 1966, H.R. 14643.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF CERTAIN PROCEEDINGS IN THE HOUSE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 891 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 891

Resolved, That the transcript of the proceedings in the Committee on the District of Columbia of May 18, 1966, incident to the presentation of a portrait of Honorable John L. McMillan to the Committee on the District of Columbia be printed as a House document with an illustration and suitable binding.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING OF ADDITIONAL COPIES OF HOUSE REPORT NO. 1568 OF THE 89TH CONGRESS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 946 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 946

Resolved, That there be printed for the use of the document room, House of Representatives, two thousand five hundred additional copies of House Report Numbered 1568, of the Eighty-ninth Congress. Said reports will be distributed solely by the superintendent of the document room for the use of the Members of the House during consideration of H.R. 15111, Economic Opportunity Amendments of 1966.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs have until midnight tonight to file a report on H.R. 4671, the Colorado River Basin project.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight Saturday, August 13, to file a report on Senate Joint Resolution 186, air strike regulation.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. MACDONALD. Mr. Speaker, I object.

Mr. DINGELL. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

TRANSPORTATION, SALE, AND HANDLING OF DOGS AND CATS FOR RESEARCH PURPOSES

Mr. RESNICK (on behalf of Mr. COOLEY) submitted the following conference report and statement on the bill (H.R. 13881) to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 1848)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13881) to authorize the Secretary of Agri-

culture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That in order to protect the owners of dogs and cats from theft of such pets, to prevent the sale or use of dogs and cats which have been stolen, and to insure that certain animals intended for use in research facilities 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 in transporting, buying, or selling them for such use.

"SEC. 2. When used in this Act—

"(a) The term 'person' includes any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity;

"(b) The term 'Secretary' means the Secretary of Agriculture;

"(c) The term 'commerce' means commerce between any State, territory, possession, or the District of Columbia, or the Commonwealth of Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, or the Commonwealth of Puerto Rico, but through any place outside thereof; or within any territory, possession, or the District of Columbia;

"(d) The term 'dog' means any live dog (Canis familiaris);

"(e) The term 'cat' means any live cat (Felis catus);

"(f) The term 'research facility' means any school, institution, organization, or person that uses or intends to use dogs or cats in research, tests, or experiments, and that (1) purchases or transports dogs or cats in 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;

"(g) The term 'dealer' means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells dogs or cats in commerce for research purposes;

"(h) The term 'animal' means live dogs, cats, monkeys (nonhuman primate mammals), guinea pigs, hamsters, and rabbits.

"SEC. 3. The Secretary shall issue licenses to dealers upon application therefor in such form and manner as he may prescribe and upon payment of such fee established pursuant to section 23 of this Act: *Provided,* That no such license shall be issued until the dealer shall have demonstrated that his facilities comply with the standards promulgated by the Secretary pursuant to section 13 of this Act: *Provided, however,* That any person who derives less than a substantial portion of his income (as determined by the Secretary) from the breeding and raising of dogs or cats on his own premises and sells any such dog or cat to a dealer or research facility shall not be required to obtain a license as a dealer under this Act. The Secretary is further authorized to license, as dealers, persons who do not qualify as dealers within the meaning of this Act upon such persons' complying with the requirements specified above and agreeing, in writing, to comply with all the requirements of this Act and the regulations promulgated by the Secretary hereunder.

"SEC. 4. No dealer shall sell or offer to sell or transport or offer for transportation to any research facility any dog or cat, or buy, sell, offer to buy or sell, transport or offer for transportation in commerce to or from another dealer under this Act any dog or cat, unless and until such dealer shall have obtained a license from the Secretary and such license shall not have been suspended or revoked.

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

"SEC. 6. Every research facility shall register with the Secretary in accordance with such rules and regulations as he may prescribe.

"SEC. 7. It shall be unlawful for any research facility to purchase any dog or cat from any person except a person holding a valid license as a dealer issued by the Secretary pursuant to this Act unless such person is exempted from obtaining such license under section 3 of this Act.

"SEC. 8. No department, agency, or instrumentality of the United States which uses animals for research or experimentation shall purchase or otherwise acquire any dog or cat for such purposes from any person except a person holding a valid license as a dealer issued by the Secretary pursuant to this Act unless such person is exempted from obtaining such license under section 3 of this Act.

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

"SEC. 10. Research facilities and dealers 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 dogs and cats but not monkeys, guinea pigs, hamsters, or rabbits as the Secretary may prescribe, upon forms supplied by the Secretary. Such records shall be made available at all reasonable times for inspection by the Secretary, by any Federal officer or employee designated by the Secretary.

"SEC. 11. All dogs and cats delivered for transportation, transported, purchased, or sold in commerce by any dealer shall be marked or identified at such time and in such humane manner as the Secretary may prescribe.

"SEC. 12. The Secretary is authorized to promulgate humane standards and recordkeeping requirements governing the purchase, handling, or sale of dogs or cats by dealers or research facilities at auction sales.

"SEC. 13. The Secretary shall establish and promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers and research facilities. Such standards shall include minimum requirements with respect to the housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation by species, and adequate veterinary care. The foregoing shall not be construed as authorizing the Secretary to prescribe standards for the handling, care, or treatment of animals during actual research or experimentation by a research facility as determined by such research facility.

"SEC. 14. Any department, agency, or instrumentality of the United States having laboratory animal facilities shall comply with the standards promulgated by the Secretary for a research facility under section 13.

"SEC. 15. (a) The Secretary shall consult and cooperate with other Federal departments, agencies, or instrumentalities concerned with the welfare of animals used for research or experimentation when establishing standards pursuant to section 13 and in carrying out the purposes of this Act.

"(b) The Secretary is authorized to cooperate with the officials of the various States or political subdivisions thereof in effectuating the purposes of this Act and of any State, local, or municipal legislation or ordinance on the same subject.

"SEC. 16. The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer or research facility has violated or is violating any provision of this Act or any regulation issued thereunder. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confiscate or destroy in a humane manner any animals found to be suffering as a result of a failure to comply with any provision of this Act or any regulation issued thereunder if (1) such animals are held by a dealer, or (2) such animals are held by a research facility and are no longer required by such research facility to carry out the research, test, or experiment for which such animals have been utilized.

"SEC. 17. The Secretary shall issue rules and regulations requiring licensed dealers and research facilities to permit inspection of their animals and records at reasonable hours upon request by legally constituted law enforcement agencies in search of lost animals.

"SEC. 18. Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders for the handling, care, treatment, or inspection of animals during actual research or experimentation by a research facility as determined by such research facility.

"SEC. 19. (a) If the Secretary has reason to believe that any person licensed as a dealer has violated or is violating any provision of this Act or any of the rules or regulations promulgated by the Secretary hereunder, the Secretary may 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 and may make an order that such person shall cease and desist from continuing such violation.

"(b) Any dealer 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 manner provided in section 10 of the Administrative Procedure Act (5 U.S.C. 1009).

"(c) Any dealer who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both.

"SEC. 20. (a) If the Secretary has reason to believe that any research facility has violated or is violating any provision of this Act or any of the rules or regulations promulgated by the Secretary hereunder and if, after notice and opportunity for hearing, he finds a violation, he may make an order that such research facility shall cease and desist from continuing such violation. Such cease and desist order shall become effective fifteen days after issuance of the order. Any research facility which 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.

"(b) Any research facility aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this section may, within sixty days after entry of such order, seek review of such order in the district court for the district in which such research facility is located in the manner provided in section 10 of the Administrative Procedure Act (5 U.S.C. 1009).

"SEC. 21. The Secretary is authorized to promulgate such rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this Act.

"SEC. 22. If any provision of this Act or the application of any such provision to any person or circumstances shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

"SEC. 23. The Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued. Such fees shall be adjusted on an equitable basis taking into consideration the type and nature of the operations to be licensed and shall be deposited and covered into the Treasury as miscellaneous receipts. There are hereby authorized to be appropriated such funds as Congress may from time to time provide.

"SEC. 24. The regulations referred to in section 10 and section 13 shall be prescribed by the Secretary as soon as reasonable but not later than six months from the date of enactment of this Act. Additions and amendments thereto may be prescribed from time to time as may be necessary or advisable. Compliance by dealers with the provisions of this Act and such regulations shall commence ninety days after the promulgation of such regulations. Compliance by research facilities with the provisions of this Act and such regulations shall commence six months after the promulgation of such regulations, except that the Secretary may grant extensions of time to research facilities which do not comply with the standards prescribed by the Secretary pursuant to section 13 of this Act provided that the Secretary determines that there is evidence that the research facilities will meet such standards within a reasonable time."

Amend the title so as to read: "An Act to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats, and certain other animals intended to be used for purposes of research or experimentation, and for other purposes."

And the Senate agree to the same.

HAROLD D. COOLEY,
W. R. POAGE,
GRAHAM PURCELL,
JOSEPH RESNICK,
ALBERT QUIE,
CATHERINE MAY,
BOB DOLE,
Managers on the Part of the House.

WARREN MAGNUSON,
A. S. MIKE MONRONEY,
MAURINE NEUBERGER,
DANIEL BREWSTER,
NORRIS COTTON,
HUGH SCOTT,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses to the amendment of the Senate to the bill (H.R. 13881) to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The amendment of the Senate struck out all after the enacting clause of the House bill and substituted language which generally followed the structure of the House bill but was different in numerous substantial respects.

We have diligently tried to bring back to the House an effective bill which will codify the noblest and most compassionate concern that the human heart holds for those small animals whose very existence is dedicated to the advancement of medical skill and knowledge while at the same time still preserving for the medical and research professions an unfettered opportunity to carry forward their vital work in behalf of all mankind.

The House bill and the Senate amendment were similar in objective yet different in detail. The conferees have attempted to select the best and most practicable provisions of each version and have combined and modified them in an effort to produce workable and meaningful legislation.

The conferees are aware of course that this bill, which was originated and developed by this Congress, creates a new responsibility for the Department of Agriculture.

In anticipation of future questions and problems about the new program, the conferees herewith submit an explanation and interpretation of this legislation which is designed to foresee some of these questions and problems. Yet the conferees recognize that no one possesses completely accurate forward vision and in that spirit we will continue to seek the advice and counsel of all those who share an interest in this program. This includes not only the medical and research professions, the various animal welfare groups, and the Department of Agriculture, but also the many thousands of Americans throughout the nation whose conscience and concern have led to the enactment of this legislation.

BRIEF SUMMARY

The Conference substitute contains the following major provisions:

(1) The Secretary of Agriculture would issue licenses to dealers who bought or sold dogs or cats in commerce. These license fees would be set at a reasonable amount and the cost would be adjusted on an equitable basis with the Secretary considering the type and nature of the dealer operation to be licensed.

(2) Research facilities, as defined by the bill, would be required to register with the Secretary of Agriculture, but would not be required to be licensed.

(3) Dealers and research facilities would keep and retain for reasonable periods records of their purchase, sale, transportation, identification, and previous ownership of dogs and cats only. Although monkeys, guinea pigs, hamsters, and rabbits would be included under humane standards provisions obligatory to both dealers and research facilities, records would not be required to be kept on these animals.

(4) The Secretary would specify the time and humane method of identification of dogs and cats.

(5) The Secretary would establish standards to govern the humane handling, care, treatment, and transportation of animals (as defined in this legislation) by both dealers and research facilities. These standards would include minimum requirements with respect to the housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation by species, and adequate veterinary care. However, these standards would not be construed to apply to research facilities during actual research or experimentation as determined by the research facility itself.

(6) Departments, agencies, and instrumentalities of the United States which have laboratory animal facilities would be required to comply with the provisions of this legislation.

(7) The Secretary would consult and cooperate with other Federal departments, agencies, or instrumentalities concerned with animal welfare in research or experimentation when establishing humane standards for the handling of such animals by dealers and research facilities.

(8) The Secretary would make necessary investigations to see that dealers and research facilities are not violating any provisions of this legislation or any regulations established thereunder. The Secretary would establish necessary regulations to permit inspectors to confiscate or destroy in a humane manner any animal found to be suffering as a result of a violation of this legislation or any regulations established thereunder if animals are held by a dealer, or if animals are held by a research facility and are no longer required to carry out the research, test, or experiment for which they were utilized.

(9) The Secretary would issue rules and regulations requiring dealers and research facilities to permit inspection of their animals and records at reasonable hours upon request by legally constituted law enforcement agencies in search of lost animals. However, these regulations would not be construed to authorize any interference with research or experimentation by a research facility.

(10) As a general rule, research facilities would be required to purchase dogs or cats only from persons holding valid licenses as dealers. The same general rule would apply to departments, agencies, and instrumentalities of the United States. However, research facilities and U.S. Government facilities could obtain dogs and cats from certain exempted sources, such as, for example, municipal pounds and farmers.

(11) Whenever the Secretary has reason to believe that any person licensed as a dealer has violated or is violating any provision of this legislation or any regulation established thereunder he may: (1) suspend that person's license for up to 21 days, (2) after notice and opportunity for hearing he may suspend it for an additional period or revoke it if a violation is determined to have occurred, and (3) he may issue a cease and desist order to prevent a continuing of the violation. Any dealer who is convicted for a violation of any provision of this legislation would be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both.

(12) If the Secretary has reason to believe that any research facility has violated or is violating any provision of this legislation or any regulations established thereunder and if, after notice and opportunity for hearing, he finds a violation (1) he may issue a cease and desist order, and (2) if the research facility knowingly fails to obey this cease and desist order, it shall be subject to a civil penalty of $500 for each offense, and each day such failure continues shall be deemed a separate offense.

(13) Any dealer or research facility aggrieved by a final order of the Secretary may within 60 days after entry of such order seek review in the manner provided in section 10 of the Administrative Procedure Act.

ARRANGEMENT OF SUBJECT MATTER

The conference substitute rearranges the order of most of the sections as they originally appeared in the House bill and the Senate amendment in order to establish an orderly and uniform coverage of the subject matter in conference. The 24 sections of the bill and the subject matter covered by each section are as follows:

Section 1. Statement of policy.

Section 2. Definitions.

Section 3. Licensing of dealers.

Section 4. Valid license for dealers required.

Section 5. Time period for disposal of dogs or cats by dealers.

Section 6. Registration for research facilities.

Section 7. Prohibition against research facilities purchasing dogs or cats except from dealers or exempted persons.

Section 8. Prohibition against U.S. Government facilities acquiring dogs or cats except from dealers or exempted persons.

Section 9. Principal-agent relationship established for dealers and research facilities.

Section 10. Recordkeeping by dealers and research facilities.

Section 11. Marking and identification of dogs and cats.

Section 12. Humane standards and recordkeeping for dogs and cats at auction sales.

Section 13. Humane standards for animals by dealers and research facilities.

Section 14. Humane standards for animals by U.S. Government facilities.

Section 15. Consultation and cooperation with Federal, State, and local governmental bodies by Secretary of Agriculture.

Section 16. Investigations or inspections by Secretary of Agriculture.

Section 17. Inspection by legally constituted law enforcement officers.

Section 18. Exemption applicable to animals during actual research or experimentation.

Section 19. Dealer penalties and enforcement.

Section 20. Research facility penalties and enforcement.

Section 21. Regulations.

Section 22. Constitutional invalidity clause.

Section 23. Fees and appropriations.

Section 24. Effective date.

SECTION BY SECTION ANALYSIS

Section 1. This section sets forth the objectives of the bill which are (a) to protect owners of dogs and cats from the theft of such pets; (b) to regulate the transportation, purchase, sale, handling, and treatment of dogs, cats, and certain other animals destined for use in research or experimentation; and (c) to regulate the handling, care, and treatment of dogs, cats, and certain other animals in research facilities. Section 1 is identical to section 1 of the Senate amendment and is comparable to section 1 of the House bill.

Section 2. This section contains definitions of eight terms used in the bill.

(a) The term "person" is limited to various private forms of business organizations. It is, however, intended to include nonprofit or charitable institutions which handle dogs and cats. It is not intended to include public agencies or political subdivisions of State or municipal governments or their duly authorized agents. It is the intent of the conferees that local or municipal dog pounds or animal shelters shall not be required to obtain a license since these public agencies are not a "person" within the meaning of section 2(a). Accordingly, research facilities would not (under section 3) be prohibited from purchasing or acquiring dogs and cats from city dog pounds or similar institutions or their duly authorized agents because these institutions are not "persons" within the meaning of section 2 (a). Section 2(a) is identical to section 2 (a) of the House bill which is broader in scope than the comparable provision in section 2(a) of the Senate amendment.

(b) The term "Secretary" means the Secretary of Agriculture. This provision was identical in both section 2(b) of the House bill and section 2(b) of the Senate amendment.

(c) The term "commerce" is defined as interstate commerce (1) between the several States, territories, possessions, the District of Columbia, or the Commonwealth of Puerto Rico, or (2) between points within the same State, territory, possession, the District of Columbia, or the Commonwealth of Puerto Rico, but through any point outside of there, or (3) within any territory or possession or the District of Columbia. Section 2(c) is identical to section 2(c) of the Senate amendment which was substantially the same as section 2(c) of the House bill.

(d) The term "cat" is limited to a live cat of the species Felis catus. Section 2(d) is identical to section 2(e) of the Senate amendment.

(e) The term "dog" is limited to a live dog of the species Canis familiaris. Section 2(e) is identical to section 2(d) of the Senate amendment. The conference substitute includes the Senate definitions of "dog" and "cat" which are broader than the House bill which was confined to dogs or cats used or intended for use in research or experimentation.

(f) The term "research facility" means any school, institution, organization, or person (as defined in section 2(a)) that uses or intends to use dogs or cats for research or experimental purposes *and* that (1) purchases or transports dogs or cats in commerce (as defined in section 2(c)), or (2) receives any funds from a U.S. Government department, agency, or instrumentality for the purposes of carrying out research, tests, or experiments.

By adopting the definition of research facility in section 2(f), the conferees' intention is to limit the coverage of this legislation to major research facilities and exclude the thousands of hospitals, clinics, and schools which don't use dogs or cats for research and tests. However, if an institution meets the definition of "research facility," it is subject to regulations in regard to all animals defined in section 2(h). This section 2(f) is identical to section 2(f) of the Senate amendment. A similar provision is included in section 2(f) of the House bill.

(g) The term "dealer" means any person (as defined in section 2(a)) who for profit or compensation delivers for transportation, transports (except as a common carrier), buys or sells dogs or cats in commerce (as defined in section 2(c)) for research purposes.

The definition of dealer is not intended to exclude from licensing or regulation those nonprofit or charitable institutions or animal shelters which supply animals in commerce to research facilities for compensation of their out-of-pocket expenses.

Except for the specific exemption provided in section 3, the term "dealer" would apply to any individual or other person who raises dogs or cats for sale in commerce to any dealer or research facility. Section 2(g) is similar to section 2(g) of the House bill and differs substantially from section 2(g) of the Senate amendment.

(h) The term "animal" is limited to live dogs and cats (defined in sections 2 (d) and (e)), monkeys (nonhuman primate mammals), guinea pigs, hamsters, and rabbits. Section 2(h) is similar to section 2(h) of the Senate amendment. The Latin names for the latter three animals were deleted to avoid confusion. There is no comparable provision in the House bill.

Section 3. This section sets forth the requirements and procedures for issuing licenses to dealers. A separate provision is included in the last sentence to allow persons who do not, for one reason or another, qualify as dealers (as defined in section 2(g)) to obtain a license. This allows persons who would otherwise be prohibited from selling to dealers or research facilities to obtain a license voluntarily and thus continue to provide dogs and cats for research and experimental use.

In addition, a person who derives less than a substantial portion of his income from the breeding and raising of dogs or cats on his own premises would be exempt from being licensed as a dealer under this legislation. This provision was adopted by the conference to allow farmers and other owners of relatively small numbers of dogs or cats to continue to sell their own animals to dealers or research facilities without obtaining a license. Conversely, research facilities and dealers would not be prohibited from purchasing dogs or cats from persons exempted under this section. The term "substantial portion of his income" as used in this provision is subject to the determination of the Secretary. The conferees do not contemplate the licensing of farmers or pet owners who sell only an occasional litter of puppies or kittens or only a few dogs or cats to a dealer or to a research facility. The specific requirement that these exempted persons breed dogs or cats on their own premises is intended to prevent their selling to dealers for research purposes animals which were stolen or otherwise obtained for that purpose. Section 3 is similar to section 6 of the House bill. Comparable provisions were not included in the Senate amendment.

Section 4. This section prohibits dealers from conducting any dog or cat business with research facilities or with other dealers without holding a valid license. Section 4 is identical to section 4 of the House bill and is comparable to section 4 of the Senate amendment.

Section 5. This section prohibits dealers from selling or otherwise disposing of any dog or cat within 5 business days after the acquisition of such animals or within such other period as the Secretary may specify in regulations issued pursuant to this legislation. The purpose of the waiting period is to give owners, law enforcement officers, and the Secretary a greater opportunity to trace lost or stolen dogs and cats. It is the intent of the conferees that section 5 be construed with section 21 of the conference substitute as granting the Secretary authority to deal with the problem of dogs and cats in transit. The conferees do not intend the holding period established hereunder to include the time during which the dogs and cats are in transit. Section 5 is identical to section 10 of the House bill. The comparable provision of the Senate amendment is section 14.

Section 6. This section requires research facilities (as defined in section 2(f)) to register with the Secretary of Agriculture. Research facilities will not be licensed under this legislation. Section 6 is identical to section 6 of the Senate amendment. This is no comparable House provision.

Section 7. This section provides that as a general rule, research facilities are prohibited from buying cats and dogs from persons who do not hold valid licenses as dealers. However, an exception to this rule has been made by the conferees in section 3 of the conference substitute.

Section 3 of the House bill would have prohibited research facilities from purchasing dogs or cats from any person, except a person holding a valid license as a dealer. Section 3 of the Senate amendment would have prohibited a research facility from purchasing dogs or cats from dealers unless the dealer held a valid license.

In conformance with section 2(a) of the conference substitute, the conferees have rewritten this section 7 in order to require research facilities to purchase dogs and cats only from (1) persons who held valid licenses as dealers or (2) persons exempted under section 3 of the conference substitute or (3) sources that do not come within the definition of "persons" set forth in section 2(a).

The conferees contemplate, therefore, that research facilities which rely on farm sources, municipal dog and cat pounds, and

the duly authorized agents of such local governments for their dogs and cats will continue to be able to obtain such animals from these sources.

Section 8. This section extends to departments, agencies, and instrumentalities of the Federal Government a similar prohibition on dog or cat acquisitions as applies to research facilities under section 7. Section 8 as modified is similar to section 5 of the Senate amendment. There is no comparable House provision.

Section 9. This section establishes the principal-agent relationship between dealers, research facilities and their employees. Except for an internal section reference, section 9 is identical to section 13 of the House bill and is substantially the same as section 21 of the Senate amendment.

Section 10. This section requires recordkeeping by dealers and research facilities with regard to the purchase, sale, transportation, identification, and previous ownership of dogs and cats. The Secretary is directed to provide the proper forms for this recordkeeping and these records are to be made available to the Secretary for inspection by him or any Federal officer or employee which the Secretary may designate. The conferes do not contemplate the designation of private citizens or non-Federal Government employees in the administration of this legislation. The conference substitute also makes it clear that records need not be maintained on monkeys, guinea pigs, hamsters, or rabbits. Except for the specific provisions in regard to the monkeys, guinea pigs, hamsters, or rabbits, section 10 is identical to section 10 of the Senate amendment. Section 8 of the House bill contains a similar provision.

Section 11. This section requires all cats and dogs covered by this bill to be marked or identified in a humane manner. The methods, type, and time of marking or identification are to be prescribed by the Secretary. The purpose of such marking and identification is intended as a means of tracing lost or stolen pets. Except for the inclusion of the words "at such time and," section 11 is identical to section 9 of the Senate amendment. The comparable House provision is section 7 of the House bill.

Section 12. This section authorizes the Secretary to establish and enforce recordkeeping requirements and humane standards for the purchase, sale, or handling (which includes treatment, housing, and care of dogs or cats) by dealers or research facilities at auction sales. This section is not intended to prohibit auction sales. On the contrary, the conferees feel that auction sales should be continued and that these public sales present an opportunity for the Secretary to effectively meet the objectives of this legislation as set forth in section 1. Section 12 is a modification of section 16 of the Senate amendment. There is no comparable provision in the House bill.

Section 13. This section requires that the Secretary establish standards to govern the humane handling, care, treatment, and transportation of animals (as defined in section 2(h)) by dealers and research facilities. Standards for the eight categories listed in this section are mandatory, and the Secretary is not given additional discretionary authority as was proposed in the Senate amendment.

The intent of the conferees is clearly set forth in the last sentence of this section which states that the Secretary is *not* authorized to prescribe standards for the handling, care, or treatment of animals during actual research or experimentation by a research facility. It is the intention of the conferees that the Secretary neither directly nor indirectly in any manner interfere with or harass research facilities during the conduct of actual research and experimentation. The important determination of when an animal is in actual research so as to be exempt from regulations under the bill is left to the research facility itself. Research or experimentation is also intended to include use of animals as teaching aids in educational institutions. Except as indicated above, section 13 is identical to section 7 of the Senate amendment. Section 5 of the House bill authorized the Secretary to set humane standards for the handling of dogs and cats by dealers. It also contained a similar prohibition against any interference with research and experimentation.

Section 14. This section requires Federal departments, agencies, or instrumentalities having laboratory facilities to meet the same standards for the humane handling, care, and treatment of animals (as defined in section 2(h)) as are required of research facilities under section 13 of the conference substitute. Section 14 is identical to section 8 of the Senate amendment. No comparable provision is included in the House bill.

Section 15(a). This section directs the Secretary to consult with other Federal departments, agencies, or instrumentalities concerned with the welfare of animals used for research or experimentation when establishing standards of care and treatment. The conferees recognize that other Federal departments have already developed experience in laboratory animal care and this experience should be made available to the Secretary. In addition, continued cooperation with other departments and agencies is directed.

(b) This section authorizes the Secretary to cooperate with State and local officials in preventing the theft of dogs and cats, in the apprehension of suspected dog and cat thieves, and in carrying out the other provisions of this legislation.

Except for an internal section reference, section 15(a) is identical with section 13(a) of the Senate amendment. Section 15(b) is identical to section 9 of the House bill.

Section 16. This section directs the Secretary to make such investigations or inspections as he deems necessary to effectuate the purpose of the bill and insure compliance with the bill or any regulation issued thereunder. The conferees contemplate that these inspectors will be employees of the U.S. Department of Agriculture. The second sentence is intended to permit the Secretary to insure that animals suffering because of inhumane treatment are not left unattended. It is the intent of the conferees that inspectors not be permitted to interfere with the carrying out of actual research or experimentation as determined by a research facility. Section 16 is essentially the same as section 12 of the Senate amendment except for changing the word "person" to "dealer or research facility" for clarification. No comparable provision is included in the House bill.

Section 17. This section directs the Secretary to establish rules and regulations which would require licensed dealers and research facilities to permit inspection of their animals and records by legally constituted law enforcement agencies. The purpose of this section is to expedite the search for stolen pets. It is the intent of the conferees that inspection under this section be specifically limited to searches for lost and stolen pets by officers of the law (not owners themselves) and that legally constituted law enforcement agencies means agencies with general law enforcement authority and not those agencies whose law enforcement duties are limited to enforcing local animal regulations. It is *not* intended that this section be used by private citizens or law enforcement officers to harass research facilities. Such officers cannot inspect the animals when the animals are undergoing actual research or experimentation. This is almost identical with section 15 of the Senate amendment. Similar provision dealing with the inspection of records was included in section 8 of the House bill.

Section 18. This section provides that nothing in the legislation is to be construed as authorizing the Secretary to regulate the handling, care, treatment, or inspection of animals which are undergoing actual research or experimentation. The determination of when research begins and ends is to be made by the research facility. It is the intent of the conferees that section 18 be construed to apply throughout this legislation, and particularly with regard to section 17. This section is the same as section 17(a) of the Senate amendment. A comparable provision was included in section 5 of the House bill which prohibited the establishment of humane standards at any time subsequent to the arrival of dogs or cats at a research facility.

Section 19. This section deals with penalties which are applicable to dealers. Whenever the Secretary has reason to believe that any person licensed as a dealer has violated or is violating any provision of this legislation or any regulation established thereunder, he may (1) suspend that person's license for up to 21 days, (2) after notice and opportunity for hearing and a finding that a violation has occurred, suspend the license for an additional period or revoke it, and (3) issue a cease and desist order to prevent continuing the violation.

Any dealer who is convicted of a violation of any provision of this legislation would be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both.

Any dealer aggrieved by a final order of the Secretary may, within 60 days after entry of such order, seek review in the manner provided in section 10 of the Administrative Procedure Act.

This section is a combination of sections 12, 14, and 15 of the House bill and sections 18 and 19 of the Senate amendment.

Section 20. This section deals with penalties which are applicable to research facilities. Whenever the Secretary has reason to believe that any research facility has violated or is violating any provision of this legislation or any regulation established thereunder and if, after notice and opportunity for hearing, he finds a violation (1) he may issue a cease and desist order; (2) if the research facility knowingly fails to obey this cease and desist order, it shall be subject to a civil penalty of $500 for each offense, and each day such failure continues shall be deemed a separate offense.

Any research facility aggrieved by a final order of the Secretary may, within 60 days after entry of such order, seek review in the manner provided in section 10 of the Administrative Procedure Act.

This section is a combination of the House bill and the Senate amendment. It appeared in sections 12, 14, and 15 of the House bill and sections 19 and 20 of the Senate amendment.

Section 21. This section authorizes the Secretary to promulgate such rules, regulations, orders, and other administrative details as may be necessary to effectuate the purposes of this legislation. As earlier noted, this section is intended to be construed with section 5. This section is identical to section 11 of the House bill and appeared in section 17(b) of the Senate amendment.

Section 22. This section carries a constitutional invalidity clause which states that if any part of this legislation, or individual circumstances concerning it, are held invalid, the remainder remains effective. This section is identical to both section 16 of the House bill and section 22 of the Senate amendment.

Section 23. This section directs the Secretary to charge, assess, and collect reasonable fees for licenses issued to dealers and re-

search facilities. These fees should be adjusted equitably, taking into consideration the type and nature of the operation to be licensed and shall be deposited and covered into the Treasury as miscellaneous receipts. Any additional funds which might be needed to administer this legislation are authorized to be appropriated by the Congress from time to time. This section is a modified version of section 17 of the House bill and section 23 of the Senate amendment.

Section 24. This section specifies that the Secretary shall promulgate the regulations referred to in sections 10 and 13 as soon as reasonable but not later than 6 months from the date of enactment of this legislation. Compliance by dealers with this legislation is required 90 days following promulgation of regulations by the Secretary. Compliance by research facilities is required 6 months after promulgation of regulations by the Secretary. However, in the case of research facilities, the Secretary may grant individual extensions of time to certain research facilities if he is convinced that these research facilities will be able to meet the regulations within a reasonable time. The purpose for this extension of time for compliance by research facilities is to enable those research facilities whose compliance depends upon obtaining additional funds for construction or personnel to secure such funds. Except for internal references, this section is identical to that of section 24 of the Senate amendment. A comparable provision was included in the House bill as section 18.

HAROLD D. COOLEY,
W. R. POAGE,
GRAHAM PURCELL,
JOSEPH Y. RESNICK,
ALBERT H. QUIE,
CATHERINE MAY,
BOB DOLE,
Managers on the Part of the House.

FREEZING FOOD STAPLE PRICES

(Mr. FARBSTEIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. FARBSTEIN. Mr. Speaker, I am today introducing legislation to put a temporary freeze on the prices of food staples, in an effort to halt what has become an alarming rate of inflation in the market basket. This bill imposes a 90-day freeze on such items as the Secretary of Agriculture designates as food staples. At the same time, it requires the Secretary to undertake immediately an investigation of inflation in foodstuffs and, within the stated period, to take administrative action or make legislative recommendations to deal with the emergency. I regard this as a moderate and sensible method of dealing with an exceedingly serious situation.

As you may have noticed in the press, Mr. Speaker, I notified the Secretary of Agriculture of my intention to introduce this bill in a letter last week. The Secretary made public his answer to me in a letter he released to the newspapers over the weekend. I feel it is only fair to the Secretary to present the full text of that letter which I herein insert in the RECORD:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington.

Hon. LEONARD FARBSTEIN,
House of Representatives,
Washington, D.C.

DEAR MR. FARBSTEIN: I have your letter of August 2 indicating your intention to introduce a bill to freeze food prices for 90 days. I share your deep concern about the effects of inflation on the well-being of people in the low and middle income groups. Rising prices of many commodities and services, not only of food, makes their lot increasingly difficult.

As you know, I met on August 4 with the members of the New York City Council to discuss recent retail price increases of bread and milk in that city as well as the overall food price situation (copy of statement enclosed). Although some part of the increases for bread and milk in New York City reflect increases in farm prices to provide badly needed income to farmers and to ensure adequate supplies, there are real questions as to the justification for most of the rise which has been reported.

I look forward to the findings of the City Council as it investigates recent food price developments and I have pledged full cooperation, support and assistance of the U.S. Department of Agriculture.

Further, on August 4 I asked the Chairman of the Federal Trade Commission "to review immediately the pricing policies and actions for bread and fluid milk, including recent price changes of these food items and their relation to all factors affecting costs and the conditions of competition."

At this time, I do not believe that action by the Congress to freeze food prices even for a temporary period is justified or in the long run interest of consumers or the food industry. As we know from past history price and wage controls are difficult to administer equitably, require a large and expensive government operation, and should not be undertaken unless the case for doing so is crystal clear. They tend to distort price relationships, and make it more difficult for producers to make their plans.

An action to freeze food prices could have a chaotic effect on markets and prices. It also could have a depressing effect on farm production at a time when increasing production of a few commodities, such as milk, is needed.

Some farm prices have increased in recent months; some have decreased. Some costs of food manufacturers and distributors have increased as well. Even so there are prospects that the overall retail price index for foods will remain fairly steady during the rest of this year.

At present, there is strong domestic and foreign demand for food. The capacity of American agriculture is abundantly adequate to supply all of our food needs under foreseeable conditions at prices that would be fair to both consumers and farmers. Steps have been taken recently to increase farm output to meet this growing demand. These include increasing acreage allotments for wheat and rice, and increasing support prices for milk at the farm level so as to encourage dairy farmers to remain in the business and reverse the downward trend in milk production.

We should keep in mind also that although food prices have risen in the past year, the incomes of most consumers have also increased. The average consumer today spends only 18.2 percent of this take home pay for food—the same percentage as a year ago and the lowest in our history.

In view of these facts, I do not see the need at present to freeze food prices even temporarily. I do see some dangers in attempting to do so.

Sincerely yours,
ORVILLE L. FREEMAN.

The Secretary opposes my proposal. I do not feel, however, that the Secretary's answer was sufficiently persuasive to deter me from introducing the bill. I feel the Members can read the Secretary's communication and make their own judgment on the merits of my measure.

Mr. Speaker, inflation in the price of food is the most nefarious type of inflation because it so grievously hits at the poor. We can put off the purchase of cars and television sets, even clothing for a time, but we cannot put off the purchase of food. This is a regressive tax of the worst kind. It is a direct counterweight to the war against poverty and the other economic objectives of the administration and of Congress itself. If the administration feels we can indulge in the luxury of tolerating price increases in other fields, I do not think it is right to tolerate price increases in food. Let me remind you that this inflation represents a wage cut to our poorest citizens, a reduction in their already inadequate income. I ask my colleagues to give my bill their most serious consideration.

Mr. Speaker, I recognize there will be a wide divergence of opinion on how to resolve our problems of inflation. I do not pretend that my solution is the only one feasible. For that very reason, I made the price freeze temporary, until the Secretary of Agriculture or the President could make alternative recommendations. But I believe that to do nothing is to behave irresponsibly in acquitting our obligations. I call upon my colleagues to come to the rostrum, hopefully to support my bill. But if they feel they have a more adequate answer, I urge them to speak out with it. Perhaps most important, I urge them to rise and speak so that we as a body can convey to the President and the Secretary our deep concern about this serious problem. I ask my colleagues to let the administration and the people know that we are alarmed by the skyrocketing price of the periodic trip to the market. I cannot agree with the President that we can afford to wait, weeks or months. I think the time to act to halt inflation is now.

THE DANGER OF INFLATION

(Mr. TODD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TODD. Mr. Speaker, the time has come for the plainest possible speaking about the state of the economy. I have been warning of our present problems for over a year now, but I feel I must speak more strongly than ever. Bluntly, we are faced with an inflationary situation of the most serious sort. In the face of this danger, I am afraid that both the Congress and the administration have preferred largely to ignore the situation, hoping that it will in some manner go away. It will not, and I think we had better realize it.

There are things that can be done to stop inflation, but so far they have not been done or they have been ineffective. The Congress has chosen not only to keep Government spending at high levels, but also to increase appropriations over the President's budget requests. I have spoken out against this practice, and I have voted against some appropriations and "pork barrel" projects which I thought were unnecessary at this time. I fear I have not had much effect.

Both the Congress and the administration have so far shied away from one of the most effective ways to fight inflation: Increasing the tax revenues of the Federal Government by suspending the 7-percent deduction from their income tax given to corporations for investment in plant and equipment. This deduction from their income tax, allowed to corporations, was a needed way of getting the economy going again when it was granted; there is no excuse for its continuation when there is overheating of the economy—particularly in investment which this credit overstimulates.

I realize that it is not considered politically wise to propose such a tax increase just before elections. But political expediency should not be permitted to be used as an excuse for failing to act prudently when conditions clearly demand it.

The Government has tried to use monetary policy—that is, increasing interest rates—to cut inflationary pressures. The evidence shows that monetary policy alone has not succeeded. Last month, the cost-of-living index rose 4 percent, at an annual rate. Most authorities expect the index to rise again this month, making it the 10th straight month that the cost of living has either increased or remained steady. There is no stop to further increases in sight.

The prices of many things are going up. The housewife knows this only too well. She does not need to read statistical tables. She encounters a new increase every week at the grocery store. She will soon be unpleasantly surprised as she buys shoes and clothing for her children to return to school.

Relying exclusively on tight money and high-interest rates has caused severe dislocations in some sectors of our economy, while not being powerful enough to restrain the inflationary push by itself. It is causing severe problems for some of our thrift institutions, and has cut homebuilding back sharply, thereby threatening the homebuilding industry.

For the past several years, the Kennedy and then the Johnson administrations have tried to use the voluntary wage-price guideposts as another method of coping with inflationary pressures. In theory such guideposts—which suggest that wages should not increase by more than 3.2-percent increase in overall productivity—are a useful tool by which to judge the inflationary impact of wage increases. But the airlines strike and the steel price increase have destroyed the guideposts, if they were not dead already.

Until now, the administration has by and large tried successfully to use the guideposts as a tool to persuade both management and union leadership to restrain their demands. But using the guideposts as persuaders from now on seems dead.

Based on the most recent pronouncements, if there is anything to be salvaged, they are "creeping guideposts" to accompany "creeping inflation." I fear we will soon have galloping guideposts accompanying galloping inflation.

So where do we stand? The guideposts are dead. Monetary policy alone has failed. Government spending, both at home and abroad, continues. What stands between us and a serious inflation? Very little, I fear, unless Congress at last meets its clear responsibility and starts facing the facts.

The only ways left to fight inflation are cutting expenditures, increasing taxes, or reducing investment. And unless Congress does something, and soon, either to examine ways to reduce Government spending or to thoroughly investigate fiscal—that is, tax—policies designed to cope with inflation, we are going to be in serious trouble. I have been urging the Congress to act for over a year, and with the wage-price guideposts now in shreds, perhaps we can get down to business.

I deeply hope there will be thorough and searching debate, starting right now, on this issue. Inflation can kill our economy, impoverish our citizens living on fixed incomes or on social security, imperil our international balance of payments, and make all the economic growth of the past 5 years nothing more than a cruel prelude for a crash. It could wipe out the increase in employment opportunities which are the foundation of success of our poverty programs.

To contribute to this debate, I am today introducing a bill to suspend for 1 year the investment tax credit law, on a graduated basis designed to help the small businessman. In effect, the investment tax credit law allows businesses to reduce their income tax up to 7 percent of their yearly investment. The law was passed as a way to stimulate investment in a lagging economy in the early 1960's, and clearly it has been effective. Suspending the tax credit would cut back the least productive investments. Investment is now $16 billion above 2 years ago, and this has the same inflationary impact as an increase of $16 billion in Government public works spending. Cutting back some of this investment would reduce inflationary pressure.

Investment is the key to most of the economy's workings. Investment usually comes ahead of expansion, it presages increases in demand, it has an impact on the economy much larger than the sum of the investment alone. Investment has remained high during this period of inflation, and unless it is reduced now we are merely guaranteeing ourselves that demand pressures will continue to work within the economy—pressures which cannot help but contribute to inflation. And in addition, the need for job-creating investments would not exist when the economy slackens.

I believe that suspension of the tax credit law should not, however, be straight across the board. Large companies generally can get just about as much investment capital as they want; they are big enough to finance their own expansion or to command low-interest rates from banks. But the small businessman—already hard hit by the tightest money market in many years—is in an entirely different situation. He cannot finance his own expansion, because he does not make that much profit; he cannot command prime interest rates, because he is small.

My bill is designed in such a way that large companies, employing over 1,000 people, would find the full 7-percent credit repealed. It is such corporations that do the major investment in our economy, and it is such investment that we want to reduce to fight inflation. Companies employing from 501 to 1,000 workers would receive only 3-percent investment credit; companies employing from 101 to 500 workers would receive 5-percent credit. And the very small businesses, employing from 1 to 100 workers, would receive the full 7-percent credit.

I am introducing this bill today to serve as a basis for debate—debate not only over the specific provisions of the bill but also on the entire issue of inflation and our proper response toward it. If introducing such a bill can help the Congress get its head out of the sand when it comes to inflation, it will have been very useful.

One alternative now being talked about to congressional failure to act to stop inflation is the imposition of wage and price controls. I consider them the worst possible alternative. I believe that nobody wants such controls. From past experience, we know that they are only temporary, that they are inefficient and artificial, that they lead to redtape and bureaucracy, and that they can lead to the breakdown of a free competitive system. They would prevent the businessman from pricing his product competitively. They would bring some form of control to free collective bargaining, which has been the basis for progress in the labor movement. In short, they would botch up the economy.

In conclusion, let me summarize the objectives of our economic policy:

First, full employment; second, stable prices; third, economic institutions and processes regulated by the forces of competition and not by Government.

The wage-price guidelines were, in a real sense, a means by which Government encouraged voluntary restraints on our economic institutions and processes. While they worked, even with full employment, we had very modest price increases until this year. Now that these guidelines are out the window, inflation will be likely to accelerate.

If we fail to act now—if we fail to meet our clear responsibility to take decisive action to stop inflation—wage and price controls are inevitable. If this Congress were to move forthrightly and honestly to stop inflation, all the election-year jitters which so worry the cynics could be faced. For the Congress would have met its responsibilities. To do anything else is simply unacceptable.

GEORGE WASHINGTON MEMORIAL PARKWAY IN PRINCE GEORGES COUNTY

(Mr. MACHEN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MACHEN. Mr. Speaker, today I am introducing a bill to complete the George Washington Memorial Parkway along the Potomac River shoreline in Prince Georges County.

Briefly, my bill would:

First. Authorize the unappropriated balance of the Capper-Cramton Act of

Aug 16

Aug 17

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

NITED STATES DEPARTMENT OF AGRICULTURE
ASHINGTON, D. C. 20250
FFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

FFICE OF BUDGET AND FINANCE
OR INFORMATION ONLY;
OT TO BE QUOTED OR CITED)

Issued August 17, 1966
For actions of August 16, 1966
89th-1st; No. 135

CONTENTS

nimals.....1
ppropriations.....3,13
wards.....8
anking.....16
eef exports.....19
CC.....12
lean air.....32
ommunity development...26
efense production.....33
ogs and cats.....1
abrics.....34
ood prices.....25
oreign trade.....28
Forests.....23
Historic sites.....17
Holiday.....30
Intergovernmental relations.....9,18
Labor standards.....14
Legislative program.....10
Loans.....2
Military construction...12
Milk.....13,20
Moving expenses.....6
Patents.....11
Personnel.....8,15,18,24
Poverty.....22
Reclamation.....7
Research.....1
Retirement.....15
Roads.....27
School milk.....20
Soil conservation.....5
Traffic.....10
Transportation.....4
Veterinary.....31
Water pollution.....21,29
Water resources.....7

IGHLIGHTS: House agreed to conference report on dog-cat handling bill. Sen. Magnuson commended progress in opening new markets for U. S. beef exports. Sen. Proxmire rged early action on school milk program. Rep. Roudebush blamed administration for higher food prices." Rep. Schmidhauser commended Secretary Freeman's statement before N. Y. City Council on food prices. Rep. Dague criticized rural community development bill.

HOUSE

1. RESEARCH. Agreed to the conference report on H. R. 13881, to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats, and other animals intended to be used for research. pp. 18709-10, 18757-8

2. LOANS. The Agriculture Committee reported with amendment H. R. 15951, to authorize USDA loans on leasehold interests in Hawaii (H. Rept. 1856). p. 18766

Rep. Widnall said the "participation sales authorization" in the "administration's tight money market" would be "tragic." p. 18699

Rep. Conte said the administration should do more to control the "tight money market." pp. 18756-7

3. LEGISLATIVE APPROPRIATION BILL. Agreed to the conference report on this bill, H. R. 15456. pp. 18704-9

4. TRANSPORTATION. Passed, 236-127, with amendments H. R. 14810, the urban mass transportation bill to authorize additional amounts for assistance thereunder, to authorize grants for certain technical studies, etc. pp. 18710-42

5. SOIL CONSERVATION. Rep. Anderson, Tenn., commended progress of the soil conservation districts. pp. 18758-9

6. MOVING EXPENSES. Rep. Monagen spoke in favor of his bill, H. R. 17012, to remove the income tax from reimbursed moving expenses. p. 18761

7. WATER RESOURCES. Received from this Department a proposed bill to amend the Watershed Protection and Flood Prevention Act so as to avoid the executive-prerogatives issue; to Agriculture Committee. p. 18766

The Public Works Committee approved 19 watershed projects. p. D764

The conferees agreed to file a report on S. 602, to broaden the scope of the Small Reclamation Projects Act. p. D765

The conferees agreed to file a report on S. 3034, to authorize feasibility investigations of certain water-resource development proposals. p. D765

8. PERSONNEL. Received from the State Department a proposed bill to authorize certain retired and other personnel to accept and wear decorations, presents, and other things tendered them by certain foreign countries; to Foreign Affairs Committee. p. 18766

9. INTERGOVERNMENTAL RELATIONS. The Intergovernmental Relations Subcommittee approved for Government Operations Committee action H. R. 15335, to amend the act to establish an Advisory Commission on Intergovernmental Relations. p. D764

10. LEGISLATIVE PROGRAM. The "Daily Digest" says the traffic safety bill will be considered today. p. D763

SENATE

11. PATENTS. The Judiciary Committee reported with amendments S. 1809, to establish a uniform national policy concerning property rights in inventions made through the expenditure of public funds (S. Rept. 1461). p. 18623

12. MILITARY CONSTRUCTION. Conferees were appointed on S. 3105, the military construction bill, which includes an authorization to repay the Commodity Credit Corporation for family housing. House conferees have not yet been appointed. pp. 18671-7

13. APPROPRIATIONS. Began debate on H. R. 15941, the defense appropriation bill, which includes funds for milk for military personnel which previously has been financed by USDA. pp. 18621, 18651-71, 18677-84

amended (5 U.S.C. 2131); to be expended under the control and supervision of the Architect of the Capitol; in all, $2,530,000."

Senate amendment No. 43: Page 28, line 1, insert:

"SENATE GARAGE

"For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, $57,900."

Mr. GEORGE W. ANDREWS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GEORGE W. ANDREWS moves that the House recede from its disagreement to the amendments of the Senate numbered 1 through 12, inclusive; 14 through 26, inclusive; 28 through 38, inclusive, and 42 and 43, and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 13: Page 4, line 5, insert:

"OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

"For office of Sergeant at Arms and Doorkeeper, $3,364,025: *Provided*, That effective on the first day of the first month following date of enactment, the basic per annum compensation of one offset press operator, Service Department shall be $2,700 in lieu of $2,340, that the Sergeant at Arms may employ a telecommunications adviser at $5,520 basic per annum, an additional Sergeant, Capitol Police force at $2,940 basic per annum, an additional Lieutenant, Capitol Police force at $3,600 basic per annum, and twenty-five additional Privates, Capitol Police force at $2,160 basic per annum each: *Provided further*, That appointees to the Capitol Police force positions authorized herein shall have the equivalent of at least one year's police experience."

Mr. GEORGE W. ANDREWS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GEORGE W. ANDREWS moves that the House recede from its disagreement to the amendment of the Senate numbered 13 and concur therein with an amendment, as follows: In lieu of the amount of "$2,940" named in said amendment, insert "$2,880"; and in lieu of the amount of "$3,600" named in said amendment, insert "$3,480".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 35: Page 21, line 15, strike out "$50,000" and insert "$62,500".

Mr. GEORGE W. ANDREWS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GEORGE W. ANDREWS moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows: In lieu of the sum proposed, insert: "$95,500".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 46: Page 31, line 5, insert: ", together with $478,000 to be derived by transfer from the appropriations made for the Office of Education, Department of Health, Education, and Welfare."

Mr. GEORGE W. ANDREWS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GEORGE W. ANDREWS moves that the House recede from its disagreement to the amendment of the Senate numbered 46 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 53: Page 34, line 23, insert: "Funds available to the Library of Congress may be expended to reimburse the Department of State for medical services rendered to employees of the Library of Congress stationed abroad; and for purchase or hire of passenger motor vehicles. Further, payments shall be authorized of allowances and other benefits to employees stationed abroad to the same extent as authorized from time to time for members of the Foreign Service of the United States of comparable grade, subject to such rules and regulations as may be issued by the Librarian of Congress."

Mr. GEORGE W. ANDREWS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GEORGE W. ANDREWS moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"Funds available to the Library of Congress may be expended to reimburse the Department of State for medical services rendered to employees of the Library of Congress stationed abroad; for purchase or hire of passenger motor vehicles; and for payment of travel, storage and transportation of household goods, and transportation and per diem expenses for families en route (not to exceed twenty-four) subject to such rules and regulations as may be issued by the Librarian of Congress."

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 54: Page 38, line 8, insert:

"SEC. 105. Effective on the first day of the first month following date of enactment, the basic per annum compensation of the captain, Capitol Police force shall be $4,320; the basic per annum compensation of lieutenants and special officers, Capitol Police force shall be $3,600 each; and the basic per annum compensation of sergeants, Capitol Police force shall be $2,940 each."

Mr. GEORGE W. ANDREWS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GEORGE W. ANDREWS moves that the House recede from its disagreement to the amendment of the Senate numbered 54 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"SEC. 105. Effective on the first day of the first month following date of enactment, the basic per annum compensation of the captain, Capitol Police force shall be $4,260; the basic per annum compensation of lieutenants and special officers, Capitol Police force shall be $3,480 each; and the basic per annum compensation of sergeants, Capitol Police force shall be $2,880 each. Effective on the first day of the first month following enactment of H.R. 15857, Eighty-ninth Congress, or similar legislation, amending the District of Columbia Police and Fireman's Salary Act of 1958, the basic per annum compensation of the captain, Capitol Police force shall be $4,320; the basic per annum compensation of lieutenants and special officers, Capitol Police force shall be $3,600 each; and the basic per annum compensation of sergeants, Capitol Police force shall be $2,940 each."

The motion was agreed to.

A motion to reconsider the vote on the conference report and the votes by which action was taken on the several motions was laid on the table.

(Mr. GEORGE W. ANDREWS asked and was given permission to revise and extend his remarks and include certain tables at the conclusion of the debate.)

HANDLING OF DOGS AND CATS FOR RESEARCH PURPOSES

Mr. POAGE. Mr. Speaker, I call up the conference report on the bill (H.R. 13881) to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 11, 1966.)

Mr. POAGE (interrupting the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and it is so ordered.

(Mr. ROGERS of Florida asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROGERS of Florida. Mr. Speaker, I support H.R. 13881 because it is absolutely essential that we have strong Federal legislation to clean up the unacceptable conditions found in the supply trade of animals going to laboratories. Widespread pet theft must be stopped and the facilities and procedures of animal dealers must meet standards of common decency.

Our Nation has a moral obligation to eliminate animal suffering wherever it is possible to do so without impeding legitimate research. The great stake and the great responsibility the Federal Government has in biomedical research is met only tentatively by the laboratory provisions of H.R. 13881.

I should like to state briefly for the record the reasons supporting this position.

First. Of the 11,000 laboratories in the United States, approximately 2,000 will be covered by H.R. 13881.

Second. Of the hundreds of millions of animals consumed by the laboratories, the bill will, at most, bring its limited benefits to 5 million.

Third. But even these limited benefits of housing and care stop when research starts, and once that determination is made, protection for the animal ceases under the terms of this legislation.

Any effective laboratory animal bill the Congress enacts must set up guidelines for research as well as for sale, housing, and care in order to provide coverage for all animals sensitive to pain.

A comprehensive bill must require proper care of research animals consistent with the needs of the experiment, and must provide for postoperative care and the administration of pain-relieving drugs. Care and housing are as important for the animal during long-term drug, nutrition, or behavior studies during research as during the initial portion of its stay in the laboratory before research begins.

Mr. Speaker, I heartily endorse the animal dealer provisions of H.R. 13881, but want to emphasize that it does not solve the basic problem of humane treatment for laboratory animals.

It is my hope and earnest desire that the Congress will deal with the problems raised by the use of animals in research at an early date by enactment of legislation before the Interstate and Foreign Commerce Committee, which provides humane conditions and procedures for such research animals.

Mr. BOGGS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

(Mrs. MAY asked and was given permission to extend her remarks at this point in the RECORD.)

Mrs. MAY. Mr. Speaker, H.R. 13881 is a comprehensive piece of legislation as it authorizes the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats to be used for purposes of research or experimentation. There are, however, several particularly meaningful aspects of the legislation to which I would like to make reference.

While monkeys, guinea pigs, hamsters, and rabbits are covered under the humane standards of the legislation, records would be required only for cats and dogs. This would have the effect of dispensing with heavy paperwork loads that had no practical purpose, and it would confine recordkeeping to selective research animals.

The identification of dogs and cats will be a valuable facility in keeping track of these animals as they are transported and handled for research purposes. This identification system will set up records that can prove very valuable in catching up with dognapers and catnapers. The legislation also prevents dealers from disposing of cats or dogs within 5 days after they acquire these animals, or such other period of time as the Secretary of Agriculture may prescribe. This waiting period would afford time in which to trace lost or stolen dogs and cats.

H.R. 13881 would set up sanitation standards in the handling of research animals, with minimum requirements for housing, feeding, watering, sanitation, ventilation, and so forth. As a practical consideration, however, these standards would not be applied to animals that were in the process of actual research or experimentation as determined by the research facility itself.

In order to protect against overlapping of standards and services, the Secretary of Agriculture would consult and cooperate with other Federal departments and agencies that were concerned with animal welfare. Federal departments and agencies also would be required to abide by the same rules and regulations on the acquisition of dogs and cats as applies to research facilities in general.

Although research facilities in general would be required to obtain animals for research from licensed dealers, they would be able to purchase these animals from farmers, who would be exempted from a license requirement. Also exempted from the license requirement—and available to research facilities as a source for research animals—would be pounds and animal shelters that either were municipal in nature or were acting, via contract, as duly authorized agents of the municipality or locality.

The preservation of these sources of animal supply is particularly significant in my Fourth Congressional District of Washington. This will assure an adequate supply of animals for the various universities in Washington State where we have no animal dealers.

I feel highly privileged to have served on the conference that produced this legislation in an effort, as the conference report states, "to produce workable and meaningful legislation."

URBAN MASS TRANSPORTATION ACT OF 1966

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, and in the absence of the gentleman from Missouri [Mr. BOLLING], I call up House Resolution 948 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 948

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14810) to amend the Urban Mass Transportation Act of 1964 to authorize additional amounts for assistance thereunder, to authorize grants for certain technical studies, and to provide for an expedited program of research, development, and demonstration of new urban transportation systems. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield one-half hour to the able gentleman from California [Mr. SMITH], and to myself such time as I may consume.

Mr. Speaker, House Resolution 948 provides an open rule with 1 hour of general debate for consideration of H.R. 14810, a bill to amend the Urban Mass Transportation Act of 1964 to authorize additional amounts for assistance thereunder, to authorize grants for certain technical studies, and to provide for an expedited program of research, development, and demonstration of new urban transportation systems.

H.R. 14810 continues and provides additional funds for the urban mass transit program which was first established in the act of 1964. Under that program, Federal loans and partial grants are provided to assist local governments in financing the capital facilities and equipment needed for the extension and improvement of comprehensively planned urban mass transportation systems.

The bill authorizes appropriations of up to $175 million a year for fiscal 1968 and subsequent fiscal years to finance urban mass transportation grants. The 1964 act authorizes appropriations for fiscal 1965, 1966, and 1967, but none thereafter.

The bill also continues the authority for demonstration grant projects for 2 years at the present annual rate.

The bill requires the Secretary of Housing and Urban Development, in consultation with the Secretary of Commerce, to undertake a study to prepare a program of research, development, and demonstration to develop new systems of rapid urban transportation and authorizes the appropriation of such funds as may be necessary for the preparation of this study.

The legislation also provides two-thirds grants for the planning, engineering, and designing of urban mass transportation projects.

Mr. Speaker, I urge the adoption of House Resolution 948 in order that H.R. 14810 may be considered.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the gentleman from Florida, House Resolution 948 does provide for the consideration of the Urban Mass Transportation Act of 1966, H.R. 14810, 1 hour, open rule.

I listened very carefully to the distinguished gentleman from Florida. I believe he explained the bill precisely as I understand it. I would like to concur in his remarks and save time by not repeating any of his statements.

I would like to add, however, that the gentleman from New York [Mr. FINO], has submitted some individual views. He seeks to amend the act to remove the current 12.5-percent limitation on grants to any one State from the total author-

FNMA participation sales are authorized, the FHA and GI mortgages, and other home mortgages as well, will become less and less attractive to investors. In order to meet competition and obtain home mortgage financing, higher home mortgage financing costs will have to be imposed. As a result, the prospective home builders or buyers will be forced to carry an additional financial burden.

On June 23 two sales were made under the Participation Sales Act. The first was for $350 million of participation certificates of assets of the small business obligations trust at an interest rate of 5.75 percent with maturity varying from 1 to 5 years. The second sale was of $180 million in participation certificates of assets of the Government mortgage liquidation trust with an approximate interest rate of 5.40 percent with a maturity of 13 to 15 years.

By these sales, the administration is competing for the available money. Interest rates are the highest in the last 40 years. The rising demand for credit by the Federal Government and business has drawn funds away from credit-sensitive industries such as homebuilding.

Despite the fact that personal consumption has leveled off, plant and inventory expansion continue at a record pace as a hedge by industry against the continuing inflationary cost spiral.

The only remedy offered by the Johnson-Humphrey administration has been support for an ill-conceived effort to place a statutory interest ceiling rate over time deposits in banks and savings and loans institutions.

This finger-in-the-dike approach will will not create new savings nor direct additional funds to the homebuilding industry. On the contrary, it could drive personal and corporate savings from banks and savings and loans to government bonds, Federal agency issues, or the stock market—thereby further compounding the homebuilding problem.

The President can not continue his present practice of assuming credit for ever achievement and passing the buck for every failure, as he recently tried to do with regard to federal spending. This time he must stand on his own record. His record of indifference and of keeping hand-off while a major crisis develops.

Since the administration seems to be gripped by inactivity in this area, I want to urge the President to adopt the measures recommended recently by the House Republican Policy Committee.

First. Slash nondefense, nonessential domestic spending. Not just in regard to appropriations, but also with respect to new program authorizations which trigger the appropriations process.

Second. Reduce point discounts on FHA and VA home financing through administrative adjustments of rates to more realistic levels. Five and six point discounts—$1,500 on $25,000 home mortgage—are stifling home financing and wiping out personal savings.

Third. Suspend any further issues of FNMA participation sales other than for VA and FHA pooled housing mortgages. When the participation sales bill was being debated, the President was warned that this multibillion dollar budgetary gimmick would place severe strains on the private credit market and push up interest rates to record levels. Experience with the program has fully confirmed these fears.

Fourth. Enact the Republican initiated proposal to grant FNMA additional borrowing authority in a prudent and legal manner.

Fifth. Remove FNMA's $15,000 administrative limitation on purchase of mortgages under its secondary market operations.

Sixth. Appoint an emergency Presidential fact-finding committee on the homebuilding crisis to report its findings in sufficient time for congressional consideration prior to adjournment of the 89th Congress.

These are stern measures. However, the ever-deepening homebuilding crisis demands that immediate and effective steps be taken. This "do not open until after election" tag must be removed from this problem.

AARON G. BENESCH

(Mr. RODINO (at the request of Mr. DE LA GARZA) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RODINO. Mr. Speaker, I rise today with a heavy heart. A dear friend, not only to me but to many in this Chamber, a courageous and kind-hearted newspaperman, Aaron G. Benesch, is no longer with us. His passing leaves us deeply saddened, yes, but there is a warmth in our hearts, and a twinkle in our eye for having known him. For Aaron was a person who, through a long and distinguished career in a rough and competitive field, maintained at all times a dignity of self, a wry sense of humor, and above all, a kindness of spirit that endeared him to all who knew him.

Aaron, who was a native of St. Louis, started out in 1913 as a $3-a-week copy boy on the old St. Louis Star. He later served as the Washington correspondent for the St. Louis Globe Democrat, and, back in St. Louis, as managing editor of the Globe Democrat and the old St. Louis Times. In 1957 he returned to Washington as a member of the Newhouse National News Service, and was serving as associate editor at the time of his retirement on December 31, 1965.

Aaron's coverage of national politics went back to the 1928 Republican National Convention in Kansas City that nominated Herbert Hoover. And since 1957, he had been a frequent visitor to the offices of the New Jersey congressional delegation. In fact, Aaron, who wrote regularly for the Newark Star Ledger, became an adopted New Jerseyan, serving for a time as historian of the New Jersey State Society.

The outpouring of friends at Aaron's retirement party, and the scores of wires and letters from Congressmen, Senators, people throughout the Government, and newspapermen from all over the country who had worked with him, were an eloquent testimonial to a distinguished journalist and gracious gentleman. I think the sentiments of former President Harry S. Truman at that time were indicative of the feelings of us all:

> You have put in all of 50 years in the hectic field of journalism and that is a long time, even in a normal field of operation. I hope your transition from overactivity to retirement is as comfortable for you as it has been for me.

Unfortunately, Aaron was not able to long enjoy the relative calm of his retirement, or the pleasure of being able to spend more time with his lovely wife Eva and their daughter and her family. To them I extend my deepest sympathy, and the knowledge that their great loss is shared by all who had the good fortune to be touched by the joie de vivre that filled Aaron Benesch.

(Mr. FRASER (at the request of Mr. DE LA GARZA) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. FRASER'S remarks will appear hereafter in the Appendix.]

(Mr. GONZALEZ (at the request of Mr. DE LA GARZA) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. GONZALEZ' remarks will appear hereafter in the Appendix.]

(Mr. GONZALEZ (at the request of Mr. DE LA GARZA) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. GONZALEZ' remarks will appear hereafter in the Appendix.]

TRANSPORTATION, SALE, AND HANDLING OF DOGS AND CATS FOR RESEARCH PURPOSES

(Mr. PEPPER (at the request of Mr. DE LA GARZA) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I have long been interested in legislation for the protection of laboratory animals and have sponsored legislation in this field over several years. I am very happy that Congress has at last taken action. It is a great pleasure to me to cast my vote for H.R. 13881. The conditions which have been exposed in the animal supply trade to laboratories require immediate reform. The theft of pets and the inhumane treatment of animals bound for the laboratories cannot be tolerated.

H.R. 13881 is a bill primarily designed to regulate animal suppliers. But in the Senate it was amended and in its present form it now contains sections applying to the laboratories themselves. These I consider to be weak and inadequate. For several years I have sponsored compre-

hensive laboratory legislation and am thoroughly familiar with the subject.

I should like to remind the House that there are something like 11,000 laboratories in this country; that more than a quarter of a million people are engaged in biomedical research; that annual expenditure for this research is approximately $2 billion a year; and, finally, that upward of 100 million animals are consumed by biomedical research every year.

There are many critical problems which require a legislative remedy but I cannot agree that the coverage of the present bill is little more than a token gesture.

Only 2,000 of the 11,000 laboratories will be covered; only 5 million of the hundreds of millions of animals will benefit from this coverage; and, lastly, the coverage itself is extremely limited. The Secretary is directed to promulgate standards for the care, handling, and treatment of these 5 million animals but these standards apply only until actual research begins, with the determination of when research has begun left to the research facilities. Personally, I fear that many of these animals will not be covered because in many facilities, I am told, animals are involved in the process of research throughout their stay in the laboratory.

Mr. Speaker, may I reiterate that the laboratory coverage of H.R. 13881 is little more than a token gesture.

H.R. 10050, introduced by me over a year ago, not only sets standards for housing and care but deals with many other matters. Standards for the proper administration of anesthetics and of painrelieving drugs during aftercare are required. The science of statistics must be brought to bear in determining the number of animals necessary to be used in a given experimental series. Needless duplication is eliminated. Tissue cultures and less sensitive forms of life must be substituted for higher forms whenever possible.

The swelling mass of scientific information must somehow be brought under control so that every investigator may have the full benefit of work already done in his field.

In summary, Mr. Speaker, I take great pleasure in voting for the animal dealer provisions of H.R. 13881 and want to express my hope and earnest desire before this body that comprehensive laboratory legislation which is so badly needed for the protection of these hapless animals will soon follow.

(Mr. PEPPER (at the request of Mr. DE LA GARZA) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. PEPPER'S remarks will appear hereafter in the Appendix.]

REMARKS ON THE ORDER OF AHEPA

(Mr. McCORMACK (at the request of Mr. DE LA GARZA) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, our Nation's Capital is privileged this week to have the opportunity to host the 44th Supreme Convention of the Order of AHEPA. I know that all of us want to wish a very hearty welcome to the thousands of Greek descents who are gathering here.

The American Hellenic Educational Progressive Association is an organization which bears living witness to the great cultural richness and democratic spirit which took root milleniums ago during the Golden Age of Greece. It is an energetic association with 1,125 local chapters in 49 of our States, the Bahamas, Canada, Australia, and Greece. It is an association which strives to enrich its members through fellowship, through instruction in the tenets of good government, through increased understanding of the attributes and ideals of Hellenic culture, and through the development of a high moral sense.

The Order of AHEPA encourages its members to responsible, active participation in the privileges of citizenship. It is devoted to education and the search for new channels to facilitate the dissemination of culture and learning. It is responsible for one of our finest people-to-people efforts in its work to maintain strong and friendly ties with the citizens of Greece. AHEPA is a large-scale example of good citizenship in action.

The AHEPA was organized in 1922 as a national secret society by a small group of Greeks in Atlanta, Ga. But membership was not limited to those of Hellenic descent alone. Two of our greatest Presidents, Franklin D. Roosevelt and Harry S. Truman, our esteemed Vice President, HUBERT H. HUMPHREY, and many of our congressional colleagues have been welcomed as members in this outstanding organization.

Its early aims were to bridge the gap between Americans and Greeks and to help the latter absorb the American culture through contacts, naturalization, and other appropriate means. It offered a friendly, helping hand to the new immigrant. The organization grew rapidly. Today, the AHEPA program has expanded to include active support of Greek educational and religious activities, as well as encouragement and aid to a broad spectrum of civic and charitable projects. They have lent notable support to the political, civic, social, and commercial endeavors of their communities. But they have not forgotten the land of their ancestors. AHEPA's contributions to Greece have been marked by herculean effort.

Following World War II's devastation of Greece, AHEPA built seven health centers, two hospitals, a girls' shelter home, a preventorium, and an agricultural college, not to mention the countless other relief projects and worthy causes in Greece which have been bolstered by the helping hand of AHEPA.

The determined, and energetic Hellenic spirit which goes hand in hand with the aims of AHEPA has been one of the world's greatest benefactors. And the legacy of Greece and her people has made far richer the heritage of all of us. We are delighted to be able to welcome this 44th supreme convention to our Capital City.

TENNESSEE LOOKS AHEAD WITH NEW LAND USE PROGRAMS

(Mr. ANDERSON of Tennessee (at the request of Mr. DE LA GARZA) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON of Tennessee. Mr. Speaker, the people of Tennessee are working hard to develop our resources of land and water. One hundred percent of the farms and ranches in the State are included in organized soil conservation districts, and over 5,363,000 acres of land are covered by basic soil conservation plans.

These plans recognized fully the changes that are occurring in Tennessee, as elsewhere, in the use of land and water resources. For instance, in my district, in Hickman, Lawrence, and Stewart Counties, among others, many farmers are now offering farm vacations, converting croplands into golf courses and farm ponds, and generally entering the field of income-producing recreation.

This is a particularly apt use of land in Tennessee. Our climate, natural beauty and traditional hospitality—when combined with planned recreation—offer visitors a truly refreshing outdoor vacation. In many cases, also, the use of land for recreation is better for that land than constant cropping and, at the same time, provides the owner with higher income. This is one example of how soil conservation districts, with the technical assistance of the Department of Agriculture's Soil Conservation Service, keep abreast of the times with new solutions to the perennial problem of how to both conserve and wisely use our natural resources.

Another development I note in my district is the increasing appreciation, by nonfarm people, of the value and importance of land and water resources. More and more urban people are realizing they depend on land owners and land users not only for food and fiber, but also for good drinking water, for new suburbs and even for flood protection. Soil conservation districts contribute to proper land use in rapidly developing areas by, among other ways, cooperating on soil surveys and working on small watershed projects.

I have met with many soil conservation district leaders, and I am impressed by their dedication to the unglamorous, unpaid, but essential task of wise land use. I think they must feel, as did an early conservationist, Gifford Pinchot, that "a nation deprived of liberty may win it; a nation divided may reunite, but a nation whose natural resources are destroyed must inevitably pay the penalty of poverty, degradation, and decay."

Tennessee became known as the "Volunteer State" because our people volunteered so willingly in this country's wars. Today, their descendants continue to fight for their land both in battle overseas and in peacetime conservation projects here at home. I salute the volunteers of both kinds. They are both

Aug 17

4. WILDLIFE. The Commerce Committee reported with amendments H. R. 9424, to provide for a program of conservation and protection of fish and wildlife threatened with extinction and to consolidate the authorities relating to Interior administration of the national wildlife refuge system. (S. Rept. 1463). Sen. Magnuson urged support for the bill. p. 18912

5. QUARANTINE INSPECTION. The Commerce Committee reported with an amendment S. 1596, to provide for quarantine inspection by the U. S. at ports of entry without reimbursement by the owners of the transportation facilities (S. Rept. 1464) pp. 18911-2

Passed as reported S. 3446, to consolidate and reenact certain U. S. shipping laws. pp. 18859-60

6. MONOPOLIES. Received from the Judiciary Committee a report, "Antitrust and Monopoly Activities, 1965" (S. Rept. 1480). p. 18912

7. RESEARCH. Agreed to the conference report on H. R. 13881, to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling, of dogs, cats, and other animals intended to be used for research. This bill will now be sent to the President. pp. 18898-9, 18930

Sen. Bogges commended Delaware's agricultural research station for 25 years of service to farmers. p. 18920

8. TRANSPORTATION. Conferees were appointed on S. 3700, the urban mass transportation bill. House conferees have already been appointed. pp. 18897-8

9. APPROPRIATIONS. Continued debate on H. R. 15941, the defense appropriation bill, which includes funds for milk for military personnel which previously has been financed by USDA. pp. 18860-84, 18892-8, 18901-10

10. SCHOOL MILK. Sen. Proxmire urged adequate funding of the school milk program. p. 18924

11. BEEF EXPORTS. Sen. Sparkman commended the increase in exports of beef and livestock products. pp. 18930-1

12. PERSONNEL. Sen. Long, Mo., commended and inserted a Civil Service Commission announcement of a new employment policy that will "aid in the rehabilitation of 'good risk' former criminal offenders." pp. 18924-5

13. WORLD FOOD. Sen. Javits urged "top priority" for agricultural development in the Alliance for Progress. pp. 18889-90

ITEMS IN APPENDIX

14. MARKETING. Extension of remarks of Rep. Sickles supporting the bill to provide for the standardization of warranties and guarantees and inserting a supporting article. p. 4343

15. FOOD COSTS. Rep. Griffiths inserted a letter from a constituent calling for an "investigation of food price rises and the consequential shrinking of the dollar's purchasing power." pp. A4344-5

Rep. Harvey, Ind., inserted an article, "Where Food Dollar Goes?" p. A4359

26. INFLATION. Rep. Michel inserted an article, "Inflation and Trade." p. A4347
Extension of remarks of Rep. Ullman in support of his bills to provide standby consumer credit controls and inserting a supporting article. pp. A4361 2

27. OPINION POLL. Rep. Dyal inserted the results of a questionnaire including items of interest to this Department. p. A4349

28. WATER POLLUTION. Rep. Michel inserted an article telling of the plans of a steel complex to avoid water pollution. p. A4351

29. TRANSPORTATION. Speeches in the House by Reps. Krebs and Grabowski in support of the proposed Urban Mass Transportation Act of 1966. pp. A4353, A4361

30. SOIL CONSERVATION. Extension of remarks of Rep. Roncalio expressing concern over our "water problems" and commending the work of the soil conservation districts. pp. A4359-60

31. AGRICULTURAL DEVELOPMENT. Extension of remarks of Rep. Fascell commending the "fabulous economic growth potential" of Dade County, Fla., stating that the story "is the development of agriculture." p. A4362

BILLS INTRODUCED

32. MOVING EXPENSES. H. R. 17111 by Rep. Gilligan, H. R. 17112 by Rep. Jacobs, H. R. 17114 by Rep. Kluczynski and H. R. 17126 by Rep. Bray, to exclude from income certain reimbursed moving expenses; to Ways and Means Committee.

33. CENSUS. H. R. 17110 by Rep. Fuqua, to amend title 13, United States Code, to provide for a mid-decade census of population, unemployment, and housing in the year 1975 and every 10 years thereafter; to Post Office and Civil Service Committee.

34. LANDS. H. R. 17116 by Rep. Moeller, to provide for the restoration and rehabilitation of lands damaged by surface or strip mining; to Agriculture Committee.

35. TAXATION. H. R. 17118 by Rep. Nelsen, to amend the Internal Revenue Code of 1954 to authorize an incentive tax credit allowable with respect to facilities to control water and air pollution, to encourage the construction of such facilities, and to permit the amortization of the cost of constructing such facilities within a period of from 1 to 5 years; to Ways and Means Committee.

36. WHEAT. H. R. 17125 by Rep. Wydler, to repeal the wheat processing charge, commonly known as the bread tax; to Agriculture Committee.

0

COMMITTEE HEARINGS AUG. 18:
REA financing, H. Agriculture (exec), S. Agriculture; Intergovernmental personnel bill, S. Gov't Operations; Economic Opportunity Act amendments, S. Labor and Public Welfare (exec); Packaging-labeling bill, H. Interstate and Foreign Commerce; Water pollution, H. Public Works (exec).

oOo

"The A3D, dimensionally twice the size of the F-111, has a usual launch weight of 73,000 pounds as flown off Viet Nam.

"Such launches are made with 'wind-over-deck' conditions of 30 to 35 knots. Returning to carriers, the A3D's weight is 50,000 to 55,000 pounds, and landing is carried out with 30 knot wind-over-deck conditions. Wind over deck is achieved by steaming the carrier at high speeds into the wind, or in cases of calm conditions, in the preferred direction.

"Notes cargo bulk

"Launch weights as guaranteed by Grumman and G. D. for F-111B's will be slightly under 70,000 pounds. This weight will permit carrying six Phoenix missiles, and mission fuels allowing 500-mile direct flight [standoff] from the carrier, three hours on patrol, return fuel, and heavy landing reserves.

"Typical landing weight of the B series 'will be under 55,000 pounds,' engineers have stated in guaranteed-performance data submitted to the navy for the test program due to begin at Patuxent River, Md.

"Some of the early navy skepticism about the F-111 arose from the 'desired weights' as provided by pre-development data. This was for an interceptor with an empty weight of no more than 37,500 pounds, and a maximum gross of 55,000 pounds. Desired standoff distance was 750 miles, with three hours loiter and returning reserves.

"Engineers told the Tribune that putting six Phoenix missiles [the full load], two TF-30 jet engines as used in the F-111s, two pilots, and the loitering fuel into one package made the navy's 'desired' weight figures unrealistic and unachievable. Actual empty weight of the F-111B's offered for navy approval will be about 42,000 pounds, three tons more than the hoped-for original request.

"G.D. engineers report that the production B's will have 9 per cent more lift capability than was expected, and a more favorable weight-power ratio than initially planned. Approach speeds, even for the heavier planes already flying, are 110 knots [125 miles an hour], much less than anticipated.

"Energy limits equal

"Stopping the demonstrated B's will require about the same energy absorption by deck arresting gear as would the desired lighter plane, which would have had faster approach and touchdown speeds.

"In launch, the B, at an actual weight of 21 tons, can fly in minus-9 knot winds. This means they can be launched down-wind from anchor or 'dead-in-the-water' conditions. They can be accepted for landing at 10 knots, wind velocity often found at sea, even with the carrier halted.

"Air force F-111A's will have increased lift, have solved engine troubles, and gained performance because of work for the B's. The A's will carry more on take-offs [because they are not deck or catapult limited], and also normally will make lighter landings. The air force normally will not be bringing back ordance, and air force fuel reserves are less stringent than the navy's.

"Early in the program, the tactical air force demanded inclusion of Vulcan rapid-fire 20-millimeter cannons as part of the armament system. All 111s including B's, have provisions for a Vulcan so the gun can be included with four Phoenix missiles, or it can be deleted and six missiles carried.

"There has been no earlier disclosure that the gun is part of the weapons systems, but G.D. spokesmen today said this is the case. The Vulcan is an air-to-air weapon with the latest computing sight for deflection shooting.

"Confident of O.K.

"The entire developmental program for the F-111s has come along almost exactly as predicted, and Grumman and G.D. officials believe the navy and air force will accept their respective models without reservations once the test work is completed.

"Improvements in the Pratt & Whitney TF-80 engines used in the F-111s are assuring better fuel economies in cruise and loiter operations than hoped for by the defense department or the manufacturer. The improvements probably will not improve the top speed of 1,660 miles an hour.

"Under defense department contracts, the F-111B's, even with restricted weight, were to be capable of crusing 200 miles from their carriers, then loitering on station as a combat air patrol for three hours. F-111s have flown subsonically for up to five hours without refueling, approximating the carrier range requirement in less efficient earlier models.

[From the Dayton Daily News, Aug. 5, 1966]

"TFX ARGUMENTS NOT NEW, PROJECT OFFICER CLAIMS—SUCCESS MAKES DISTRESS, ASD DEPUTY CONTENDS

"(By Jack Jones, Daily News staff writer)

" 'It's time somebody from Wright field spoke up,' the local boss of the nation's F-111 swing-wing fighter plane project declared today as the news wires carried reports from New York and Washington about renewed controversy over the TFX.

"Maj. Gen. John L. 'Zeke' Zoeckler, Aeronautical Systems division deputy commander for the F-111, said he's tired of hearing that the plane is overweight, that costs are up, that it's running behind schedule, and so forth.

" 'They're the same old arguments; there's nothing new in them, and in some cases they're not true.

" 'It looks to me like an atempt to justify a position taken in the past—a position that current data no longer support.

" 'It looks to me like some people are distressed that we've been successful,' he said.

"Word of renewed controversy over the TFX (Tactical Fighter Experimental) or F-111 came as Sen. JOHN L. MCCLELLAN (D-Ark.) chairman of the Senate permanent investigating subcommittee said in Washington he planned to make a statement about the TFX, or F-111, on the Senate floor next week.

"During 1963 MCCLELLAN's subcommittee heard more than 2,700 pages of testimony, filling 10 volumes, an the merits of the TFX and the award of the contract to General Dynamics Corp., over the Boeing Co. The committee, however, never issued a report.

"MCCLELLAN's statement renewed speculation that he may reopen the hearings on the controversial warplane, especially on the overweight Navy version known as the F-111B.

"Zoeckler conceded that the first three F-111B prototypes were over weight but he said the Super Weight Improvement program had resulted in cutting 4,000 pounds out of the plane's empty weight.

"This still leaves the plane about 3,500 or 4,000 pounds heavier than original specifications, Zoeckler admitted.

" 'But let's put this into perspective,' he said.

"There have been other improvements, such as high lift devices on the wings, that more than offset the weight penalty, he declared. He said that overall performance, except in terms of ceiling, will be as good or better than the original specifications called for.

" 'Weight of itself doesn't mean much,' the head of the ASD F-111 System Program Office said.

"What the Navy is interested in is performance—the wind over the deck required for takeoff.

"While specifications call for the Air Force version, to land and take off in 3,000 feet of runway, Zoeckler said they've been landing consistently in less than 2,000 feet and taking off in less than 3,000 feet even with jet engines producing less thrust than will be available in production models."

STIMULATION OF MORTGAGE CREDIT FOR FEDERAL HOUSING ADMINISTRATION AND VETERANS' ADMINISTRATION ASSISTED RESIDENTIAL CONSTRUCTION

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3688) to stimulate the flow of mortgage credit for Federal Housing Administration and Veterans' Administration assisted residential construction, which was to strike out all after the enacting clause and insert:

That section 304(b) of the National Housing Act is amended by striking out "ten times the sum" and inserting in lieu thereof "fifteen times the sum".

SEC. 2. (a) The second sentence of section 303(d) of the National Housing Act is amended by striking out "$115,000,000" and inserting in lieu therof "$225,000,000".

(b) The second sentence of section 303(e) of such Act is amended by striking out "$115,000,000" and inserting in lieu thereof "$225,000,000".

Mr. SPARKMAN. Mr. President, I move that the Senate insist upon its amendments to S. 3688, and agree to the request of the House for a conference thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Senators SPARKMAN, DOUGLAS, PROXMIRE, WILLIAMS of New Jersey, MUSKIE, LONG of Missouri, MCINTYRE, TOWER, BENNETT, and HICKENLOOPER as conferees on the part of the Senate.

URBAN MASS TRANSPORTATION ACT OF 1964

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3700) to amend the Urban Mass Transportation Act of 1964 which was, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Urban Mass Transportation Act of 1966".

SEC. 2. The first sentence of section 4(b) of the Urban Mass Transportation Act of 1964 is amended by striking out "and $150,000,000 for fiscal year 1967" and inserting in lieu thereof "$150,000,000 for fiscal year 1967; and $150,000,000 for fiscal year 1968".

SEC. 3. Section 6(b) of the Urban Mass Transportation Act of 1964 is amended by striking out "and to $30,000,000 on July 1, 1966" and inserting in lieu thereof "to $30,000,000 on July 1, 1966, to $40,000,000 on July 1, 1967, and to $50,000,000 on July 1, 1968".

SEC. 4. The Secretary of Housing and Urban Development shall, in consultation with the Secretary of Commerce, undertake a study to prepare a program of research, development, and demonstration of new systems of urban transportation that will carry people and goods within metropolitan areas speedily, safely, without polluting the air, and in a manner that will contribute to sound city planning. The program shall (1) concern itself with all aspects of new systems of urban transportation for metropolitan areas of various sizes, including technological, financial, economic, governmental, and social aspects; (2) take into account the most advanced available technologies and

materials; and (3) provide national leadership to efforts of States, localities, private industry, universities, and foundations. The Secretary shall report his findings and recommendations to the President, for submission to the Congress, as rapidly as possible and in any event not later than eighteen months after the date of enactment of this Act. There are authorized to be appropriated such amounts as may be necessary for its preparation.

SEC. 5. (a) The Urban Mass Transportation Act of 1964 (as amended by this Act) is further amended—

(1) by redesignating sections 9 through 12 as sections 10 through 13, respectively; and

(2) by inserting after section 8 the following new section:

"GRANTS FOR TECHNICAL STUDIES

"SEC. 9. The Secretary is authorized to make grants to States and local public bodies and agencies thereof for the planning, engineering, and designing of urban mass transportation projects, and for other technical studies, to be included, or proposed to be included, in a program (completed or under active preparation) for a unified or officially coordinated urban transportation system as a part of the comprehensively planned development of the urban area. Activities assisted under this section may include (1) studies relating to management, operations, capital requirements, and economic feasibility; (2) preparation of engineering and architectural surveys, plans, and specifications; and (3) other similar or related activities preliminary to and in preparation for the construction, acquisition, or improved operation of mass transportation systems, facilities, and equipment. A grant under this section shall be made in accordance with criteria established by the Secretary and shall not exceed two-thirds of the cost of carrying out the activities for which the grant is made."

(b) Section 3(c) of such Act is amended by striking out "section 10(c)" and inserting in lieu thereof "section 11(c)".

Mr. SPARKMAN. Mr. President, I move that the Senate insist upon its amendments to S. 3700 and agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Senators SPARKMAN, DOUGLAS, PROXMIRE, WILLIAMS of New Jersey, MUSKIE, LONG of Missouri, MCINTYRE, TOWER, BENNETT, and HICKENLOOPER as conferees on the part of the Senate.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1967

The Senate resumed the consideration of the bill (H.R. 15941) making appropriations for the Department of Defense for the fiscal year ending June 30, 1967, and for other purposes.

The PRESIDING OFFICER. Is time yielded back on the amendment offered by the Senator from Arkansas?

Mr. STENNIS. Mr. President, will the Senator from Georgia yield 1 minute to me on the McClellan amendment?

Mr. RUSSELL of Georgia. I yield.

Mr. STENNIS. I merely wish to say that as I understood the Senator from Arkansas—if I may have his attention—as far as I was concerned, his amendment would be an expression of our determination not to buy the plane. Mr. President, if that is the way it is presented, as a member of the Committee on Armed Services, I do not wish to be a party to spending money on research and development for a plane that we are determined not to buy; and furthermore, as a matter of policy, I do not think we should get into that decisionmaking phase of the matter, if that is the intent of the amendment.

Mr. McCLELLAN. The Senator misunderstood me. I said not to buy it out of money provided in this bill.

I said I hope they can develop it, and we may buy it. This is not a final determination. I do not intend it as such. I do not think this is the time to make a final determination.

I only wish to protect the money in this bill. Let them proceed with the development and build the plane, and make a wonderful plane out of it. Then we can appropriate the money to buy it.

Mr. STENNIS. Then this would represent merely a determination that no money appropriated in this bill shall be spent for research and development of that particular plane; is that correct?

Mr. McCLELLAN. That is correct.

Mr. STENNIS. I thank the Senator.

The PRESIDING OFFICER. Is time yielded back on the amendment?

Mr. RUSSELL of Georgia. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RUSSELL of Georgia. Has the amendment offered by the Senator from Arkansas been agreed to?

The PRESIDING OFFICER. The amendment has not been agreed to.

Mr. RUSSELL of Georgia. I yield 1 minute to the Senator from Texas.

Mr. TOWER. I simply wish the Senator from Arkansas to state for the RECORD that his amendment does not inhibit, in any way, continued research and development in an attempt to refine this aircraft for Navy use.

Mr. McCLELLAN. I have said so repeatedly, and the chairman of the committee has said so repeatedly.

The PRESIDING OFFICER. Do the Senators yield back the remainder of their time on the amendment of the Senator from Arkansas?

Mr. McCLELLAN. I yield back the remainder of my time.

Mr. RUSSELL of Georgia. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

REGULATION OF TRANSPORTATION, SALE, AND HANDLING OF DOGS AND CATS FOR RESEARCH—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13881) to authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs and cats intended to be used for purposes of research or experimentation, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Aug. 11, 1966, CONGRESSIONAL RECORD, pp. 18276–18278.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MAGNUSON. Mr. President, I shall make a brief statement regarding the conference itself because this bill aroused a great deal of interest in the country and in Congress.

It is my pleasure to report that the House and Senate conferees have agreed upon a substitute H.R. 13881, and the House has acted favorably on the conference report.

The substitute bill agreed upon by the conference is a landmark measure in the field of animal welfare legislation. Its existence is owed to a public aroused by exposés of pet stealing operations supplying many of the animals used in medical research. Thousands of letters have been received by Members of Congress demanding action. This legislation is the answer to those demands.

The bill has two major objectives:

First. To control and regulate the transportation and sale of dogs and cats in order to prevent the use of stolen pets in medical research; and

Second. To provide humane care and treatment for those animals which are destined for use in medical research.

It is important to note, however, that these noble objectives have been achieved without impairing our vital and necessary medical research programs. Regulation by the Secretary of Agriculture is limited to nonresearch conditions.

There were two major differences between the House and Senate version:

First. The House measure failed to provide for the establishment and regulation of humane standards within the research facility and

Second. The House version was limited to dogs and cats while the Senate bill also reached monkeys, guinea pigs, hamsters and rabbits.

In resolving the first of these differences, the managers for the House agreed to include research facility regulation in the bill and the managers for the Senate agreed to strengthen this provision by permitting the Secretary of Agriculture to issue cease-and-desist orders with a civil penalty for violation of such an order.

The second major difference, an extention of coverage to more than dogs and cats, was resolved in favor of the Senate version. However, only the dog or cat dealer will be licensed under H.R. 13881, as agreed to by the Senate and House managers.

Before describing the bill in detail, let me pay deep and sincere tribute to the House members who worked on this measure, particularly to the sponsor of H.R. 13881, Representative W. R. (BOB) POAGE. It was his wise leadership which has enabled us to take this great step forward in humane animal care. Tribute must be paid as well to the Senior Senator from the State of Oklahoma [Mr.

MONRONEY], whose concern with the care many animals receive within the research facility made possible the inclusion of research facilities in this legislation.

The Senator from Pennsylvania [Mr. CLARK] sponsored one of the first bills in the Senate. He was of immeasurable help to us in the hearings.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a summary of the conference substitute.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE CONFERENCE SUBSTITUTE

The Conference substitute contains the following major provisions:

The Secretary of Agriculture will issue licenses to dealers who buy and sell dogs or cats in commerce. These license fees are to be reasonable and equitable with the Secretary considering the types and nature of the operation to be licensed. Research facilities will be required to register with the Secretary of Agriculture but will not be required to be licensed.

Dealers and research facilities will be required to keep and retain records of their purchase, sale, transportation, identification, and previous ownership of dogs and cats.

In addition, identification of dogs and cats will be required.

One of the most important provisions of the bill is the requirement that the Secretary establish standards to govern the humane handling, care, treatment, and transportation of animals by both dealers and research facilities. These standards are to include minimum requirements with respect to the housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation by species, and adequate veterinary care. However, the Secretary is not to set any standards with respect to actual research or experimentation by a research facility as determined by the Research facility itself. These standards would also apply to department, agencies, and instrumentalities, of the United States which have laboratory animal facilities.

Because several departments already are concerned with animal welfare in research or experiments, the Secretary is to consult and cooperate with departments or agencies when establishing humane standards.

Inspections by the Secretary to see that dealers and research facilities are not violating any provisions of this legislation or any regulations established thereunder are made mandatory. The Secretary would also establish regulations which would permit inspectors to confiscate or destroy in a humane manner any animal found to be suffering as a result of a violation of the legislation or any regulation if animals are held by a dealer or a research facility and are no longer required for research.

The Secretary will also be required to issue rules and regulations requiring dealers and research facilities to permit inspection of their animals and records at reasonable hours upon the request of legally constituted law enforcement agencies in search of lost animals. However, such regulations are not to be construed as authorizing interference with research or experimentation by a research facility.

In order to fully control the movement of dogs or cats destined for use in research facilities so as to preclude the use of stolen pets, research facilities and federal agencies will, as a general rule, be required to purchase dogs or cats only from persons holding valid licenses as dealers. However, there are two exceptions to this rule. First, under section three is language which is intended to permit farmers to sell dogs or cats directly to research facilities without acquiring a license. This exemption is limited to the sale of dogs or cats which were bred and raised on the exempted person's premises. If a farmer purchases a dog or cat, he cannot sell it to a dealer or research facility without first obtaining a license as a dealer.

Second, state, county, or municipal pounds or their duly authorized agents are not persons under the Act and therefore would not be required to purchase a license before supplying dogs or cats to research facilities. This is also intended to include non-profit organizations which contract with a city or county to act as the city or county's pound.

Dealers who violate the Act or regulations issued thereunder are subject to license suspensions or revocations and violations of the Act can also mean a $1,000 fine and a year in jail.

Research facilities violating the Act or regulations can be ordered to cease and desist by the Secretary. Failure to obey a cease and desist order will subject the facility to a $500 civil penalty and each day such failure continues will be deemed a separate offense.

Mr. MAGNUSON. Mr. President, the Senator from Oklahoma may want to say something on this matter. He handled many of the knotty problems in the conference.

Mr. MONRONEY. Mr. President, I wish to express my appreciation to the leadership in the passage of this bill and to the chairman, the Senator from Washington [Mr. MAGNUSON] for his assistance in the conference.

I believe the bill carries into law the best provisions of both the House and Senate versions. The provisions for licensing of the dealers, for requirements regarding sales, and for the prevention of the theft of dogs for sale, and for research institutions had been rather effectively established by the House of Representatives, but the bill lacked the provision for adequate humane care, or, in fact, for any control at all over the humane care of animals in the laboratory institutions.

I believe that, by careful work and compromise, we have the strongest provisions that we could enact at this time.

I am very grateful to all those who had a part in helping to obtain passage of this measure.

Mr. JAVITS. Mr. President, I join with the Senator from Washington in paying tribute to all those who took part in this endeavor.

Mr. President, H.R. 13881 seeks an end to the growing practice of pet stealing for research purposes, and while the coverage of H.R. 13881 does extend somewhat into the research facility, it does not deal comprehensively with all the complex problems of treatment of laboratory animals.

In passing H.R. 13881, Congress has only begun its work of providing humane treatment for research animals. That a more comprehensive solution acceptable to the scientific community is possible is evidenced by my bill, S. 3218, which I introduced at the request of the New York State Society for Medical Research. This very fine and dedicated medical society sees the need for comprehensive protection for laboratory animals, not only out of ethical consideration for the laboratory animals that are suffering for us, but also for the sake of producing better results from research. Animals housed and cared for humanely throughout the sojourn in the laboratory and spared avoidable pain, fear, and suffering, are better biological models and produce better research results.

My bill provides for such care throughout; it provides for proper use of anesthesia where anesthesia can be used; it insures the proper use of postoperative pain relieving drugs. It is a comprehensive solution to the laboratory animal problem, one which fulfills our ethical responsibilities by insuring that laboratory animals are housed and cared for humanely and spared avoidable pain, fear, and suffering.

Therefore, Mr. President, I urge that the Congress finish its work by enacting comprehensive laboratory animal legislation.

Mr. MAGNUSON. Mr. President, we could suggest the names of many other Senators who have a deep interest in this subject other than the Senators who have been named.

The Senator from New York is one of those who has urged the passage of such a measure for a long time.

We thought that a separate Senate bill which provided for the actual research problems within the research facilities would be a better approach to the problem. I am very hopeful that the Committee on Labor and Public Welfare will report the Senator's bill. The Senator will get the support of the Senator from Washington, the Senator from Oklahoma, and other Senators. That bill would add to the whole objective. We could then really do something about this very serious problem of animal welfare which we have in the United States.

Mr. JAVITS. Mr. President, I am very grateful to my colleague.

Mr. MAGNUSON. Mr. President, I move that the conference report be agreed to.

The report was agreed to.

ALLIANCE FOR PROGRESS

Mr. JAVITS. Mr. President, in assessing the Alliance for Progress after 5 years, it is necessary that we point out some of its inadequacies along with its accomplishments, so that the lessons learned can be put to good use by all the participating nations in charting, if possible, a more appropriate course for this cooperative venture in the coming years.

Where has it fallen short?

It has not yet effectively touched the life of a large majority of the people of Latin America?

It has not developed into a cohesive political doctrine that could become a strong motivating force for rapid but evolutionary change.

It has still not become a fully cooperative venture in the sense that the basic control over the disposition of Alliance funds still rests in the hands of the U.S. Government, although CIAP and IA/ECOSOC are gaining in importance with this field.

It has yet to make a significant impact in such key areas as housing, food production, and population control.

Despite the Alliance for Progress since 1961, 11 military coups have taken

place—3 in the Dominican Republic, 2 in Argentina, 1 in Peru, 1 in Guatemala, 1 in Ecuador, 1 in Honduras, 1 in Brazil, and 1 in Bolivia.

What has it achieved?

It has prevented widespread dissatisfaction with social injustice and slow economic growth from turning into violent, leftist Latin America-wide revolution.

It has resulted in improved economic planning and achieved the start of agricultural and tax reforms.

It has made reform respectable.

It has aided the decline of Castroism as a major political force.

It has helped to replace military dictatorships in the Dominican Republic, Peru, Guatamala, Ecuador with legitimate civil government.

What are the principal lessons it taught us?

It has taught us that no single program even as generous and highly motivated as the Alliance for Progress can be the complete answer to the deeprooted and manifold problems of a continent.

It is clear now that the Alliance for Progress must continue to provide external support for the reforms and modernization that can be carried out only if the Latin American governments and peoples want it badly enough.

It is also clear that every advance under the Alliance creates new needs and requirements which will necessitate a substantial increase in the flow of funds from the United States and other industrialized nations to Latin America.

Several other steps seem to be highly desirable if the accelerated economic growth and social reform objectives set out in the Charter of Punta del Este are to be achieved in our lifetime: First, a Latin American common market and multinational projects of infrastructure; second, closer cooperation with and greater involvement of the private sector in the attainment of economic and social objectives; third, improved inter-American communications; fourth, top-level political leadership in the implementation of these measures.

Latin American Presidents have shown interest in convening a summit conference of hemisphere Presidents this year. I approve such a conference and hope it will be held. Certainly the fifth anniversary of the Alliance for Progress should be a good occasion—for the leaders of the hemisphere to face some of the basic problems facing the South American Continent on the basis of the lessons taught by the past 5 years at such a summit conference.

Mr. President, one extremely hopeful sign has just occurred, and that is a meeting at the summit of the Presidents of five Latin American countries, three Presidents being present, and two being represented, which has just resolved to take the most historic advance so far known to this hemisphere—an effort to organize a Latin American common market. I commend them highly for this action. I have very ardently cooperated before, and I shall continue to cooperate, in the effort to bring about what I believe to be the greatest single advance which can be made in the affairs of Latin America—to wit, to convert the Latin American Free Trade Association into a common market.

Mr. President, the other three critical problems which they face in the second half of the Alliance for Progress are: food production, housing, and population control.

Food production: Latin America will face a major food crisis within a decade, for while food production rose 16 percent in the last 5 years, it barely kept pace with population growth. As a result, Latin American countries have to spend millions of dollars on food imports each year in addition to millions of dollars worth of food provided by the United States under food for peace. In comparison to what is needed, the $112 million in loans and grants extended through U.S. aid for food and agricultural development in fiscal year 1965, the $111 million spent by the IADB and the funds devoted by Latin American governments to speed agricultural development are, of course welcome, but not adequate. This suggests the need, first, to give top priority to agricultural development in the Alliance for Progress; second, for the early implementation of President Johnson's proposal for a common market for the production and marketing of fertilizers, pesticides, and other products required to increase agricultural production; and, third, for Latin American governments to take the internal steps—in such areas as infrastructure, investment, reforms, credit—that will create a rate of food production that will fully satisfy Latin America's consumption needs.

Housing: According to the estimates of the Inter-American Development Bank, the total housing deficit in Latin America today is between 15 and 19 million housing units, and 1.5 million units at a cost of $4.5 billion must be built each year just to meet the needs of new families. In contrast not more than 400,000 to 500,000 new housing units are now being built. The total investment in housing, by Latin American governments and by the Alianza since 1961 has been about $1 billion.

The $900 million now available to the Fund for Special Operation to finance social development projects by the IADB should, in part, be made available to develop new institutions such as cooperatives and savings and loan associations to finance additional housing of all types. U.S. private investment should now take full advantage of the broadening of our Latin American housing guarantee program which makes possible $400 million in new investment in housing and in credit institutions that finance housing. New housing legislation enacted in 1965 will also enable savings and loan associations in the United States to invest up to 1 percent of their assets—as much as $1.2 billion—in housing for Latin America, over and above the housing financed by 122 savings and loan associations already established in Latin America.

I would also like to see the Congress of the United States establish an International Home Loan Bank, a private institution, to channel additional "seed capital" from the U.S. savings and loan associations to similar institutions in Latin America and other developing nations as yet another way to help Latin America in its effort to create adequate housing for its people.

Population control: The population of Latin America will increase from the present 220 million to 600 million by the year 2000 at the current rate, and this alone could wipe out all other economic and social gains.

The principal effort in this area must be made only by the Latin American governments themselves. There must be a decision and soon that the best knowledge available anywhere will be brought to bear on this problem if the gains made in the past 5 years are to be preserved and pressed forward in a meaningful way. I readily admit that the support provided by my own country in this area has been very limited—$800,000 in the last fiscal year—1965. This year it may rise to $2 million. As indicated in President Johnson's recent message to Congress on international health earlier this year, we are prepared to do more.

Mr. President, any discussion of the 5-year record of the Alliance for Progress must go beyond an examination of its effect on the rate of social and economic progress to a consideration of the political and military stability of Latin America. In the long run it had been hoped that the economic development and social progress of Latin America would enrich the lives, increase the security, and contribute to the political stability of the people of the Americas. The record of the past 5 years shows that we have far to go in this respect.

Indeed, the military and political aspects of American life have not kept pace with the social and economic aspects. The basic problem still confronting the American states is how to deal with political instability resulting from the overthrow of democratic governments by the Communists or by the ultraright.

The problem of Communist subversion on a large scale while extremely vital is relatively new to this hemisphere, whereas a rapid turnover of governments and the seizure of power by dictators—often military has been a feature of the Latin American scene for decades. It is the concurrence of these two factors, in the current economic and social atmosphere, which now threatens Central and South America with even more governmental upheavals.

Eleven military coups have occurred in Latin America since the beginning of 1961. It may be argued very convincingly that not all of these takeovers were necessarily undesirable. But it may be argued with equal persuasiveness that, however transitional may be the entry of the military into the political affairs of some Latin American countries, in their totality these coups are a manifestation of continued political instability which has become increasingly damaging to Latin America's development and should therefore inspire great hemispheric concern. The real danger lies in the continued erosion of the hope and faith of the people in the viability of

best of the younger generation is constantly being siphoned off.

FACE LIFE OF POVERTY

However, unless the educated young Eskimo or Indian wants to spend the rest of his life on the relief rolls, he must escape the village and go to the city. The village economy is virtually nonexistent, and the young native, educated to middle-class values, is no longer fit for survival in a hunting and fishing culture.

The mental and emotional strain of adjustment to urban life is so tough that many Eskimos and Athabascans beg to be sent home after a week in Seattle. Usually, the director of the center, Mrs. Jimmie Owens, a vivacious brunette with a Texas drawl, can talk them out of these attacks of homesickness.

"Our main task is to reduce their anxieties, help them get a feeling of self-confidence," she explained. "Most of them have never seen a bus. They are frightened by the traffic. Their most common fear is getting lost. Manmade landmarks don't seem to impress them and they do get lost. We've had them walk all night long."

SENT TO ONE OF 7 CITIES

A total of 301 single men, 96 single women and 93 families have passed through the center since it was opened in July, 1963. The average stay is three weeks, but Mrs. Owens keeps some of them up to two months if they seem to have trouble adjusting.

They are then sent to one of seven cities—Los Angeles, Oakland or San Jose in California, or Denver, Chicago, Cleveland and Dallas—where the Bureau of Indian Affairs maintains field employment assistance officers. Mrs. Owens estimates that one of every four migrants cannot adapt during the first crucial year of adjustment and flees back to the village.

Mrs. Owens showed some letters from homesick Eskimos.

"I'm a fisherman and I can't live in the city," one said.

"I can't stand it here, I want to go home," pleaded a young Eskimo in California.

WOULD NOT EAT

Mrs. Owens said she had encountered a 19-year-old Eskimo who was so homesick he would not eat.

Most of her present class of 11 natives are Athabascans from the Yukon Basin. They seemed cheerful. Mrs. Owens said they spent most of the day at the motel pool, and that it was difficult getting them to go to bed at night.

Each new arrival is given a subsistence allowance of $25 a week. The motel room is free and so is emergency dental care.

"We tell them the $25 must cover all groceries, bus fares, haircuts," Mrs. Owens said.

The Indians are taught how to use a telephone, flush a toilet, snap on a television set and pull a Venetian blind.

Soon they are taken to a supermarket and watched carefully while they select groceries for the day. This is a traumatic experience for many, Mrs. Owens explained, because they are confused by the great variety of foods displayed. After observing how they spend their allowance, Mrs. Owens gives them tips on budgeting.

As part of the orientation, Mrs. Owens tries to create situations and experiences that the natives are likely to encounter wherever they settle. She shows them how to use public transportation, how to read maps and how to cross streets.

[From the New York Times, Aug. 8, 1966]

ALASKA TRIBE GUARDS WEALTH OF NEWLY FOUND OIL

(By Homer Bigart)

TYRONEK, ALASKA.—The newly rich Moquawkie Indians, beset by investment brokers, insurance salesmen, book agents, peddlers and confidence men, have closed their airstrip to all but invited guests.

This action effectively isolates them. The Tyonek Reserve, on the isolated west shore of Cook Inlet, can be reached conveniently only by chartered plane from Anchorage, and planes cannot land without advance approval from tribal leaders.

Rich Indians are a rarity in Alaska, where the average native—Eskimo, Indian or Aleut—lives in deep poverty, with the average unemployment rate 45 per cent, a median family income of $1,500, an average schooling of five years and an average age at death of 43. Nine out of 10 natives live in houses unfit for habitation.

By Indian standards, the Moquawkie—in their pine frame houses with cedar siding and picture windows, bathrooms, TV sets and deep freezes—are remarkably prosperous. They had first persuaded President Woodrow Wilson to set aside for them a 24,000-acre reservation that seemed at the time to be mostly swampland of little foreseeable value. Later, when it appeared they were settled on oil, they engaged a young Anchorage lawyer, Stanley J. McCutcheon, to fight for their right to the mineral wealth.

NEW-FOUND WEALTH

The long legal fight ended in victory. The Moquawkie, a tiny branch of the Athabascan family of tribes that settled the heart of Alaska, have gained about $12.5-million from oil lease sales, and when the wells start producing the royalties will be 16 per cent.

There are only 300 persons on the tribal rolls. Two years of affluence have had a remarkable effect on them. There has been a sharp decline in alcoholism and a dramatic upgrading of general health.

The old village had been an unsightly clutter of driftwood and tarpaper shacks, often with a dozen Indians sleeping in turns in one room.

Now the 55 resident families live in homes costing $16,000 (for one bedroom), $24,000 (3 bedrooms) or $28,000 (four bedrooms). About 100 Indians living off the reservation have received a per capita allotment of $5,000 each.

The Indians had ruled out a minority proposal for a per capita split of the windfall. Their leaders knew that such a distribution had never worked elsewhere—too many Indians were cheated or spent their money on luxuries.

SOCIOLOGIST AIDS TRIBE

The Moquawkie hired a sociologist, Francis M. Stevens of St. Paul, a graduate of the University of Minnesota who is a specialist in community development. Three members of the tribal council accompanied by Mr. Stevens and Mr. McCutcheon, toured Indian reservations in Arizona and New Mexico that had received considerable money and had programs for tribal development.

They were dismayed, Mr. Stevens said, to find none of the programs working well. The delegation returned here convinced he continued, that the Moquawkie "must absolutely handle the money themselves and not let the Bureau [of Indian Affairs] run up overhead."

A family plan advisory committee was created to supervise the spending of the $5,000 per capita allocations. Rejected requests included $1,200 for a color television set, for wall-to-wall carpeting that would have cost $3,500 (the family was told to get a lower estimate), and for fancy cars (the reservation has only a few miles of dirt roads).

Requests for Jeeps, pick-up trucks, clothing, household appliances, furntiure and outboard motors were generally approved.

NEW SCHOOL BEING BUILT

The old wooden schoolhouse, a firetrap, is being replaced by a new grade school costing more than $850,000. The Federal grant of $715,000 was not big enough for the kind of school the Indians wanted, so they put in $140,000 to pay for their own architect. The new school will have a gymnasium, a library and a multipurpose room.

Mr. Stevens said that village schooling had been so inadequate that an eighth-grade graduate was considered three years behind the average eighth-grader from the outside. Only 12 children from the village had been through high school and only one had gone to college.

The sudden wealth has had its greatest impact on children's diet, he said. Families are now able to buy fresh vegetables, milk, eggs and ice cream.

The tribe's investment portfolio leans heavily on Anchorage real estate. It also owns a half interest, worth about $500,000 according to Mr. Stevens, in Alaska Utilities and Spenard Utilities, and a $120,000 majority interest in Security Title and Trust Company.

The Moquawkie have set aside $200,000 for education and scholarship and put $450,000 into a tribal credit lending program. They have asked the Russian Orthodox Church to provide a full-time priest who will be paid $400 a month and provided housing.

Last winter the tribal council in a bullish mood, invited the New York Stock Exchange to take refuge here from Mayor Lindsay's tax program. The resulting publicity apparently spurred a fresh onslaught of salesmen and forced the closing of the airstrip.

ARMS CONTROL, DISARMAMENT, AND TOURISM—BROADCAST BY CHARLES COLLINGWOOD

Mr. FULBRIGHT. Mr. President, journalists who practice their profession on radio and television are at some disadvantage in comparison with their colleagues whose work is published in the press. With certain exceptions, what they say escapes into the atmosphere and is irretrievable to those who missed it in the first instance. On the other hand, they are spared the indignity of having their handiwork used to wrap fish.

Two particularly fine journalists of the electronic age are Walter Cronkite and Charles Collingwood. They have done much to impart depth and perception to news presentations.

A particularly fine example of this was a broadcast by Charles Collingwood from London on Mr. Cronkite's evening news, August 5. The irony and inconsistencies of our attitudes toward war have seldom been better expressed than they were in Mr. Collingwood's broadcast, the informal transcript of which I ask unanimous consent to have printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

CHARLES COLLINGWOOD FROM LONDON

This weekend is the anniversary of Hiroshima, the last time anyone was deliberately killed by a nuclear device. In the 21 years since then though, some hundreds of thousands of people have been killed by conventional weapons. It's one of the paradoxes of our paradoxical time that while an endless international negotiation is going on in Geneva to stop the proliferation of nuclear weapons that nobody wants to use there is no interest at all in limiting the proliferation of conventional weapons that are going off every day.

The only proposal for conventional disarmament is President Johnson's to keep weapons out of the hands of insane killers. But it's been official policy to sell all the

guns we can to other countries ever since we discovered this was a profitable way to balance our international accounts. For instance, we insist that West Germany buy $675 million worth of arms every year to make up for what we spend keeping American troops in Germany and our arms salesmen are pestering every country with any loose change in its pocket.

It's appropriate that the most provocative suggestion for unravelling this grim paradox should come from Germany which has been buying so many arms from us it figures it has at least as many as it needs. A Mr. Feaux de la Croix of the West German Finance Ministry suggests that instead of helping the U.S. economy by buying all those weapons, why not spend the same amount of money sending an army of German tourists to visit the United States. He's got it all worked out so that the German Government would subsidize tourists to America at the rate of 750 million dollars worth of foreign exchange a year—more than we get from Germany for arms. Of course, it will never happen.

It's one of the ironies of our times that 21 years after Hiroshima, most reasonable men think it's preferable to balance our books with guided missiles rather than guided tours.

NEED FOR HUMANE LEGISLATION CONTINUES

Mr. McINTYRE. Mr. President, the Senate Committee on Commerce and the House Committee on Agriculture are to be congratulated on their decisive action on the Poage-Magnuson Act, which will now bring an end to the cruel and heartless practice of pet stealing for research purposes and the inhumane treatment of these animals by some of the dealers who supply research laboratories.

I am, however, apprehensive that the new Poage-Magnuson Act will be interpreted as a solution also for the inhumane treatment of laboratory animals while in research facilities. Even though the coverage of the Poage-Magnuson Act has been extended slightly to provide some coverage for research facilities, the sections dealing with such laboratories are extremely limited and nothing more than a very small first step toward the elimination of cruelty, mistreatment, and abuse of laboratory animals.

The Senate committee report noted carefully that the committee's intention in limiting the definition of research facilities to those purchasing or transporting dogs or cats in commerce was to restrict coverage of this legislation to major research facilities and to exclude the thousands of hospitals, clinics, and schools which use other animals for research and tests. Committee members have estimated that under the definition of research facility coverage will be limited to 2,000 laboratories, or approximately 20 percent of the animal-using research laboratories in the United States. In addition, the Poage-Magnuson Act restricts its protection to dogs and cats, with protection for monkeys, guinea pigs, hamsters, and rabbits only when these animals are used along with dogs and cats. This provides protection for, at the most, 5 million animals. This is a very insignificant portion of the hundreds of millions of animals that are used in present-day research.

The most disturbing provision of the Poage-Magnuson Act is that the few animals that are protected in laboratories are not protected during research or experimentation and the important determination of when an animal is in actual research so as to be exempt from regulations under the law is left to the research facility. Those animals that are under research or experimentation for several years will have absolutely no protection under this new law.

I say these things not in criticism of the committee responsible for this act for we all know the practical necessities and realities that any committee must work under in the drafting of legislation. Rather, I make these remarks to remind all of us that with the passage of the Poage-Magnuson Act our responsibility to laboratory animals has only begun. My own bill, S. 2576, is a comprehensive solution to the complex problems involved in protecting laboratory animals. It provides protection for the animals throughout their sojourn in the laboratory and insures that they are spared avoidable pain, fear, and suffering. Equally important is that this protection is provided without impeding or interfering with legitimate research.

I trust that the Congress will recognize its moral obligation in this matter and go on to consideration of comprehensive laboratory legislation. In the words of the late Rachel Carson:

> No nation that calls itself civilized can allow the experimental animals to whom we owe so much to be subjected to neglect and mistreatment and to be forced to undergo unnecessary pain and shock. Our national conscience demands that standards be set up for proper laboratory conditions, for avoiding unnecessary experiments, and for the humane conduct of experiments actually carried out.

These goals, enunciated by Rachel Carson, can only be fulfilled with additional Federal legislation. I urge the Congress to move forward in this matter.

BREAKTHROUGHS IN EXPORTING UNITED STATES QUALITY MEATS

Mr. SPARKMAN. Mr. President, the Select Committee on Small Business, on which I serve as chairman, has since mid-1964 been studying the potentials and problems of marketing American livestock products, particularly those of the better grades, in the export trade.

Our inquiry was based on various estimates of sizable and growing demand for high quality meat products in Western Europe, and the unequalled ability of the American livestock and processing industries to supply them. Some placed the additional potential for such export sales as high as $250 million a year—existing exports of all U.S. livestock products came to $470 million in 1964 and 1965—based upon the growing prosperity of the 380 million people in Western Europe, and their consequent desire for more and better meats in their diet.

Prior to the period of our investigation, the United States had not exported significant amounts of quality meats for about 40 years. With nearly one-third of the world's production, the United States stood only 12th as a meat exporter. One farm organization told the committee:

> (Western Europe) may be the first new market for our beef industry in years.

When our first public hearings were convened in February of 1965, we stated our objective as follows:

> The committee intends to make a systematic examination of the potential for commerical development of export markets for beef products. In doing so, we shall need to identify and explore all of the barriers to this trade.
>
> This will, we feel, allow all of us who are interested in cultivating these foreign markets to come together in a cooperative atmosphere in which all groups can make a contribution to what the committee hopes will be a breakthrough in beef exports.

We were encouraged when the representatives of the American-flag steamship lines announced, at the hearings, that ocean fright rates to the European continent would be reduced on the average of 25 percent in order to stimulate our livestock industries to enter and develop Western European markets. Then, in September of 1965, the airlines followed with reductions on air cargo averaging 25 to 30 percent. Both industries showed willingness to readjust some of these rates further in accordance with the realities of trade.

The Senator from Alaska [Mr. BARTLETT] just recently commented on the subsequent experimental container shipments of chilled beef which went forward under these new rates—the Select Committee on Small Business and Developments in Containerized Transportation, CONGRESSIONAL RECORD, July 15, 1966, page 15149—such shipments this spring opened a market in West Germany through sales by a prominent chain of supermarkets. The Texas Farm Bureau, which supplied the meat and made the arrangements, advised our committee that the sale which was to have lasted for about a week "was sold out in 1½ days—the counters emptied every 30 minutes—in short, acceptance could not have been better."

A recent article in the New York Times reviewed the technical and other developments surrounding these shipments. The year 1966 has seen the inauguration of integrated inland-ocean container service, the perfecting of the equipment involved, and the discovery of chemical preservatives, all of which contribute to the ability to ship this perishable commodity more rapidly and safely. As a result, the newspaper concludes that a favorable climate has been created for further commercial trade. We must also, I feel, give due recognition to the extent to which this breakthrough on the sealanes has been made possible by the resourcefulness of American business, and the teamwork of many persons in industry and in Government departments and agencies.

A further dramatic instance of this process was brought to the attention of the committee during its hearings in May of this year. In the field of air transport, pioneering companies such as Pan American World Airways and Trans

Jan 19

Feb 11

Feb 2

Aug. 24

Public Law 89-544
89th Congress, H. R. 13881
August 24, 1966

An Act

To authorize the Secretary of Agriculture to regulate the transportation, sale, and handling of dogs, cats, and certain other animals intended to be used for purposes of research or experimentation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, in order to protect the owners of dogs and cats from theft of such pets, to prevent the sale or use of dogs and cats which have been stolen, and to insure that certain animals intended for use in research facilities 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 in transporting, buying, or selling them for such use.

Dogs, cats, and other animals intended for research or experimental use.

SEC. 2. When used in this Act—

Definitions.

(a) The term "person" includes any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity;

(b) The term "Secretary" means the Secretary of Agriculture;

(c) The term "commerce" means commerce between any State, territory, possession, or the District of Columbia, or the Commonwealth of Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, or the Commonwealth of Puerto Rico, but through any place outside thereof; or within any territory, possession, or the District of Columbia;

(d) The term "dog" means any live dog (Canis familiaris);

(e) The term "cat" means any live cat (Felis catus);

(f) The term "research facility" means any school, institution, organization, or person that uses or intends to use dogs or cats in research, tests, or experiments, and that (1) purchases or transports dogs or cats in 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;

(g) The term "dealer" means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells dogs or cats in commerce for research purposes; 80 STAT. 350.

(h) The term "animal" means live dogs, cats, monkeys (nonhuman primate mammals), guinea pigs, hamsters, and rabbits. 80 STAT. 351.

SEC. 3. The Secretary shall issue licenses to dealers upon application therefor in such form and manner as he may prescribe and upon payment of such fee established pursuant to section 23 of this Act: *Provided*, That no such license shall be issued until the dealer shall have demonstrated that his facilities comply with the standards promulgated by the Secretary pursuant to section 13 of this Act: *Provided, however*, That any person who derives less than a substantial portion of his income (as determined by the Secretary) from the breeding and raising of dogs or cats on his own premises and sells any such dog or cat to a dealer or research facility shall not be required to obtain a license as a dealer under this Act. The Secretary is further authorized to license, as dealers, persons who do not qualify as dealers within the meaning of this Act upon such persons' complying with the requirements specified above and agreeing, in writing, to comply with all the requirements of this Act and the regulations promulgated by the Secretary hereunder.

Licenses to dealers.

License requirement.

SEC. 4. No dealer shall sell or offer to sell or transport or offer for transportation to any research facility any dog or cat, or buy, sell, offer to buy or sell, transport or offer for transportation in commerce to or from another dealer under this Act any dog or cat, unless and until such dealer shall have obtained a license from the Secretary and such license shall not have been suspended or revoked.

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

Registration.

SEC. 6. Every research facility shall register with the Secretary in accordance with such rules and regulations as he may prescribe.

Purchase restrictions.

SEC. 7. It shall be unlawful for any research facility to purchase any dog or cat from any person except a person holding a valid license as a dealer issued by the Secretary pursuant to this Act unless such person is exempted from obtaining such license under section 3 of this Act.

Transactions by U. S. agencies.

SEC. 8. No department, agency, or instrumentality of the United States which uses animals for research or experimentation shall purchase or otherwise acquire any dog or cat for such purposes from any person except a person holding a valid license as a dealer issued by the Secretary pursuant to this Act unless such person is exempted from obtaining such license under section 3 of this Act.

Enforcement.

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

Recordkeeping.

SEC. 10. Research facilities and dealers 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 dogs and cats but not monkeys, guinea pigs, hamsters, or rabbits as the Secretary may prescribe, upon forms supplied by the Secretary. Such records shall be made available at all reasonable times for inspection by the Secretary, by any Federal officer or employee designated by the Secretary.

Identification.

SEC. 11. All dogs and cats delivered for transportation, transported, purchased, or sold in commerce by any dealer shall be marked or identified at such time and in such humane manner as the Secretary may prescribe.

Humane standards, promulgation.

80 STAT. 351.

80 STAT. 352.

SEC. 12. The Secretary is authorized to promulgate humane standards and recordkeeping requirements governing the purchase, handling, or sale of dogs or cats by dealers or research facilities at auction sales.

SEC. 13. The Secretary shall establish and promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers and research facilities. Such standards shall include minimum requirements with respect to the housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperature, separation by species, and adequate veterinary care. The foregoing shall not be construed as authorizing the Secretary to prescribe standards for the handling, care, or treatment of animals during actual research or experimentation by a research facility as determined by such research facility.

Compliance by U. S. agencies.

SEC. 14. Any department, agency, or instrumentality of the United States having laboratory animal facilities shall comply with the standards promulgated by the Secretary for a research facility under section 13.

SEC. 15. (a) The Secretary shall consult and cooperate with other Federal departments, agencies, or instrumentalities concerned with the

welfare of animals used for research or experimentation when establishing standards pursuant to section 13 and in carrying out the purposes of this Act.

(b) The Secretary is authorized to cooperate with the officials of the various States or political subdivisions thereof in effectuating the purposes of this Act and of any State, local, or municipal legislation or ordinance on the same subject.

Investigations or inspections.

SEC. 16. The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer or research facility has violated or is violating any provision of this Act or any regulation issued thereunder. The Secretary shall promulgate such rules and regulations as he deems necessary to permit inspectors to confiscate or destroy in a humane manner any animals found to be suffering as a result of a failure to comply with any provision of this Act or any regulation issued thereunder if (1) such animals are held by a dealer, or (2) such animals are held by a research facility and are no longer required by such research facility to carry out the research, test, or experiment for which such animals have been utilized.

SEC. 17. The Secretary shall issue rules and regulations requiring licensed dealers and research facilities to permit inspection of their animals and records at reasonable hours upon request by legally constituted law enforcement agencies in search of lost animals.

SEC. 18. Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders for the handling, care, treatment, or inspection of animals during actual research or experimentation by a research facility as determined by such research facility.

Suspension of dealer's license.

SEC. 19. (a) If the Secretary has reason to believe that any person licensed as a dealer has violated or is violating any provision of this Act or any of the rules or regulations promulgated by the Secretary hereunder, the Secretary may 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 and may make an order that such person shall cease and desist from continuing such violation.

Judicial review.

(b) Any dealer 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 manner provided in section 10 of the Administrative Procedure Act (5 U.S.C. 1009).

60 Stat. 243.

(c) Any dealer who violates any provision of this Act shall, on conviction thereof, be subject to imprisonment for not more than one year or a fine of not more than $1,000, or both.

80 STAT. 352.
80 STAT. 353.

Violations by research facilities.

SEC. 20. (a) If the Secretary has reason to believe that any research facility has violated or is violating any provision of this Act or any of the rules or regulations promulgated by the Secretary hereunder and if, after notice and opportunity for hearing, he finds a violation, he may make an order that such research facility shall cease and desist from continuing such violation. Such cease and desist order shall become effective fifteen days after issuance of the order. Any research facility which 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.

Penalty.

Judical review.

(b) Any research facility aggrieved by a final order of the Secretary issued pursuant to subsection (a) of this section may, within sixty days after entry of such order, seek review of such order in the district court for the district in which such research facility is located in the

manner provided in section 10 of the Administrative Procedure Act (5 U.S.C. 1009).

60 Stat. 243.

Rules and regulations.

SEC. 21. The Secretary is authorized to promulgate such rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this Act.

SEC. 22. If any provision of this Act or the application of any such provision to any person or circumstances shall be held invalid, the remainder of this Act and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

License fees.

SEC. 23. The Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued. Such fees shall be adjusted on an equitable basis taking into consideration the type and nature of the operations to be licensed and shall be deposited and covered into the Treasury as miscellaneous receipts. There are hereby authorized to be appropriated such funds as Congress may from time to time provide.

Appropriation.

Effective dates.

SEC. 24. The regulations referred to in section 10 and section 13 shall be prescribed by the Secretary as soon as reasonable but not later than six months from the date of enactment of this Act. Additions and amendments thereto may be prescribed from time to time as may be necessary or advisable. Compliance by dealers with the provisions of this Act and such regulations shall commence ninety days after the promulgation of such regulations. Compliance by research facilities with the provisions of this Act and such regulations shall commence six months after the promulgation of such regulations, except that the Secretary may grant extensions of time to research facilities which do not comply with the standards prescribed by the Secretary pursuant to section 13 of this Act provided that the Secretary determines that there is evidence that the research facilities will meet such standards within a reasonable time.

Approved August 24, 1966.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 1418 (Comm. on Agriculture) and No. 1848 (Comm. of Conference).
SENATE REPORT No. 1281 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 112 (1966):
Apr. 28: Considered and passed House.
June 22: Considered and passed Senate, amended.
Aug. 16: House agreed to conference report.
Aug. 17: Senate agreed to conference report.

GPO 65-139