

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*);

(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 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,

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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.

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