

Public Law 89-543

August 23, 1966
[H. R. 11671]

AN ACT

To approve a contract negotiated with the El Paso County Water Improvement District Numbered 1, Texas, to authorize the execution, and for other purposes.

El Paso County
Water Improvement
District No. 1.
Contract.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proposed contract designated "FST031765" negotiated by the Secretary of the Interior with the El Paso County Water Improvement District Numbered 1, Texas, to extend the period for repayment of reimbursable costs incurred on the Rio Grande project for construction and for rehabilitation and betterment work and to establish a variable repayment schedule for such costs allocated to this district is approved and the Secretary of the Interior is hereby authorized to execute such contract on behalf of the United States.

Approved August 23, 1966.

Public Law 89-544

August 24, 1966
[H. R. 13881]

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.

Dogs, cats, and
other animals in-
tended for research
or experimental
use.

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.

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;

(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.

Licenses to
dealers.

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.

License require-
ment.

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.

Registration.

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.

Purchase re-
strictions.

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.

Transactions by
U.S. agencies.

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.

Enforcement.

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.

Recordkeeping.

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.

Identification.

SEC. 12. The Secretary is authorized to promulgate humane standards and recordkeeping requirements governing the purchase, han-

Humane stand-
ards, promulga-
tion.

dling, 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).

(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.

Penalty.

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.

Violations by research facilities.

Penalty.

(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).

Judicial review.

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.

60 Stat. 243.

Rules and regulations.

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.

License fees.

Appropriation.

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.

Effective dates.

Approved August 24, 1966.