

104TH CONGRESS  
2D SESSION

# H. R. 3393

To amend the Animal Welfare Act to prevent the crime of pet theft.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 7, 1996

Mr. FOX of Pennsylvania (for himself and Mr. LANTOS, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BALLENGER, Mr. BRYANT of Tennessee, Mr. CALVERT, Mr. CAMPBELL, Mr. CHABOT, Mr. DELLUMS, Mr. DOYLE, Mr. ENGEL, Mr. FARR of California, Mr. FOLEY, Mr. HEINEMAN, Mr. HOLDEN, Mr. HORN, Mr. JACOBS, Mrs. KELLY, Mr. KLECZKA, Mr. LATOURETTE, Mr. LEACH, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LOFGREN, Mr. MANTON, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. PALLONE, Mr. SMITH of New Jersey, Mr. TORRES, Mr. POSHARD, and Mr. BARCIA) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Animal Welfare Act to prevent the crime  
of pet theft.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Family Pet Protection Act of 1996”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Restriction on sources of dogs and cats for research or educational purposes.
- Sec. 3. Restriction on sale, donation, offer, or lease of dogs and cats.
- Sec. 4. Definition of pound.
- Sec. 5. Additional requirements for pounds.
- Sec. 6. Registration requirement.
- Sec. 7. Holding period.
- Sec. 8. Signed release form requirement.
- Sec. 9. Verification of identity of person relinquishing a dog or cat.
- Sec. 10. Identifying photograph requirement.
- Sec. 11. Certification requirement for pounds.
- Sec. 12. Prohibition against transfer of dogs or cats between pounds.
- Sec. 13. Pound employees treated as agents.
- Sec. 14. Penalties for certain violations.
- Sec. 15. Injunctions against pounds.
- Sec. 16. Relationship to state law.
- Sec. 17. Effective date.

1 **SEC. 2. RESTRICTIONS ON SOURCES OF DOGS AND CATS**  
 2 **FOR RESEARCH OR EDUCATIONAL PUR-**  
 3 **POSES.**

4 (a) IN GENERAL.—Section 7 of the Animal Welfare  
 5 Act (7 U.S.C. 2137) is amended to read as follows:

6 **“SEC. 7. RESTRICTIONS ON SOURCES OF DOGS AND CATS**  
 7 **FOR RESEARCH OR EDUCATIONAL PUR-**  
 8 **POSES.**

9 “(a) RESTRICTION APPLICABLE TO RESEARCH FA-  
 10 CILITIES.—It shall be unlawful for any research facility  
 11 to purchase, lease, or acquire in a calendar year a live  
 12 or dead dog or cat, in or affecting commerce, for research  
 13 or educational purposes, except from—

14 “(1) a licensed dealer who bred and raised the  
 15 dog or cat;



1 **“SEC. 18. RESTRICTION ON SALE, DONATION, OFFER, OR**  
2 **LEASE OF DOGS AND CATS FOR RESEARCH**  
3 **OR EDUCATIONAL PURPOSES.**

4 “Notwithstanding any other provision of this Act, a  
5 person may not sell, donate, offer, or lease any live or dead  
6 dog or cat, in or affecting commerce, to a research facility  
7 or Federal research facility for research or educational  
8 purposes unless the person is—

9 “(1) a licensed dealer who bred and raised the  
10 dog or cat;

11 “(2) a pound that is in compliance with sections  
12 6, 28, and 30, and that acquired the dog or cat from  
13 the legal owner of the dog or cat;

14 “(3) a person who bred and raised the dog or  
15 cat and donated during the calendar year not more  
16 than 1 animal to a research facility or Federal re-  
17 search facility;

18 “(4) a research facility that is registered with  
19 the Department of Agriculture; or

20 “(5) a Federal, State, or local government  
21 agency which is not a pound.”.

22 **SEC. 4. DEFINITION OF POUND.**

23 (a) IN GENERAL.—Section 2 of the Animal Welfare  
24 Act (7 U.S.C. 2132) is amended—

25 (1) in subsection (n), by striking “and”;

1           (2) in subsection (o), by striking the period and  
2           inserting “; and”; and

3           (3) by adding at the end the following:

4           “(p) The term ‘pound’ means a facility (including a  
5           shelter)—

6           “(1) which operates for the purpose of caring  
7           for stray animals; and

8           “(2) which is owned or operated by, or provides  
9           services under a contract to, a State or a political  
10          subdivision of a State.”.

11          (b) CONFORMING AMENDMENTS.—

12           (1) Section 28(a)(2)(A) of such Act (7 U.S.C.  
13          2158(a)(2)(A)) is amended to read as follows:

14           “(A) each pound;”.

15           (2) Section 28(a)(2)(B) of such Act (7 U.S.C.  
16          2158(a)(2)(B)) is amended—

17           (A) by inserting a comma after “city” and  
18           “pound”; and

19           (B) by striking “or shelter”.

20          **SEC. 5. ADDITIONAL REQUIREMENTS FOR POUNDS.**

21          The Animal Welfare Act (7 U.S.C. 2131–2159) is  
22          amended by adding at the end the following:

23          **“SEC. 30. ADDITIONAL REQUIREMENTS FOR POUNDS.**

24          “(a) PUBLIC ACCESS.—

1           “(1) TIMES.—A pound that releases a dog or  
2           cat to a research facility or Federal research facility  
3           shall be open to the public—

4                   “(A) on 1 day of each weekend for a mini-  
5                   mum of 3 hours; and

6                   “(B) until 6 o’clock post meridian at least  
7                   1 weekday per week.

8           “(2) RECORDS.—A pound that releases a dog  
9           or cat to a research facility or Federal research fa-  
10          cility shall maintain, and provide to the public access  
11          to, the records of the acquisition and disposition of  
12          every dog and cat received by the pound.

13          “(b) SCREENING AND TRAINING OF POUND EMPLOY-  
14          EES AND APPLICANTS.—

15               “(1) EMPLOYEES.—A pound that releases a  
16               dog or cat to a research facility or Federal research  
17               facility shall—

18                   “(A) require that every employee (whether  
19                   paid or unpaid) sign a form attesting—

20                           “(i) that the employee has not been  
21                           convicted of a crime relating to animal  
22                           theft or cruelty to animals; and

23                           “(ii) that the employee understands  
24                           that if the pound discovers that the em-  
25                           ployee has been convicted of a crime relat-

1           ing to animal theft or cruelty to animals,  
2           the employee will be immediately dismissed  
3           from employment;

4           “(B) terminate the employment of any  
5           such employee whom the pound discovers has  
6           been convicted of a crime relating to animal  
7           theft or cruelty to animals;

8           “(C) train each such employee in the iden-  
9           tification of the breeds of dogs and cats and in  
10          basic procedures for the maintenance of health  
11          and hygiene of dogs and cats; and

12          “(D) require that every such employee  
13          pass a test, which shall be developed by the De-  
14          partment of Agriculture, in the identification of  
15          breeds of dogs and cats and in basic procedures  
16          for the maintenance of health and hygiene of  
17          dogs and cats.

18          “(2) APPLICANTS.—Before hiring an applicant  
19          for a position with the pound, a pound that releases  
20          a dog or cat to a research facility or Federal re-  
21          search facility shall—

22                 “(A) require that the applicant sign a form  
23                 attesting—

1           “(i) that the applicant has not been  
2 convicted of a crime relating to animal  
3 theft or cruelty to animals; and

4           “(ii) that the applicant understands  
5 that if the pound discovers that the em-  
6 ployee or applicant has been convicted of a  
7 crime relating to animal theft or cruelty to  
8 animals, the applicant will be immediately  
9 disqualified from employment; and

10          “(B) deny employment to any such appli-  
11 cant whom the pound discovers has been con-  
12 victed of a crime relating to animal theft or  
13 cruelty to animals.

14          “(c) FINE.—In addition to any penalty under section  
15 28, the Secretary shall impose a minimum fine of \$1,000  
16 on any person who violates this section, for each such vio-  
17 lation.”.

18 **SEC. 6. REGISTRATION REQUIREMENT.**

19          Section 6 of the Animal Welfare Act (7 U.S.C. 2136)  
20 is amended by inserting “every pound that provides a dog  
21 or cat to a research facility or Federal research facility,”  
22 after “research facility,”.

23 **SEC. 7. HOLDING PERIOD.**

24          Section 28(a)(1) the Animal Welfare Act (7 U.S.C.  
25 2158(a)(1)) is amended—

1           (1) by striking “five days” and inserting “10  
2           days (excluding the day such dog or cat is acquired  
3           and any day such entity is not open to the public)”;  
4           and

5           (2) by inserting “or provides such dog or cat to  
6           a research facility or Federal research facility” after  
7           “dealer”.

8 **SEC. 8. SIGNED RELEASE FORM REQUIREMENT.**

9           (a) IN GENERAL.—Section 28(b)(2)(D) of the Ani-  
10          mal Welfare Act (7 U.S.C. 2158(b)(2)(D)) is amended to  
11          read as follows:

12                       “(D) the name and address of the entity  
13                       from which the dealer or pound acquired the  
14                       dog or cat, and a separate, standard release  
15                       form which—

16                               “(i) is issued by the Department of  
17                               Agriculture;

18                               “(ii) states in print, set in 12-point  
19                               type or larger, that the dog or cat may be  
20                               used for research or educational purposes;  
21                               and

22                               “(iii) is signed by the person or entity  
23                               releasing the dog or cat;”.

24          (b) EXCEPTION FOR DOGS AND CATS TO BE ADOPT-  
25          ED OR EUTHANIZED.—Section 28(b) of such Act (7

1 U.S.C. 2158(b)) is amended by redesignating paragraphs  
2 (3), (4), and (5) as paragraphs (4), (5), and (6), respec-  
3 tively, and by inserting after paragraph (2) the following:

4           “(3) PERMITTED TREATMENT OF A DOG OR  
5 CAT FOR WHICH A POUND DOES NOT PROVIDE THE  
6 REQUIRED RELEASE FORM.—Paragraph (2)(D) shall  
7 not apply to the release of a random source dog or  
8 cat for adoption or humane euthanization.”.

9 **SEC. 9. VERIFICATION OF IDENTITY OF PERSON RELIN-**  
10 **QUISHING A DOG OR CAT.**

11           Section 28(b)(4) of the Animal Welfare Act (7 U.S.C.  
12 2158(b)(4)), as so redesignated by section 8(b) of this Act,  
13 is amended—

14           (1) by inserting after “RECORDS.—” the follow-  
15 ing:

16                   “(A) CERTIFICATION.—”;

17           (2) by indenting the 2 sentences beginning with  
18 “The” 2 ems to the right; and

19           (3) by adding at the end the following:

20                   “(B) VERIFICATION OF IDENTITY OF PER-  
21 SON RELEASING A DOG OR CAT.—A pound may  
22 not release a dog or cat to a research facility  
23 or Federal research facility unless, when the  
24 dog or cat was released to the pound—

1           “(i) the person who so released the  
2           dog or cat presented to the pound a rabies  
3           certificate or veterinary record for the dog  
4           or cat; and

5           “(ii) the pound verified that the name  
6           appearing on the form of identification  
7           presented by the person and the name of  
8           the owner of the dog or cat on the rabies  
9           certificate or veterinary record matched.”.

10 **SEC. 10. IDENTIFYING PHOTOGRAPH REQUIREMENT.**

11       Section 28(b)(2)(C) of the Animal Welfare Act (7  
12 U.S.C. 2158(b)(2)(C)) is amended—

13           (1) by striking “and” at the end of clause (iv);  
14       and

15           (2) by redesignating clause (v) as clause (vi)  
16       and inserting after clause (iv) the following:

17           “(v) 1 or more color photographs of the  
18           dog or cat, clearly showing the face of the dog  
19           or cat and any distinguishing markings; and”.

20 **SEC. 11. CERTIFICATION REQUIREMENT FOR POUNDS.**

21       Section 28 of the Animal Welfare Act (7 U.S.C.  
22 2158) is amended—

23           (1) in subsections (b)(1), (b)(2)(A), (b)(4) (as  
24       so redesignated by section 8(b) of this Act), and

1 (c)(2), by inserting “or pound” after “dealer” each  
2 place such term appears; and

3 (2) in subsection (b)(2)(F), by striking “or  
4 shelter”.

5 **SEC. 12. PROHIBITION AGAINST TRANSFER OF DOGS OR**  
6 **CATS BETWEEN POUNDS.**

7 Section 28(b)(5) of the Animal Welfare Act (7 U.S.C.  
8 2158(b)(5)), as so redesignated by section 8(b) of this Act,  
9 is amended—

10 (1) by inserting after “TRANSFERS.—” the fol-  
11 lowing:

12 “(A) TRANSFERS BETWEEN RESEARCH FA-  
13 CILITIES.—”;

14 (2) by indenting the sentence beginning with  
15 “In” 2 ems to the right; and

16 (3) by adding at the end the following:

17 “(B) TRANSFERS BETWEEN POUNDS.—A  
18 pound may not release a dog or cat to another  
19 pound that allows the release of a dog or cat to  
20 a research facility or Federal research facility.”.

21 **SEC. 13. POUND EMPLOYEES TREATED AS AGENTS.**

22 Section 9 of the Animal Welfare Act (7 U.S.C. 2139)  
23 is amended—

24 (1) by inserting “or a pound,” after “an inter-  
25 mediate handler,”; and

1           (2) by inserting “pound,” after “, intermediate  
2 handler,”.

3 **SEC. 14. PENALTIES FOR CERTAIN VIOLATIONS.**

4           Section 28(c)(2) of the Animal Welfare Act (7 U.S.C.  
5 2158(c)(2)) is amended by striking “subject to a fine of”  
6 and inserting “imprisoned for 6 months and fined”.

7 **SEC. 15. INJUNCTIONS AGAINST POUNDS.**

8           Section 29 of the Animal Welfare Act (7 U.S.C.  
9 2159) is amended by inserting “pound,” after “exhibitor,”  
10 each place such term appears.

11 **SEC. 16. RELATIONSHIP TO STATE LAW.**

12           The Animal Welfare Act (7 U.S.C. 2131–2159) is  
13 amended by adding after section 30, as added by section  
14 5 of this Act, the following:

15 **“SEC. 31. RELATIONSHIP TO STATE LAW.**

16           “‘This Act shall not be construed to supersede any  
17 State law or local ordinance that prohibits a pound from  
18 selling, donating, or offering a dog or cat to a research  
19 facility or Federal research facility.’”.

20 **SEC. 17. EFFECTIVE DATE.**

21           The amendments made by this Act shall take effect  
22 1 year after the date of the enactment of this Act.

○