

104TH CONGRESS
2D SESSION

H. R. 4249

To amend and strengthen the Animal Welfare Act.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 1996

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

A BILL

To amend and strengthen the Animal Welfare Act.

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.**

4 This Act may be cited as the “Animal Welfare Act
5 Amendments of 1996”.

6 **SEC. 2. DEFINITIONS.**

7 Subsection (f) of section 2 of the Animal Welfare Act
8 (7 U.S.C. 2132(f)) is amended to read as follows:

9 “(f) The term ‘dealer’—

10 “(1) means any person who, in commerce, for
11 compensation or profit, delivers for transportation,
12 or transports, except as a carrier, buys, offers to

1 buy, sells, or offers for sale, leases, offers to lease,
2 negotiates the purchase, sale, or lease of, or trans-
3 fers—

4 “(A) any animal, whether alive or dead, for
5 research, experimentation, teaching, exhibition,
6 or use as a pet;

7 “(B) any dog for hunting or security pur-
8 poses; or

9 “(C) any dog or cat for breeding purposes;
10 “(2) includes—

11 “(A) operators of auction sales; and

12 “(B) any person who owns or leases prem-
13 ises which are used for trade days or flea mar-
14 kets at which the activities described in this
15 subsection are conducted; and

16 “(3) does not include—

17 “(A) any pound or shelter operated by or
18 on behalf of a municipality; or

19 “(B) any governmental entity which sells
20 or otherwise provides animals to any dealer or
21 research facility;”.

22 **SEC. 3. LICENSING REQUIREMENTS.**

23 Section 3 of the Animal Welfare Act (7 U.S.C. 2133)
24 is amended to read as follows:

1 “SEC. 3. (a)(1) The Secretary shall issue licenses to
2 dealers and exhibitors upon application therefor in such
3 form and manner as the Secretary may prescribe and
4 upon payment of any fee established pursuant to this Act.

5 “(2) No license shall be issued or renewed under this
6 Act—

7 “(A) until the dealer or exhibitor has dem-
8 onstrated compliance with the regulations and stand-
9 ards promulgated by the Secretary pursuant to this
10 Act;

11 “(B) to any person who has been convicted of,
12 or entered a plea of nolo contendere or the equiva-
13 lent thereto, to a charge of violating—

14 “(i) any treaty, Federal, State, or local law
15 involving the care or treatment of, or record-
16 keeping for, animals;

17 “(ii) the Marine Mammal Protection Act,
18 the Endangered Species Act; or

19 “(iii) any treaty, Federal, State, or local
20 law for the protection of endangered or threat-
21 ened species;

22 “(C) to any person who has failed to pay a civil
23 penalty which was previously assessed by the Sec-
24 retary under this Act; or

25 “(D) to any person whose license is suspended.

1 “(b)(1) The Secretary may exempt persons described
2 in paragraph (2) from licensing and other requirements
3 under this Act, subject to such conditions as the Secretary
4 may prescribe in regulations, if—

5 “(A) in the judgment of the Secretary, such li-
6 censing or requirements would not tend to effectuate
7 the policy of the Act; and

8 “(B) the activity of the dealer or exhibitor does
9 not involve animals used for research purposes.

10 “(2) Persons who may be exempted from licensing
11 and other requirements under paragraph (1) include—

12 “(A) operators of retail pet stores (except retail
13 pet stores which sell animals to research facilities,
14 exhibitors, or dealers);

15 “(B) persons who sell wild or exotic animals,
16 with respect to such wild or exotic animals; and

17 “(C) persons whose business activities as deal-
18 ers or exhibitors are de minimis.”.

19 **SEC. 4. PROHIBITIONS.**

20 Section 4 of the Animal Welfare Act (7 U.S.C. 2134)
21 is amended to read as follows:

22 “SEC. 4. Except as provided in subsection 3(b), no
23 dealer or exhibitor shall sell, offer for sale, lease, offer for
24 lease, transfer, transport, offer for transportation, acquire,
25 buy, offer to buy, exhibit, or offer to exhibit any animal,

1 or engage in any other business activity as a dealer or
2 exhibitor, unless such dealer or exhibitor holds a current,
3 unsuspended license issued by the Secretary under this
4 Act.”.

5 **SEC. 5. REGULATIONS REGARDING AUCTION SALES; ACQUI-**
6 **SITIONS BY RESEARCH FACILITIES; CON-**
7 **FORMING AMENDMENTS.**

8 (a) Section 12 of the Animal Welfare Act (7 U.S.C.
9 2142) is amended to read as follows:

10 “SEC. 12. The Secretary may promulgate humane
11 standards and recordkeeping and reporting requirements
12 governing the purchase, sale, or handling of animals by
13 dealers, research facilities, exhibitors, or persons consign-
14 ing animals to auction sales.”.

15 (b) Section 5 of the Animal Welfare Act (7 U.S.C.
16 2135) is amended by deleting “subject to section 12 of
17 this Act”.

18 (c) Section 19 of the Animal Welfare Act (7 U.S.C.
19 2149) is amended—

20 (1) in the first sentence of subsection (b) by de-
21 leting “or, operator of an auction sale subject to sec-
22 tion 12 of this Act,” and inserting “or” after “han-
23 dler,”;

24 (2) in the first sentence of subsection (c) by de-
25 leting “, or operator of an auction sale subject to

1 section 12 of this Act,” and inserting “or” after
2 “handler,”; and

3 (3) in the first sentence of subsection (d) by de-
4 leting “, exhibitor or operator of an auction sale sub-
5 ject to section 12 of this Act,” and inserting “or ex-
6 hibitor” after “dealer”.

7 **SEC. 6. ENFORCEMENT.**

8 Subsection (a) of section 19 of the Animal Welfare
9 Act (7 U.S.C. 2149(a)) is amended to read as follows:

10 “(a)(1) If the Secretary has reason to believe that
11 any person licensed under this Act has violated or is violat-
12 ing any provision of this Act or the regulations or stand-
13 ards issued thereunder, the Secretary may suspend or
14 refuse to renew such person’s license for a period of up
15 to 120 days, except as otherwise provided by this section.

16 “(2) When the Secretary temporarily suspends or re-
17 fuses to renew a license under paragraph (1), the Sec-
18 retary shall send written notice thereof to the licensee.
19 Such notice shall specify—

20 “(A) the nature, time, and place of the alleged
21 violation;

22 “(B) that the licensee may request a hearing
23 within 10 days of the receipt of the notice;

24 “(C) that, if, within 10 days of receipt of such
25 notice, the licensee requests a hearing, the licensee

1 is entitled to such hearing within 30 days of the sus-
2 pension or refusal to renew; and

3 “(D) that if the licensee does not request a
4 hearing within 10 days of receipt of such notice, the
5 licensee forfeits the right to a hearing within such
6 30-day period, and the suspension or refusal to
7 renew shall remain in effect until an administrative
8 law judge has issued a decision and order regarding
9 such suspension or refusal to renew.

10 “(3) An administrative law judge shall issue a deci-
11 sion and order within 30 days after the conclusion of a
12 hearing held pursuant to this section.

13 “(4) If, after notice and opportunity for hearing, a
14 licensee is determined to have violated a provision of this
15 Act or the regulations or standards issued hereunder, the
16 Secretary may issue an order—

17 “(A) suspending or refusing to renew such li-
18 cense for such additional period as the Secretary
19 may specify; or

20 “(B) revoking such license.

21 “(5) An order issued under paragraph (4) shall be
22 effective pending the final determination of the Sec-
23 retary.”.

1 **SEC. 7. INJUNCTIONS.**

2 Section 29(a) of the Animal Welfare Act (7 U.S.C.
3 2159(a)) is amended to read as follows:

4 “(a) REQUEST.—(1) The Secretary shall notify the
5 Attorney General whenever the Secretary has reason to
6 believe that a dealer, exhibitor, research facility, carrier,
7 or intermediate handler—

8 “(A) is dealing in stolen animals;

9 “(B) is placing the health of any animal in dan-
10 ger, in violation of this Act or the regulations or
11 standards issued thereunder; or

12 “(C) is otherwise in violation of this Act or the
13 regulations or standards issued thereunder; and

14 “(D) should be enjoined from operating in vio-
15 lation of this Act or the regulations or standards is-
16 sued thereunder.

17 “(2) After notification under paragraph (1), the At-
18 torney General may apply to the United States district
19 court for the district in which the violator resides or con-
20 ducts business for a temporary restraining order or pre-
21 liminary injunction to prevent such violator from operat-
22 ing in violation of this Act or the regulations or standards
23 prescribed under this Act.”.

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