Initially the major emphasis of this legislation was to protect owners of cats and dogs from the theft of their animals, many of which were found to be sold for experimental purposes. The 1970 amendments broadened the coverage to include all species of animals, not just cats and dogs, and to include animals which are pets or are used for exhibition purposes. These amendments, as did the amendments of 1976, gave added emphasis to the recognition of the sale, purchase, transportation, housing, care, handling and treatment of animals used for research purposes, or as pets or for exhibitions, as a significantly large interstate commercial operation. There was a need to insure humane care and treatment of these animals.

The laws are integrated and codified under Title 7 of the United States Code in Chapter 54—Transportation, Sale, and Handling of Certain Animals.

THE FIRST SECTION GIVES THE STATEMENT OF POLICY AS RESTATED BY CONGRESS IN 1976 AS FOLLOWS:

§ 2131. Congressional statement of policy.

The Congress finds that animals and activities which are regulated under this chapter are either in interstate or foreign commerce or substantially affect such commerce or the free flow thereof, and that regulation of animals and activities as provided in this chapter is

1 Not all amendments are necessarily cited here or in subsequent chapters of this book when statutes are presented. Amendments of a "housekeeping" nature usually are omitted. The term "major revision," applied in some instances, means amendments were made which changed substantially some of the earlier concepts or policies. The term "amended," as used in this book when statutes are presented, means a rewriting of the law or rephrasing portions of it without necessarily changing the major concepts or policies. These terms are chosen and used on a strictly arbitrary basis to help guide the reader concerning the more important amendments. All amendments to original legislation are referred to in the United States Code and the United States Code Annotated and these publications should be consulted when details regarding the laws are desired.

2 Beginning with the 85th Congress, public laws are numbered to include the number of the Congress which passed them. Thus, instead of referring to a public law as "Public Law 487, 89th Congress, 2nd Session," it could be referred to simply as "Public Law 89-487." Citations in the United States Code further abbreviate this to "Pub. L. 89-487."

3 Citations given under "current law" refer to the United States Code (U.S.C.). Thus, 5 U.S.C. §§ 551-559 means Sections 551 through 559 in Title 5 of the United States Code. If a single section is cited, the symbol § is used. Furthermore, because the United States Code supplemented by information in the United States Code Annotated usually provides the most current form of the acts of Congress which are in force, it is these legal publications which are used as the source of laws given below and in subsequent chapters.
§ 2132. Definitions

When used in this chapter—

(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 of the United States or his representative who shall be an employee of the United States Department of Agriculture;

(c) The term "commerce" means trade, traffic, transportation, or other commerce in order—

(1) to insure that animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment;

(2) to assure the humane treatment of animals during transportation in commerce; and

(3) to protect the owners of animals from the theft of their animals by preventing the sale or use of animals which have been stolen.

The Congress further finds that it is essential to regulate, as provided in this chapter, the transportation, purchase, sale, housing, care, handling, and treatment of animals by carriers or by persons or organizations engaged in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or for any such purpose or use.

SOME TERMS USED IN THE ACT, GIVEN IN THE SECOND SECTION, HELP IN AN UNDERSTANDING OF WHO IS AFFECTED BY THE LEGISLATION.

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function of which schools, institutions, organizations, or persons, is biomedical research or testing, when in the judgment of the Secretary any such exemption does not vitiate the purpose of this chapter:

(f) The term "dealer" means any person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of, (1) any dog or other animal whether alive or dead for research, teaching, exhibition, or use as a pet, or (2) any dog for hunting, security, or breeding purposes, except that this term does not include—

(i) a retail pet store except such store which sells any animals to a research facility, an exhibitor, or a dealer; or

(ii) any person who does not sell, or negotiate the purchase or sale of any wild animal, dog, or cat, and who derives no more than $500 gross income from the sale of other animals during any calendar year;

(g) The term “animal” means any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warmblooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet; but such term excludes horses not used for research purposes and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. With respect to a dog, the term means all dogs including those used for hunting, security, or breeding purposes;

(h) The term “exhibitor” means any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, to the public for compensation, as determined by the Secretary, and such term includes carnivals, circuses, and zoos exhibiting such animals whether operated for profit or not; but such term excludes retail pet stores, organizations sponsoring and all persons participating in State and country fairs, livestock shows, rodeos, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences, as may be determined by the Secretary;

(i) The term “intermediate handler” means any person including a department, agency, or instrumentality of the United States or of any State or local government (other than a dealer, research facility, exhibitor, any person excluded from the definition of a dealer, research facility, or exhibitor, an operator of an auction sale, or a carrier) who is engaged in any business in which he receives custody of animals in connection with their transportation in commerce; and

(j) The term “carrier” means the operator of any airline, railroad, motor carrier, shipping line, or other enterprise, which is engaged in the business of transporting any animals for hire.