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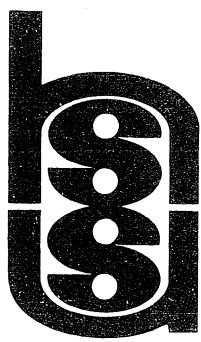
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Update

Volume III, No. 3
October, 1975

LEGISLATIVE UPDATE

TO: HSUS Staff and Regional Directors

STATUS OF BILLS PENDING IN CONGRESS

This section outlines whatever Congressional and Presidential action has been taken on bills listed in the June, 1975 issue of "Update" as having been introduced into Congress. Those bills which were merely referred to a committee (as noted in the June, 1975 "Update" listing) but which have had no further action taken on them are not included herein.

S. 299 - Sen. Kennedy (D-Mass.)

(To amend the Endangered Species Act of 1973 to make it more consistent with the Marine Mammal Protection Act of 1972.)

Reported out of Senate Committee on Commerce	
with amendments. Senate Report 94-109 . . .	4/7/75
Passed Senate as reported	4/14/75
To House Committee on Merchant Marine and	
Fisheries	4/15/75
Hearing in House Committee on Merchant Marine	
and Fisheries	6/10/75

S. 811 - Sen. Tunney (D-Cal.)

(To amend the Horse Protection Act of 1970 to outlaw the practice of soring the Tennessee Walking Horse and all show horses.)

Reported out of Senate Committee on Commerce with amendments. Senate Report 94-418 . . . 10/8/75
Passed Senate as reported 10/9/75

S. 1629 - Sen. Talmadge (D-Ga.)

(To extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for two years.)

Hearing in Senate Committee on Agriculture and Forestry 5/20/75

S.J.R. 34 - Sen. McIntyre (D-N.H.)

(Asking the President of the United States to declare the fourth Saturday of each September National Hunting and Fishing Day.)

Reported out of Senate Committee on the Judiciary with amendments. Senate Report 94-109 5/7/75
Passed Senate as reported 5/8/75
To House Post Office and Civil Service 5/9/75
Signed by the President. Public Law 94-96 7/18/75

H.R. 66 - Rep. Glenn Anderson (D-Cal.) and S. 1223 - Sen. Bayh (D-Ind.)

(To discourage the use of painful devices in the trapping of mammals and birds.)

A hearing on these identical bills has been set for November 18, 1975 in the House Committee on Merchant Marine and Fisheries. Guy Hodge, HSUS Director of Research and Data Services, has been asked to testify at the hearing.

H.R. 80 - Rep. Dingell (D-Mich.)

(To protect whales and certain other living marine sources by amending the Fishermen's Protective Act of 1967 in order to strengthen the import restrictions which may be imposed to deter foreign countries from conducting fishing operations which adversely affect international fishery conservation programs.)

Hearing in House Committee on Merchant Marine
and Fisheries 5/13/75

H.R. 1319 - Rep. Karth (D-Minn.)

(To provide additional funds to the states, for carrying
out wildlife restoration projects and programs.)

Hearing in House Committee on Merchant Marine
and Fisheries 6/17/75

H.R. 2057 - Rep. Studds (D-Mass.)

(To amend the Endangered Species Act of 1973 to make
it more consistent with the Marine Mammal Protection Act of
1972.)

Hearing in House Committee on Merchant Marine
and Fisheries 6/10/75

H.R. 3130 - Rep. LaFalce (D-N.Y.)

(To amend the National Environmental Policy Act of 1969
to clarify the procedures therein with respect to the pre-
paration of environmental impact statements.)

Reported out of House Committee on Merchant Marine
and Fisheries with amendments. House Report
94-144 4/11/75
Passed House as Reported 4/21/75
Passed Senate as Reported 5/22/75
To President 7/30/75
Signed by the President. Public Law 94-83 . . . 8/9/75

H.R. 5512 - Rep. Dingell (D-Mich.)

(To amend the National Wildlife Refuge System Admini-
stration Act of 1966. (Aims at preventing the takeover of
National Wildlife Refuge lands by the Bureau of Land Manage-
ment, keeping such lands within the jurisdiction of the Fish
and Wildlife Service.))

Reported out of House Committee on Merchant Marine
and Fisheries with amendments. House Report
94-334 6/27/75

H.R. 5710 - Rep. Sullivan (D-Mo.)

(To authorize appropriations for the fiscal year 1976 for the purpose of carrying out Titles I and III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended.)

Hearing in House Committee on Merchant Marine
and Fisheries 4/24/75
Passed House as reported 5/19/75
Passed Senate as reported 7/11/75
To President 7/15/75
Signed by the President. Public Law 94-62 . . 7/25/75

H.R. 5808 - Rep. Foley (D-Wash.)

(To amend the Federal Laboratory Animal Welfare Act of 1966, as amended, to assure humane treatment of certain animals, and for other purposes. (Provides for health certification and minimum age requirements for animals traveling in interstate commerce, and prohibits interstate shipment of animals to be used for animal fighting ventures, etc.))

Hearing in House Committee on Agriculture . . . 9/9/75

At the invitation of the House Committee on Agriculture, Guy R. Hodge, HSUS Director of Research and Data Services, testified at September hearings on H.R. 5808, in connection with the bill's provisions that would ban dog fighting in the United States.

In this testimony, HSUS urged the following key changes in the bill:

1. Enforcement under the Criminal Code rather than regulation by the Dept. of Agriculture.
2. Inclusion of a clear statement establishing as a matter of public policy the fact that dog fighting is cruel and inhumane, is repugnant to ordinary decency, and is contrary to the well-established public policy of the United States.
3. Prohibiting the breeding and shipment of fighting dogs.
4. Prohibiting the shipment of dog fight equipment.
5. Prohibiting the renting or making available of a site for dog fighting.
6. Prohibiting attendance at a dog fight.
7. Inclusion in the prohibited activity of any dog fight, even though it is solely for training purposes.

8. Authorization to confiscate dogs, pit equipment, and any transport vehicles.
9. Inclusion in the bill that second conviction will constitute a felony.

H.R. 5808 also concerns itself with methods of transportation of all animals in commerce. Hodge testified that HSUS's experience indicates that airline and truck transportation are the least regulated and most problematic of all methods of moving animals. Losses of livestock transported by truck are extremely high, as shown in studies by the Council for Livestock Protection. All of these losses are caused primarily by carelessness of approximately 20% of the truckers.

He also expressed hope that H.R. 5808 could be expanded to include protection for guard dogs and concern itself with problems surrounding the disposition of surplus zoo animals, which are frequently sold to game farms, as recently documented in the CBS television program "The Guns of Autumn."

H.J.R. 448 - Rep. Bell (R-Cal.)

(A joint resolution to save the great whales from extinction by amending the Fishermen's Protective Act of 1967 to impose an embargo on the products of all foreign enterprises engaged in commercial whaling.)

Hearing in the House Committee on Merchant Marine
and Fisheries and Ways and Means 5/13/75

BILLS INTRODUCED INTO CONGRESS

This section presents bills introduced into Congress since the June, 1975 issue of "Update", in addition to a few earlier bills which were not included in the June "Update".

Animals in Research

S. 2088 - Sen. Burdick (D-N.Dak.)

A bill to prohibit the use of dogs by the Department of Defense in connection with the research, testing, development, or evaluation of radioactive, chemical, or biological warfare agents, and to require the Department of Defense to develop and use, where feasible, alternative, non-animal methods of experimentation. To the Senate Committee on Armed Services.

Identical House Bills:

H.R. 8824 - Rep. Minish (D-N.J.)

H.R. 9050 - Rep. Rodino (D-N.J.)

H.R. 3900 - Rep. St. Germain (D-R.I.)

To prohibit the military departments from using dogs in connection with any research or other activities relating to biological or chemical warfare agents. To House Committee on Armed Services.

Identical Companion Bills:

H.R. 7981 Rep. Meyner (D-N.J.)

H.R. 8052 Rep. Helstoski (D-N.J.)

H.R. 8706 Rep. Johnson (R-Pa.)

H.R. 8844 Rep. Roe (D-N.J.)

H.C.R. 410 - Rep. Whitehurst (R-Va.)

To call for the Federal Government to develop new research methods in order to limit as much as possible the use of animals in research, and to advise that no federal funds be appropriated for research projects using animals where other methods can be successfully substituted. To the House Committee on Science and Technology.

Dog Fighting

S. 2376 - Sen. Griffin (R-Michigan)

To prohibit the shipment in interstate commerce of dogs and other animals intended to be used to fight dogs or other animals for purposes of sport, wagering, or entertainment. To the Senate Committee on Commerce.

Identical House Bill: H.R. 8845 - Rep. Roe (D-N.J.)

H.R. 1345 - Rep. O'Brien (R-Ill.)

To amend the Federal Animal Welfare Act to prohibit the shipment in interstate commerce of dogs intended to be used to fight other dogs for purposes

of sport, wagering, or entertainment. To House Committee on Agriculture.

Identical Companion Bill: H.R. 1663 - Rep. Cederberg (R-Mich.)

Endangered Species

S. 2334 - Sen. Moss (D-Utah)

To amend section 15(B) of the Endangered Species Act of 1973 to extend the appropriation authorization. To the Senate Committee on Commerce.

General Animal Welfare Legislation

S. 2070 - Sen. Dole (R-Kansas)

To amend the Federal Animal Welfare Act of 1966, as amended, to assure humane treatment of certain animals, and for other purposes. (Provides for health certification and minimum age requirements for animals travelling in interstate commerce, and prohibits interstate shipment of animals to be used for animal fighting ventures, etc.) To Senate Committees on Agriculture and Forestry and on Commerce.

Identical Companion Bill: S. 2430 - Sen. Magnuson (D-Wash.)

Identical House Bills: H.R. 7817, H.R. 8778, H.R. 8779, H.R. 8780, H.R. 8793, H.R. 8980, H.R. 9217, H.R. 9326, H.R. 9913 all by Rep. Foley (D-Wash.)

H.R. 2271 - Rep. Danielson (D-Cal.)

To prohibit the importation into the United States of domestic dog and cat products derived from commercially raised domestic dogs and cats, so as not to encourage factory-farming and other commercial raising of domestic dogs and cats; and to prohibit dog and cat products moving in interstate commerce. To the House Committee on Ways and Means and Interstate and Foreign Commerce.

Identical Companion Bills:

H.R. 2378 - Rep. Young (R-Fla.)
H.R. 2451 - Rep. Howard (D-N.J.)
H.R. 4362 - Rep. Anderson (D-Cal.)

H.R. 3290 - Rep. Biaggi (D-N.Y.)

To prohibit federal assistance to rental housing projects where tenants are not allowed to have pets, or to local governments which do not permit pets in rental housing. To the House Committee on Banking, Currency and Housing.

H.R. 7622 - Rep. Whitehurst (R-Va.)

To amend the Federal Animal Welfare Act of 1966 (as amended in 1970) to bring within its protective provision animals transported by common carrier and animals sold by retail pet stores. To the House Committee on Agriculture.

H.R. 8774 - Rep. Brown (D-Cal.)

To amend the Act of August 27, 1958 which established the use of humane methods of slaughter of livestock as a policy of the United States, to impose fines for violation of the Act, and to prohibit the importation of meat which was not slaughtered in conformity with these rules. To the House Committee on Agriculture.

Identical Companion Bill: H.R. 9658 - Rep. Brown (D-Cal.)

H.R. 1495 - Rep. Talcott (R-Cal.)

To require imported foodstuffs to meet standards required by the federal government for domestic foodstuffs. (Would by implication require foreign meat packers to comply with federal humane slaughter standards in order to import their products into the United States.) To House Committee on Agriculture.

General Environmental Legislation

S. 2164 - Sen. Scott (R-Pa.)

To amend the National Environmental Policy Act of 1969 so as to make administration of that act more effective by prohibiting the retroactive application of regulations, guidelines or policies and procedures promulgated under such act, and to establish a time limitation on the filing of suits to review environmental impact statements pursuant to such act. To the Senate Committee on Interior and Insular Affairs.

S. 2375 - Sen. Talmadge (D-Ga.)

An original bill to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for three months. Placed on the calendar.

H.R. 6387 - Rep. Foley (D-Wash.)

To extend until September 30, 1975, authority for funds to carry out the Federal Insecticide, and Rodenticide Act. To House Committee on Agriculture.

H.R. 7829 - Rep. Seiberling (D-Ohio)

To authorize the awarding of attorneys' fees to prevailing plaintiffs in action brought under the National Environmental Policy Act of 1969, and for other purposes. To the House Committee on Merchant Marine and Fisheries.

Identical Companion Bill: H.R. 8222 - Rep. Seiberling (D-Ohio).

H.R. 8667 - Rep. Findley (R-Ill.)

To amend the National Environmental Policy Act of 1969 to clarify the procedures therein with respect to the preparation of environmental impact statements. To the House Committee on Merchant Marine and Fisheries.

H.R. 8841 - Rep. Foley (D-Wash.)

To extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 1 year. To the House Committee on Agriculture.

Horses and Burros

S. 1923 - Sen. Packwood (R-Oregon)

To amend the Federal law relating to the protection, management, and control of wild free-roaming horses and burros on public lands; to authorize the Secretary of the Interior to use aircraft and motorized vehicles in the management and control of wild free-roaming horses and burros; and to allow the federal government to transfer the ownership of the animals to private individuals with assurances they will be treated humanely. To the Senate Committee on the Interior and Insular Affairs.

H.R. 1292 - Rep. Hechler (D-W. Va.)

To amend the Federal Meat Inspection Act to prohibit the sale for human consumption of meat from horses, mules and other equines. To the House Committee on Agriculture.

Humane Organizations Generally

S. 1153 - Sen. Mondale (D-Minn.)

To amend the Internal Revenue Code of 1954 to require that charitable organizations which solicit contributions from the public pay out at least half of their revenues in charitable activities. (Would impose a tax on charitable organizations equal to 15% of the amount by which the organization's annual distributions for charitable purposes is less than $\frac{1}{2}$ its gross revenues and would require such organizations to file an annual disclosure statement detailing such revenues and distributions with the Secretary of the Treasury.) To the Senate Committee on Finance.

H.R. 8021 - Rep. Conable (R-N.Y.)

To amend the Internal Revenue Code of 1954 to allow tax-exempt organizations to carry on, within specified dollar amount limits, propaganda and other activities to influence legislation without losing their tax-exempt status. To the House Committee on Ways and Means.

H.R. 9248 - Rep. Moorehead (D-Pa.)

To amend the Internal Revenue Code of 1954 to allow an individual to elect a tax credit for 50% of his charitable contributions in lieu of the deduction allowed for such contributions. To the House Committee on Ways and Means.

H.R. 9256 - Rep. Ottinger (D-N.Y.)

To amend the Internal Revenue Code of 1954 so as to equalize the deductibility of expenditures to influence legislation between businesses and nonprofit institutions. (Would remove the ban on tax-exempt organizations spending substantial amounts of time and money on lobbying, carrying on propaganda or otherwise attempting to influence legislation. Also contributions to such organizations would still be deductible.) To House Committee on Ways and Means.

Hunting and Fishing

H.R. 9067 - Rep. Kaeth (D-Minn.)

To provide additional funds to the States for carrying out restoration projects and programs, and for other purposes. (This description of H.R. 9067, taken from the bill's official headnote, is pernicious in its innocuousness and brevity. H.R. 9067 is a proposed amendment to the Federal Aid in Wildlife Restoration Act which in fact would earmark 50% of the federal excise tax on firearms, bows, arrows and ammunition for use by the states in subsidizing so-called "hunter education" programs and "public-target range" programs. These programs would provide public training in the use of guns and bows and arrows for hunting and other purposes.)

Furthermore, the bill allows funds to go to such state programs run in conjunction with "any appropriate private nonprofit organizations" such as the National Rifle Association. Thus, H.R. 9067 is nothing less than a handout, through the state governments, to the pro-firearm, pro-hunting interest groups to further entrench their organization and activities.) To the House Committee on Merchant Marine and Fisheries.

H.J.R. 595 - Rep. Sikes (D-Fla.)

To ask the President of the United States to declare the fourth Saturday of each September National Hunting and Fishing Day. To the House Committee on Post Office and Civil Service.

Identical Companion Bill: H.J.R. 623,
H.J.R. 630, both by Rep. Sikes (D-Fla.)

Marine Mammals (See also "Whales")

H.R. 1215 - Rep. Young (R-Fla.)

To amend the Marine Mammal Protection Act of 1972 to prohibit the taking (whether incidental or otherwise) of any marine mammals during commercial fishing operations. To the House Committee on Merchant Marine and Fisheries.

H.R. 8092 - Rep. Sullivan (D-Mo.)

To extend the authorization for appropriations to carry out the Endangered Species Act of 1973. To the House Committee on Merchant Marine and Fisheries.

H.R. 9838 - Rep. Forsythe (R-N.J.)

To provide for the conservation and management of fisheries, and for other purposes; and to establish a 200 mile exclusive United States fisheries conservation and management zone within which the United States will assume management responsibility and authority over all fisheries resources, except highly migratory species. To the House Committee on Merchant Marine and Fisheries.

Identical Companion Bills:

H.R. 9840 - Rep. Leggett (D-Cal.)
H.R. 9849 - Rep. Studts (D-Mass.)
H.R. 9938 - Rep. Studts (D-Mass.)

Spaying/Neutering Clinics

H.R. 9020 - Rep. Koch (D-N.Y.)

To provide for loans for the establishment and/or construction of municipal, low-cost, nonprofit clinics for the spaying and neutering of dogs and cats, and for other purposes. To the House Committee on Interstate and Foreign Commerce.

Transportation of Animals

S. 1941 - Sen. Weicker (R-Conn.)

To amend the Federal Animal Welfare Act of 1966, as amended, to assure humane treatment of certain animals and for other purposes. (Provides for health certification, minimum age requirements with respect to factors determined by the Secretary to be relevant to assuring the humane treatment of animals in the course of their transportation in commerce.) To the Senate Committee on Commerce.

Trapping

H.R. 8275 - Rep. Roe (D-N.J.)

To discourage the use of leg-hold or steel jaw traps on animals in the United States; to discourage the manufacture and sale of these items in the United States and abroad; and to prohibit the shipping of fur or leather in interstate commerce which comes from animals trapped in any State of the Union or any foreign country which has not banned the manufacture, sale or use of leg-hold or steel jaw traps. To the House Committee on Interstate and Foreign Commerce.

H.R. 9918 - Rep. Quillen (R-Tenn.)

To discourage the use of painful devices in the trapping of animals and birds. To the House Committee on Merchant Marine and Fisheries.

Identical Companion Bill: H.R. 10099 -
Rep. Dingell (D-Mich.)

Whales (See also "Marine Mammals")

H.J.R. 482 - Rep. Bell (R-Cal.)

To amend the Fishermen's Protective Act of 1967 to impose an embargo on the products of all foreign enterprises engaged in commercial whaling in order to save the great whales from extinction.

Identical Companion Bills:

H.J.R. 484, H.J.R. 490, H.J.R. 493,
H.J.R. 496, H.J.R. 500, H.J.R. 505,
H.J.R. 574, H.J.R. 634, all by Rep.
Bell (R-Cal.), and H.J.R. 605 by
Rep. Conable (R-N.Y.).

Wildlife Refuges and Habitat

S. 1964 - Sen. Magnuson (D-Wash.)

To amend Section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 to extend the appropriation authorization for fiscal years 1976 and 1977 in order to carry out the provisions of Title III relating to marine sanctuaries. To the Senate Committee on Commerce.

S.J.R. 20 - Sen. Cranston (D-Cal.)

To authorize the establishment of the Tule Elk National Wildlife Refuge and the establishment of a federal-state management program for the conservation, protection, and enhancement of the Tule Elk and other species. To the Senate Committee on Commerce.

Identical House Bills:

H.J.R. 154, H.J.R. 501, both by Rep.
Dingell (D-Mich.)

H.R. 7498 - Rep. Dingell (D-Mich.)

To revise the laws relating to the establishment, administration, and management of the National Wildlife Refuge System, to establish a Bureau of National Wildlife Refuges. To the House Committee on Merchant Marine and Fisheries.

Identical Companion Bills:

H.R. 8262, H.R. 9385, H.R. 9781, all
by Rep. Dingell (D-Mich.)

H.J.R. 513 - Rep. Ketchum (R-Cal.)

To authorize the establishment of a Tule Elk National Wildlife Refuge and for other purposes. To the House Committee on Merchant Marine and Fisheries.

Identical Companion Bill: H.J.R. 522 - Rep.
Ketchum (R-Cal.)

BILLS LISTED BY NUMBER WITH CROSS REFERENCE TO SUBJECT MATTER

- S. 1153 - See "Humane Organizations Generally"
- S. 1923 - See "Horses and Burros"
- S. 1941 - See "Transportation of Animals"
- S. 1964 - See "Wildlife Refuges and Habitat"

- S. 2070 - See "General Animal Welfare Legislation"
- S. 2088 - See "Animals in Research"
- S. 2164 - See "General Environmental Legislation"
- S. 2334 - See "Endangered Species"
- S. 2375 - See "General Environmental Legislation"
- S. 2376 - See "Dog Fighting"
- S. 2430 - See "General Animal Welfare Legislation"

- S.J.R. 20 - See "Wildlife Refuges and Habitat"

- H.R. 1215 - See "Marine Mammals"
- H.R. 1292 - See "Horses and Burros"

- H.R. 1345 - See "Dog Fighting"
- H.R. 1495 - See "General Animal Welfare Legislation"
- H.R. 1663 - See "Dog Fighting"

- H.R. 2271 - See "General Animal Welfare Legislation"
- H.R. 2378 - See "General Animal Welfare Legislation"
- H.R. 2451 - See "General Animal Welfare Legislation"

- H.R. 3290 - See "General Animal Welfare Legislation"
- H.R. 3900 - See "Animals in Research"

- H.R. 4362 - See "General Animal Welfare Legislation"

- H.R. 6387 - See "General Environmental Legislation"

- H.R. 7498 - See "Wildlife Refuges and Habitat"
- H.R. 7622 - See "General Animal Welfare Legislation"
- H.R. 7817 - See "General Animal Welfare Legislation"
- H.R. 7829 - See "General Environmental Legislation"
- H.R. 7981 - See "Animals in Research"

- H.R. 8021 - See "Humane Organizations Generally"
- H.R. 8052 - See "Animals in Research"
- H.R. 8092 - See "Marine Mammals"
- H.R. 8222 - See "General Environmental Legislation"
- H.R. 8262 - See "Wildlife Refuges and Habitat"
- H.R. 8275 - See "Trapping"
- H.R. 8667 - See "General Environmental Legislation"
- H.R. 8706 - See "Animals in Research"
- H.R. 8774 - See "General Animal Welfare Legislation"
- H.R. 8778 - See "General Animal Welfare Legislation"
- H.R. 8779 - See "General Animal Welfare Legislation"
- H.R. 8780 - See "General Animal Welfare Legislation"
- H.R. 8793 - See "General Animal Welfare Legislation"
- H.R. 8824 - See "Animals in Research"
- H.R. 8841 - See "General Environmental Legislation"
- H.R. 8844 - See "Animals in Research"
- H.R. 8845 - See "Dog Fighting"
- H.R. 8980 - See "General Animal Welfare Legislation"

- H.R. 9020 - See "Spaying/Neutering Clinics"
- H.R. 9050 - See "Animals in Research"
- H.R. 9067 - See "Hunting and Fishing"
- H.R. 9217 - See "General Animal Welfare Legislation"
- H.R. 9248 - See "Humane Organizations Generally"
- H.R. 9256 - See "Humane Organizations Generally"
- H.R. 9326 - See "General Animal Welfare Legislation"
- H.R. 9385 - See "Wildlife Refuges and Habitat"
- H.R. 9658 - See "General Animal Welfare Legislation"

H.R. 9781 - See "Wildlife Refuges and Habitat"
H.R. 9838 - See "Marine Mammals"
H.R. 9840 - See "Marine Mammals"
H.R. 9849 - See "Marine Mammals"
H.R. 9913 - See "General Animal Welfare Legislation"
H.R. 9918 - See "Trapping"
H.R. 9938 - See "Marine Mammals"

H.R. 10099 - See "Trapping"

H.C.R. 410 - See "Animals in Research"

H.J.R. 154 - See "Wildlife Refuges and Habitat"
H.J.R. 482 - See "Whales"
H.J.R. 484 - See "Whales"
H.J.R. 490 - See "Whales"
H.J.R. 493 - See "Whales"
H.J.R. 496 - See "Whales"
H.J.R. 500 - See "Whales"
H.J.R. 501 - See "Wildlife Refuges and Habitat"
H.J.R. 505 - See "Whales"
H.J.R. 513 - See "Wildlife Refuges and Habitat"
H.J.R. 522 - See "Wildlife Refuges and Habitat"
H.J.R. 574 - See "Whales"
H.J.R. 595 - See "Hunting and Fishing"
H.J.R. 605 - See "Whales"
H.J.R. 623 - See "Hunting and Fishing"
H.J.R. 630 - See "Hunting and Fishing"
H.J.R. 634 - See "Whales"

MISCELLANEOUS STATE LEGISLATION, FEDERAL REGULATIONS, COURT CASES, ETC.

There is no attempt herein to refer to the hundreds of animal welfare bills being constantly introduced into various of the fifty State legislatures. However, several might receive specific attention herein.

Enforcement of Endangered Species Act

In early August an Indiana man was sentenced to 3 years in prison for selling a cougar and an Asian leopard, animals protected by the federal Endangered Species Act of 1973. The case marked the first time the act has been enforced with a jail sentence and hopefully indicates that the courts are beginning to take more seriously the protection of these animals.

Enforcement of Federal Animal Welfare Act

The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture, the agency in charge of the execution and enforcement of the Federal Animal Welfare Act, reported in July that the number of animal dealers, exhibitors and researchers licensed and inspected under the Act rose sharply in 1974.

By the end of 1974, APHIS had licensed a total of 5,133 animal dealers, a 20% increase over the total number (4,287) licensed in the previous year. There were 1,097 licensed or registered animal exhibitors, up 23% from the 890 listed a year earlier. A total of 967 research facilities were registered at the end of 1974, compared with 865 the previous year, a 12% increase. The result of the increase of licensees and registrants plus stricter enforcement also more than doubled routine compliance inspections during 1974--22,939 compared with 10,965 in 1973. Searches to find persons evading regulations went to 11,691 in 1974, up from 6,001 the previous year. Litigation was underway in 31 cases of alleged violations, up from 11 cases the previous year.

Enforcement of Wild Free-Roaming Horses and Burros Act

Increasing pressure on the Federal government to enforce the Wild Free-Roaming Horses and Burros Act has resulted in the conviction of a Nevada man on a charge of violating the Act.

Joe Edward VanRoy of Minden, Nev., was fined \$500 for violating the provision of the law that prohibits the capture, branding, harassment, or death of wild horses. VanRoy was charged with causing the death of a colt in the course of illegally rounding up a band of wild horses.

Wild Free-Roaming Horses and Burros Act Before the Supreme Court

HSUS has intervened as amicus curiae in a case before the U. S. Supreme Court in an effort to reverse and override the decision of a lower court which declared unconstitutional the U. S. Wild Free-Roaming Horses and Burros Act of 1971. (See Spring, 1975, issue of "The Humane Society News").

EPA Approves Coyote Poison

On September 16, 1975, Russell E. Train, Administrator of the Environmental Protection Agency (EPA), after considering evidence from four days of public hearings, ordered the M-44 spring-loaded ejector device, in conjunction with sodium cyanide capsules registered and approved for use by the U. S. Fish & Wildlife Service and six Western states in controlling coyotes. HSUS participated in the hearings and opposed the M-44 system.

Train, while approving registration of the M-44, included in the order a list of 26 restrictions designed to protect non-target and endangered species, prevent environmental contamination by the poison, avoid injury to human beings, and generally prevent abuse of the device by users. While the restrictions are somewhat encouraging, HSUS questions whether they will have significant beneficial effect, since the M-44s will be handed out to ranchers in great numbers with little or no government effort made to monitor and enforce proper use of the device. The entire scheme of M-44 use that EPA has approved depends heavily upon the good faith and prudence of private ranchers whose fundamental interests lie with their own profits, not wildlife preservation.

EPA's action followed on the heels of Executive Order No. 11870 by President Ford on July 18, 1975, which modified the three-year ban on the use of poisons on federal lands and in federal programs. The Order allows use of sodium cyanide on an experimental basis for one year to control coyotes and other predatory mammals or birds.

CAB Moves on Air Transportation of Animals

After over twenty months since its inception, Civil Aeronautics Board Docket 26310, "Rules and Practices Relating to the Acceptance and Carriage of Live Animals in Domestic Air Freight Transportation" finally reached the hearing stage on September 30, 1975. The hearing, in which HSUS participated, lasted seven days and encompassed all aspects of the problems of animals traveling by air. While the final formulation of rules by the Civil Aeronautics Board is several months away, HSUS expects that substantial improvements in the conditions in which animals are shipped by air will result, particularly in the areas of packaging and health certification.

Alabama Stiffens Anti-Cruelty Law

The State of Alabama recently enacted a revised anti-cruelty law that raised the fine upon conviction from a minimum of \$50 to a maximum of \$500, in addition to the possibility of a three-month jail sentence (Alabama, S-132, 8/13/75).

Greyhound Training Methods Before the Florida Supreme Court

The Supreme Court of Florida has granted HSUS's petition to file an amicus curiae brief in a case that will decide whether the use of live rabbits as lures in the training of racing dogs is banned by the state's anti-cruelty statute. A lower state court upheld the use of live rabbits on grounds of economic necessity, concluding that the only effective way to train a racing dog is by use of live lures. The Florida anti-cruelty statutes ban only "unnecessary" cruelty.

In its petition, HSUS attacked this principle as a warped and erroneous application of Florida's anti-cruelty statute and warned the state Supreme Court that the use of economic necessity as a legal justification for cruelty knows no limits. "If the law tolerates cruelty because it is 'necessary' in the training of exhibitionary animals, it may have to tolerate cruelty in the exhibition itself, as a box office 'necessity' to draw fans", HSUS warned. HSUS will soon file a brief on the merits in support of the Florida attorney general, who seeks to prosecute the dog trainers.

Maryland Stiffens Anti-Cruelty Law

The State of Maryland recently strengthened its anti-cruelty laws by enacting H.B. 807 which permits officials to take a mistreated animal into custody even if the owner of the animal is present. The Maryland General Assembly also mandated that in animal-related activities which may cause physical pain, such as food processing, animal training and hunting, and pest elimination, cruelty shall mean the failure to employ the most humane method reasonably available.

Maryland Prohibits Sale of Underaged Kittens and Puppies

Another Maryland law (S.B. 116) effective July 1, 1975, outlaws the sale of kittens and puppies under eight weeks of age unless accompanied by their dam. The law is enforced by fines. It does not apply to animals used in research.

A Grizzly Paradox

In spite of the fact that the grizzly bear is listed as a "threatened species" under the Endangered Species Act of 1973, the U. S. Fish & Wildlife Service, under regulations published in July, continues to permit sport hunting of the bears on federal lands in Montana, excluding Glacier National Park. The number of bears killed each year is limited to twenty-five, although there is inadequate census data to support any bag limits. FWS speciously justifies the hunting as a measure to engender in the species a continuing respect for human beings, which, reasons FWS, will reduce the chance of threats to human safety and property.