

rats, mice, and birds within the definition of animal under the regulations promulgated under the Animal Welfare Act (7 U.S.C. 2131 et seq.).

“(b) REQUIREMENTS.—The report under subsection (a) shall—

“(1) be completed with input, consultation, and recommendations from—

“(A) the Secretary of Agriculture;

“(B) the Secretary of Health and Human Services; and

“(C) the Institute for Animal Laboratory Research within the National Academy of Sciences;

“(2) contain an estimate of—

“(A) the number and types of entities that use rats, mice, and birds for research purposes; and

“(B) which of the entities—

“(i) are subject to regulations of the Department of Agriculture;

“(ii) are subject to regulations or guidelines of the Department of Health and Human Services; or

“(iii) voluntarily comply with the accreditation requirements of the Association for Assessment and Accreditation of Laboratory Animal Care;

“(3) contain an estimate of the numbers of rats, mice, and birds used in research facilities, with an indication of which of the facilities—

“(A) are subject to regulations of the Department of Agriculture;

“(B) are subject to regulations or guidelines of the Department of Health and Human Services; or

“(C) voluntarily comply with the accreditation requirements of the Association for Assessment and Accreditation of Laboratory Animal Care;

“(4) contain an estimate of the additional costs likely to be incurred by breeders and research facilities resulting from the additional regulatory requirements needed in order to afford the same level of protection to rats, mice, and birds as is provided for species regulated by the Department of Agriculture, detailing the costs associated with individual regulatory requirements;

“(5) contain recommendations for minimizing such costs, including—

“(A) an estimate of the cost savings that would result from providing a different level of protection to rats, mice, and birds than is provided for species regulated by the Department of Agriculture; and

“(B) an estimate of the cost savings that would result if new regulatory requirements were substantially equivalent to, and harmonized with, guidelines of the National Institutes of Health;

“(6) contain an estimate of the additional funding that the Animal and Plant Health Inspection Service would require to be able to ensure that the level of compliance with respect to other regulated animals is not diminished by the increase in the number of facilities that would require inspections if a rule extending the regulatory definition of animal to rats, mice, and birds were to become effective; and

“(7) contain recommendations for—

“(A) minimizing the regulatory burden on facilities subject to—

“(i) regulations of the Department of Agriculture;

“(ii) regulations or guidelines of the Department of Health and Human Services; or

“(iii) accreditation requirements of the Association for Assessment and Accreditation of Laboratory Animal Care; and

“(B) preventing any duplication of regulatory requirements.”

### § 2133. Licensing of dealers and exhibitors

The Secretary shall issue licenses to dealers and exhibitors upon application therefor in such form and manner as he may prescribe and upon payment of such fee established pursuant to 2153 of this title: *Provided*, That no such license shall be issued until the dealer or exhibitor shall have

demonstrated that his facilities comply with the standards promulgated by the Secretary pursuant to section 2143 of this title: *Provided, however*, That a dealer or exhibitor shall not be required to obtain a license as a dealer or exhibitor under this chapter if the size of the business is determined by the Secretary to be de minimis. The Secretary is further authorized to license, as dealers or exhibitors, persons who do not qualify as dealers or exhibitors within the meaning of this chapter upon such persons' complying with the requirements specified above and agreeing, in writing, to comply with all the requirements of this chapter and the regulations promulgated by the Secretary hereunder.

(Pub. L. 89-544, §3, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, §4, Dec. 24, 1970, 84 Stat. 1561; Pub. L. 113-79, title XII, §12308(a)(2), Feb. 7, 2014, 128 Stat. 990.)

### Editorial Notes

#### AMENDMENTS

2014—Pub. L. 113-79 substituted “: *Provided, however*, That a dealer or exhibitor shall not be required to obtain a license as a dealer or exhibitor under this chapter if the size of the business is determined by the Secretary to be de minimis.” for “: *Provided, however*, That any retail pet store or other 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 or exhibitor under this chapter.”

1970—Pub. L. 91-579 inserted references to exhibitors and retail pet stores.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-579 effective one year after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

### § 2134. Valid license for dealers and exhibitors required

No dealer or exhibitor shall sell or offer to sell or transport or offer for transportation, in commerce, to any research facility or for exhibition or for use as a pet any animal, or buy, sell, offer to buy or sell, transport or offer for transportation, in commerce, to or from another dealer or exhibitor under this chapter any animals, unless and until such dealer or exhibitor shall have obtained a license from the Secretary and such license shall not have been suspended or revoked.

(Pub. L. 89-544, §4, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91-579, §5, Dec. 24, 1970, 84 Stat. 1561; Pub. L. 94-279, §5, Apr. 22, 1976, 90 Stat. 418.)

### Editorial Notes

#### AMENDMENTS

1976—Pub. L. 94-279 substituted “in commerce” for “affecting commerce” in two places.

1970—Pub. L. 91-579 inserted references to exhibitors, offers to sell, and offers to transport, and substituted references to animals for references to dogs and cats.