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NEW CONGRESSIONAL LEGISLATION

Senate

S. 3182, Senator James A. McClure (R-Idaho). To prohibit the banning of lead shot for hunting. To the Senate Committee on Commerce.

House

H.R. 13193, Rep. Hamilton Fish, Jr. (R-N.Y.), similar to H.R. 6920 (spay clinics). To House Committee on Interstate and Foreign Commerce.


H.R. 13542, Rep. George A. Goodling (R-Pa.). To abolish the position of Commissioner of Fish and Wildlife. To the House Committee on Merchant Marine and Fisheries.

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H.R. 14075, Rep. Charles Rose (D-N.C.). To direct the Interstate Commerce Commission to issue regulations prohibiting the use by any private organization transporting certain animals in interstate commerce of arrangement and procedures providing for collection of animal transportation costs on delivery of the animals. To the House Committee on Interstate and Foreign Commerce.


H.J.R. 933, Rep. Robert L. Sikes (D-Fl.). Asking the President to declare the fourth Saturday of each September National Hunting and Fishing Day. To the House Judiciary Committee.


H.C.R. 449, Rep. Harold Runnels (D-N.M.). To declare the sense of Congress that Smokey the Bear shall be returned to his place of birth, Capitan, New Mexico. To the House Committee on Agriculture.

CONGRESSIONAL ACTION

S. 2296 (Sen. H. Humphrey, D-Minn.) passed the Senate by voice vote on February 21 and has been sent to the House Committee on Education and Labor. The measure provides for the protection, development and enhancement of the National Forest System.

H.R. 10942 (Rep. L. Sullivan, D-Mo.) has been reported out of committee (House Rept. No. 93-936) and is awaiting hearing before the full House. This bill would ratify the 1972 Treaty between Japan and the United States concerning the protection of migratory birds.
FEDERAL ACTIONS AND PROPOSED REGULATIONS

Stowage of Live Cargo on Aircraft - On March 11, the Federal Aviation Administration announced a proposed rule making which would require that cargo containers housing live animals be secured in the cargo compartment of aircraft in such a fashion as to prevent shifting, to assure continuous air flow around the container, and to be protected from the hazards of shifting of other cargo. The FAA also stated that other measures to establish a program for the humane carriage of animals are in the planning or research stage.

Liability for Live Cargo - In an April 4 decision, the Civil Aeronautics Board has ruled that air carrier liability provisions relating to live cargo are unlawful. These provisions generally state that the carrier shall not be liable for the loss, death, sickness, injury, or delay in the delivery of a pet. In ordering such liability provisions cancelled, CAB stated, "the liability rule is unreasonable on its face, since it would exclude carriers from liability for loss or damage resulting from their own negligence. It also singles out live animals for this unfavorable treatment."

Marine Mammal Act - On March 13 the National Marine Fisheries Service suspended a proposed rule which would require purse-seine nets for tuna to be equipped with a safety panel which would permit the release of porpoises taken incidental to tuna fishing operations. Implementation of the rule is being suspended until June 1. The change was made to accommodate fishermen who claim that the petroleum shortage has restricted the availability of the petroleum-based nylon netting which is required for the safety panel.

The Marine Mammal Protection Act requires NMFS to insure that those techniques and equipment used in fishing operations produce the least practicable hazard to marine mammals. The rule making cited in the previous paragraph was issued in accordance with this provision. Additionally, on April 5 NMFS published proposed regulations intended to reduce to insignificant levels the incidental killing or injury of marine mammals during fishing operations. The regulations will become effective on October 20, 1974, the date stipulated in the text of the Marine Mammal Protection Act for implementation of such rules and regulations.

Section 108 of the Marine Mammal Protection Act requires the Secretaries of State, Commerce and Interior to negotiate international agreements for the protection and conservation of marine mammals. The Act also requires a study of the North Pacific Fur Seal Convention under which seals are clubbed to death each year on the Pribilof Islands. In accordance with the provisions of Section 108, a report of findings and actions has been submitted to the Congress. Copies
of this report were made available to the public on April 2 and can
be obtained from the National Marine Fisheries Service, National
Oceanic and Atmospheric Administration, United States Department of
Commerce, Washington, D. C., 20230.

Law 93-205, authorizes federal enforcement agencies to readopt the
regulations issued pursuant to previous endangered species laws in
order to afford protection to threatened animals while awaiting
promulgation of new rules. Accordingly, on March 18 the National
Marine Fisheries Service announced that it was temporarily readopting
those past regulations protecting endangered aquatic mammals
other than whales.

New Jersey has become the first state to submit a cooperative agree-
ment to the Department of Interior for the purpose of protecting
endangered wildlife within state boundaries. P.L. 93-205 requires
that all states submit acceptable plans for the protection of rare
and endangered species by March 28, 1975. If a plan has not been
submitted and approved by the specified date then appropriate federal
agencies may themselves implement programs for the protection of
threatened animals within non-complying states.

The United States Department of the Interior has announced in the
Federal Register that several species are under consideration for
possible inclusion on the federal lists of endangered native and
foreign wildlife. The species being considered were identified as
the grizzly bear, eastern grey kangaroo, western grey kangaroo, and
red kangaroo.

Falconry - The Bureau of Sport Fisheries and Wildlife has redrafted
its proposed falconry regulations. Responding to criticisms from
conservation groups, BSFW made the following concessions: (1) no
endangered birds may be taken for falconry purposes; (2) no owls of
the family strigidae, except the great horned owl, can be taken for
falconry purposes; (3) the minimum age for persons to receive fal-
conry permits shall be raised from 12 years to 16 years; (4) nestlings
may not be taken for falconry purposes; and, (5) BSFW shall issue
minimum standards for falconry housing facilities and equipment.

Animal Welfare Act - A new list of animal exhibitors registered pur-
suant to the Animal Welfare Act, P.L. 91-579, was published in the
Federal Register on March 18. Copies of the listing may be obtained
by writing the Deputy Administrator, Veterinary Services, Animal and
Plant Health Inspection Service, United States Department of Agricul-
ture, Federal Building, Hyattsville, Maryland, 20782.

USDA has proposed two amendments to the rules and regulations promul-
gated pursuant to the Animal Welfare Act. The system for calculating
the license fees required of licensed dealers is to be altered as are the rules of practice governing legal proceedings under P.L. 91-579. Copies of both proposed changes are available from the Deputy Administrator.

Trapping - In response to an inquiry from U. S. Representative William S. Cohen (R-Maine), the Internal Revenue Service has stated that trappers may deduct as a business expense the cost of converting to alternative trapping methods in accordance with federal or state humane trapping reform laws.

Federal Accreditation of Veterinarians - On March 7 the United States Department of Agriculture announced that it is considering revisions to the accreditation standards for veterinarians administering federal animal health and animal welfare laws. The proposed revisions would empower accredited veterinarians to enforce the Horse Protection Act, P.L. 91-540, and would provide for the automatic termination of accreditation when a veterinarian is convicted of a crime relating to USDA veterinarian accreditation standards.

Interior Name Change - Effective July 1, the Bureau of Sport Fisheries and Wildlife will be known as the Fish and Wildlife Service. The change is intended to reflect the Bureau's concern for all forms of wildlife rather than game species. The HSUS believes that its federal hunting suit prompted the surprise name change.

STATE LEGISLATION

Dog importation (Connecticut) - a new law makes it illegal for any one to transport dogs into the state for the purpose of selling them if they are under eight weeks of age.

Protection for dogs (West Virginia) - chapter 19, article 20, section 12 of the West Virginia Code has been amended to extend legal protection to any owned dog. Before amended, this section was primarily concerned with the protection of registered dogs.

MUNICIPAL LEGISLATION

Animal Control #1 Urban Problem - Municipal Government Today: Problems and Complaints is the title of a National League of Cities survey published in the April, 1974 issue of Nation's Cities magazine. Of the 28 major problems identified by mayors and councilmen, solid waste and law enforcement received the highest rankings. These broad categories included animal control problems.
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The second phase of the National League of Cities survey attempted to identify urban problems from the citizens viewpoint. Mayors and councilmen were asked to identify those problems on which they receive the most public complaints. In this portion of the survey "Dog and other pet control problems" finished first, more than twenty percentage points higher than any of the other 171 urban problems identified by municipal officials.

The startling results of the National League of Cities survey reveal that animal control is at the forefront of the problems facing municipal officials.

SCOFFLAW (On the Lighter Side of Legislation) - A political compromise has been described as the equivalent of throwing a ten foot rope to a man drowning 15 feet from shore and claiming that you met him more than half way.