

Authority: 5 U.S.C. 552, 552a; 8 U.S.C. 1101, 1103, 1201, 1304; 31 U.S.C. 8701; E.O. 12356, 47 FR 14874, 15557; 3 CFR, 1982 Comp., p. 166; 8 CFR part 2.

§ 103.7 [Amended]

2. In § 103.7, paragraph (b)(1) is amended by adding the following as the last entry:

Request. For requesting authorization for parole of an alien into the United States—\$45.00.

Dated: March 19, 1990.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 90-7785 Filed 4-4-90; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 3

[Docket No. 90-006]

Animal Welfare—Standards for Horses and Other Farm Animals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking.

**SUMMARY:** We are considering establishing standards designed specifically for the humane care of horses used for biomedical or other nonagricultural research, and for the humane care of other farm animals used for biomedical or other nonagricultural research, or for nonagricultural exhibition, and are soliciting comments regarding appropriate standards. Elsewhere in this issue of the Federal Register, we are publishing a determination to regulate these animals under the Animal Welfare Act.

**DATES:** Consideration will be given only to comments received on or before June 4, 1990.

**ADDRESSES:** To help ensure that your comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 90-006. Comments received may be inspected at USDA, Room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:** Dr. R.L. Crawford, Director, Animal Care Staff, Regulatory Enforcement and Animal Care, APHIS, USDA, Room 269, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8790.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Animal Welfare Act (the Act) (7 U.S.C. 2131 *et seq.*), enacted in 1966 and amended in 1970, 1976, and 1985, authorizes the Secretary of Agriculture to promulgate standards and other requirements governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, carriers, and intermediate handlers. Regulations established under the Act are contained in 9 CFR parts 1, 2, and 3. From the time the Act was amended in 1970 (Pub. L. 91-579), the definition of the term "animal" has included "any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded 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; \* \* \*" (7 U.S.C. 2132(g)). The following animals are excluded from the term and therefore are not covered by the Act:

"\* \* \* 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 improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber \* \* \*" (7 U.S.C. 2132(g)).

We are therefore authorized by the Act to regulate horses when used for biomedical or other nonagricultural research, and are authorized to regulate other farm animals when the animals are used for biomedical or other nonagricultural research, nonagricultural exhibition, or as pets. An example of agricultural exhibition would be a livestock show at a State or county fair.

To date, as a matter of policy, we have not generally enforced the Animal Welfare regulations with respect to horses and other farm animals, although the handling and care of these animals is subject to regulation under the Act. However, we have reevaluated our policy in light of the increasing use of horses and other farm animals in biomedical research and nonagricultural exhibition, and in light of comments and inquiries received from members of the

public, including members of industries regulated under the Act, regarding the need to extend enforcement of the regulations to include these animals. Following our proposal to amend part 1 of the regulations, published in the Federal Register on March 31, 1987 (52 FR 10292-10298, Docket No. 84-010), we received more than 1,000 comments stating that the proposed definition of "animal" should encompass all warmblooded animals, including farm animals. Based on information supplied by the commenters, on information supplied by members of the public prior to publication of the proposed rule, and on our own experience enforcing the Animal Welfare regulations, we believe it is appropriate to extend our enforcement of the Animal Welfare Act to those horses and other farm animals covered by the Act. In a final rule published elsewhere in this issue of the Federal Register, entitled "Notice of Intent to Regulate Horses and Other Farm Animals Under the Animal Welfare Act: Correction of Definition" (Docket No. 89-223); we give notice of our intent to regulate such animals under the Act.

In this document, we are requesting comments on appropriate specific standards for the humane handling, care, treatment, and transportation of horses used for biomedical or other nonagricultural research, and for the humane handling, care, treatment, and transportation of other farm animals, such as cattle, sheep, pigs, and goats, when used for biomedical or other nonagricultural research, or for nonagricultural exhibition purposes. Until standards designed specifically for such animals are added to the regulations, we intend to regulate horses and other farm animals in accordance with the standards set forth in 9 CFR part 3, subpart E—"Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals."

Authority: 7 U.S.C. 2131-2157; 7 CFR 2.17, 2.51, and 371.2(g).

Done in Washington, DC, this 30th day of March 1990.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90-7886 Filed 4-4-90; 8:45 am]

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