inserted par. heading, substituted period at end for ‘‘, and the term ‘cotton-producing State’ shall include any such combination of States.’’, and added par. (2).

1990—Subsec. (c). Pub. L. 101–624, § 1997(1), designated existing provisions as cl. (1) and added cl. (2).

Subsec. (d). Pub. L. 101–624, § 1997(2), inserted ‘‘or, for the purposes of sections 2102, 2105(c), and 2112 of this title, any person who imports cotton, including de minimis amounts of cotton described in subsection (c) of this section,’’ after ‘‘cottonseed’’.

Subsec. (h). Pub. L. 101–624, § 1997(3), added subsec. (h).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

§ 2117. Separability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(Pub. L. 89–502, § 18, July 13, 1966, 80 Stat. 286.)

§ 2118. Authorization of appropriations

There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated such funds as are necessary to carry out the provisions of this chapter. The funds so appropriated shall not be available for the payment of the expenses or expenditures of the Cotton Board in administering any provisions of any order issued pursuant to the terms of this chapter.

(Pub. L. 89–502, § 19, July 13, 1966, 80 Stat. 287.)

§ 2119. Repealed. Pub. L. 94–366, § 1, July 14, 1976, 90 Stat. 991

Section, Pub. L. 91–524, title VI, § 610, Nov. 30, 1970, 84 Stat. 1378; Pub. L. 93–86, § 1(23), Aug. 10, 1973, 87 Stat. 235, related to cotton development programs of the Commodity Credit Corporation, and funding for such programs.

EFFECTIVE DATE OF REPEAL

Section 1 of Pub. L. 94–366 provided that this section is repealed effective Oct. 1, 1977.

CHAPTER 54—TRANSPORTATION, SALE, AND HANDLING OF CERTAIN ANIMALS

Sec.
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§ 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 necessary to prevent and eliminate burdens upon such commerce and to effectively regulate such 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.

(Pub. L. 89–544, § 1(b), formerly § 1, Aug. 24, 1966, 80 Stat. 350; Pub. L. 91–579, § 2, Dec. 24, 1970, 84 Stat. 1560; renumbered and amended Pub. L. 94–279, § 2, Apr. 22, 1976, 90 Stat. 417.)

AMENDMENTS

1976—Pub. L. 94–279 restated and expanded objectives of this chapter to include regulation of animals and activities in, or substantially affecting, interstate or foreign commerce in order to prevent and eliminate burdens on such commerce and to assure the humane treatment of animals during transportation.

1970—Pub. L. 91–579 restated objectives to include all animals as defined instead of only cats and dogs and expanded coverage to regulate animals intended for use for exhibition purposes or for use as pets.

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99–198, title XVII, § 1759, Dec. 23, 1985, 99 Stat. 1650, provided that: ''This subtitle [subtitle F (§§ 1751–1759), enacting section 2157 of this title, amending sections 2132, 2143 to 2146, and 2149 of this title, and enacting provisions set out as notes under this section] shall take effect 1 year after the date of the enactment of this Act [Dec. 23, 1985].''

EFFECTIVE DATE OF 1970 AMENDMENT

Section 23 of Pub. L. 91–579 provided that: ''The amendments made by this Act [enacting section 2155 of this title, amending this section and sections 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2149, and 2150 of this title, repealing section 2148 of this title, and enacting provisions set out as notes under this section] shall take effect one year after the date of enactment of this Act [Dec. 24, 1970], except for the amendments to sections 16, 17, 19, and 20 of the Act of August 24, 1966 [sections 2146, 2147, 2149, and 2150 of this title], which shall become effective thirty days after the date of enactment of this Act [Dec. 24, 1970]''.

SHORT TITLE OF 1976 AMENDMENT

Section 1 of Pub. L. 94–279 provided: ''That this Act [enacting section 2156 of this title, amending this section, sections 2132, 2134, 2136, 2139 to 2146, 2149, 2153 to 2155 of this title, and section 3001 of Title 39, Postal Service, repealing section 2150 of this title, and enacting provisions set out as notes under this section] may be cited as the 'Animal Welfare Act Amendments of 1976'.''

SHORT TITLE OF 1970 AMENDMENT

Section 1 of Pub. L. 91–579 provided: ''That this Act [enacting section 2155 of this title, amending this section and sections 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2149, and 2150 of this title, repealing section 2148 of this title, and enacting provisions set out as notes under this section] may be cited as the 'Animal Welfare Act of 1970'.''

SHORT TITLE

Section 1(a) of Pub. L. 89–544, as added by section 2 of Pub. L. 94–279, provided: ''That this Act [enacting this chapter] may be cited as the 'Animal Welfare Act'.''

CONGRESSIONAL FINDINGS FOR 1985 AMENDMENT

Pub. L. 99–198, title XVII, subtitle F (§§ 1751–1759), § 1751, Dec. 23, 1985, 99 Stat. 1645, provided that: ''For the purposes of this subtitle [see Effective Date of 1985 Amendment note above], the Congress finds that—

''(1) the use of animals is instrumental in certain research and education for advancing knowledge of cures and treatment for diseases and injuries which afflict both humans and animals;

''(2) methods of testing that do not use animals are being and continue to be developed which are faster, less expensive, and more accurate than traditional animal experiments for some purposes and further opportunities exist for the development of these methods of testing;

''(3) measures which eliminate or minimize the unnecessary duplication of experiments on animals can result in more productive use of Federal funds; and

''(4) measures which help meet the public concern for laboratory animal care and treatment are important in assuring that research will continue to progress.''

EXTENDED DEFINITION OF ''ANIMAL''

Pub. L. 99–198, title XVII, 1756(b), Dec. 23, 1985, 99 Stat. 1650, provided that: ''For purposes of this Act [see Tables for classification], the term 'animal' shall have the same meaning as defined in section 2(g) of the Animal Welfare Act (7 U.S.C. 2132(g)).''

§ 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—

(1) between a place in a State and any place outside of such State, or between points within the same State but through any place outside thereof, or within any territory, possession, or the District of Columbia;

(2) which affects trade, traffic, transportation, or other commerce described in paragraph (1).

(d) The term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States;

(e) The term ''research facility'' means any school (except an elementary or secondary school), institution, or organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals in commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments: *Provided*, That the Secretary may exempt, by regulation, any such school, institution, organization, or person that does not use or intend to use live dogs or cats, except those schools, institutions, organizations, or persons, which use substantial numbers (as determined by the Secretary) of live animals the principal 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 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; but such term excludes (1) birds, rats of the genus Rattus, and mice of the

genus Mus, bred for use in research, (2) horses not used for research purposes, and (3) 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, or will affect 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;

(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;

(k) The term ''Federal agency'' means an Executive agency as such term is defined in section 105 of title 5, and with respect to any research facility means the agency from which the research facility receives a Federal award for the conduct of research, experimentation, or testing, involving the use of animals;

(*l*) The term ''Federal award for the conduct of research, experimentation, or testing, involving the use of animals'' means any mechanism (including a grant, award, loan, contract, or cooperative agreement) under which Federal funds are provided to support the conduct of such research.[1]

(m) The term ''quorum'' means a majority of the Committee members;

(n) The term ''Committee'' means the Institutional Animal Committee established under section 2143(b) of this title; and

(*o*) The term ''Federal research facility'' means each department, agency, or instrumentality of the United States which uses live animals for research or experimentation.

(Pub. L. 89–544, § 2, Aug. 24, 1966, 80 Stat. 350; Pub. L. 91–579, § 3, Dec. 24, 1970, 84 Stat. 1560; Pub. L. 94–279, §§ 3, 4, Apr. 22, 1976, 90 Stat. 417, 418; Pub. L. 99–198, title XVII, § 1756(a), Dec. 23, 1985, 99 Stat. 1650; Pub. L. 107–171, title X, § 10301, May 13, 2002, 116 Stat. 491.)

[1] So in original. The period probably should be a semicolon.

AMENDMENTS

2002—Subsec. (g). Pub. L. 107–171 substituted ''excludes (1) birds, rats of the genus Rattus, and mice of the genus Mus, bred for use in research, (2) horses not used for research purposes, and (3)'' for ''excludes horses not used for research purposes and''.

1985—Subsecs. (k) to (*o*). Pub. L. 99–198 added subsecs. (k) to (*o*).

1976—Subsec. (c). Pub. L. 94–279, § 3(1), made changes in phraseology, restructured subsection and expanded definition of ''commerce'' by making it applicable to any activity affecting interstate commerce.

Subsec. (d). Pub. L. 94–279, § 3(1), substituted definition of ''State'' for definition of ''affecting commerce''.

Subsec. (e). Pub. L. 94–279, § 3(2), substituted ''in commerce'' for ''affecting commerce''.

Subsec. (f). Pub. L. 94–279, § 3(2), (3), made changes in phraseology, restructured subsection and expanded definition of ''dealer'' to include persons who negotiate the purchase or sale of protected animals.

Subsec. (g). Pub. L. 94–279, § 3(4), expanded definition of ''animal'' to include dogs used for hunting, security, or breeding purposes.

Subsecs. (i), (j). Pub. L. 94–279, § 4, added subsecs. (i) and (j).

1970—Subsec. (b). Pub. L. 91–579, § 3(1), inserted ''of the United States or his representative who shall be an employee of the United States Department of Agriculture'' after ''Secretary of Agriculture''.

Subsec. (c). Pub. L. 91–579, § 3(2), substituted ''trade, traffic, commerce, transportation among the several States, or between any State'' for ''commerce between any State''.

Subsec. (d). Pub. L. 91–579, § 3(3), substituted definition of ''affecting commerce'' for definition of ''dog''.

Subsec. (e). Pub. L. 91–579, § 3(3), struck out definition of ''cat'' and substituted for it a definition of ''research facility'' formerly set out in subsec. (f), and, in such definition as transferred from former subsec. (f), extended the term's meaning to include those using ''animals'' rather than only dogs and cats and allowed exemptions of schools, organizations, institutions, or persons which do not use live dogs or cats, with such exemption to be inapplicable in the case of schools, organizations, institutions, and persons in biomedical research using a substantial number of live animals.

Subsec. (f). Pub. L. 91–579, § 3(3), substituted definition of ''dealer'' formerly contained in subsec. (g) for definition of ''research facility'' and in such definition of ''dealer'' as thus transferred inserted provisions extending meaning to include live or dead animals rather than only dogs and cats, adding teaching and exhibition purposes or uses as pets, and exempting retail pet stores unless such stores sell animals to a research facility, an exhibitor, or a dealer. Definition of ''research facility'' transferred to subsec. (e) and amended.

Subsec. (g). Pub. L. 91–579, § 3(3), substituted definition of ''animal'' formerly contained in subsec. (h) for definition of ''dealer'' and in such definition of ''animal'' as thus transferred inserted stipulation ''live or dead'' to the species already covered, and inserted provisions to include such warm-blooded animals as may be determined by the Secretary but to exclude specific animals used for research, food and fiber, and the improvement of animal breeding, nutrition, management, or production efficiency. Definition of ''dealer'' transferred to subsec. (f) and amended.

Subsec. (h). Pub. L. 91–579, § 3(3), substituted definition of ''exhibitor'' for definition of ''animal''. Definition of ''animal'' transferred to subsec. (g) and amended.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–198 effective one year after Dec. 23, 1985, see section 1759 of Pub. L. 99–198, set out as a note under section 2131 of this title.

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.

REPORT ON RATS, MICE, AND BIRDS

Pub. L. 107–171, title X, § 10304, May 13, 2002, 116 Stat. 492, provided that:

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [May 13, 2002], the National Research Council shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report on the implications of including 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 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. 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.)

AMENDMENTS

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

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.)

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.

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.

§ 2135. Time period for disposal of dogs or cats by dealers or exhibitors

No dealer or exhibitor shall sell or otherwise dispose of any dog or cat within a period of five

business days after the acquisition of such animal or within such other period as may be specified by the Secretary: *Provided*, That operators of auction sales subject to section 2142 of this title shall not be required to comply with the provisions of this section.

(Pub. L. 89–544, § 5, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91–579, § 6, Dec. 24, 1970, 84 Stat. 1561.)

AMENDMENTS

1970—Pub. L. 91–579 inserted references to exhibitors and inserted proviso that operators of auction sales subject to section 2142 of this title shall not be required to comply with the provisions of this section.

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.

§ 2136. Registration of research facilities, handlers, carriers and unlicensed exhibitors

Every research facility, every intermediate handler, every carrier, and every exhibitor not licensed under section 2133 of this title shall register with the Secretary in accordance with such rules and regulations as he may prescribe.

(Pub. L. 89–544, § 6, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91–579, § 7, Dec. 24, 1970, 84 Stat. 1561; Pub. L. 94–279, § 6, Apr. 22, 1976, 90 Stat. 418.)

AMENDMENTS

1976—Pub. L. 94–279 inserted ", every intermediate handler, every carrier," after "research facility".

1970—Pub. L. 91–579 inserted reference to exhibitors not licensed under section 2133 of this title.

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.

§ 2137. Purchase of dogs or cats by research facilities prohibited except from authorized operators of auction sales and licensed dealers or exhibitors

It shall be unlawful for any research facility to purchase any dog or cat from any person except an operator of an auction sale subject to section 2142 of this title or a person holding a valid license as a dealer or exhibitor issued by the Secretary pursuant to this chapter unless such person is exempted from obtaining such license under section 2133 of this title.

(Pub. L. 89–544, § 7, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91–579, § 8, Dec. 24, 1970, 84 Stat. 1561.)

AMENDMENTS

1970—Pub. L. 91–579 added licensed exhibitors and operators of auction sales subject to section 2142 of this title to the enumeration of persons from whom research facilities may purchase dogs or cats.

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.

§ 2138. Purchase of dogs or cats by United States Government facilities prohibited except from authorized operators of auction sales and licensed dealers or exhibitors

No department, agency, or instrumentality of the United States which uses animals for research or experimentation or exhibition shall purchase or otherwise acquire any dog or cat for such purposes from any person except an operator of an auction sale subject to section 2142 of this title or a person holding a valid license as a dealer or exhibitor issued by the Secretary pursuant to this chapter unless such person is exempted from obtaining such license under section 2133 of this title.

(Pub. L. 89–544, § 8, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91–579, § 9, Dec. 24, 1970, 84 Stat. 1562.)

AMENDMENTS

1970—Pub. L. 91–579 inserted reference to instrumentalities of the United States which use animals for exhibition and added operators of auction sales subject to section 2142 of this title and licensed exhibitors to the enumeration of persons from whom United States Government facilities may acquire dogs or cats.

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.

§ 2139. Principal-agent relationship established

When construing or enforcing the provisions of this chapter, the act, omission, or failure of any person acting for or employed by a research facility, a dealer, or an exhibitor or a person licensed as a dealer or an exhibitor pursuant to the second sentence of section 2133 of this title, or an operator of an auction sale subject to section 2142 of this title, or an intermediate handler, or a carrier, within the scope of his employment or office, shall be deemed the act, omission, or failure of such research facility, dealer, exhibitor, licensee, operator of an auction sale, intermediate handler, or carrier, as well as of such person.

(Pub. L. 89–544, § 9, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91–579, § 10, Dec. 24, 1970, 84 Stat. 1562; Pub. L. 94–279, § 7, Apr. 22, 1976, 90 Stat. 418.)

AMENDMENTS

1976—Pub. L. 94–279 inserted "or an intermediate handler, or a carrier," after "section 2142 of this title," and substituted "operator of an auction sale, intermediate handler, or carrier, as well as of such person." for "or an operator of an auction sale as well as of such person." after "research facility, dealer, exhibitor, licensee,".

1970—Pub. L. 91–579 inserted references to persons acting for or employed by exhibitors, persons licensed as exhibitors, and operators of auction sales subject to section 2142 of this title.

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.

§ 2140. Recordkeeping by dealers, exhibitors, research facilities, intermediate handlers, and carriers

Dealers and exhibitors shall make and retain for such reasonable period of time as the Secretary may prescribe, such records with respect to the purchase, sale, transportation, identification, and previous ownership of animals as the Secretary may prescribe. Research facilities shall make and retain such records only with re-

spect to the purchase, sale, transportation, identification, and previous ownership of live dogs and cats. At the request of the Secretary, any regulatory agency of the Federal Government which requires records to be maintained by intermediate handlers and carriers with respect to the transportation, receiving, handling, and delivery of animals on forms prescribed by the agency, shall require there to be included in such forms, and intermediate handlers and carriers shall include in such forms, such information as the Secretary may require for the effective administration of this chapter. Such information shall be retained for such reasonable period of time as the Secretary may prescribe. If regulatory agencies of the Federal Government do not prescribe requirements for any such forms, intermediate handlers and carriers shall make and retain for such reasonable period as the Secretary may prescribe such records with respect to the transportation, receiving, handling, and delivery of animals as the Secretary may prescribe. Such records shall be made available at all reasonable times for inspection and copying by the Secretary.

(Pub. L. 89–544, § 10, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91–579, § 11, Dec. 24, 1970, 84 Stat. 1562; Pub. L. 94–279, § 8, Apr. 22, 1976, 90 Stat. 418.)

AMENDMENTS

1976—Pub. L. 94–279 struck out ‘‘, upon forms supplied by the Secretary’’ after ‘‘ownership of animals as the Secretary may prescribe’’ and inserted provisions dealing with the records required to be maintained by intermediate handlers and carriers relating to the transportation, receiving, handling and delivery of animals.

1970—Pub. L. 91–579 extended recordkeeping requirements to include exhibitors and to include animals, as defined, rather than only dogs and cats, except that research facilities shall continue to keep required records only for live dogs and cats.

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.

§ 2141. Marking and identification of animals

All animals delivered for transportation, transported, purchased, or sold, in commerce, by a dealer or exhibitor shall be marked or identified at such time and in such humane manner as the Secretary may prescribe: *Provided*, That only live dogs and cats need be so marked or identified by a research facility.

(Pub. L. 89–544, § 11, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91–579, § 12, Dec. 24, 1970, 84 Stat. 1562; Pub. L. 94–279, § 5, Apr. 22, 1976, 90 Stat. 418.)

AMENDMENTS

1976—Pub. L. 94–279 substituted ‘‘in commerce’’ for ‘‘affecting commerce’’.

1970—Pub. L. 91–579 applied marking and identification requirements to dealers and exhibitors for animals, as defined, instead of only to dogs and cats when movements are affecting commerce, but limited such requirements for research facilities to only live dogs and cats.

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.

§ 2142. Humane standards and recordkeeping requirements at auction sales

The Secretary is authorized to promulgate humane standards and recordkeeping requirements governing the purchase, handling, or sale of animals, in commerce, by dealers, research facilities, and exhibitors at auction sales and by the operators of such auction sales. The Secretary is also authorized to require the licensing of operators of auction sales where any dogs or cats are sold, in commerce, under such conditions as he may prescribe, and upon payment of such fee as prescribed by the Secretary under section 2153 of this title.

(Pub. L. 89–544, § 12, Aug. 24, 1966, 80 Stat. 351; Pub. L. 91–579, § 13, Dec. 24, 1970, 84 Stat. 1562; Pub. L. 94–279, § 5, Apr. 22, 1976, 90 Stat. 418.)

AMENDMENTS

1976—Pub. L. 94–279 substituted ‘‘in commerce’’ for ‘‘affecting commerce’’ in two places.

1970—Pub. L. 91–579 extended requirements for recordkeeping and humane standards to exhibitors and operators of auction sales, with such requirements to apply to animals as defined instead of only to cats and dogs when transactions in auction sales are affecting commerce, and required operators of auction sales to obtain a license when he sells cats or dogs and such transactions are affecting commerce, upon payment of fee prescribed by the Secretary.

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.

§ 2143. Standards and certification process for humane handling, care, treatment, and transportation of animals

(a) Promulgation of standards, rules, regulations, and orders; requirements; research facilities; State authority

(1) The Secretary shall promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors.

(2) The standards described in paragraph (1) shall include minimum requirements—

(A) for handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, and separation by species where the Secretary finds necessary for humane handling, care, or treatment of animals; and

(B) for exercise of dogs, as determined by an attending veterinarian in accordance with general standards promulgated by the Secretary, and for a physical environment adequate to promote the psychological well-being of primates.

(3) In addition to the requirements under paragraph (2), the standards described in paragraph (1) shall, with respect to animals in research facilities, include requirements—

(A) for animal care, treatment, and practices in experimental procedures to ensure that animal pain and distress are minimized, including adequate veterinary care with the appropriate use of anesthetic, analgesic, tranquilizing drugs, or euthanasia;

(B) that the principal investigator considers alternatives to any procedure likely to produce pain to or distress in an experimental animal;

(C) in any practice which could cause pain to animals—

(i) that a doctor of veterinary medicine is consulted in the planning of such procedures;

(ii) for the use of tranquilizers, analgesics, and anesthetics;

(iii) for pre-surgical and post-surgical care by laboratory workers, in accordance with established veterinary medical and nursing procedures;

(iv) against the use of paralytics without anesthesia; and

(v) that the withholding of tranquilizers, anesthesia, analgesia, or euthanasia when scientifically necessary shall continue for only the necessary period of time;

(D) that no animal is used in more than one major operative experiment from which it is allowed to recover except in cases of—

(i) scientific necessity; or

(ii) other special circumstances as determined by the Secretary; and

(E) that exceptions to such standards may be made only when specified by research protocol and that any such exception shall be detailed and explained in a report outlined under paragraph (7) and filed with the Institutional Animal Committee.

(4) The Secretary shall also promulgate standards to govern the transportation in commerce, and the handling, care, and treatment in connection therewith, by intermediate handlers, air carriers, or other carriers, of animals consigned by any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department, agency, or instrumentality of the United States or of any State or local government, for transportation in commerce. The Secretary shall have authority to promulgate such rules and regulations as he determines necessary to assure humane treatment of animals in the course of their transportation in commerce including requirements such as those with respect to containers, feed, water, rest, ventilation, temperature, and handling.

(5) In promulgating and enforcing standards established pursuant to this section, the Secretary is authorized and directed to consult experts, including outside consultants where indicated.

(6)(A) Nothing in this chapter—

(i) except as provided in paragraphs[1] (7) of this subsection, shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to the design, outlines, or guidelines of actual research or experimentation by a research facility as determined by such research facility;

(ii) except as provided[2] subparagraphs (A) and (C)(ii) through (v) of paragraph (3) and paragraph (7) of this subsection, shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to the performance of actual research or experimentation by a research facility as determined by such research facility; and

(iii) shall authorize the Secretary, during inspection, to interrupt the conduct of actual research or experimentation.

(B) No rule, regulation, order, or part of this chapter shall be construed to require a research facility to disclose publicly or to the Institutional Animal Committee during its inspection, trade secrets or commercial or financial information which is privileged or confidential.

(7)(A) The Secretary shall require each research facility to show upon inspection, and to report at least annually, that the provisions of this chapter are being followed and that professionally acceptable standards governing the care, treatment, and use of animals are being followed by the research facility during actual research or experimentation.

(B) In complying with subparagraph (A), such research facilities shall provide—

(i) information on procedures likely to produce pain or distress in any animal and assurances demonstrating that the principal investigator considered alternatives to those procedures;

(ii) assurances satisfactory to the Secretary that such facility is adhering to the standards described in this section; and

(iii) an explanation for any deviation from the standards promulgated under this section.

(8) Paragraph (1) shall not prohibit any State (or a political subdivision of such State) from promulgating standards in addition to those standards promulgated by the Secretary under paragraph (1).

(b) Research facility Committee; establishment, membership, functions, etc.

(1) The Secretary shall require that each research facility establish at least one Committee. Each Committee shall be appointed by the chief executive officer of each such research facility and shall be composed of not fewer than three members. Such members shall possess sufficient ability to assess animal care, treatment, and practices in experimental research as determined by the needs of the research facility and shall represent society's concerns regarding the welfare of animal subjects used at such facility. Of the members of the Committee—

(A) at least one member shall be a doctor of veterinary medicine;

(B) at least one member—

(i) shall not be affiliated in any way with such facility other than as a member of the Committee;

(ii) shall not be a member of the immediate family of a person who is affiliated with such facility; and

(iii) is intended to provide representation for general community interests in the proper care and treatment of animals; and

(C) in those cases where the Committee consists of more than three members, not more than three members shall be from the same administrative unit of such facility.

[1] So in original. Probably should be "paragraph".

[2] So in original. Probably should be followed by "in".

(2) A quorum shall be required for all formal actions of the Committee, including inspections under paragraph (3).

(3) The Committee shall inspect at least semiannually all animal study areas and animal facilities of such research facility and review as part of the inspection—

(A) practices involving pain to animals, and

(B) the condition of animals,

to ensure compliance with the provisions of this chapter to minimize pain and distress to animals. Exceptions to the requirement of inspection of such study areas may be made by the Secretary if animals are studied in their natural environment and the study area is prohibitive to easy access.

(4)(A) The Committee shall file an inspection certification report of each inspection at the research facility. Such report shall—

(i) be signed by a majority of the Committee members involved in the inspection;

(ii) include reports of any violation of the standards promulgated, or assurances required, by the Secretary, including any deficient conditions of animal care or treatment, any deviations of research practices from originally approved proposals that adversely affect animal welfare, any notification to the facility regarding such conditions, and any corrections made thereafter;

(iii) include any minority views of the Committee; and

(iv) include any other information pertinent to the activities of the Committee.

(B) Such report shall remain on file for at least three years at the research facility and shall be available for inspection by the Animal and Plant Health Inspection Service and any funding Federal agency.

(C) In order to give the research facility an opportunity to correct any deficiencies or deviations discovered by reason of paragraph (3), the Committee shall notify the administrative representative of the research facility of any deficiencies or deviations from the provisions of this chapter. If, after notification and an opportunity for correction, such deficiencies or deviations remain uncorrected, the Committee shall notify (in writing) the Animal and Plant Health Inspection Service and the funding Federal agency of such deficiencies or deviations.

(5) The inspection results shall be available to Department of Agriculture inspectors for review during inspections. Department of Agriculture inspectors shall forward any Committee inspection records which include reports of uncorrected deficiencies or deviations to the Animal and Plant Health Inspection Service and any funding Federal agency of the project with respect to which such uncorrected deficiencies and deviations occurred.

(c) Federal research facilities; establishment, composition, and responsibilities of Federal Committee

In the case of Federal research facilities, a Federal Committee shall be established and shall have the same composition and responsibilities provided in subsection (b) of this section, except that the Federal Committee shall report deficiencies or deviations to the head of the Federal agency conducting the research rather than to the Animal and Plant Health Inspection Service. The head of the Federal agency conducting the research shall be responsible for—

(1) all corrective action to be taken at the facility; and

(2) the granting of all exceptions to inspection protocol.

(d) Training of scientists, animal technicians, and other personnel involved with animal care and treatment at research facilities

Each research facility shall provide for the training of scientists, animal technicians, and other personnel involved with animal care and treatment in such facility as required by the Secretary. Such training shall include instruction on—

(1) the humane practice of animal maintenance and experimentation;

(2) research or testing methods that minimize or eliminate the use of animals or limit animal pain or distress;

(3) utilization of the information service at the National Agricultural Library, established under subsection (e) of this section; and

(4) methods whereby deficiencies in animal care and treatment should be reported.

(e) Establishment of information service at National Agricultural Library; service functions

The Secretary shall establish an information service at the National Agricultural Library. Such service shall, in cooperation with the National Library of Medicine, provide information—

(1) pertinent to employee training;

(2) which could prevent unintended duplication of animal experimentation as determined by the needs of the research facility; and

(3) on improved methods of animal experimentation, including methods which could—

(A) reduce or replace animal use; and

(B) minimize pain and distress to animals, such as anesthetic and analgesic procedures.

(f)[3] Suspension or revocation of Federal support for research projects; prerequisites; appeal procedure

In any case in which a Federal agency funding a research project determines that conditions of animal care, treatment, or practice in a particular project have not been in compliance with standards promulgated under this chapter, despite notification by the Secretary or such Federal agency to the research facility and an opportunity for correction, such agency shall suspend or revoke Federal support for the project. Any research facility losing Federal support as a result of actions taken under the preceding sentence shall have the right of appeal as provided in sections 701 through 706 of title 5.

(f)[3] Veterinary certificate; contents; exceptions

No dogs or cats, or additional kinds or classes of animals designated by regulation of the Secretary, shall be delivered by any dealer, research facility, exhibitor, operator of an auction sale,

[3] So in original. Two subsecs. (f) have been enacted.

or department, agency, or instrumentality of the United States or of any State or local government, to any intermediate handler or carrier for transportation in commerce, or received by any such handler or carrier for such transportation from any such person, department, agency, or instrumentality, unless the animal is accompanied by a certificate issued by a veterinarian licensed to practice veterinary medicine, certifying that he inspected the animal on a specified date, which shall not be more than ten days before such delivery, and, when so inspected, the animal appeared free of any infectious disease or physical abnormality which would endanger the animal or animals or other animals or endanger public health: *Provided, however*, That the Secretary may by regulation provide exceptions to this certification requirement, under such conditions as he may prescribe in the regulations, for animals shipped to research facilities for purposes of research, testing or experimentation requiring animals not eligible for such certification. Such certificates received by the intermediate handlers and the carriers shall be retained by them, as provided by regulations of the Secretary, in accordance with section 2140 of this title.

(g) Age of animals delivered to registered research facilities; power of Secretary to designate additional classes of animals and age limits

No dogs or cats, or additional kinds or classes of animals designated by regulation of the Secretary, shall be delivered by any person to any intermediate handler or carrier for transportation in commerce except to registered research facilities if they are less than such age as the Secretary may by regulation prescribe. The Secretary shall designate additional kinds and classes of animals and may prescribe different ages for particular kinds or classes of dogs, cats, or designated animals, for the purposes of this section, when he determines that such action is necessary or adequate to assure their humane treatment in connection with their transportation in commerce.

(h) Prohibition of C.O.D. arrangements for transportation of animals in commerce; exceptions

No intermediate handler or carrier involved in the transportation of any animal in commerce shall participate in any arrangement or engage in any practice under which the cost of such animal or the cost of the transportation of such animal is to be paid and collected upon delivery of the animal to the consignee, unless the consignor guarantees in writing the payment of transportation charges for any animal not claimed within a period of 48 hours after notice to the consignee of arrival of the animal, including, where necessary, both the return transportation charges and an amount sufficient to reimburse the carrier for all out-of-pocket expenses incurred for the care, feeding, and storage of such animals.

(Pub. L. 89–544, § 13, Aug. 24, 1966, 80 Stat. 352; Pub. L. 91–579, § 14, Dec. 24, 1970, 84 Stat. 1562; Pub. L. 94–279, §§ 9, 10, Apr. 22, 1976, 90 Stat. 418, 419; Pub. L. 99–198, title XVII, § 1752, Dec. 23, 1985, 99 Stat. 1645.)

AMENDMENTS

1985—Subsec. (a)(1) to (3). Pub. L. 99–198, § 1752(a)(2), substituted pars. (1) to (3) for first two sentences of subsec. (a) which read as follows: ''The Secretary shall promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors. Such standards shall include minimum requirements with respect to handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, including the appropriate use of anesthetic, analgesic or tranquilizing drugs, when such use would be proper in the opinion of the attending veterinarian of such research facilities, and separation by species when the Secretary finds such separation necessary for the humane handling, care, or treatment of animals.''

Subsec. (a)(4) to (8). Pub. L. 99–198, § 1752(b), designated third and fourth sentences of subsec. (a) as par. (4), designated fifth sentence of subsec. (a) as par. (5), and substituted pars. (6) to (8) for last sentence of subsec. (a) which read as follows: ''Nothing in this chapter shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, guidelines, or performance of actual research or experimentation by a research facility as determined by such research facility: *Provided*, That the Secretary shall require, at least annually, every research facility to show that professionally acceptable standards governing the care, treatment, and use of animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs, during experimentation are being followed by the research facility during actual research or experimentation.''

Subsecs. (b) to (h). Pub. L. 99–198, § 1752(a)(1), (c), added subsecs. (b) to (f) and redesignated existing subsecs. (b) to (d) as (f) to (h), respectively.

1976—Subsec. (a). Pub. L. 94–279, § 9, designated existing provisions as subsec. (a) and inserted provisions authorizing Secretary to promulgate standards, rules and regulations relating to the transportation in commerce, handling, care, and treatment of animals covered under this chapter.

Subsecs. (b) to (d). Pub. L. 94–279, § 10, added subsecs. (b) to (d).

1970—Pub. L. 91–579 added exhibitors to the enumeration of persons to be governed by promulgated standards, added handling to the enumeration of activities covered, expanded existing standard for adequate veterinary care to include the appropriate use of anesthetic, analgesic, or tranquilizing drugs by research facilities when the use of such drugs is considered proper in the opinion of the attending veterinarian at such research facility, directed the Secretary to consult outside consultants and experts in promulgating standards, and inserted requirement of an annual report.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–198 effective one year after Dec. 23, 1985, see section 1759 of Pub. L. 99–198, set out as a note under section 2131 of this title.

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.

§ 2144. Humane standards for animals by United States Government facilities

Any department, agency, or instrumentality of the United States having laboratory animal facilities shall comply with the standards and other requirements promulgated by the Secretary for a research facility under sections[1] 2143(a), (f), (g), and (h) of this title. Any depart-

[1] So in original. Probably should be ''section''.

ment, agency, or instrumentality of the United States exhibiting animals shall comply with the standards promulgated by the Secretary under sections[1] 2143(a), (f), (g), and (h) of this title.

(Pub. L. 89–544, § 14, Aug. 24, 1966, 80 Stat. 352; Pub. L. 91–579, § 15, Dec. 24, 1970, 84 Stat. 1563; Pub. L. 94–279, § 19, Apr. 22, 1976, 90 Stat. 423; Pub. L. 99–198, title XVII, § 1758, Dec. 23, 1985, 99 Stat. 1650.)

AMENDMENTS

1985—Pub. L. 99–198 substituted ''sections 2143(a), (f), (g), and (h) of this title'' for ''section 2143 of this title'' in two places.

1976—Pub. L. 94–279 inserted ''and other requirements'' after ''standards'' in first sentence.

1970—Pub. L. 91–579 inserted provisions requiring facilities of the United States exhibiting animals to comply with standards promulgated by Secretary under section 2143 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–198 effective one year after Dec. 23, 1985, see section 1759 of Pub. L. 99–198, set out as a note under section 2131 of this title.

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.

§ 2145. Consultation and cooperation with Federal, State, and local governmental bodies by Secretary of Agriculture

(a) The Secretary shall consult and cooperate with other Federal departments, agencies, or instrumentalities concerned with the welfare of animals used for research, experimentation or exhibition, or administration of statutes regulating the transportation in commerce or handling in connection therewith of any animals when establishing standards pursuant to section 2143 of this title and in carrying out the purposes of this chapter. The Secretary shall consult with the Secretary of Health and Human Services prior to issuance of regulations. Before promulgating any standard governing the air transportation and handling in connection therewith, of animals, the Secretary shall consult with the Secretary of Transportation who shall have the authority to disapprove any such standard if he notifies the Secretary, within 30 days after such consultation, that changes in its provisions are necessary in the interest of flight safety. The Surface Transportation Board, the Secretary of Transportation, and the Federal Maritime Commission, to the extent of their respective lawful authorities, shall take such action as is appropriate to implement any standard established by the Secretary with respect to a person subject to regulation by it.

(b) The Secretary is authorized to cooperate with the officials of the various States or political subdivisions thereof in carrying out the purposes of this chapter and of any State, local, or municipal legislation or ordinance on the same subject.

(Pub. L. 89–544, § 15, Aug. 24, 1966, 80 Stat. 352; Pub. L. 91–579, § 16, Dec. 24, 1970, 84 Stat. 1563; Pub. L. 94–279, § 11, Apr. 22, 1976, 90 Stat. 419; Pub. L. 98–443, § 9(i), Oct. 4, 1984, 98 Stat. 1708; Pub. L. 99–198, title XVII, § 1757, Dec. 23, 1985, 99 Stat. 1650; Pub. L. 104–88, title III, § 312, Dec. 29, 1995, 109 Stat. 948.)

AMENDMENTS

1995—Subsec. (a). Pub. L. 104–88 substituted ''Surface Transportation Board'' for ''Interstate Commerce Commission'' in last sentence.

1985—Subsec. (a). Pub. L. 99–198 inserted provision requiring that the Secretary consult with the Secretary of Health and Human Services prior to the issuance of regulations.

1984—Subsec. (a). Pub. L. 98–443 substituted ''the Secretary of Transportation'' for ''the Civil Aeronautics Board''.

1976—Subsec. (a). Pub. L. 94–279 inserted '', or administration of statutes regulating the transportation in commerce or handling in connection therewith of any animals'' after ''exhibition'', and inserted provisions requiring the Secretary, prior to promulgating standards governing air transportation of animals in commerce, to consult with the specified Federal agencies concerned.

1970—Subsec. (a). Pub. L. 91–579, § 16(1), inserted reference to exhibition of animals.

Subsec. (b). Pub. L. 91–579, § 16(2), substituted ''carrying out'' for ''effectuating''.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of Title 49, Transportation.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–198 effective one year after Dec. 23, 1985, see section 1759 of Pub. L. 99–198, set out as a note under section 2131 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–443 effective Jan. 1, 1985, see section 9(v) of Pub. L. 98–443, set out as a note under section 5314 of Title 5, Government Organization and Employees.

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.

§ 2146. Administration and enforcement by Secretary

(a) Investigations and inspections

The Secretary shall make such investigations or inspections as he deems necessary to determine whether any dealer, exhibitor, intermediate handler, carrier, research facility, or operator of an auction sale subject to section 2142 of this title, has violated or is violating any provision of this chapter or any regulation or standard issued thereunder, and for such purposes, the Secretary shall, at all reasonable times, have access to the places of business and the facilities, animals, and those records required to be kept pursuant to section 2140 of this title of any such dealer, exhibitor, intermediate handler, carrier, research facility, or operator of an auction sale. The Secretary shall inspect each research facility at least once each year and, in the case of deficiencies or deviations from the standards promulgated under this chapter, shall conduct such follow-up inspections as may be necessary until all deficiencies or deviations from such standards are corrected. The Secretary shall promulgate such rules and regula-

tions as he deems necessary to permit inspectors to confiscate or destroy in a humane manner any animal found to be suffering as a result of a failure to comply with any provision of this chapter or any regulation or standard issued thereunder if (1) such animal is held by a dealer, (2) such animal is held by an exhibitor, (3) such animal is held by a research facility and is no longer required by such research facility to carry out the research, test, or experiment for which such animal has been utilized, (4) such animal is held by an operator of an auction sale, or (5) such animal is held by an intermediate handler or a carrier.

(b) Penalties for interfering with official duties

Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this chapter shall be fined not more than $5,000, or imprisoned not more than three years, or both. Whoever, in the commission of such acts, uses a deadly or dangerous weapon shall be fined not more than $10,000, or imprisoned not more than ten years, or both. Whoever kills any person while engaged in or on account of the performance of his official duties under this chapter shall be punished as provided under sections 1111 and 1114 of title 18.

(c) Procedures

For the efficient administration and enforcement of this chapter and the regulations and standards promulgated under this chapter, the provisions (including penalties) of sections 46, 48, 49 and 50 of title 15 (except paragraph (c) through (h) of section 46 and the last paragraph of section 49[1] of title 15), and the provisions of Title II of the Organized Crime Control Act of 1970, are made applicable to the jurisdiction, powers, and duties of the Secretary in administering and enforcing the provisions of this chapter and to any person, firm, or corporation with respect to whom such authority is exercised. The Secretary may prosecute any inquiry necessary to his duties under this chapter in any part of the United States, including any territory, or possession thereof, the District of Columbia, or the Commonwealth of Puerto Rico. The powers conferred by said sections 49 and 50 of title 15 on the district courts of the United States may be exercised for the purposes of this chapter by any district court of the United States. The United States district courts, the District Court of Guam, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories, are vested with jurisdiction specifically to enforce, and to prevent and restrain violations of this chapter, and shall have jurisdiction in all other kinds of cases arising under this chapter, except as provided in section 2149(c) of this title.

(Pub. L. 89–544, § 16, Aug. 24, 1966, 80 Stat. 352; Pub. L. 91–579, § 17, Dec. 24, 1970, 84 Stat. 1563; Pub. L. 94–279, § 12, Apr. 22, 1976, 90 Stat. 420; Pub. L. 99–198, title XVII, § 1753, Dec. 23, 1985, 99 Stat. 1649; Pub. L. 101–624, title XXV, § 2503(1), Nov. 28, 1990, 104 Stat. 4066.)

[1] See References in Text note below.

REFERENCES IN TEXT

The last paragraph of section 49 of title 15, referred to in subsec. (c), which related to immunity of witnesses, was repealed by section 211 of Pub. L. 91–452, Oct. 15, 1970, title II, 84 Stat. 929. For provisions relating to immunity of witnesses, see section 6001 et seq. of Title 18, Crimes and Criminal Procedure.

Title II of the Organized Crime Control Act of 1970, referred to in subsec. (c), is title II of Pub. L. 91–452, Oct. 15, 1970, 84 Stat. 926, as amended, which created a general Federal immunity statute set out in section 6001 et seq. of Title 18, and repealed the individual immunity provisions formerly contained in various Federal regulatory schemes.

AMENDMENTS

1990—Subsec. (c). Pub. L. 101–624 inserted ''and the regulations and standards promulgated under this chapter'' after first reference to ''this chapter''.

1985—Subsec. (a). Pub. L. 99–198 inserted provision directing Secretary to inspect each research facility at least once each year and, in case of deficiencies or deviations from standards promulgated under this chapter, conduct such follow-up inspections as may be necessary until all deficiencies or deviations from such standards are corrected.

1976—Subsec. (a). Pub. L. 94–279, § 12(a), inserted ''intermediate handler, carrier,'' after ''dealer, exhibitor,'' and inserted ''or (5) such animal is held by an intermediate handler or a carrier'' after ''an auction sale''.

Subsec. (c). Pub. L. 94–279, § 12(b), substituted ''section 2149(c)'' for ''sections 2149(b) and 2150(b)'' after ''except as provided in''.

1970—Pub. L. 91–579 designated existing provisions as subsec. (a), expanded coverage to include exhibitors and operators of auction sales for purposes of investigation, inserted provisions requiring that records, facilities, and animals be accessible to inspectors at all reasonable times at premises of dealers, research facilities, exhibitors, and operators of auction sales, and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–198 effective one year after Dec. 23, 1985, see section 1759 of Pub. L. 99–198, set out as a note under section 2131 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–579 effective 30 days after Dec. 24, 1970, see section 23 of Pub. L. 91–579, set out as a note under section 2131 of this title.

§ 2147. Inspection by legally constituted law enforcement agencies

The Secretary shall promulgate rules and regulations requiring dealers, exhibitors, research facilities, and operators of auction sales subject to section 2142 of this title to permit inspection of their animals and records at reasonable hours upon request by legally constituted law enforcement agencies in search of lost animals.

(Pub. L. 89–544, § 17, Aug. 24, 1966, 80 Stat. 352; Pub. L. 91–579, § 18, Dec. 24, 1970, 84 Stat. 1564.)

AMENDMENTS

1970—Pub. L. 91–579 substituted ''promulgate rules and regulations requiring dealers, exhibitors, research facilities, and operators of auction sales subject to section 2142 of this title'' for ''issue rules and regulations requiring licensed dealers and research facilities''.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–579 effective 30 days after Dec. 24, 1970, see section 23 of Pub. L. 91–579, set out as a note under section 2131 of this title.

§ 2148. Importation of live dogs

(a) Definitions

In this section:

(1) Importer

The term ''importer'' means any person who, for purposes of resale, transports into the United States puppies from a foreign country.

(2) Resale

The term ''resale'' includes any transfer of ownership or control of an imported dog of less than 6 months of age to another person, for more than de minimis consideration.

(b) Requirements

(1) In general

Except as provided in paragraph (2), no person shall import a dog into the United States for purposes of resale unless, as determined by the Secretary, the dog—

(A) is in good health;

(B) has received all necessary vaccinations; and

(C) is at least 6 months of age, if imported for resale.

(2) Exception

(A) In general

The Secretary, by regulation, shall provide an exception to any requirement under paragraph (1) in any case in which a dog is imported for—

(i) research purposes; or

(ii) veterinary treatment.

(B) Lawful importation into Hawaii

Paragraph (1)(C) shall not apply to the lawful importation of a dog into the State of Hawaii from the British Isles, Australia, Guam, or New Zealand in compliance with the applicable regulations of the State of Hawaii and the other requirements of this section, if the dog is not transported out of the State of Hawaii for purposes of resale at less than 6 months of age.

(c) Implementation and regulations

The Secretary, the Secretary of Health and Human Services, the Secretary of Commerce, and the Secretary of Homeland Security shall promulgate such regulations as the Secretaries determine to be necessary to implement and enforce this section.

(d) Enforcement

An importer that fails to comply with this section shall—

(1) be subject to penalties under section 2149 of this title; and

(2) provide for the care (including appropriate veterinary care), forfeiture, and adoption of each applicable dog, at the expense of the importer.

(Pub. L. 89–544, § 18, as added Pub. L. 110–234, title XIV, § 14210(a), May 22, 2008, 122 Stat. 1464, and Pub. L. 110–246, § 4(a), title XIV, § 14210(a), June 18, 2008, 122 Stat. 1664, 2226.)

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 enacted identical sections. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246.

PRIOR PROVISIONS

A prior section 2148, Pub. L. 89–544, § 18, Aug. 24, 1966, 80 Stat. 352, prohibited any construction of this chapter which would authorize the Secretary to promulgate rules, regulations, or orders for the handling, care, treatment, or inspection of animals during research or experimentation, prior to repeal by Pub. L. 91–579, §§ 19, 23, Dec. 24, 1970, 84 Stat. 1564, 1565, effective one year after Dec. 24, 1970. See section 2143 of this title.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, except as otherwise provided, see section 4 of Pub. L. 110–246, set out as a note under section 8701 of this title.

Pub. L. 110–234, title XIV, § 14210(b), May 22, 2008, 122 Stat. 1464, and Pub. L. 110–246, § 4(a), title XIV, § 14210(b), June 18, 2008, 122 Stat. 1664, 2226, provided that: ''The amendment made by subsection (a) [enacting this section] takes effect on the date of the enactment of this Act [June 18, 2008].''

[Pub. L. 110–234 and Pub. L. 110–246 enacted identical provisions. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246, set out as a note under section 8701 of this title.]

§ 2149. Violations by licensees

(a) Temporary license suspension; notice and hearing; revocation

If the Secretary has reason to believe that any person licensed as a dealer, exhibitor, or operator of an auction sale subject to section 2142 of this title, has violated or is violating any provision of this chapter, or any of the rules or regulations or standards promulgated by the Secretary hereunder, he may suspend such person's license temporarily, but not to exceed 21 days, and after notice and opportunity for hearing, may suspend for such additional period as he may specify, or revoke such license, if such violation is determined to have occurred.

(b) Civil penalties for violation of any section, etc.; separate offenses; notice and hearing; appeal; considerations in assessing penalty; compromise of penalty; civil action by Attorney General for failure to pay penalty; district court jurisdiction; failure to obey cease and desist order

Any dealer, exhibitor, research facility, intermediate handler, carrier, or operator of an auction sale subject to section 2142 of this title, that violates any provision of this chapter, or any rule, regulation, or standard promulgated by the Secretary thereunder, may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation, and the Secretary may also make an order that such person shall cease and desist from continuing such violation. Each violation and each day during which a violation continues shall be a separate offense. No penalty shall be assessed or cease and desist order issued unless such person is given notice and opportunity for a hearing with respect to the alleged violation, and the order of the Secretary assessing a penalty and making a cease and desist order shall be final and conclusive unless the affected person files an appeal from the Secretary's order with the appropriate United States Court of Appeals. The Secretary shall give due consideration to the appropriateness of the penalty with respect to the size of

the business of the person involved, the gravity of the violation, the person's good faith, and the history of previous violations. Any such civil penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed by a final order under this section, the Secretary shall request the Attorney General to institute a civil action in a district court of the United States or other United States court for any district in which such person is found or resides or transacts business, to collect the penalty, and such court shall have jurisdiction to hear and decide any such action. Any person who knowingly fails to obey a cease and desist order made by the Secretary under this section shall be subject to a civil penalty of $1,500 for each offense, and each day during which such failure continues shall be deemed a separate offense.

(c) Appeal of final order by aggrieved person; limitations; exclusive jurisdiction of United States Courts of Appeals

Any dealer, exhibitor, research facility, intermediate handler, carrier, or operator of an auction sale subject to section 2142 of this title, aggrieved by a final order of the Secretary issued pursuant to this section may, within 60 days after entry of such an order, seek review of such order in the appropriate United States Court of Appeals in accordance with the provisions of sections 2341, 2343 through 2350 of title 28, and such court shall have exclusive jurisdiction to enjoin, set aside, suspend (in whole or in part), or to determine the validity of the Secretary's order.

(d) Criminal penalties for violation; initial prosecution brought before United States magistrate judges; conduct of prosecution by attorneys of United States Department of Agriculture

Any dealer, exhibitor, or operator of an auction sale subject to section 2142 of this title, who knowingly violates any provision of this chapter shall, on conviction thereof, be subject to imprisonment for not more than 1 year, or a fine of not more than $2,500, or both. Prosecution of such violations shall, to the maximum extent practicable, be brought initially before United States magistrate judges as provided in section 636 of title 28, and sections 3401 and 3402 of title 18, and, with the consent of the Attorney General, may be conducted, at both trial and upon appeal to district court, by attorneys of the United States Department of Agriculture.

(Pub. L. 89–544, § 19, Aug. 24, 1966, 80 Stat. 352; Pub. L. 91–579, § 20, Dec. 24, 1970, 84 Stat. 1564; Pub. L. 94–279, § 13, Apr. 22, 1976, 90 Stat. 420; Pub. L. 99–198, title XVII, § 1755, Dec. 23, 1985, 99 Stat. 1650; Pub. L. 101–650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 110–234, title XIV, § 14214, May 22, 2008, 122 Stat. 1466; Pub. L. 110–246, § 4(a), title XIV, § 14214, June 18, 2008, 122 Stat. 1664, 2228.)

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

Subsec. (b). Pub. L. 110–246, § 14214, substituted "$10,000" for "$2,500".

1985—Subsec. (b). Pub. L. 99–198, § 1755(a), substituted "$2,500 for each such violation" for "$1,000 for each such violation" in first sentence and directed the substitution of "$1,500 for each offense" for "$500 for each offense" in sixth sentence, which was executed to the seventh sentence as the probable intent of Congress.

Subsec. (d). Pub. L. 99–198, § 1755(b), substituted "$2,500" for "$1,000".

1976—Subsec. (a). Pub. L. 94–279 substituted provisions covering violations by licensees, temporary license suspension, notice and hearing, and license revocation for provisions relating to violations by dealers, exhibitors, operators of auction sales, cease and desist orders, license suspension, and civil penalties.

Subsec. (b). Pub. L. 94–279 substituted provisions covering civil penalties, notice and hearing, appeal, considerations in assessing penalties, compromising penalties, civil action by Attorney General for failure to pay penalty, district court jurisdiction, and failure to obey cease and desist orders for provisions relating to judicial review of final orders by the Secretary.

Subsec. (c). Pub. L. 94–279 substituted provisions covering appeal of final orders by aggrieved persons, limitations, and exclusive jurisdiction of the United States Courts of Appeals for provisions relating to criminal penalties.

Subsec. (d). Pub. L. 94–279 added subsec. (d).

1970—Pub. L. 91–579 added exhibitors and operators of auction sales to the enumeration of covered persons, added civil penalties for failure to obey a cease and desist order of the Secretary, and changed the procedure for judicial review.

CHANGE OF NAME

"United States magistrate judges" substituted for "United States magistrates" in subsec. (d) pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–198 effective one year after Dec. 23, 1985, see section 1759 of Pub. L. 99–198, set out as a note under section 2131 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–579 effective 30 days after Dec. 24, 1970, see section 23 of Pub. L. 91–579, set out as a note under section 2131 of this title.

§ 2150. Repealed. Pub. L. 94–279, § 14, Apr. 22, 1976, 90 Stat. 421

Section, Pub. L. 89–544, § 20, Aug. 24, 1966, 80 Stat. 353; Pub. L. 91–579, § 21, Dec. 24, 1970, 84 Stat. 1565, provided for issuance of cease and desist orders if Secretary had reason to believe that any research facility had violated any provision of this chapter, provided for a civil penalty, and provided appeal mechanism by which aggrieved person may have judicial review of such final order by Secretary. See section 2149 of this title.

§ 2151. Rules and regulations

The Secretary is authorized to promulgate such rules, regulations, and orders as he may deem necessary in order to effectuate the purposes of this chapter.

(Pub. L. 89–544, § 21, Aug. 24, 1966, 80 Stat. 353.)

§ 2152. Separability

If any provision of this chapter or the application of any such provision to any person or circumstances shall be held invalid, the remainder of this chapter and the application of any such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

(Pub. L. 89–544, § 22, Aug. 24, 1966, 80 Stat. 353.)

§ 2153. Fees and authorization of appropriations

The Secretary shall charge, assess, and cause to be collected reasonable fees for licenses issued. Such fees shall be adjusted on an equitable basis taking into consideration the type and nature of the operations to be licensed and shall be deposited and covered into the Treasury as miscellaneous receipts. There are hereby authorized to be appropriated such funds as Congress may from time to time provide: *Provided*, That there is authorized to be appropriated to the Secretary of Agriculture for enforcement by the Department of Agriculture of the provisions of section 2156 of this title an amount not to exceed $100,000 for the transition quarter ending September 30, 1976, and not to exceed $400,000 for each fiscal year thereafter.

(Pub. L. 89–544, § 23, Aug. 24, 1966, 80 Stat. 353; Pub. L. 94–279, § 18, Apr. 22, 1976, 90 Stat. 423.)

AMENDMENTS

1976—Pub. L. 94–279 authorized appropriations for the enforcement of section 2156 of this title.

§ 2154. Effective dates

The regulations referred to in sections 2140 and 2143 of this title shall be prescribed by the Secretary as soon as reasonable but not later than six months from August 24, 1966. Additions and amendments thereto may be prescribed from time to time as may be necessary or advisable. Compliance by dealers with the provisions of this chapter and such regulations shall commence ninety days after the promulgation of such regulations. Compliance by research facilities with the provisions of this chapter and such regulations shall commence six months after the promulgation of such regulations, except that the Secretary may grant extensions of time to research facilities which do not comply with the standards prescribed by the Secretary pursuant to section 2143 of this title provided that the Secretary determines that there is evidence that the research facilities will meet such standards within a reasonable time. Notwithstanding the other provisions of this section, compliance by intermediate handlers, and carriers, and other persons with those provisions of this chapter, as amended by the Animal Welfare Act Amendments of 1976, and those regulations promulgated thereunder, which relate to actions of intermediate handlers and carriers, shall commence 90 days after promulgation of regulations under section 2143 of this title, as amended, with respect to intermediate handlers and carriers, and such regulations shall be promulgated no later than 9 months after April 22, 1976; and compliance by dealers, exhibitors, operators of auction sales, and research facilities with other provisions of this chapter, as so amended, and the regulations thereunder, shall commence upon the expiration of 90 days after April 22, 1976: *Provided, however*, That compliance by all persons with subsections (b), (c), and (d) of section 2143 and with section 2156 of this title, as so amended, shall commence upon the expiration of said ninety-day period. In all other respects, said amendments shall become effective on April 22, 1976.

(Pub. L. 89–544, § 24, Aug. 24, 1966, 80 Stat. 353; Pub. L. 94–279, § 15, Apr. 22, 1976, 90 Stat. 421.)

REFERENCES IN TEXT

The Animal Welfare Act Amendments of 1976, referred to in text, is Pub. L. 94–279, Apr. 22, 1976, 90 Stat. 417, which enacted section 2156 of this title, amended sections 2131, 2132, 2134, 2136, 2139 to 2146, 2149, 2153 to 2155 of this title, and section 3001 of Title 39, Postal Service, repealed section 2150 of this title, and enacted provisions set out as notes under section 2131 of this title. For complete classification of this Act to the Code, see Short Title of 1976 Amendment note set out under section 3121 of this title and Tables.

Subsections (b), (c), and (d) of section 2143 of this title, referred to in text, were redesignated subsecs. (f), (g), and (h), respectively, and new subsecs. (b), (c), and (d) of section 2143 were enacted, by Pub. L. 99–198, title XVII, § 1752(a)(1), (c), Dec. 23, 1985, 99 Stat. 1645, 1647.

AMENDMENTS

1976—Pub. L. 94–279 inserted provisions setting particular effective dates of compliance for intermediate handlers and carriers and for dealers, exhibitors, operators of auction sales, and research facilities with respect to the amendments made by the Animal Welfare Act Amendments of 1976.

§ 2155. Omitted

CODIFICATION

Section, Pub. L. 89–544, § 25, as added Pub. L. 91–579, § 22, Dec. 24, 1970, 84 Stat. 1565; amended Pub. L. 94–279, § 16, Apr. 22, 1976, 90 Stat. 421; Pub. L. 104–66, title I, § 1012(a), Dec. 21, 1995, 109 Stat. 711, which required the Secretary of Agriculture to submit an annual report to the President of the Senate and the Speaker of the House of Representatives on licensing, investigation, inspection, and other activity related to carrying out this chapter, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 44 of House Document No. 103–7.

§ 2156. Animal fighting venture prohibition

(a) Sponsoring or exhibiting an animal in an animal fighting venture

(1) In general

Except as provided in paragraph (2), it shall be unlawful for any person to knowingly sponsor or exhibit an animal in an animal fighting venture.

(2) Special rule for certain State [1]

With respect to fighting ventures involving live birds in a State where it would not be in violation of the law, it shall be unlawful under this subsection for a person to sponsor or exhibit a bird in the fighting venture only if the

[1] So in original. Probably should be "States".

person knew that any bird in the fighting venture was knowingly bought, sold, delivered, transported, or received in interstate or foreign commerce for the purpose of participation in the fighting venture.

(b) Buying, selling, delivering, possessing, training, or transporting animals for participation in animal fighting venture

It shall be unlawful for any person to knowingly sell, buy, possess, train, transport, deliver, or receive any animal for purposes of having the animal participate in an animal fighting venture.

(c) Use of Postal Service or other interstate instrumentality for promoting or furthering animal fighting venture

It shall be unlawful for any person to knowingly use the mail service of the United States Postal Service or any instrumentality of interstate commerce for commercial speech for purposes of advertising an animal, or an instrument described in subsection (e), for use in an animal fighting venture, promoting[2] or in any other manner furthering an animal fighting venture except as performed outside the limits of the States of the United States.

(d) Violation of State law

Notwithstanding the provisions of subsection (c) of this section, the activities prohibited by such subsection shall be unlawful with respect to fighting ventures involving live birds only if the fight is to take place in a State where it would be in violation of the laws thereof.

(e) Buying, selling, delivering, or transporting sharp instruments for use in animal fighting venture

It shall be unlawful for any person to knowingly sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.

(f) Investigation of violations by Secretary; assistance by other Federal agencies; issuance of search warrant; forfeiture; costs recoverable in forfeiture or civil action

The Secretary or any other person authorized by him shall make such investigations as the Secretary deems necessary to determine whether any person has violated or is violating any provision of this section, and the Secretary may obtain the assistance of the Federal Bureau of Investigation, the Department of the Treasury, or other law enforcement agencies of the United States, and State and local governmental agencies, in the conduct of such investigations, under cooperative agreements with such agencies. A warrant to search for and seize any animal which there is probable cause to believe was involved in any violation of this section may be issued by any judge of the United States or of a State court of record or by a United States magistrate judge within the district wherein the animal sought is located. Any United States marshal or any person authorized under this section to conduct investigations may apply for and execute any such warrant, and any animal seized under such a warrant shall be held by the United States marshal or other authorized person pending disposition thereof by the court in accordance with this subsection. Necessary care including veterinary treatment shall be provided while the animals are so held in custody. Any animal involved in any violation of this section shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal is found and upon a judgment of forfeiture shall be disposed of by sale for lawful purposes or by other humane means, as the court may direct. Costs incurred for care of animals seized and forfeited under this section shall be recoverable from the owner of the animals (1) if he appears in such forfeiture proceeding, or (2) in a separate civil action brought in the jurisdiction in which the owner is found, resides, or transacts business.

(g) Definitions

In this section—

(1) the term ''animal fighting venture'' means any event, in or affecting interstate or foreign commerce, that involves a fight conducted or to be conducted between at least 2 animals for purposes of sport, wagering, or entertainment, except that the term ''animal fighting venture'' shall not be deemed to include any activity the primary purpose of which involves the use of one or more animals in hunting another animal;

(2) the term ''instrumentality of interstate commerce'' means any written, wire, radio, television or other form of communication in, or using a facility of, interstate commerce;

(3) the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States;[3]

(4) the term ''animal'' means any live bird, or any live mammal, except man.

(h) Relationship to other provisions

The conduct by any person of any activity prohibited by this section shall not render such person subject to the other sections of this chapter as a dealer, exhibitor, or otherwise.

(i) Conflict with State law

(1) In general

The provisions of this chapter shall not supersede or otherwise invalidate any such State, local, or municipal legislation or ordinance relating to animal fighting ventures except in case of a direct and irreconcilable conflict between any requirements thereunder and this chapter or any rule, regulation, or standard hereunder.

(2) Omitted

(j) Criminal penalties

The criminal penalties for violations of subsection (a), (b), (c), or (e) are provided in section 49 of title 18.

(Pub. L. 89–544, § 26, as added Pub. L. 94–279, § 17, Apr. 22, 1976, 90 Stat. 421; amended Pub. L.

[2] So in original. Probably should be preceded by ''or''.

[3] So in original. The word ''and'' probably should appear.

101–650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 107–171, title X, §§ 10302(a), 10303(a), May 13, 2002, 116 Stat. 491, 492; Pub. L. 110–22, § 3, May 3, 2007, 121 Stat. 88; Pub. L. 110–234, title XIV, § 14207(a), May 22, 2008, 122 Stat. 1461; Pub. L. 110–246, § 4(a), title XIV, § 14207(a), June 18, 2008, 122 Stat. 1664, 2223.)

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

Section is comprised of section 26 of Pub. L. 89–544, as added by Pub. L. 94–279. Subsec. (i)(2) of section 26 of Pub. L. 89–544, as added by Pub. L. 94–279, amended section 3001(a) of Title 39, Postal Service.

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110–246, § 14207(a)(1)(A), struck out ", if any animal in the venture was moved in interstate or foreign commerce" before period at end.

Subsec. (a)(2). Pub. L. 110–246, § 14207(a)(1)(B), which directed amendment of par. (2) by substituting "State" for "state" in heading, was executed by making the substitution for "states" in heading, to reflect the probable intent of Congress.

Subsec. (b). Pub. L. 110–246, § 14207(a)(2), inserted heading and substituted "possess, train, transport, deliver, or receive any animal for purposes of having the animal participate" for "transport, deliver, or receive for purposes of transportation, in interstate or foreign commerce, any dog or other animal for purposes of having the dog or other animal participate".

Subsec. (c). Pub. L. 110–246, § 14207(a)(3), inserted heading and inserted "advertising an animal, or an instrument described in subsection (e), for use in an animal fighting venture," after "for purposes of".

Subsec. (d). Pub. L. 110–246, § 14207(a)(4), inserted heading.

Subsec. (e). Pub. L. 110–246, § 14207(a)(5), inserted heading.

Subsec. (f). Pub. L. 110–246, § 14207(a)(6), inserted heading and, in last sentence, struck out "by the United States" after "Costs incurred", inserted "(1)" after "owner of the animals", and substituted "proceeding, or (2) in" for "proceeding or in".

Subsec. (g). Pub. L. 110–246, § 14207(a)(7), inserted subsec. heading, in introductory provisions, substituted "In this section" for "For purposes of this section", in par. (1), substituted "any event, in or affecting interstate or foreign commerce, that involves a fight conducted or to be conducted between at least 2 animals for purposes of sport, wagering, or entertainment," for "any event which involves a fight between at least two animals and is conducted for purposes of sport, wagering, or entertainment", redesignated pars. (3) to (5) as (2) to (4), respectively, in par. (4), substituted "mammal" for "dog or other mammal" and period for "; and" at end, and struck out former par. (2) which read as follows: "the term 'interstate or foreign commerce' means—

"(A) any movement between any place in a State to any place in another State or between places in the same State through another State; or

"(B) any movement from a foreign country into any State or from any State into any foreign country;".

Subsec. (g)(6). Pub. L. 110–246, § 14207(a)(11), redesignated subsec. (g)(6) as (h).

Subsec. (h). Pub. L. 110–246, § 14207(a)(11), redesignated subsec. (g)(6) as (h), inserted heading, and substituted "The" for "the".

Pub. L. 110–246, § 14207(a)(8), redesignated subsec. (h) as (i).

Subsec. (i). Pub. L. 110–246, § 14207(a)(8), (9), redesignated subsec. (h) as (i) and inserted subsec. and par. (1) headings. Former subsec. (i) redesignated (j).

Subsec. (j). Pub. L. 110–246, § 14207(a)(8), (10), redesignated subsec. (i) as (j) and inserted heading.

2007—Subsec. (c). Pub. L. 110–22, § 3(1), substituted "instrumentality of interstate commerce for commercial speech" for "interstate instrumentality".

Subsec. (d). Pub. L. 110–22, § 3(2), substituted "such subsection" for "such subsections".

Subsec. (e). Pub. L. 110–22, § 3(3), added subsec. (e) and struck out former subsec. (e) which read as follows: "Any person who violates subsection (a), (b), or (c) of this section shall be fined not more than $15,000 or imprisoned for not more than 1 year, or both, for each such violation."

Subsec. (g)(1). Pub. L. 110–22, § 3(4)(A), struck out "or animals, such as waterfowl, bird, raccoon, or fox hunting" after "hunting another animal".

Subsec. (g)(3). Pub. L. 110–22, § 3(4)(B), added par. (3) and struck out former par. (3) which read as follows: "the term 'interstate instrumentality' means telegraph, telephone, radio, or television operating in interstate or foreign commerce;".

Subsec. (i). Pub. L. 110–22, § 3(5), added subsec. (i).

2002—Subsec. (a). Pub. L. 107–171, § 10302(a)(1), added subsec. (a) and struck out former subsec. (a) which read as follows: "It shall be unlawful for any person to knowingly sponsor or exhibit an animal in any animal fighting venture to which any animal was moved in interstate or foreign commerce."

Subsec. (b). Pub. L. 107–171, § 10302(a)(2), substituted "deliver, or receive" for "or deliver to another person or receive from another person".

Subsec. (d). Pub. L. 107–171, § 10302(a)(3), substituted "subsection (c) of this section" for "subsections (a), (b), or (c) of this section".

Subsec. (e). Pub. L. 107–171, § 10303(a)(1), inserted heading and substituted "$15,000" for "$5,000" in text.

Subsec. (g)(2)(B). Pub. L. 107–171, § 10303(a)(2), inserted "or from any State into any foreign country" before semicolon.

CHANGE OF NAME

"United States magistrate judge" substituted for "United States magistrate" in subsec. (f) pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–171, title X, § 10302(b), May 13, 2002, 116 Stat. 492, provided that: "The amendments made by this section [amending this section] take effect 1 year after the date of enactment of this Act [May 13, 2002]."

Pub. L. 107–171, title X, § 10303(b), May 13, 2002, 116 Stat. 492, provided that: "The amendment made by this section [amending this section] takes effect 1 year after the date of enactment of this Act [May 13, 2002]."

§ 2157. Release of trade secrets

(a) Release of confidential information prohibited

It shall be unlawful for any member of an Institutional Animal Committee to release any confidential information of the research facility including any information that concerns or relates to—

(1) the trade secrets, processes, operations, style of work, or apparatus; or

(2) the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures,

of the research facility.

(b) Wrongful use of confidential information prohibited

It shall be unlawful for any member of such Committee—

(1) to use or attempt to use to his advantages; or

(2) to reveal to any other person,

any information which is entitled to protection as confidential information under subsection (a) of this section.

(c) Penalties

A violation of subsection (a) or (b) of this section is punishable by—

(1) removal from such Committee; and

(2)(A) a fine of not more than $1,000 and imprisonment of not more than one year; or

(B) if such violation is willful, a fine of not more than $10,000 and imprisonment of not more than three years.

(d) Recovery of damages by injured person; costs; attorney's fee

Any person, including any research facility, injured in its business or property by reason of a violation of this section may recover all actual and consequential damages sustained by such person and the cost of the suit including a reasonable attorney's fee.

(e) Other rights and remedies

Nothing in this section shall be construed to affect any other rights of a person injured in its business or property by reason of a violation of this section. Subsection (d) of this section shall not be construed to limit the exercise of any such rights arising out of or relating to a violation of subsections (a) and (b) of this section.

(Pub. L. 89–544, § 27, as added Pub. L. 99–198, title XVII, § 1754, Dec. 23, 1985, 99 Stat. 1649.)

EFFECTIVE DATE

Section effective one year after Dec. 23, 1985, see section 1759 of Pub. L. 99–198, set out as an Effective Date of 1985 Amendment note under section 2131 of this title.

§ 2158. Protection of pets

(a) Holding period

(1) Requirement

In the case of each dog or cat acquired by an entity described in paragraph (2), such entity shall hold and care for such dog or cat for a period of not less than five days to enable such dog or cat to be recovered by its original owner or adopted by other individuals before such entity sells such dog or cat to a dealer.

(2) Entities described

An entity subject to paragraph (1) is—

(A) each State, county, or city owned and operated pound or shelter;

(B) each private entity established for the purpose of caring for animals, such as a humane society, or other organization that is under contract with a State, county, or city that operates as a pound or shelter and that releases animals on a voluntary basis; and

(C) each research facility licensed by the Department of Agriculture.

(b) Certification

(1) In general

A dealer may not sell, provide, or make available to any individual or entity a random source dog or cat unless such dealer provides the recipient with a valid certification that meets the requirements of paragraph (2) and indicates compliance with subsection (a) of this section.

(2) Requirements

A valid certification shall contain—

(A) the name, address, and Department of Agriculture license or registration number (if such number exists) of the dealer;

(B) the name, address, Department of Agriculture license or registration number (if such number exists), and the signature of the recipient of the dog or cat;

(C) a description of the dog or cat being provided that shall include—

(i) the species and breed or type of such;

(ii) the sex of such;

(iii) the date of birth (if known) of such;

(iv) the color and any distinctive marking of such; and

(v) any other information that the Secretary by regulation shall determine to be appropriate;

(D) the name and address of the person, pound, or shelter from which the dog or cat was purchased or otherwise acquired by the dealer, and an assurance that such person, pound, or shelter was notified that such dog or cat may be used for research or educational purposes;

(E) the date of the purchase or acquisition referred to in subparagraph (D);

(F) a statement by the pound or shelter (if the dealer acquired the dog or cat from such) that it satisfied the requirements of subsection (a) of this section; and

(G) any other information that the Secretary of Agriculture by regulation shall determine appropriate.

(3) Records

The original certification required under paragraph (1) shall accompany the shipment of a dog or cat to be sold, provided, or otherwise made available by the dealer, and shall be kept and maintained by the research facility for a period of at least one year for enforcement purposes. The dealer shall retain one copy of the certification provided under this paragraph for a period of at least one year for enforcement purposes.

(4) Transfers

In instances where one research facility transfers animals to another research facility a copy of the certificate must accompany such transfer.

(5) Modification

Certification requirements may be modified to reflect technological advances in identification techniques, such as microchip technology, if the Secretary determines that adequate information such as described in this section, will be collected, transferred, and maintained through such technology.

(c) Enforcement

(1) In general

Dealers who fail to act according to the requirements of this section or who include false information in the certification required under subsection (b) of this section, shall be subject to the penalties provided for under section 2149 of this title.

(2) Subsequent violations

Any dealer who violates this section more than one time shall be subject to a fine of $5,000 per dog or cat acquired or sold in violation of this section.

(3) Permanent revocations

Any dealer who violates this section three or more times shall have such dealers license permanently revoked.

(d) Regulation

Not later than 180 days after November 28, 1990, the Secretary shall promulgate regulations to carry out this section.

(Pub. L. 89–544, § 28, as added Pub. L. 101–624, title XXV, § 2503(2), Nov. 28, 1990, 104 Stat. 4066; amended Pub. L. 102–237, title X, § 1004, Dec. 13, 1991, 105 Stat. 1894.)

AMENDMENTS

1991—Subsec. (b)(2)(F). Pub. L. 102–237 substituted ''subsection (a)'' for ''subsection (b)''.

§ 2159. Authority to apply for injunctions

(a) Request

Whenever the Secretary has reason to believe that any dealer, carrier, exhibitor, or intermediate handler is dealing in stolen animals, or is placing the health of any animal in serious danger in violation of this chapter or the regulations or standards promulgated thereunder, the Secretary shall notify the Attorney General, who may apply to the United States district court in which such dealer, carrier, exhibitor, or intermediate handler resides or conducts business for a temporary restraining order or injunction to prevent any such person from operating in violation of this chapter or the regulations and standards prescribed under this chapter.

(b) Issuance

The court shall, upon a proper showing, issue a temporary restraining order or injunction under subsection (a) of this section without bond. Such injunction or order shall remain in effect until a complaint pursuant to section 2149 of this title is issued and dismissed by the Secretary or until an order to cease and desist made thereon by the Secretary has become final and effective or is set aside on appellate review. Attorneys of the Department of Agriculture may, with the approval of the Attorney General, appear in the United States district court representing the Secretary in any action brought under this section.

(Pub. L. 89–544, § 29, as added Pub. L. 101–624, title XXV, § 2503(2), Nov. 28, 1990, 104 Stat. 4067.)

CHAPTER 55—DEPARTMENT OF AGRICULTURE

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