§ 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.


REFERENCES IN TEXT


Subsections (b), (c), and (d) of section 2143 of this title, referred to in text, were redesignated subsections (f), (g), and (h), respectively, and new subsections (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


§ 2155. Omitted

CODIFICATION


§ 2156. Animal fighting venture prohibition

(a) Sponsoring or exhibiting an animal in, attending, or causing an individual who has not attained the age of 16 to attend, an animal fighting venture

(1) Sponsoring or exhibiting

Except as provided in paragraph (3), it shall be unlawful for any person to knowingly sponsor or exhibit an animal in an animal fighting venture.

(2) Attending or causing an individual who has not attained the age of 16 to attend

It shall be unlawful for any person to—

(A) knowingly attend an animal fighting venture; or

(B) knowingly cause an individual who has not attained the age of 16 to attend an animal fighting venture.

(3) Special rule for certain State

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 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...
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described in subsection (e), for use in an animal fighting venture, promoting 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), 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;

(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.


AMENDMENT OF SECTION

Pub. L. 115–334, title XII, § 12616(a)–(c), (c), Dec. 20, 2018, 132 Stat. 5015, 5016, provided that, effective on the date that is one year after Dec. 20, 2018, this section is amended as follows:

(1) in subsection (a)—

(A) in paragraph (1), by striking “Except as provided in paragraph (3), it” and inserting “It”;

(B) by striking paragraph (3);

(2) in subsection (c), by striking “(e)” and inserting “(d)”;


AMPENDMENT OF SECTION

Pub. L. 115–334, title XII, § 12616(a)–(c), (c), Dec. 20, 2018, 132 Stat. 5015, 5016, provided that, effective on the date that is one year after Dec. 20, 2018, this section is amended as follows:

(1) in subsection (a)—

(A) in paragraph (1), by striking “Except as provided in paragraph (3), it” and inserting “It”;

(B) by striking paragraph (3);

(2) in subsection (c), by striking “(e)” and inserting “(d)”;

*So in original. The word “and” probably should appear.
(3) by striking subsection (d);
(4) by redesigning paragraphs (e) to (j) as (d) to (i), respectively; and
(5) in subsection (i), as so redesignated, by striking ‘‘(e)’’ and inserting ‘‘(d)’’.

See 2018 Amendment notes below.

CODIFICATION

Section is comprised of section 26 of Pub. L. 89–544, as added by Pub. L. 94–279. Subsec. (i) 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
2018—Subsec. (a)(1). Pub. L. 115–334, §12616(a)(1)(A), substituted ‘‘It’’ for ‘‘Except as provided in paragraph (3),’’.
Subsec. (a)(3). Pub. L. 115–334, §12616(a)(1)(B), struck out par. (3). Text read as follows: ‘‘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 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.’’
Subsec. (c). Pub. L. 115–334, §12616(b), substituted ‘‘(d)’’ for ‘‘(e)’’.
Subsecs. (d) to (h). Pub. L. 115–334, §12616(a)(2), (3), redesignated subsecs. (e) to (d) as (h) to (d), respectively, and struck out former subsec. (d). Prior to amendment, text of subsec. (d) read as follows: ‘‘Notwithstanding the provisions of subsection (c), 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.’’
Subsec. (i). Pub. L. 115–334, §12616(c), substituted ‘‘(d)’’ for ‘‘(e)’’.

2014—Subsec. (a). Pub. L. 113–79, §12308(b)(1)(A), substituted ‘‘Sponsoring or exhibiting an animal in, attending, or causing an individual who has not attained the age of 18 to attend,’’ for ‘‘Sponsoring or exhibiting an animal in’’ in heading.
Subsec. (a)(2), (3), Pub. L. 113–79, §12308(b)(1)(B)(i), (iv), added par. (2) and redesignated former par. (2) as (3).
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 striking for ‘‘State’’ 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. (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 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’’, ‘‘any event which involves a fight between at least 2 animals and is conducted for purposes of sport, wagering, or entertainment’’.
Subsec. (i). Pub. L. 110–246, §14207(a)(11), redesignated subsec. (g)(6) as (h), inserted heading, and substituted ‘‘The’’ for ‘‘the’’.
Subsec. (j). Pub. L. 110–246, §14207(a)(11), redesignated subsec. (i) as (j) and inserted heading, former subsec. (i) redesignated (k).

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, §92, 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 subsection 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 telephone, telephone, radio, or television operating in interstate or foreign commerce;’’.
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)’’ for ‘‘subsections (a), (b), or (c) of this section’’.
Subsec. (e). Pub. L. 107–171, §10302(a)(1), inserted heading and substituted ‘‘$10,000’’ for ‘‘$5,000’’ in text.
§ 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 advantage; or

(2) to reveal to any other person,

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

(c) Penalties

A violation of subsection (a) or (b) 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) 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).


§ 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).

(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;