

(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 State¹

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, promoting² 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.

²So in original. Probably should be preceded by “or”.

³So 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,