

§ 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, 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 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 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), 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

¹ So in original. Probably should be “States”.

² So in original. Probably should be preceded by “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. 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; Pub. L. 113-79, title XII, § 12308(b)(1), Feb. 7, 2014, 128 Stat. 990.)

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

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 16 to attend,” for “Sponsoring or exhibiting an animal in” in heading.

Subsec. (a)(1). Pub. L. 113-79, § 12308(b)(1)(B)(i), (ii), substituted “Sponsoring or exhibiting” for “In gen-

eral” in heading and “paragraph (3)” for “paragraph (2)” in text.

Subsec. (a)(2), (3). Pub. L. 113-79, § 12308(b)(1)(B)(iii), (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 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”.

³ So in original. The word “and” probably should appear.

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)” 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).

(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).

(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).

(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