

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 com-

merce, 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<sup>1</sup> 2143(a), (f), (g), and (h) of this title. Any department, agency, or instrumentality of the United States exhibiting animals shall comply with the standards promulgated by the Secretary under sections<sup>1</sup> 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

<sup>1</sup> So in original. Probably should be "section".

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 1301 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 regulations 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