

107TH CONGRESS  
2D SESSION

# S. 3118

To strengthen enforcement of provisions of the Animal Welfare Act relating to animal fighting, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 16, 2002

Mr. ENSIGN (for himself, Mr. ALLARD, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To strengthen enforcement of provisions of the Animal Welfare Act relating to animal fighting, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Animal Fighting Pro-  
5 hibition Enforcement Act”.

6 **SEC. 2. ENFORCEMENT OF ANIMAL FIGHTING PROHIBI-  
7 TIONS UNDER THE ANIMAL WELFARE ACT.**

8       Section 26 of the Animal Welfare Act (7 U.S.C.  
9 2156) is amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively;

3 (2) by inserting after subsection (b) the fol-  
4 lowing:

5       “(c) SHARP INSTRUMENTS.—It shall be unlawful for  
6 any person to knowingly sell, buy, transport, or deliver in  
7 interstate or foreign commerce a knife, a gaff, or any  
8 other sharp instrument attached, or designed or intended  
9 to be attached, to the leg of a bird for use in an animal  
10 fighting venture.”;

13 (A) by striking “subsection (c)” and in-  
14 serting “subsection (d);

15 (4) in subsection (f) (as redesignated by para-  
16 graph (1))—

17 (A) by striking “(a), (b), or (c)” and in-  
18 serting “(a), (b), (c), or (d)”; and

19 (B) by striking “1 year” and inserting “2  
20 years”; and

21 (5) by striking subsection (g) (as redesignated  
22 by paragraph (1)) and inserting the following:

23        "(g) INVESTIGATIONS.—

24           “(1) IN GENERAL.—The Secretary or any per-  
25           son authorized by the Secretary shall make such in-

1       vestigations as the Secretary considers necessary to  
2       determine whether any person has violated or is vio-  
3       lating any provision of this section.

4       “(2) ASSISTANCE.—Through cooperative agree-  
5       ments, the Secretary may obtain the assistance of  
6       the Federal Bureau of Investigation, the Depart-  
7       ment of the Treasury, and other law enforcement  
8       agencies of the United States and of State and local  
9       governmental agencies in the conduct of investiga-  
10      tions under paragraph (1).

11                   “(3) WARRANTS.—

12                             “(A) ISSUANCE.—A judge of the United  
13                             States, United States magistrate judge, or  
14                             judge of a State court of record in the district  
15                             in which is located an animal, paraphernalia,  
16                             instrument, or other property or thing that  
17                             there is probable cause to believe was involved,  
18                             is about to be involved, or is intended to be in-  
19                             volved in a violation of this section may issue  
20                             a warrant to search for and seize the animal or  
21                             other property or thing.

22                   “(B)     APPLICATION;     EXECUTION.—A  
23                   United States marshal or any person authorized  
24                   under this section to conduct an investigation  
25                   may apply for and execute a warrant issued

1       under subparagraph (A), and any animal, para-  
2       phernalia, instrument, or other property or  
3       thing seized under such a warrant shall be held  
4       by the authorized person pending disposition of  
5       the animal, paraphernalia, instrument, or other  
6       property or thing by a court in accordance with  
7       this subsection.

8       “(4) DISPOSITION OF ANIMALS.—

9           “(A) IN GENERAL.—At the discretion of  
10       the United States marshal or other authorized  
11       person, an animal seized under paragraph (3)  
12       shall be taken promptly to an animal housing  
13       facility in which the animal may be stored hu-  
14       manely.

15           “(B) NO FACILITY AVAILABLE.—If there is  
16       not available a suitable animal storage facility  
17       sufficient in size to hold all of the animals in-  
18       volved in a violation, the United States marshal  
19       or other authorized person shall—

20               “(i) seize a representative sample of  
21       the animals for evidentiary purposes to be  
22       transported to an animal storage facility in  
23       which the animals may be stored hu-  
24       manely; and

1                             “(ii) keep the remaining animals at  
2                             the location where they were seized and  
3                             cause the animals to be banded, tagged, or  
4                             marked by microchip and photographed or  
5                             videotaped for evidentiary purposes.

6                             “(5) CARE.—While a seized animal is held in  
7                             custody, the United States marshal or other author-  
8                             ized person shall ensure that the animal is provided  
9                             necessary care (including housing, feeding, and vet-  
10                             erinary treatment).

11                             “(6) FORFEITURE.—

12                             “(A) IN GENERAL.—Any animal, para-  
13                             phernalia, instrument, or other property or  
14                             thing involved in a violation of this section shall  
15                             be liable to be proceeded against and forfeited  
16                             to the United States at any time on complaint  
17                             filed in any United States district court or  
18                             other court of the United States for any juris-  
19                             diction in which the animal, paraphernalia, in-  
20                             strument, or other property or thing is found,  
21                             and on entry of a judgment of forfeiture shall  
22                             be disposed of by humane means, as the court  
23                             may direct.

24                             “(B) COSTS.—Costs incurred by the  
25                             United States for care of an animal seized and



1           be ordered to renew a bond, by posting a  
2           new bond, in an amount sufficient to pro-  
3           vide for the care of the animal for at least  
4           an additional 30 days, not later than 10  
5           days after the expiration of the period for  
6           which a previous bond was posted.

7           “(iii) DISPOSITION.—If a bond expires  
8           and is not renewed, the animal may be dis-  
9           posed of as provided in subparagraph (A).

10          “(7) EUTHANIZATION.—Notwithstanding para-  
11          graphs (1) through (6), an animal may be humanely  
12          euthanized if a veterinarian determines that the ani-  
13          mal is suffering extreme pain.”.

