

108TH CONGRESS
1ST SESSION

H. R. 1532

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2003

Mr. BARTLETT of Maryland (for himself, Mr. ANDREWS, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. TANCREDO, and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Animal Welfare Act to strengthen enforcement of provisions 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 (a) IN GENERAL.—Section 26 of the Animal Welfare
9 Act (7 U.S.C. 2156) is amended—

1 (1) by redesignating subsections (c) through (h)
2 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.”;

11 (3) in subsection (e) (as redesignated by para-
12 graph (1)), by striking “(c)” and inserting “(d)”;

13 (4) in subsection (f) (as redesignated by para-
14 graph (1))—

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

17 (B) by striking “1 year” and inserting “2
18 years”;

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

21 “(g) INVESTIGATIONS.—

22 “(1) IN GENERAL.—The Secretary or any per-
23 son authorized by the Secretary shall make such in-
24 vestigations as the Secretary considers necessary to

1 determine whether any person has violated or is vio-
2 lating any provision of this section.

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

10 “(3) WARRANTS.—

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

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

phernalia, instrument, or other property or thing seized under such a warrant shall be held by the authorized person pending disposition of the animal, paraphernalia, instrument, or other property or thing by a court in accordance with this subsection.

“(4) STORAGE OF ANIMALS.—

“(A) IN GENERAL.—An animal seized by a United States marshal or other authorized person under paragraph (3) shall be taken promptly to an animal housing facility in which the animal shall be stored humanely.

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

“(i) seize a representative sample of the animals for evidentiary purposes to be transported to an animal storage facility in which the animals shall be stored humanely; and

“(ii)(I) keep the remaining animals at the location where the animals were seized;

1 “(II) provide for the humane care of
2 the animals; and

3 “(III) cause the animals to be banded,
4 tagged, or marked by microchip and photo-
5 graphed or videotaped for evidentiary pur-
6 poses.

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

12 “(6) FORFEITURE.—

13 “(A) IN GENERAL.—Any animal, para-
14 phernalia, instrument, vehicle, money, or other
15 property or thing involved in a violation of this
16 section shall be liable to be proceeded against
17 and forfeited to the United States at any time
18 on complaint filed in any United States district
19 court or other court of the United States for
20 any jurisdiction in which the animal, para-
21 phernalia, instrument, vehicle, money, or other
22 property or thing is found.

23 “(B) DISPOSITION.—On entry of a judg-
24 ment of forfeiture, a forfeited animal shall be

1 disposed of by humane means, as the court may
2 direct.

3 “(C) COSTS.—Costs incurred by the
4 United States for care of an animal seized and
5 forfeited under this section shall be recoverable
6 from the owner of the animal—

7 “(i) in the forfeiture proceeding, if the
8 owner appears in the forfeiture proceeding;
9 or

10 “(ii) in a separate civil action brought
11 in the jurisdiction in which the owner is
12 found, resides, or transacts business.

13 “(D) CLAIM TO PROPERTY.—

14 “(i) IN GENERAL.—The owner, custo-
15 dian, or other person claiming an interest
16 in a seized animal may prevent disposition
17 of the animal by posting, or may be or-
18 dered by any United States district court
19 or other court of the United States, or by
20 any tribal court, for any jurisdiction in
21 which the animal is found to post, not
22 later than 10 days after the animal is
23 seized, a bond with the court in an amount
24 sufficient to provide for the care of the
25 animal (including housing, feeding, and

1 veterinary treatment) for not less than 30
2 days.

3 “(ii) RENEWAL.—The owner, custo-
4 dian, or other person claiming an interest
5 in a seized animal may renew a bond, or
6 be ordered to renew a bond, by posting a
7 new bond, in an amount sufficient to pro-
8 vide for the care of the animal for at least
9 an additional 30 days, not later than 10
10 days after the expiration of the period for
11 which a previous bond was posted.

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

15 “(7) EUTHANIZATION.—Notwithstanding para-
16 graphs (1) through (6), an animal may be humanely
17 euthanized if a veterinarian determines that the ani-
18 mal is suffering extreme pain.”; and

19 (6) in subsection (h) (as redesignated by para-
20 graph (1))—

21 (A) in subparagraphs (A) and (B) of para-
22 graph (2), by inserting before the semicolon the
23 following: “(including a movement to, from, or
24 within land under the jurisdiction of an Indian
25 tribe)”; and

1 (B) in paragraph (3), by striking “tele-
 2 phone, radio, or television” and inserting “tele-
 3 phone, the Internet, radio, television, or any
 4 technology”.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 6 23 of the Animal Welfare Act (7 U.S.C. 2153) is amend-
 7 ed—

8 (1) by striking “SEC. 23. The Secretary” and
 9 inserting the following:

10 **“SEC. 23. FEES; AUTHORIZATION OF APPROPRIATIONS.**

11 “(a) FEES.—The Secretary”; and

12 (2) by striking the third sentence and inserting
 13 the following:

14 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
 15 are authorized to be appropriated such sums as are nec-
 16 essary to carry out this Act.”.

17 (c) EFFECTIVE DATE.—The amendments made by
 18 this section take effect on the later of—

19 (1) the date of enactment of this Act; or

20 (2) May 13, 2003.

