

Title II of the Organized Crime Control Act of 1970, referred to in subsec. (c), is title II of Pub. L. 91-452, Oct. 15, 1970, 84 Stat. 926, which created a general Federal immunity statute set out in section 6001 et seq. of Title 18, and repealed the individual immunity provisions formerly contained in various Federal regulatory schemes.

#### AMENDMENTS

1990—Subsec. (c). Pub. L. 101-624 inserted “and the regulations and standards promulgated under this chapter” after first reference to “this chapter”.

1985—Subsec. (a). Pub. L. 99-198 inserted provision directing Secretary to inspect each research facility at least once each year and, in case of deficiencies or deviations from standards promulgated under this chapter, conduct such follow-up inspections as may be necessary until all deficiencies or deviations from such standards are corrected.

1976—Subsec. (a). Pub. L. 94-279, § 12(a), inserted “intermediate handler, carrier,” after “dealer, exhibitor,” and inserted “or (5) such animal is held by an intermediate handler or a carrier” after “an auction sale”.

Subsec. (c). Pub. L. 94-279, § 12(b), substituted “section 2149(c)” for “sections 2149(b) and 2150(b)” after “except as provided in”.

1970—Pub. L. 91-579 designated existing provisions as subsec. (a), expanded coverage to include exhibitors and operators of auction sales for purposes of investigation, inserted provisions requiring that records, facilities, and animals be accessible to inspectors at all reasonable times at premises of dealers, research facilities, exhibitors, and operators of auction sales, and added subsecs. (b) and (c).

#### Statutory Notes and Related Subsidiaries

##### 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 30 days after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

##### NON-RECORDING OF OBSERVED VIOLATIONS OF ANIMAL WELFARE ACT

Pub. L. 117-328, div. A, title VII, § 756, Dec. 29, 2022, 136 Stat. 4506, provided that: “Hereafter, none of the funds made available by this Act [div. A of Pub. L. 117-328, see Tables for classification] or any other Act, may be used to pay the salaries or expenses of personnel to implement any activities related to the permitting of non-recording of observed violations of the Animal Welfare Act or its regulations on official inspection reports.”

#### § 2146a. Searchable database requirements

The Animal and Plant Health Inspection Service shall, notwithstanding any other provision of law:

(a) within 60 calendar days, restore on its website the searchable database and its contents that were available on January 30, 2017, and all content generated since that date; and

(b) hereafter, make publicly available via searchable database, in their entirety without redactions except signatures, the following records:

(1) all final Animal Welfare Act inspection reports, including all reports documenting all Animal Welfare Act violations and non-compliances observed by USDA officials and all animal inventories for the current year and the preceding three years;

(2) all final Animal Welfare Act and Horse Protection Act enforcement records for the current year and the preceding three years;

(3) all reports or other materials documenting any violations and non-compliances observed by USDA officials for the current year and the preceding three years; and

(4) within six months of receipt by the agency, all final Animal Welfare Act research facility annual reports, including their attachments with appropriate redactions made for confidential business information that USDA could withhold under FOIA Exemption 4.

(Pub. L. 116-94, div. B, title VII, § 788, Dec. 20, 2019, 133 Stat. 2657; Pub. L. 117-103, div. A, title VII, § 765, Mar. 15, 2022, 136 Stat. 98.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Animal Welfare Act, referred to in subsec. (b)(1), (2), (4), is Pub. L. 89-544, Aug. 24, 1966, 80 Stat. 350, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2131 of this title and Tables.

The Horse Protection Act, referred to in subsec. (b)(2), is Pub. L. 91-540, Dec. 9, 1970, 84 Stat. 1404, which is classified generally to chapter 44 (§ 1821 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1821 of Title 15 and Tables.

##### CODIFICATION

Section was enacted as part of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2020, and also as part of the Further Consolidated Appropriations Act, 2020, and not as part of the Animal Welfare Act which comprises this chapter.

##### AMENDMENTS

2022—Subsec. (b). Pub. L. 117-103 amended subsec. (b) generally. Prior to amendment, text read as follows: “hereafter, make publicly available via searchable database, in their entirety without redactions except signatures, the following records after enactment of this Act for a subsequent period of three years:

“(1) all final Animal Welfare Act inspection reports, including all reports documenting all Animal Welfare Act non-compliances observed by USDA officials and all animal inventories;

“(2) all final Animal Welfare Act and Horse Protection Act enforcement records;

“(3) all reports or other materials documenting any non-compliances observed by USDA officials; and

“(4) within six months of receipt by the agency, all final Animal Welfare Act research facility annual reports, including their attachments with appropriate redactions made for confidential business information that USDA could withhold under FOIA Exemption 4.”

#### § 2147. Inspection by legally constituted law enforcement agencies

The Secretary shall promulgate rules and regulations requiring dealers, exhibitors, research facilities, and operators of auction sales subject to section 2142 of this title to permit inspection of their animals and records at reasonable hours upon request by legally constituted law enforcement agencies in search of lost animals.

(Pub. L. 89-544, § 17, Aug. 24, 1966, 80 Stat. 352; Pub. L. 91-579, § 18, Dec. 24, 1970, 84 Stat. 1564.)

**Editorial Notes****AMENDMENTS**

1970—Pub. L. 91-579 substituted “promulgate rules and regulations requiring dealers, exhibitors, research facilities, and operators of auction sales subject to section 2142 of this title” for “issue rules and regulations requiring licensed dealers and research facilities”.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE OF 1970 AMENDMENT**

Amendment by Pub. L. 91-579 effective 30 days after Dec. 24, 1970, see section 23 of Pub. L. 91-579, set out as a note under section 2131 of this title.

**§ 2148. Importation of live dogs****(a) Definitions**

In this section:

**(1) Importer**

The term “importer” means any person who, for purposes of resale, transports into the United States puppies from a foreign country.

**(2) Resale**

The term “resale” includes any transfer of ownership or control of an imported dog of less than 6 months of age to another person, for more than de minimis consideration.

**(b) Requirements****(1) In general**

Except as provided in paragraph (2), no person shall import a dog into the United States for purposes of resale unless, as determined by the Secretary, the dog—

- (A) is in good health;
- (B) has received all necessary vaccinations; and
- (C) is at least 6 months of age, if imported for resale.

**(2) Exception****(A) In general**

The Secretary, by regulation, shall provide an exception to any requirement under paragraph (1) in any case in which a dog is imported for—

- (i) research purposes; or
- (ii) veterinary treatment.

**(B) Lawful importation into Hawaii**

Paragraph (1)(C) shall not apply to the lawful importation of a dog into the State of Hawaii from the British Isles, Australia, Guam, or New Zealand in compliance with the applicable regulations of the State of Hawaii and the other requirements of this section, if the dog is not transported out of the State of Hawaii for purposes of resale at less than 6 months of age.

**(c) Implementation and regulations**

The Secretary, the Secretary of Health and Human Services, the Secretary of Commerce, and the Secretary of Homeland Security shall promulgate such regulations as the Secretaries determine to be necessary to implement and enforce this section.

**(d) Enforcement**

An importer that fails to comply with this section shall—

(1) be subject to penalties under section 2149 of this title; and

(2) provide for the care (including appropriate veterinary care), forfeiture, and adoption of each applicable dog, at the expense of the importer.

(Pub. L. 89-544, §18, as added Pub. L. 110-234, title XIV, §14210(a), May 22, 2008, 122 Stat. 1464, and Pub. L. 110-246, §4(a), title XIV, §14210(a), June 18, 2008, 122 Stat. 1664, 2226.)

**Editorial Notes****CODIFICATION**

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

**PRIOR PROVISIONS**

A prior section 2148, Pub. L. 89-544, §18, Aug. 24, 1966, 80 Stat. 352, prohibited any construction of this chapter which would authorize the Secretary to promulgate rules, regulations, or orders for the handling, care, treatment, or inspection of animals during research or experimentation, prior to repeal by Pub. L. 91-579, §§19, 23, Dec. 24, 1970, 84 Stat. 1564, 1565, effective one year after Dec. 24, 1970. See section 2143 of this title.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE**

Enactment 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, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

Pub. L. 110-234, title XIV, §14210(b), May 22, 2008, 122 Stat. 1464, and Pub. L. 110-246, §4(a), title XIV, §14210(b), June 18, 2008, 122 Stat. 1664, 2226, provided that: “The amendment made by subsection (a) [enacting this section] takes effect on the date of the enactment of this Act [June 18, 2008].”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

**§ 2149. Violations by licensees****(a) Temporary license suspension; notice and hearing; revocation**

If the Secretary has reason to believe that any person licensed as a dealer, exhibitor, 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 of the rules or regulations or standards promulgated by the Secretary hereunder, he may suspend such person's license temporarily, but not to exceed 21 days, and after notice and opportunity for hearing, may suspend for such additional period as he may specify, or revoke such license, if such violation is determined to have occurred.

**(b) Civil penalties for violation of any section, etc.; separate offenses; notice and hearing; appeal; considerations in assessing penalty; compromise of penalty; civil action by Attorney General for failure to pay penalty; district court jurisdiction; failure to obey cease and desist order**

Any dealer, exhibitor, research facility, intermediate handler, carrier, or operator of an auction sale subject to section 2142 of this title,