

the recipient with a valid certification that meets the requirements of paragraph (2) and indicates compliance with subsection (a) of this section.

(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 such number exists), and the signature of the recipient of the dog or cat;

(C) a description of the dog or cat being provided that shall include—

- (i) the species and breed or type of such;
- (ii) the sex of such;
- (iii) the date of birth (if known) of such;
- (iv) the color and any distinctive marking of such; and

(v) any other information that the Secretary by regulation shall determine to be appropriate;

(D) the name and address of the person, pound, or shelter from which the dog or cat was purchased or otherwise acquired by the dealer, and an assurance that such person, pound, or shelter was notified that such dog or cat may be used for research or educational purposes;

(E) the date of the purchase or acquisition referred to in subparagraph (D);

(F) a statement by the pound or shelter (if the dealer acquired the dog or cat from such) that it satisfied the requirements of subsection (a) of this section; and

(G) any other information that the Secretary of Agriculture by regulation shall determine appropriate.

(3) Records

The original certification required under paragraph (1) shall accompany the shipment of a dog or cat to be sold, provided, or otherwise made available by the dealer, and shall be kept and maintained by the research facility for a period of at least one year for enforcement purposes. The dealer shall retain one copy of the certification provided under this paragraph for a period of at least one year for enforcement purposes.

(4) Transfers

In instances where one research facility transfers animals to another research facility a copy of the certificate must accompany such transfer.

(5) Modification

Certification requirements may be modified to reflect technological advances in identification techniques, such as microchip technology, if the Secretary determines that adequate information such as described in this section, will be collected, transferred, and maintained through such technology.

(c) Enforcement

(1) In general

Dealers who fail to act according to the requirements of this section or who include false

information in the certification required under subsection (b) of this section, shall be subject to the penalties provided for under section 2149 of this title.

(2) Subsequent violations

Any dealer who violates this section more than one time shall be subject to a fine of \$5,000 per dog or cat acquired or sold in violation of this section.

(3) Permanent revocations

Any dealer who violates this section three or more times shall have such dealer's license permanently revoked.

(d) Regulation

Not later than 180 days after November 28, 1990, the Secretary shall promulgate regulations to carry out this section.

(Pub. L. 89-544, §28, as added Pub. L. 101-624, title XXV, §2503(2), Nov. 28, 1990, 104 Stat. 4066; amended Pub. L. 102-237, title X, §1004, Dec. 13, 1991, 105 Stat. 1894.)

AMENDMENTS

1991—Subsec. (b)(2)(F). Pub. L. 102-237 substituted “subsection (a)” for “subsection (b)”.

§ 2159. Authority to apply for injunctions

(a) Request

Whenever the Secretary has reason to believe that any dealer, carrier, exhibitor, or intermediate handler is dealing in stolen animals, or is placing the health of any animal in serious danger in violation of this chapter or the regulations or standards promulgated thereunder, the Secretary shall notify the Attorney General, who may apply to the United States district court in which such dealer, carrier, exhibitor, or intermediate handler resides or conducts business for a temporary restraining order or injunction to prevent any such person from operating in violation of this chapter or the regulations and standards prescribed under this chapter.

(b) Issuance

The court shall, upon a proper showing, issue a temporary restraining order or injunction under subsection (a) of this section without bond. Such injunction or order shall remain in effect until a complaint pursuant to section 2149 of this title is issued and dismissed by the Secretary or until an order to cease and desist made thereon by the Secretary has become final and effective or is set aside on appellate review. Attorneys of the Department of Agriculture may, with the approval of the Attorney General, appear in the United States district court representing the Secretary in any action brought under this section.

(Pub. L. 89-544, §29, as added Pub. L. 101-624, title XXV, §2503(2), Nov. 28, 1990, 104 Stat. 4067.)

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