

The Animal Welfare Act Provisions on Animal Fighting

The U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) has general enforcement responsibility for the Animal Welfare Act (AWA). Among many other provisions, the AWA prohibits individuals from sponsoring or exhibiting an animal in a fighting venture, such as dog or cockfighting, if the animal was transported across State lines or in foreign commerce for that purpose. The law prohibits selling, buying, transporting, or delivering an animal in interstate or foreign commerce for animal fighting. Cockfighting is only legal in the States of Oklahoma, Louisiana, and New Mexico. Dog fighting is currently illegal in all States.

Until the 2002 Farm Bill modified the AWA, an exemption allowed fighting cocks to move interstate if the destination was one of the States where cockfighting is allowed. The Farm Bill removed that exemption, making it illegal to move fighting cocks interstate regardless of destination. The Farm Bill also increased the penalties for animal fighting violations from \$5,000 and no more than 1 year in prison to \$15,000 and no more than 1 year in prison.

Enforcement of Laws Against Animal Fighting

APHIS and the USDA's Office of the Inspector General (OIG) work together with State and local authorities to investigate and enforce Federal and State laws regarding animal fighting. Both APHIS and OIG have taken steps to improve USDA's enforcement effectiveness.

Animal fighting circles can be extremely dangerous, often including other illegal activities such as drugs, firearms, and gambling. APHIS inspectors do not carry guns and are not equipped to confront situations that would endanger their lives.

APHIS inspectors who observe evidence of cockfighting during routine inspections refer suspected cases of illegal activity to OIG, which will then either investigate the situation or work with State and local law enforcement authorities to do so.

To better help them handle cases, APHIS inspectors are receiving new training to improve their ability to identify animal fighting venture activity.

Office of the Inspector General's Role

OIG conducts audits and investigations relating to the programs and operations of USDA. APHIS refers information on animal fighting activities to OIG, and OIG initiates investigations based upon the potential for criminal prosecution as resources permit. In those instances where OIG does not initiate an investigation, it refers complaints to other law enforcement authorities, as appropriate. OIG personnel work closely with State and local law enforcement authorities, as most States have their own laws banning animal fighting ventures and are better positioned to enforce those laws. OIG's law enforcement authority is to be used for alleged or suspected felony or misdemeanor violations of statutes administered by the Secretary of Agriculture. As the penalties for AWA provisions prohibiting animal fighting are misdemeanors, OIG relies on other Federal and State law enforcement agencies to obtain search and arrest warrants in such cases.

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