(Mar. 4, 1923, ch. 262, § 2, 42 Stat. 1487.)

### § 63. Penalties; acts of agents deemed acts of principals

Any person violating any provision of this chapter shall upon conviction thereof be subject to a fine of not more than $1,000 or imprisonment of not more than one year, or both. When construing and enforcing the provisions of this chapter, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure, of such individual, partnership, corporation, or association, as well as of such person.

(Mar. 4, 1923, ch. 262, § 3, 42 Stat. 1487.)

CODIFICATION

The original text of this section contained a further provision that no penalty should be enforced for any violation occurring within 30 days after act Mar. 4, 1923 became law and was omitted as temporary and obsolete.

### § 64. Regulations for enforcement

The Secretary of Health and Human Services is authorized and directed to make and enforce such regulations as may in his judgment be necessary to carry out the purposes of this chapter.

(Mar. 4, 1923, ch. 262, § 4, as added Aug. 27, 1935, ch. 743, 49 Stat. 885; 1940 Reorg. Plan No. IV, § 12, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Pub. L. 96–88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

''Secretary of Health and Human Services'' substituted in text for ''Secretary of Health, Education, and Welfare'' pursuant to section 509(b) of Pub. L. 96–88, which is classified to section 3508(b) of Title 20, Education.

TRANSFER OF FUNCTIONS

For transfer of functions of Federal Security Administrator to Secretary of Health, Education, and Welfare [now Health and Human Services], and of Food and Drug Administration to Federal Security Agency, see notes set out under section 321 of this title.

## CHAPTER 4—ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

SUBCHAPTER I—EXAMINATION OF ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

Sec.
71 to 99. Transferred, Repealed, or Omitted.

SUBCHAPTER II—IMPORTATION OF CATTLE AND QUARANTINE

101. Suspension of importation of all animals.
102 to 107. Repealed or Omitted.

SUBCHAPTER III—PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

111 to 113. Repealed or Omitted.
113a. Establishment of research laboratories for foot-and-mouth disease and other animal diseases; research contracts; employment of technicians and scientists; appropriations.
114 to 114h. Repealed.
114i. Pseudorabies eradication.
Sec.
115 to 135b. Repealed, Omitted, or Transferred.
136. Additional inspection services.
136a. Collection of fees for inspection services.

SUBCHAPTER IV—IMPORTATION OF MILK AND CREAM

141. Prohibition of importation without permit.
142. Milk or cream when unfit for importation.
143. Inspection; certified statement in lieu thereof; waiver of requirements of section 142; regulations; suspension and revocation of permits.
144. Unlawful receiving of imported milk or cream.
145. Penalties.
146. Authorization of appropriations.
147. Repeal of inconsistent laws.
148. Powers of State with respect to milk or cream lawfully imported.
149. Definitions.

## SUBCHAPTER I—EXAMINATION OF ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

### §§ 71 to 92. Transferred

CODIFICATION

Section 71, act Mar. 4, 1907, ch. 2907, 34 Stat. 1260, which related to inspection of meat and meat food products, examination of cattle before slaughtering, separate slaughtering of diseased animals and examination of carcasses, was transferred to section 603 of this title.

Section 72, act Mar. 4, 1907, ch. 2907, 34 Stat. 1260, which related to post mortem examination of carcasses, marking and labeling, destruction of condemned carcasses, and reinspection, was transferred to section 604 of this title.

Section 73, act Mar. 4, 1907, ch. 2907, 34 Stat. 1261, which related to examination of carcasses brought into slaughtering or packing establishments and of meat food products issued from and returned thereto, was transferred to section 605 of this title.

Section 74, act Mar. 4, 1907, ch. 2907, 34 Stat. 1261, which related to examination and inspection of meat food products, marks of inspection, destruction of condemned products, and products for export, was transferred to section 606 of this title and was subsequently repealed by Pub. L. 110–234, title XI, § 11016(b)(1)(B), May 22, 2008, 122 Stat. 1369, and Pub. L. 110–246, § 4(a), title XI, § 11016(b)(1)(B), June 18, 2008, 122 Stat. 1664, 2131.

Section 75, act Mar. 4, 1907, ch. 2907, 34 Stat. 1262, which related to labeling of receptacles and coverings of meat and meat food products inspected and passed, supervision by inspectors, prohibition of sales under false names, was transferred to section 607 of this title.

Section 76, act Mar. 4, 1907, ch. 2907, 34 Stat. 1262, which related to sanitary inspection and regulation of slaughtering and packing establishments, and rejection of meat or meat food products unfit for food, was transferred to section 608 of this title.

Section 77, act Mar. 4, 1907, ch. 2907, 34 Stat. 1262, which related to examination of cattle and food products thereof slaughtered and prepared during night time, was transferred to section 609 of this title.

Section 78, act Mar. 4, 1907, ch. 2907, 34 Stat. 1262, which related to prohibition of transportation of carcasses, meat, or meat food products not properly inspected and marked, was transferred to section 610 of this title.

Section 79, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to forgery, alteration, and unauthorized use of marks, labels, and certificates, was transferred to section 611 of this title.

Section 80, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to inspection of animals for export, was

transferred to section 612 of this title and was subsequently repealed by Pub. L. 107–171, title X, § 10418(a)(19), May 13, 2002, 116 Stat. 508.

Section 81, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to certificates of condition of animals for export, was transferred to section 613 of this title and was subsequently repealed by Pub. L. 107–171, title X, § 10418(a)(19), May 13, 2002, 116 Stat. 508.

Section 82, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to clearance to vessels carrying cattle for export with proper certificate of inspection, was transferred to section 614 of this title and was subsequently repealed by Pub. L. 107–171, title X, § 10418(a)(19), May 13, 2002, 116 Stat. 508.

Section 83, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to inspection of carcasses, the meat of which is intended for export, was transferred to section 615 of this title.

Section 84, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to certificates of condition of carcasses, the meat of which is intended for export, was transferred to section 616 of this title.

Section 85, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to clearance to vessels carrying meat for export with proper certificate of inspection, was transferred to section 617 of this title.

Section 86, act Mar. 4, 1907, ch. 2907, 34 Stat. 1263, which related to official certificates of inspection and delivery of copies thereof to different parties, was transferred to section 618 of this title.

Section 87, act Mar. 4, 1907, ch. 2907, 34 Stat. 1264, which related to prohibition of transportation or sale of meat or meat food products without complying with provisions of inspection law, was transferred to section 619 of this title.

Section 88, act Mar. 4, 1907, ch. 2907, 34 Stat. 1264, which related to offenses and penalties, was transferred to section 620 of this title.

Section 89, act Mar. 4, 1907, ch. 2907, 34 Stat. 1264, which related to appointment of inspectors, their duties, and rule making authority of the Secretary of Agriculture, was transferred to section 621 of this title.

Section 90, act Mar. 4, 1907, ch. 2907, 34 Stat. 1264, which related to penalties for bribery, was transferred to section 622 of this title.

Section 91, acts Mar. 4, 1907, ch. 2907, 34 Stat. 1265; June 29, 1938, ch. 810, 52 Stat. 1235, which related to definitions, exceptions to inspection requirements in case of farmers and retailers, and penalties for sale of meat and meat food products unfit for food, was transferred to section 623 of this title.

Section 92, act Mar. 4, 1907, ch. 2907, 34 Stat. 1265, which was a proviso following the first sentence of section 91 of this title, was restored to that section and has been transferred to section 623 of this title.

### § 93. Repealed. May 29, 1928, ch. 901, § 1(92), 45 Stat. 993

Section, act Mar. 4, 1907, ch. 2907, 34 Stat. 1265, related to statement in annual estimates as to persons employed, their compensation and expenses.

### §§ 94 to 95. Transferred

CODIFICATION

Section 94, act June 30, 1914, ch. 131, 38 Stat. 420, which related to inspection of reindeer, was transferred to section 692 of this title.

Section 94a, act May 23, 1908, ch. 192, 35 Stat. 254, which related to inspection of dairy products for export, was transferred to section 693 of this title.

Section 95, acts June 30, 1906, ch. 3913, 34 Stat. 679; June 26, 1934, ch. 756, § 2, 48 Stat. 1225, which related to authorization of appropriations for expenses of inspection, was transferred to section 694 of this title.

### § 96. Repealed. Pub. L. 90–201, § 18, Dec. 15, 1967, 81 Stat. 600

Section, act July 24, 1919, ch. 26, 41 Stat. 241, provided for marking horse meat transported in interstate commerce. See section 619 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 15, 1967, see section 20 of Pub. L. 90–201, set out as an Effective Date note under section 601 of this title.

### §§ 97 to 97d. Omitted

CODIFICATION

Sections 97 to 97d, act July 30, 1947, ch. 356, title I, § 1, 61 Stat. 531, 532, set up a meat inspection fund and provided for payment for meat inspection service by the persons or organizations who were furnished such inspection on and after July 1, 1947. These provisions ceased to be effective on July 1, 1948, under section 98 of this title which requires the cost of such inspection to be borne by the United States. The unobligated balance in the meat inspection fund was carried to the general fund of the Treasury by act June 19, 1948, ch. 543, § 1, 62 Stat. 515.

### § 98. Transferred

CODIFICATION

Section, act June 5, 1948, ch. 423, 62 Stat. 344, which related to payment of cost of meat inspection, was transferred to section 695 of this title.

### § 99. Repealed. July 28, 1953, ch. 251, title I, § 101, 67 Stat. 208

Section, act Aug. 31, 1951, ch. 374, title I, § 101, 65 Stat. 229, related to reimbursement for excess expenses of meat inspection.

## SUBCHAPTER II—IMPORTATION OF CATTLE AND QUARANTINE

### § 101. Suspension of importation of all animals

Whenever, in the opinion of the President, it shall be necessary for the protection of animals in the United States against infectious or contagious diseases, he may, by proclamation, suspend the importation of all or any class of animals for a limited time, and may change, modify, revoke, or renew such proclamation, as the public good may require; and during the time of such suspension the importation of any such animals shall be unlawful.

(Aug. 30, 1890, ch. 839, § 9, 26 Stat. 416.)

### §§ 102 to 105. Repealed. Pub. L. 107–171, title X, § 10418(a)(6), May 13, 2002, 116 Stat. 507

Section 102, act Aug. 30, 1890, ch. 839, § 7, 26 Stat. 416, related to quarantine of imported animals.

Section 103, act Aug. 30, 1890, ch. 839, § 8, 26 Stat. 416, related to prohibition of importation of animals except at quarantine ports, slaughter of infected animals, appraisal, and payment.

Section 104, act Aug. 30, 1890, ch. 839, § 6, 26 Stat. 416; June 28, 1926, ch. 700, § 2, 44 Stat. 775; Feb. 28, 1931, ch. 348, 46 Stat. 1460; July 22, 1954, ch. 558, § 32, 68 Stat. 510; Jan. 28, 1956, ch. 12, § 1, 70 Stat. 5; Pub. L. 97–461, § 4, Jan. 12, 1983, 96 Stat. 2524; Pub. L. 103–182, title III, § 361(b), Dec. 8, 1993, 107 Stat. 2122; Pub. L. 103–465, title IV, § 431(h), Dec. 8, 1994, 108 Stat. 4969, related to importation of animals.

Section 105, act Aug. 30, 1890, ch. 839, § 10, 26 Stat. 417; Pub. L. 103–182, title III, § 361(c), Dec. 8, 1993, 107 Stat. 2122; Pub. L. 103–465, title IV, § 431(i), Dec. 8, 1994, 108 Stat. 4969, related to inspection of animals.

### §§ 106, 107. Omitted

CODIFICATION

Sections, acts Aug. 10, 1917, ch. 52, § 9, 40 Stat. 275; Nov. 21, 1918, ch. 212, § 3, 40 Stat. 1048, related to slaugh-

ter of tick-infested cattle. Section 12 of act Aug. 10, 1917, provided that the act should cease to be in effect when the national emergency resulting from World War I had passed.

## SUBCHAPTER III—PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

### §§ 111, 112. Repealed. Pub. L. 107–171, title X, § 10418(a)(7), (8), May 13, 2002, 116 Stat. 507, 508

Section 111, act Feb. 2, 1903, ch. 349, § 2, 32 Stat. 792; July 22, 1954, ch. 558, § 33, 68 Stat. 510; Jan. 28, 1956, ch. 12, § 2, 70 Stat. 5, related to regulations to prevent contagious diseases.

Section 112, act May 29, 1884, ch. 60, § 4, 23 Stat. 32; Feb. 2, 1903, ch. 349, § 1, 32 Stat. 791; Feb. 7, 1928, ch. 30, 45 Stat. 59, related to investigations as to pleuropneumonia and other diseases and regulations.

SHORT TITLE

Act Feb. 2, 1903, ch. 349, 32 Stat. 791, classified to former sections 112 and 120 to 122 of this title, is popularly known as the Cattle Contagious Diseases Act of 1903.

Act May 29, 1884, ch. 60, 23 Stat. 31, classified to former sections 112, 113 to 114a–1, 115, 116, 117 to 120, and 130 of this title and section 391 of Title 7, Agriculture, is popularly known as the Animal Industry Act.

### § 112a. Omitted

CODIFICATION

Section, act Feb. 7, 1928, ch. 30, 45 Stat. 59, amended acts May 29, 1884, ch. 60, 23 Stat. 31; Feb. 2, 1903, ch. 349, 32 Stat. 791; and Mar. 3, 1905, ch. 1496, 33 Stat. 1264, to include live poultry in their provisions, added ''and/or live poultry'' following ''live stock'' wherever the term ''live stock'' appeared, and extended the penalties, terms, and provisions of said acts to live poultry. For complete classification of such acts to the Code, see Short Title note set out under section 112 of this title and Tables.

### § 113. Repealed. Pub. L. 107–171, title X, § 10418(a)(7), (8), May 13, 2002, 116 Stat. 507, 508

Section, act May 29, 1884, ch. 60, § 5, 23 Stat. 32; Feb. 2, 1903, ch. 349, § 1, 32 Stat. 791; Feb. 7, 1928, ch. 30, 45 Stat. 59, related to measures to prevent exportation of diseased livestock and live poultry.

### § 113a. Establishment of research laboratories for foot-and-mouth disease and other animal diseases; research contracts; employment of technicians and scientists; appropriations

The Secretary of Agriculture is authorized to establish research laboratories, including the acquisition of necessary land, buildings, or facilities, and also the making of research contracts under the authority contained in section 427i(a) of title 7, for research and study, in the United States or elsewhere, of foot-and-mouth disease and other animal diseases which in the opinion of the Secretary constitute a threat to the livestock industry of the United States: *Provided*, That no live virus of foot-and-mouth disease may be introduced for any purpose into any part of the mainland of the United States (except coastal islands separated therefrom by water navigable for deep-water navigation and which shall not be connected with the mainland by any tunnel) unless the Secretary determines that it is necessary and in the public interest for the conduct of research and study in the United States (except at Brookhaven National Laboratory in Upton, New York) and issues a permit under such rules as the Secretary shall promulgate to protect animal health, except that the Secretary of Agriculture may transport said virus in the original package across the mainland under adequate safeguards, and except further, that in the event of outbreak of foot-and-mouth disease in this country, the Secretary of Agriculture may, at his discretion, permit said virus to be brought into the United States under adequate safeguards. To carry out the provisions of this section, the Secretary is authorized to employ technical experts or scientists: *Provided*, That the number so employed shall not exceed five and that the maximum compensation for each shall not exceed the highest rate of grade 18 of the General Schedule. There is authorized to be appropriated such sums as Congress may deem necessary; in addition, the Secretary is authorized to utilize in carrying out this section, funds otherwise available for the control or eradication of such diseases.

(May 29, 1884, ch. 60, § 12, as added Apr. 24, 1948, ch. 229, 62 Stat. 198; amended July 31, 1956, ch. 804, title I, § 119, 70 Stat. 742; Pub. L. 85–573, July 31, 1958, 72 Stat. 454; Pub. L. 87–793, § 1001(e), Oct. 11, 1962, 76 Stat. 864; Pub. L. 88–426, title III, § 305(1), Aug. 14, 1964, 78 Stat. 422; Pub. L. 101–624, title XVI, § 1618(b), Nov. 28, 1990, 104 Stat. 3733.)

CODIFICATION

Provisions that authorized the Secretary to employ technical experts and scientists ''without regard to the Classification Act'', meaning the Classification Act of 1923, were omitted as obsolete. Sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the 1923 Act and all laws or parts of laws inconsistent with the 1949 Act. While section 1106(a) of the 1949 Act provided that references in other laws to the 1923 Act should be held and considered to mean the 1949 Act, it did not have the effect of continuing the exception contained in this section because of section 1106(b) which provided that the application of the 1949 Act to any position, officer, or employee shall not be affected by section 1106(a). The Classification Act of 1949 was repealed by Pub. L. 89–554, Sept. 6, 1966, § 8(a), 80 Stat. 632 (the first section of which revised and enacted Title 5, Government Organization and Employees, into law). Section 5102 of Title 5 contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorizes the Office of Personnel Management to determine the applicability to specific positions and employees.

AMENDMENTS

1990—Pub. L. 101–624 substituted ''United States (except'' for ''United States except'' and ''tunnel) unless the Secretary determines that it is necessary and in the public interest for the conduct of research and study in the United States (except at Brookhaven National Laboratory in Upton, New York) and issues a permit under such rules as the Secretary shall promulgate to protect animal health,'' for ''tunnel, and''.

1962—Pub. L. 87–793 substituted ''shall not exceed the highest rate of grade 18 of the General Schedule'' for ''shall not exceed $19,000 per annum''.

1958—Pub. L. 85–573 inserted in proviso clause of first sentence the exception clause respecting transportation of virus in original package across mainland under adequate safeguards.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87–793 effective on first day of first pay period which begins on or after Oct. 11, 1962.

REPEALS

Act July 31, 1956, ch. 804, title I, § 119, 70 Stat. 742, which increased the maximum compensation of technical experts or scientists, was repealed by Pub. L. 88–426, title III, § 305(1), Aug. 14, 1964, 78 Stat. 422.

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

LIVE VIRUS FOOT AND MOUTH DISEASE RESEARCH

Pub. L. 110–234, title VII, § 7524, May 22, 2008, 122 Stat. 1273, and Pub. L. 110–246, § 4(a), title VII, § 7524, June 18, 2008, 122 Stat. 1664, 2034, provided that:

''(a) IN GENERAL.—The Secretary [of Agriculture] shall issue a permit required under section 12 of the Act of May 29, 1884 (21 U.S.C. 113a) to the Secretary of Homeland Security for work on the live virus of foot and mouth disease at any facility that is a successor to the Plum Island Animal Disease Center and charged with researching high-consequence biological threats involving zoonotic and foreign animal diseases (referred to in this section as the 'successor facility').

''(b) LIMITATION TO SINGLE FACILITY.—Not more than 1 facility shall be issued a permit under subsection (a).

''(c) LIMITATION ON VALIDITY.—The permit issued under this section shall be valid unless the Secretary determines that the study of live foot and mouth disease virus at the successor facility is not being carried out in accordance with the regulations promulgated by the Secretary pursuant to the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401 et seq.).

''(d) AUTHORITY.—The suspension, revocation, or other impairment of the permit issued under this section—

''(1) shall be made by the Secretary; and

''(2) is a nondelegable function.''

[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 Title 7, Agriculture.]

### §§ 114 to 114d–1. Repealed. Pub. L. 107–171, title X, § 10418(a)(8), (9), May 13, 2002, 116 Stat. 508

Section 114, act May 29, 1884, ch. 60, § 3, 23 Stat. 32, related to regulations for suppression of diseases and cooperation of States and Territories.

Section 114a, act May 29, 1884, ch. 60, § 11, as added Sept. 21, 1944, ch. 412, title I, § 101(a), 58 Stat. 734; amended Oct. 30, 1951, ch. 637, § 1, 65 Stat. 693; Aug. 8, 1953, ch. 381, 67 Stat. 493; Aug. 3, 1956, ch. 950, § 2, 70 Stat. 1032; Pub. L. 87–518, § 7, July 2, 1962, 76 Stat. 131; Pub. L. 101–624, title XXV, § 2509(c)(2), Nov. 28, 1990, 104 Stat. 4071, related to control and eradication of diseases, cooperation of States and farmers' associations, purchase and destruction of diseased animals, and defined ''State'' for statutory purposes.

A prior section 11 of act May 29, 1884, required annual reports to Congress concerning the suppression of contagious diseases among domestic animals, and was classified to section 560 of former Title 5, prior to repeal by act May 29, 1928, ch. 901, § 1, 45 Stat. 993.

Section 114a–1, act May 29, 1884, ch. 60, § 13, as added Oct. 30, 1951, ch. 637, § 2, 65 Stat. 693, related to interstate movement of domestic animals reacting to tests for brucellosis, immediate slaughter, and rules and regulations.

Section 114b, act Feb. 28, 1947, ch. 8, § 1, 61 Stat. 7; Pub. L. 89–521, § 1, July 27, 1966, 80 Stat. 330; Pub. L. 92–152, § 1, Nov. 5, 1971, 85 Stat. 418; Pub. L. 94–231, § 3, Mar. 15, 1976, 90 Stat. 216; Pub. L. 101–255, § 1(1), Mar. 15, 1990, 104 Stat. 114; Pub. L. 101–624, title XXV, § 2505, Nov. 28, 1990, 104 Stat. 4068, related to cooperation in animal disease control.

Section 114c, act Feb. 28, 1947, ch. 8, § 2, 61 Stat. 7; Aug. 3, 1956, ch. 950, § 3, 70 Stat. 1033; Pub. L. 92–152, § 2, Nov. 5, 1971, 85 Stat. 419; Pub. L. 101–255, § 1(2), Mar. 15, 1990, 104 Stat. 114, related to use of funds.

Section 114d, act Feb. 28, 1947, ch. 8, § 3, as added Pub. L. 101–255, § 1(3), Mar. 15, 1990, 104 Stat. 114, related to sale of sterile screwworms.

A prior section 114d, act Feb. 28, 1947, ch. 8, § 3, 61 Stat. 8, related to reports by Secretary of Agriculture to Congress with respect to activities carried on under sections 114b and 114c of this title, prior to repeal by Pub. L. 86–533, § 1(20), June 29, 1960, 74 Stat. 249.

Section 114d–1, act Feb. 28, 1947, ch. 8, § 5, as added Pub. L. 89–521, § 2, July 27, 1966, 80 Stat. 330; amended Pub. L. 101–255, § 1(5), Mar. 15, 1990, 104 Stat. 114, related to cooperation with public and private entities.

SHORT TITLE

Section 6 of act Feb. 28, 1947, ch. 8, as added by Pub. L. 101–255, § 1(6), Mar. 15, 1990, 104 Stat. 114, provided that the act Feb. 28, 1947, ch. 8, which enacted sections 114b to 114d–1 of this title and provisions set out as a note under former section 114b of this title, could be referred to as the ''Animal Disease Control Cooperation Act of 1947''.

### §§ 114d–2 to 114d–6. Repealed. Pub. L. 92–152, § 3, Nov. 5, 1971, 85 Stat. 419

Section 114d–2, Pub. L. 90–388, § 1, July 6, 1968, 82 Stat. 294, provided for cooperation with Central America in control and eradication of foot-and-mouth disease or rinderpest.

Section 114d–3, Pub. L. 90–388, § 2, July 6, 1968, 82 Stat. 294, provided for uses of funds.

Section 114d–4, Pub. L. 90–388, § 3, July 6, 1968, 82 Stat. 294, defined governments of Central America.

Section 114d–5, Pub. L. 90–388, § 4, July 6, 1968, 82 Stat. 294, provided for cooperation with public and private organizations and individuals.

Section 114d–6, Pub. L. 90–388, § 5, July 6, 1968, 82 Stat. 294, provided for authorization of appropriations.

### §§ 114e to 114h. Repealed. Pub. L. 107–171, title X, § 10418(a)(10), (11), May 13, 2002, 116 Stat. 508

Section 114e, act June 16, 1948, ch. 477, § 1, 62 Stat. 458, related to research and investigations into the control and eradication of cattle grubs.

Section 114f, act June 16, 1948, ch. 477, § 2, 62 Stat. 458, defined the term ''State'' and authorized appropriations.

Section 114g, Pub. L. 87–209, § 1, Sept. 6, 1961, 75 Stat. 481, related to hog cholera eradication program.

Section 114h, Pub. L. 87–209, § 2, Sept. 6, 1961, 75 Stat. 481, related to advisory committee.

### § 114i. Pseudorabies eradication

#### (a) Findings

Congress finds that efforts to eradicate pseudorabies in United States swine populations by the Department of Agriculture in cooperation with State agencies and the pork industry have a high priority and should be continued until pseudorabies is completely eradicated in the United States.

#### (b) Establishment of program

The Secretary of Agriculture shall establish and carry out a program for the eradication of pseudorabies in United States swine populations.

#### (c) Use of funds for testing and control of pseudorabies

The Secretary shall ensure that not less than 65 percent of the funds appropriated for the pro-

gram established under subsection (b) of this section shall be used for testing and screening of animals and for other purposes directly related to the eradication or control of pseudorabies. This requirement on the use of appropriated funds for this program shall not be implemented in a manner that would adversely affect any other animal or plant disease or pest eradication or control program.

**(d) Authorization of appropriations**

There are authorized to be appropriated for each of the fiscal years 1991 through 2007 such sums as may be necessary for the purpose of carrying out the program established under subsection (b) of this section.

(Pub. L. 101–624, title XXV, § 2506, Nov. 28, 1990, 104 Stat. 4068; Pub. L. 104–127, title IX, § 916, Apr. 4, 1996, 110 Stat. 1187; Pub. L. 107–171, title X, § 10505, May 13, 2002, 116 Stat. 511.)

AMENDMENTS

2002—Subsec. (d). Pub. L. 107–171 substituted ''2007'' for ''2002''.

1996—Subsec. (d). Pub. L. 104–127 substituted ''2002'' for ''1995''.

### §§ 115 to 128. Repealed. Pub. L. 107–171, title X, § 10418(a)(7), (8), (12)–(14), May 13, 2002, 116 Stat. 507, 508

Section 115, act May 29, 1884, ch. 60, § 6, 23 Stat. 32; June 28, 1926, ch. 700, § 1, 44 Stat. 774; Feb. 7, 1928, ch. 30, 45 Stat. 59; Pub. L. 87–763, Oct. 9, 1962, 76 Stat. 762, prohibited transportation of diseased livestock and live poultry.

Section 116, act May 29, 1884, ch. 60, 23 Stat. 31; May 31, 1920, ch. 217, 41 Stat. 699, related to excepted shipment of certain cattle.

Section 117, act May 29, 1884, ch. 60, § 7, 23 Stat. 32; Feb. 7, 1928, ch. 30, 45 Stat. 59; Pub. L. 95–439, § 1, Oct. 10, 1978, 92 Stat. 1061; Pub. L. 97–461, § 5, Jan. 12, 1983, 96 Stat. 2524, related to penalties for transportation of diseased livestock or live poultry.

Section 118, act May 29, 1884, ch. 60, § 9, 23 Stat. 33; June 25, 1948, ch. 646, § 1, 62 Stat. 909, related to duty of United States attorneys.

Section 119, act May 29, 1884, ch. 60, § 2, 23 Stat. 31; Feb. 9, 1889, ch. 122, § 1, 25 Stat. 659; July 14, 1890, ch. 707, 26 Stat. 288; Feb. 7, 1928, ch. 30, 45 Stat. 59, related to appointment of agents to examine and report on methods of treatment of animals, and means for suppression of diseases.

Section 120, act May 29, 1884, ch. 60, §§ 4, 5, 23 Stat. 32; Feb. 2, 1903, ch. 349, § 1, 32 Stat. 791; Feb. 7, 1928, ch. 30, 45 Stat. 59, related to regulation of exportation and transportation of infected livestock and live poultry.

Section 121, act Feb. 2, 1903, ch. 349, § 1, 32 Stat. 791; Feb. 7, 1928, ch. 30, 45 Stat. 59, related to shipments from areas suspected to be infected and to control of animals and live poultry.

Section 122, act Feb. 2, 1903, ch. 349, § 3, 32 Stat. 792; Pub. L. 97–461, § 6, Jan. 12, 1983, 96 Stat. 2525, related to offenses and penalties.

Section 123, act Mar. 3, 1905, ch. 1496, § 1, 33 Stat. 1264; Feb. 7, 1928, ch. 30, 45 Stat. 59; Pub. L. 87–518, § 8(a), July 2, 1962, 76 Stat. 131; Pub. L. 95–439, § 2, Oct. 10, 1978, 92 Stat. 1061, related to quarantine.

Section 124, act Mar. 3, 1905, ch. 1496, § 2, 33 Stat. 1264; Feb. 7, 1928, ch. 30, 45 Stat. 59; Pub. L. 87–518, § 8(b), July 2, 1962, 76 Stat. 131, prohibited transportation or delivery therefor from quarantined State or Territory or portion thereof, of quarantined animals and live poultry.

Section 125, act Mar. 3, 1905, ch. 1496, § 3, 33 Stat. 1265; Feb. 7, 1928, ch. 30, 45 Stat. 59; Pub. L. 87–518, § 8(b), July 2, 1962, 76 Stat. 131; Pub. L. 95–439, § 3, Oct. 10, 1978, 92 Stat. 1061, related to regulations for inspection, disinfection, and certification, and delivery and shipment of quarantined animals and live poultry from State or Territory.

Section 126, act Mar. 3, 1905, ch. 1496, § 4, 33 Stat. 1265; Feb. 7, 1928, ch. 30, 45 Stat. 59; Pub. L. 87–518, § 8(b), July 2, 1962, 76 Stat. 131, related to moving quarantined animals and live poultry from State or Territory, under regulations.

Section 127, act Mar. 3, 1905, ch. 1496, § 6, 33 Stat. 1265; Pub. L. 97–461, § 7, Jan. 12, 1983, 96 Stat. 2525, related to penalties for transportation from quarantined State, Territory, etc.

Section 128, act June 30, 1914, ch. 131, 38 Stat. 419; Pub. L. 87–518, § 9, July 2, 1962, 76 Stat. 131, related to extension of quarantine law to carriers in interstate commerce.

SHORT TITLE

Act Mar. 3, 1905, ch. 1496, 33 Stat. 1264, which enacted sections 123 to 127 of this title, was popularly known as the ''Cattle Contagious Diseases Act of 1905''.

### § 129. Omitted

CODIFICATION

Section, Pub. L. 107–76, title I, Nov. 28, 2001, 115 Stat. 712, related to transfer of funds for emergency arrest of animal, poultry, or plant diseases or pests, and was from the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002. Similar provisions which are permanent are classified to sections 7772 and 8316 of Title 7, Agriculture.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 106–387, § 1(a) [title I], Oct. 28, 2000, 114 Stat. 1549, 1549A–9, repealed by Pub. L. 107–171, title X, § 10418(a)(15), May 13, 2002, 116 Stat. 508.

Pub. L. 106–78, title I, Oct. 22, 1999, 113 Stat. 1143.

Pub. L. 105–277, div. A, § 101(a) [title I], Oct. 21, 1998, 112 Stat. 2681, 2681–8.

Pub. L. 105–86, title I, Nov. 18, 1997, 111 Stat. 2086.

Pub. L. 104–180, title I, Aug. 6, 1996, 110 Stat. 1576.

Pub. L. 104–37, title I, Oct. 21, 1995, 109 Stat. 307.

Pub. L. 103–330, title I, Sept. 30, 1994, 108 Stat. 2443.

Pub. L. 103–111, title I, Oct. 21, 1993, 107 Stat. 1054.

Pub. L. 102–341, title I, Aug. 14, 1992, 106 Stat. 882.

Pub. L. 102–142, title I, Oct. 28, 1991, 105 Stat. 886.

Pub. L. 101–506, title I, Nov. 5, 1990, 104 Stat. 1323.

Pub. L. 101–161, title I, Nov. 21, 1989, 103 Stat. 959.

Pub. L. 100–460, title I, Oct. 1, 1988, 102 Stat. 2237.

Pub. L. 100–202, § 101(k) [title I], Dec. 22, 1987, 101 Stat. 1329–322, 1329–331.

Pub. L. 99–500, § 101(a) [title I], Oct. 18, 1986, 100 Stat. 1783, 1783–8, and Pub. L. 99–591, § 101(a) [title I], Oct. 30, 1986, 100 Stat. 3341, 3341–8.

Pub. L. 99–190, § 101(a) [H.R. 3037, title I], Dec. 19, 1985, 99 Stat. 1185; Pub. L. 100–202, § 106, Dec. 22, 1987, 101 Stat. 1329–433.

Pub. L. 97–370, title I, Dec. 18, 1982, 96 Stat. 1792.

Pub. L. 97–103, title I, Dec. 23, 1981, 95 Stat. 1472.

Pub. L. 96–528, title I, Dec. 15, 1980, 94 Stat. 3099.

Pub. L. 96–108, title I, Nov. 9, 1979, 93 Stat. 826.

Pub. L. 95–448, title I, Oct. 11, 1978, 92 Stat. 1076.

Pub. L. 95–97, title I, Aug. 12, 1977, 91 Stat. 813.

Pub. L. 94–351, title I, July 12, 1976, 90 Stat. 854.

Pub. L. 94–122, title I, Oct. 21, 1975, 89 Stat. 645.

Pub. L. 93–563, title I, Dec. 31, 1974, 88 Stat. 1824.

Pub. L. 93–135, title I, Oct. 24, 1973, 87 Stat. 472.

Pub. L. 92–399, title I, Aug. 22, 1972, 86 Stat. 594.

Pub. L. 92–73, title I, Aug. 10, 1971, 85 Stat. 185.

Pub. L. 91–566, title I, Dec. 22, 1970, 84 Stat. 1482.

Pub. L. 91–127, title I, Nov. 26, 1969, 83 Stat. 246.

Pub. L. 90–463, title I, Aug. 8, 1968, 82 Stat. 640.

Pub. L. 90–113, title I, Oct. 24, 1967, 81 Stat. 321.

Pub. L. 89–556, title I, Sept. 7, 1966, 80 Stat. 690.

Pub. L. 89–316, title I, Nov. 2, 1965, 79 Stat. 1166.
Pub. L. 88–573, title I, Sept. 2, 1964, 78 Stat. 863.
Pub. L. 88–250, title I, Dec. 30, 1963, 77 Stat. 821.
Pub. L. 87–879, title I, Oct. 24, 1962, 76 Stat. 1204.
Pub. L. 87–112, title I, July 26, 1961, 75 Stat. 228.
Pub. L. 86–532, title I, June 29, 1960, 74 Stat. 233.
Pub. L. 86–80, title I, July 8, 1959, 73 Stat. 168.
Pub. L. 85–459, title I, June 13, 1958, 72 Stat. 189.
Pub. L. 85–118, title I, Aug. 2, 1957, 71 Stat. 330.
June 4, 1956, ch. 355, title I, 70 Stat. 230.
May 23, 1955, ch. 43, title I, 69 Stat. 52.
June 29, 1954, ch. 409, title I, 68 Stat. 305.
July 28, 1953, ch. 251, title III, 67 Stat. 223.
July 5, 1952, ch. 574, title III, 66 Stat. 354.
Aug. 31, 1951, ch. 374, title II, 65 Stat. 243.
Sept. 6, 1950, ch. 896, Ch. VI, title I, 64 Stat. 661.
June 29, 1949, ch. 280, title I, 63 Stat. 332.
June 19, 1948, ch. 543, 62 Stat. 515.
July 30, 1947, ch. 356, title I, 61 Stat. 532.
June 22, 1946, ch. 445, 60 Stat. 278.
May 5, 1945, ch. 109, 59 Stat. 144.
June 28, 1944, ch. 296, 58 Stat. 434.
July 12, 1943, ch. 215, 57 Stat. 403.
July 22, 1942, ch. 516, 56 Stat. 676.
July 1, 1941, ch. 267, 55 Stat. 418.
June 25, 1940, ch. 421, 54 Stat. 542.
June 30, 1939, ch. 253, title I, 53 Stat. 951.
June 16, 1938, ch. 464, title I, 52 Stat. 722.
June 29, 1937, ch. 404, 50 Stat. 406.
June 4, 1936, ch. 489, 49 Stat. 1432.
May 17, 1935, ch. 131, title I, 49 Stat. 257.
Mar. 26, 1934, ch. 89, 48 Stat. 477.
Mar. 3, 1933, ch. 203, 47 Stat. 1442.
July 7, 1932, ch. 443, 47 Stat. 620.
Feb. 23, 1931, ch. 278, 46 Stat. 1252.
May 27, 1930, ch. 341, 46 Stat. 403.
Feb. 16, 1929, ch. 227, 45 Stat. 1198.
May 16, 1928, ch. 572, 45 Stat. 548.
Jan. 18, 1927, ch. 39, 44 Stat. 1005.
May 11, 1926, ch. 286, 44 Stat. 529.
Feb. 10, 1925, ch. 200, 43 Stat. 851.
Dec. 5, 1924, ch. 4, 43 Stat. 683.
June 5, 1924, ch. 266, 43 Stat. 458.
Apr. 2, 1924, ch. 81, 43 Stat. 40.
Feb. 26, 1923, ch. 119, 42 Stat. 1318.
May 11, 1922, ch. 185, 42 Stat. 536.
Mar. 4, 1917, ch. 179, 39 Stat. 1167.

### §§ 129a to 131. Repealed. Pub. L. 107–171, title X, § 10418(a)(1), (8), (16), May 13, 2002, 116 Stat. 507, 508

Section 129a, Pub. L. 97–46, § 1, Sept. 25, 1981, 95 Stat. 953; Pub. L. 106–224, title IV, § 438(b), June 20, 2000, 114 Stat. 454, related to transfer of funds for emergency arrest of animal or poultry diseases. Section was formerly classified to section 147b of Title 7, Agriculture.

Section 130, act May 29, 1884, ch. 60, § 8, 23 Stat. 33; 1967 Reorg. Plan No. 3, § 402(430), eff. Aug. 11, 1967, 32 F.R. 11669, 81 Stat. 948; Pub. L. 93–198, title IV, § 401, Dec. 24, 1973, 87 Stat. 793, related to pleuropneumonia in District of Columbia and duties of Council of the District of Columbia.

Section 131, act May 26, 1910, ch. 256, 36 Stat. 440, related to fences along international boundary lines to keep out diseased animals.

EFFECTIVE DATE

Pub. L. 97–46, § 2, Sept. 25, 1981, 95 Stat. 953, provided that section 129a of this title was to become effective Sept. 25, 1981, prior to repeal by Pub. L. 107–171, title X, § 10418(a)(1), May 13, 2002, 116 Stat. 507.

### § 132. Transferred

CODIFICATION

Section, act May 23, 1908, ch. 192, 35 Stat. 254, which related to inspection of dairy products for export, was transferred to section 693 of this title.

### § 133. Repealed. July 13, 1949, ch. 307, 63 Stat. 410

Section, act July 24, 1946, ch. 592, 60 Stat. 633, related to establishment of a quarantine station on Swan Island.

### §§ 134 to 135b. Repealed. Pub. L. 107–171, title X, § 10418(a)(17), (18), May 13, 2002, 116 Stat. 508

Section 134, Pub. L. 87–518, § 1, July 2, 1962, 76 Stat. 129, related to definitions for Pub. L. 87–518.

Section 134a, Pub. L. 87–518, § 2, July 2, 1962, 76 Stat. 129, related to seizure, quarantine, and disposal of livestock or poultry to guard against introduction or dissemination of communicable disease.

Section 134b, Pub. L. 87–518, § 3, July 2, 1962, 76 Stat. 130, related to regulations for clean and sanitary movement of animals.

Section 134c, Pub. L. 87–518, § 4, July 2, 1962, 76 Stat. 130, related to regulations for movement of animals affected or exposed to communicable disease.

Section 134d, Pub. L. 87–518, § 5, July 2, 1962, 76 Stat. 130, related to inspections, seizures, and issuance of warrants.

Section 134e, Pub. L. 87–518, § 6, July 2, 1962, 76 Stat. 131; Pub. L. 97–461, § 8, Jan. 12, 1983, 96 Stat. 2525, related to enforcement provisions.

Section 134f, Pub. L. 87–518, § 11, July 2, 1962, 76 Stat. 132, related to promulgation of regulations.

Section 134g, Pub. L. 87–518, § 12, July 2, 1962, 76 Stat. 132, related to authority in addition to other laws and repeal of inconsistent provisions.

Section 134h, Pub. L. 87–518, § 13, July 2, 1962, 76 Stat. 132, related to separability.

Section 135, Pub. L. 91–239, § 1, May 6, 1970, 84 Stat. 202; Pub. L. 103–465, title IV, § 431(j), Dec. 8, 1994, 108 Stat. 4969, related to the establishment of international animal quarantine station, acceptance of gifts, cooperation with breeders' organizations, and collection of fees.

Section 135a, Pub. L. 91–239, § 2, May 6, 1970, 84 Stat. 202; Pub. L. 97–461, § 9, Jan. 12, 1983, 96 Stat. 2525, related to smuggling penalties.

Section 135b, Pub. L. 91–239, § 3, May 6, 1970, 84 Stat. 202, related to authorization of appropriations.

### § 136. Additional inspection services

The Secretary of Agriculture, in carrying out regulations prohibiting or restricting the entry of materials that may harbor pests, or diseases, is authorized to enter into agreements with operators or owners of vessels or aircraft for the purpose of providing inspection services at points of entry in the United States in addition to the regular or on-call basis currently available in connection with such vessels or aircraft. Any such agreement shall provide for the payment by the operator or owner of an amount determined by the Secretary to be necessary to defray the costs of providing additional service pursuant to such agreement.

(Pub. L. 101–624, title XXV, § 2508, Nov. 28, 1990, 104 Stat. 4069.)

### § 136a. Collection of fees for inspection services

#### (a) Quarantine and inspection fees

##### (1) Fees authorized

The Secretary of Agriculture may prescribe and collect fees sufficient—

(A) to cover the cost of providing agricultural quarantine and inspection services in connection with the arrival at a port in the customs territory of the United States, or the preclearance or preinspection at a site

outside the customs territory of the United States, of an international passenger, commercial vessel, commercial aircraft, commercial truck, or railroad car;

(B) to cover the cost of administering this subsection; and

(C) through fiscal year 2002, to maintain a reasonable balance in the Agricultural Quarantine Inspection User Fee Account established under paragraph (5).

**(2) Limitation**

In setting the fees under paragraph (1), the Secretary shall ensure that the amount of the fees is commensurate with the costs of agricultural quarantine and inspection services with respect to the class of persons or entities paying the fees. The costs of the services with respect to passengers as a class includes the costs of related inspections of the aircraft or other vehicle.

**(3) Status of fees**

Fees collected under this subsection by any person on behalf of the Secretary are held in trust for the United States and shall be remitted to the Secretary in such manner and at such times as the Secretary may prescribe.

**(4) Late payment penalties**

If a person subject to a fee under this subsection fails to pay the fee when due, the Secretary shall assess a late payment penalty, and the overdue fees shall accrue interest, as required by section 3717 of title 31.

**(5) Agricultural quarantine inspection user fee account**

**(A) Establishment**

There is established in the Treasury of the United States a fund, to be known as the ''Agricultural Quarantine Inspection User Fee Account'', which shall contain all of the fees collected under this subsection and late payment penalties and interest charges collected under paragraph (4) through fiscal year 2002.

**(B) Use of account**

For each of fiscal years 1996 through 2002, funds in the Agricultural Quarantine Inspection User Fee Account shall be available, in such amounts as are provided in advance in appropriations Acts, to cover the costs associated with the provision of agricultural quarantine and inspection services and the administration of this subsection. Amounts made available under this subparagraph shall be available until expended.

**(C) Excess fees**

Fees and other amounts collected under this subsection in any of fiscal years 1996 through 2002 in excess of $100,000,000 shall be available for the purposes specified in subparagraph (B) until expended, without further appropriation.

**(6) Use of amounts collected after fiscal year 2002**

After September 30, 2002, the unobligated balance in the Agricultural Quarantine Inspection User Fee Account and fees and other amounts collected under this subsection shall be credited to the Department of Agriculture accounts that incur the costs associated with the provision of agricultural quarantine and inspection services and the administration of this subsection. The fees and other amounts shall remain available to the Secretary until expended without fiscal year limitation.

**(7) Staff years**

The number of full-time equivalent positions in the Department of Agriculture attributable to the provision of agricultural quarantine and inspection services and the administration of this subsection shall not be counted toward the limitation on the total number of full-time equivalent positions in all agencies specified in section 5(b) of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226; 5 U.S.C. 3101 note) or other limitation on the total number of full-time equivalent positions.

**(b) Omitted**

**(c) Animal inspection and veterinary diagnostics**

**(1) Animal inspection**

The Secretary may prescribe and collect fees to reimburse the Secretary for the cost of carrying out the provisions of the Federal Animal Quarantine Laws that relate to the importation, entry, and exportation of animals, articles, or means of conveyance.

**(2) Veterinary diagnostics**

The Secretary may prescribe and collect fees to recover the costs of carrying out the provisions of the Animal Health Protection Act [7 U.S.C. 8301 et seq.] that relate to veterinary diagnostics.

**(3) Fees**

All fees collected pursuant to this subsection and any late payment penalties or accrued interest collected pursuant to this subsection shall be credited to the accounts that incur the cost and shall remain available until expended without fiscal year limitation.

**(4) Liability**

Any person for whom an activity related to the importation, entry, or exportation of an animal, article, or means of conveyance or relating to veterinary diagnostics, is performed pursuant to the section, shall be liable for payment of fees assessed. Upon failure to pay such fees when due, the Secretary shall assess a late payment penalty, and such overdue fees shall accrue interest, as required by section 3717 of title 31. All fees, late payment penalties, and accrued interest collected shall be credited to such accounts that incur the costs and shall remain available until expended without fiscal year limitation.

**(5) Leins** [1]

**(A) In general**

The Secretary shall have a lien against the animal, article, means of conveyance, or facility for which services have been provided under this section for the fees, any late pay-

[1] So in original. Probably should be ''Liens''.

ment penalty, and any accrued interest assessed under this subsection.

**(B) Other animals, etc.**

In the case of any person who fails to make payment when due under this subsection, the Secretary shall have a lien against any animal, article, or means of conveyance thereafter imported, moved in interstate commerce, or attempted to be exported by the person after the date of such failure until the date on which such owner or operator make[2] full payment to the Secretary under this subsection.

**(C) Sales of animals, etc.**

**(i) Authority**

The Secretary may, if a person does not pay fees, late payment penalties, or accrued interest on such, after providing reasonable notice of default to such person, sell at public sale after reasonable public notice, or otherwise dispose of, any such animal, article, means of conveyance or facility on which the Secretary has a lien under this paragraph.

**(ii) Excess proceeds**

If the sale proceeds under clause (i) exceed the fees due, any late payment penalty assessed, any accrued interest on such, and the expenses associated with the sale, such excess shall be paid to the owner of the animal, article, means of conveyance, or facility if such owner submits an application for such excess together with proof of ownership not later than 6 months after the date of such sale. If no such application is made, such excess shall be credited to accounts that incur the costs associated with the fees collected and shall remain available until expended, without fiscal year limitation. The Secretary shall suspend performance of services to persons who have failed to pay fees, late payment penalty, or accrued interest under this section.

**(d) Regulations**

The Secretary may prescribe such regulations as the Secretary determines necessary to carry out the provisions of this section.

**(e) Recovery of amounts owed**

An action may be brought for the recovery of fees, late payment penalties, and accrued interest which have not been paid in accordance with this section against any person obligated for payment of such assessments under this section in any United States district court or other United States court for any territory or possession in any jurisdiction in which such person is found or resides or transacts business, and such court shall have jurisdiction to hear and decide such action.

**(f) Definitions**

**(1) Animal quarantine laws**

For purposes of this section, the term ''animal quarantine laws'' means—

(A) section 306 of the Tariff Act of 1930[3] (19 U.S.C. 1306);

(B) section 9 of the Act of August 30, 1890 (21 U.S.C. 101);

(C) the Animal Health Protection Act [7 U.S.C. 8301 et seq.]; or

(D) any other Act administered by the Secretary relating to plant or animal diseases or pests.

**(2) Customs territory**

For the purposes of subsection (a) of this section, the term ''customs territory of the United States'' means the 50 States, the District of Columbia, and Puerto Rico.

**(3) Person**

For the purposes of this section, the term ''person'' means an individual, corporation, partnership, trust, association, or any other public or private entity, or any officer, employee, or agent thereof.

**(4) United States**

For the purposes of subsection (b) of this section, the term ''United States'' means the several States of the United States, the District of Columbia, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

**(5) Vessel**

For the purposes of subsection (a) of this section, the term ''vessel'' does not include any ferry.

(Pub. L. 101–624, title XXV, § 2509, Nov. 28, 1990, 104 Stat. 4069; Pub. L. 101–508, title I, § 1203, Nov. 5, 1990, 104 Stat. 1388–11; Pub. L. 102–237, title X, § 1015, Dec. 13, 1991, 105 Stat. 1902; Pub. L. 104–127, title IX, § 917, Apr. 4, 1996, 110 Stat. 1187; Pub. L. 107–171, title X, § 10418(b)(5), May 13, 2002, 116 Stat. 509.)

REFERENCES IN TEXT

The Animal Health Protection Act, referred to in subsecs. (c)(2), (f)(1)(C), is subtitle E (§§ 10401–10418) of title X of Pub. L. 107–171, May 13, 2002, 116 Stat. 494, which is classified principally to chapter 109 (§ 8301 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 8301 of Title 7 and Tables.

Section 306 of the Tariff Act of 1930 (19 U.S.C. 1306), referred to in subsec. (f)(1)(A), was repealed by Pub. L. 107–171, title X, § 10418(a)(5), May 13, 2002, 116 Stat. 507.

CODIFICATION

Section is comprised of section 2509 of Pub. L. 101–624. Subsec. (b) and another subsec. (c)(2) of section 2509 of Pub. L. 101–624 amended section 7759(f) of Title 7, Agriculture, and section 114a of this title, respectively.

AMENDMENTS

2002—Subsec. (c)(2). Pub. L. 107–171, § 10418(b)(5)(A), added par. (2) relating to veterinary diagnostics.

Subsec. (f)(1)(B) to (O). Pub. L. 107–171, § 10418(b)(5)(B), added subpars. (B) to (D) and struck out former subpars. (B) to (O), which read as follows:

''(B) sections 6 through 10 of the Act of August 30, 1890 (26 Stat. 416, chapter 839; 21 U.S.C. 101–105);

''(C) section 2 of the Act of February 2, 1903 (32 Stat. 792, chapter 349; 21 U.S.C. 111);

[2] So in original. Probably should be ''makes''.

[3] See References in Text note below.

''(D) the Act of May 29, 1884 (23 Stat. 32, chapter 60; 21 U.S.C. 112 to 114a–1, 115, 117–119, and 130) (commonly known as the 'Animal Industry Act');

''(E) the Act of February 28, 1947 (61 Stat. 7, chapter 8; 21 U.S.C. 114b, 114c, and 114d–1);

''(F) the Act of June 16, 1948 (62 Stat. 458, chapter 477; 21 U.S.C. 114e and 114f);

''(G) Public Law 87–209 (21 U.S.C. 114g and 114h);

''(H) the Act of May 31, 1920 (41 Stat. 699, chapter 217; 21 U.S.C. 116);

''(I) the Act of February 2, 1903 (32 Stat. 791, chapter 349; 21 U.S.C. 112 and 120–122) (commonly known as the 'Cattle Contagious Diseases Act of 1903');

''(J) the Act of March 3, 1905 (33 Stat. 1264, chapter 1496; 21 U.S.C. 123–127) (commonly known as the 'Cattle Contagious Diseases Act of 1905');

''(K) the matter under the heading 'Bureau of Animal Industry' of the Act of June 30, 1914 (38 Stat. 419, chapter 131; 21 U.S.C. 128);

''(L) section 101 of Public Law 92–73 (21 U.S.C. 129);

''(M) the matter under the heading 'Miscellaneous' of the Act of May 26, 1910 (36 Stat. 440, chapter 256; 21 U.S.C. 131);

''(N) sections 1 through 6 and 11 through 13 of Public Law 87–518 (21 U.S.C. 134–134h); or

''(O) any other Act administered by the Secretary relating to plant or animal diseases or pests, other than the first section of Public Law 91–239 (21 U.S.C. 135).''

1996—Subsec. (a). Pub. L. 104–127 added subsec. (a) and struck out heading and text of former subsec. (a) which consisted of pars. (1) to (4) relating to quarantine, inspection, and transportation fees.

1991—Subsec. (a)(1). Pub. L. 102–237, § 1015(1), designated existing provisions as subpar. (A), realigned margin, added heading, and added subpars. (B) to (D).

Subsec. (a)(3)(B)(ii). Pub. L. 102–237, § 1015(2), added cl. (ii) and struck out former cl. (ii) which read as follows: ''The Secretary of Treasury shall use the Account to provide reimbursements to any appropriations accounts that incur the costs associated with the services authorized in paragraph (1). Any such reimbursement shall be subject to appropriations under clause (v).''

Subsec. (a)(4). Pub. L. 102–237, § 1015(3), substituted ''Subject to the limits set forth in paragraph (1), the'' for ''The''.

1990—Subsec. (a)(1). Pub. L. 101–508, § 1203(1), substituted ''an international passenger, commercial vessel, commercial aircraft, commercial truck, or railroad car.'' for ''a commercial vessel, commercial aircraft, commercial truck, or railroad car,''.

Subsec. (a)(3)(B)(ii). Pub. L. 101–508, § 1203(2)(A), inserted at end ''Any such reimbursement shall be subject to appropriations under clause (v).''

Subsec. (a)(3)(B)(v). Pub. L. 101–508, § 1203(2)(B), added cl. (v).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–508 effective Nov. 29, 1990, see section 1301 of Pub. L. 101–508, set out as an Effective Date note under section 940d of Title 7, Agriculture.

REPORT ON AGRICULTURAL QUARANTINE INSPECTION FUND

Pub. L. 104–66, title I, § 1012(c), Dec. 21, 1995, 109 Stat. 712, provided that: ''The Secretary of Agriculture shall not be required to submit a report to the appropriate committees of Congress on the status of the Agricultural Quarantine Inspection fund more frequently than annually.''

## SUBCHAPTER IV—IMPORTATION OF MILK AND CREAM

FEDERAL FOOD, DRUG, AND COSMETIC ACT

By virtue of act June 25, 1938, ch. 675, § 902(c), 52 Stat. 1059 [section 392(b) of this title], nothing contained in section 301 et seq. of this title shall be construed as in any way affecting, modifying, repealing, or superseding the provisions of this subchapter.

### § 141. Prohibition of importation without permit

On and after May 16, 1927, the importation into the United States of milk and cream is prohibited unless the person by whom such milk or cream is shipped or transported into the United States holds a valid permit from the Secretary of Health and Human Services.

(Feb. 15, 1927, ch. 155, § 1, 44 Stat. 1101; 1940 Reorg. Plan No. IV, § 12, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Pub. L. 96–88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

''Secretary of Health and Human Services'' substituted in text for ''Secretary of Health, Education, and Welfare'' pursuant to section 509(b) of Pub. L. 96–88, which is classified to section 3508(b) of Title 20, Education.

SHORT TITLE

Act July 12, 1943, ch. 221, title II, 57 Stat. 499, provided in part that act Feb. 15, 1927, which is classified to this subchapter, may be cited as ''Import Milk Act''.

TRANSFER OF FUNCTIONS

For transfer of functions of Federal Security Administrator to Secretary of Health, Education, and Welfare [now Health and Human Services], and of Food and Drug Administration to Federal Security Agency, see notes set out under section 321 of this title.

### § 142. Milk or cream when unfit for importation

Milk or cream shall be considered unfit for importation (1) when all cows producing such milk or cream are not healthy and a physical examination of all such cows has not been made within one year previous to such milk being offered for importation; (2) when such milk or cream, if raw, is not produced from cows which have passed a tuberculin test applied by a duly authorized official veterinarian of the United States, or of the country in which such milk or cream is produced, within one year previous to the time of the importation, showing that such cows are free from tuberculosis; (3) when the sanitary conditions of the dairy farm or plant in which such milk or cream is produced or handled do not score at least fifty points out of one hundred points according to the methods for scoring as provided by the score cards used by the Bureau of Dairy Industry of the United States Department of Agriculture at the time such dairy farms or plants are scored; (4) in the case of raw milk if the number of bacteria per cubic centimeter exceeds three hundred thousand and in the case of raw cream seven hundred and fifty thousand, in the case of pasteurized milk if the number of bacteria per cubic centimeter exceeds one hundred thousand, and in the case of pasteurized cream five hundred thousand; (5) when the temperature of milk or cream at the time of importation exceeds fifty degrees Fahrenheit.

(Feb. 15, 1927, ch. 155, § 2, 44 Stat. 1101.)

TRANSFER OF FUNCTIONS

Agricultural Research Service became the successor to functions of Bureau of Dairy Industry under Secretary of Agriculture's Memorandum 1320, Supplement 4, Nov. 2, 1953.

**§ 143. Inspection; certified statement in lieu thereof; waiver of requirements of section 142; regulations; suspension and revocation of permits**

The Secretary of Health and Human Services shall cause such inspections to be made as are necessary to insure that milk and cream are so produced and handled as to comply with the provisions of section 142 of this title, and in all cases when he finds that such milk and/or cream is produced and handled so as not to be unfit for importation under clauses 1, 2, and 3 of section 142 of this title, he shall issue to persons making application therefor permits to ship milk and/or cream into the United States: *Provided*, That in lieu of the inspections to be made by or under the direction of the Secretary he may, in his discretion, accept a duly certified statement signed by a duly accredited official of an authorized department of any foreign government and/or of any State of the United States or any municipality thereof that the provisions in clauses 1, 2, and 3 of section 142 of this title have been complied with. Such certificate of the accredited official of an authorized department of any foreign government shall be in the form prescribed by the Secretary, who is authorized and directed to prescribe such form as well as rules and regulations regulating the issuance of permits to import milk or cream into the United States.

The Secretary is authorized, in his discretion, to waive the requirement of clause 4 of section 142 of this title when issuing permits to operators of condenseries in which milk and/or cream is used when sterilization of the milk and/or cream is a necessary process: *Provided, however*, That no milk and/or cream shall be imported whose bacterial count per cubic centimeter in any event exceeds one million two hundred thousand: *Provided, further*, That such requirements shall not be waived unless the farm producing such milk to be imported is within a radius of fifteen miles of the condensery in which it is to be processed: *Provided further*, That if milk and/or cream imported when the requirements of clause 4 of section 142 of this title, have been so waived, is sold, used, or disposed of in its raw state or otherwise than as condensed milk by any person, the permit shall be revoked and the importer shall be subject to fine, imprisonment, or other penalty prescribed by this subchapter.

The Secretary is directed to waive the requirements of clauses 2 and 5 of section 142 of this title insofar as the same relate to milk when issuing permits to operators of, or to producers for delivery to, creameries and condensing plants in the United States within twenty miles of the point of production of the milk, and who import no raw milk except for pasteurization or condensing: *Provided*, That if milk imported when the requirements of clauses 2 and 5 of section 142 of this title have been so waived is sold, used, or disposed of in its raw state, or otherwise than as pasteurized, condensed, or evaporated milk by any person, the permit shall be revoked and the importer shall be subjected to fine, imprisonment, or other penalty prescribed by this subchapter.

The Secretary is authorized and directed to make and enforce such regulations as may in his judgment be necessary to carry out the purpose of this subchapter for the handling of milk and cream, for the inspection of milk, cream, cows, barns, and other facilities used in the production and handling of milk and/or cream and the handling, keeping, transporting, and importing of milk and/or cream: *Provided, however*, That unless and until the Secretary shall provide for inspections to ascertain that clauses 1, 2, and 3 of section 142 of this title have been complied with, the Secretary shall issue temporary permits to any applicants therefor to ship or transport milk and/or cream into the United States.

The Secretary is authorized to suspend or revoke any permit for the shipment of milk or cream into the United States when he shall find that the holder thereof has failed to comply with the provisions of or has violated this subchapter or any of the regulations made hereunder, or that the milk and/or cream brought or shipped by the holder of such permit into the United States is not produced and handled in conformity with, or that the quality thereof does not conform to, all of the provisions of section 142 of this title.

(Feb. 15, 1927, ch. 155, § 3, 44 Stat. 1102; 1940 Reorg. Plan No. IV, § 12, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Pub. L. 96–88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

"Secretary of Health and Human Services" substituted in text for "Secretary of Health, Education, and Welfare" pursuant to section 509(b) of Pub. L. 96–88, which is classified to section 3508(b) of Title 20, Education.

TRANSFER OF FUNCTIONS

For transfer of functions of Federal Security Administrator to Secretary of Health, Education, and Welfare [now Health and Human Services], and of Food and Drug Administration to Federal Security Agency, see notes set out under section 321 of this title.

**§ 144. Unlawful receiving of imported milk or cream**

It shall be unlawful for any person in the United States to receive milk or cream imported into the United States unless the importation is in accordance with the provisions of this subchapter.

(Feb. 15, 1927, ch. 155, § 4, 44 Stat. 1103.)

**§ 145. Penalties**

Any person who knowingly violates any provision of this subchapter shall, in addition to all other penalties prescribed by law, be punished by a fine of not less than $50 nor more than $2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

(Feb. 15, 1927, ch. 155, § 5, 44 Stat. 1103.)

**§ 146. Authorization of appropriations**

There is authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $50,000 per annum, to enable the Secretary of Health and Human Services to carry out the provisions of this subchapter.

(Feb. 15, 1927, ch. 155, §6, 44 Stat. 1103; 1940 Reorg. Plan No. IV, §12, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; 1953 Reorg. Plan No. 1, §5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Pub. L. 96–88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

"Secretary of Health and Human Services" substituted in text for "Secretary of Health, Education, and Welfare" pursuant to section 509(b) of Pub. L. 96–88, which is classified to section 3508(b) of Title 20, Education.

TRANSFER OF FUNCTIONS

For transfer of functions of Federal Security Administrator to Secretary of Health, Education, and Welfare [now Health and Human Services], and of Food and Drug Administration to Federal Security Agency, see Transfer of Functions notes set out under section 321 of this title.

### §147. Repeal of inconsistent laws

Any laws or parts of laws inconsistent with this subchapter are repealed.

(Feb. 15, 1927, ch. 155, §7, 44 Stat. 1103.)

### §148. Powers of State with respect to milk or cream lawfully imported

Nothing in this subchapter is intended nor shall be construed to affect the powers of any State, or any political subdivision thereof, to regulate the shipment of milk or cream into, or the handling, sale, or other disposition of milk or cream in, such State or political subdivision after the milk and/or cream shall have been lawfully imported under the provisions of this subchapter.

(Feb. 15, 1927, ch. 155, §8, 44 Stat. 1103.)

### §149. Definitions

When used in this subchapter—

(a) The term "person" means an individual, partnership, association, or corporation.

(b) The term "United States" means the fifty States and the District of Columbia.

(Feb. 15, 1927, ch. 155, §9, 44 Stat. 1103; Pub. L. 86–70, §19, June 25, 1959, 73 Stat. 145; Pub. L. 86–624, §15, July 12, 1960, 74 Stat. 415.)

AMENDMENTS

1960—Subsec. (b). Pub. L. 86–624 substituted "means the fifty States and the District of Columbia" for "means continental United States, including Alaska".

1959—Subsec. (b). Pub. L. 86–70 inserted ", including Alaska" after "continental United States".

## CHAPTER 5—VIRUSES, SERUMS, TOXINS, ANTITOXINS, AND ANALOGOUS PRODUCTS

Sec.
151. Preparation and sale of worthless or harmful products for domestic animals prohibited; preparation to be in compliance with rules at licensed establishments.
152. Importation regulated and prohibited.
153. Inspection of imports; denial of entry and destruction.
154. Regulations for preparation and sale; licenses.
154a. Special licenses for special circumstances; expedited procedure; conditions; exemptions; criteria.
155. Permits for importation.
156. Licenses conditioned on permitting inspection; suspension of licenses.
157. Inspection.
158. Offenses; punishment.
159. Enforcement; penalties applicable; Congressional findings.

FEDERAL FOOD, DRUG, AND COSMETIC ACT

By virtue of act June 25, 1938, ch. 675, §902(c), 52 Stat. 1059 [section 392(b) of this title], nothing contained in section 301 et seq. of this title shall be construed as in any way affecting, modifying, repealing, or superseding the provisions of this chapter.

### §151. Preparation and sale of worthless or harmful products for domestic animals prohibited; preparation to be in compliance with rules at licensed establishments

It shall be unlawful for any person, firm, or corporation to prepare, sell, barter, or exchange in the District of Columbia, or in the Territories, or in any place under the jurisdiction of the United States, or to ship or deliver for shipment in or from the United States, the District of Columbia, any territory of the United States, or any place under the jurisdiction of the United States, any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product intended for use in the treatment of domestic animals, and no person, firm, or corporation shall prepare, sell, barter, exchange, or ship as aforesaid any virus, serum, toxin, or analogous product manufactured within the United States and intended for use in the treatment of domestic animals, unless and until the said virus, serum, toxin, or analogous product shall have been prepared, under and in compliance with regulations prescribed by the Secretary of Agriculture, at an establishment holding an unsuspended and unrevoked license issued by the Secretary of Agriculture as hereinafter authorized.

(Mar. 4, 1913, ch. 145, §1 (part), 37 Stat. 832; Pub. L. 99–198, title XVII, §1768(a), Dec. 23, 1985, 99 Stat. 1654.)

CODIFICATION

The sections of this chapter are comprised of the sentences of the eighth paragraph under the heading "Bureau of Animal Industry," in the Department of Agriculture Appropriation Act, 1914, as amended.

Another section 1768 of Pub. L. 99–198, cited as a credit to this section, amended section 136y of Title 7, Agriculture.

AMENDMENTS

1985—Pub. L. 99–198 substituted "in or from the United States, the District of Columbia, any territory of the United States, or any place under the jurisdiction of the United States" for "from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia".

EFFECTIVE DATE OF 1985 AMENDMENT

Section 1768(f) of Pub. L. 99–198 provided that:

"(1) Except as provided in paragraph (2), the amendments made by this section [enacting sections 154a and 159 of this title and amending this section and sections 154 and 157 of this title] shall become effective on the date of enactment of this Act [Dec. 23, 1985].

"(2)(A) Subject to subparagraphs (B) through (D), in the case of a person, firm, or corporation preparing,