

107TH CONGRESS
1ST SESSION

H. R. 2002

To consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2001

Mr. POMBO (for himself and Mr. PETERSON of Minnesota) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health.

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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Animal Health Protection Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Restriction on importation or entry.

- Sec. 5. Exportation.
- Sec. 6. Interstate movement.
- Sec. 7. Seizure, quarantine, and disposal.
- Sec. 8. Inspections, seizures, and warrants.
- Sec. 9. Detection, control, and eradication of disease and pests.
- Sec. 10. Veterinary accreditation program.
- Sec. 11. Cooperation.
- Sec. 12. Reimbursable agreements.
- Sec. 13. Buildings, land, people, claims, and agreements.
- Sec. 14. Penalties for violations.
- Sec. 15. Enforcement.
- Sec. 16. Appropriations and transfer authority.
- Sec. 17. Regulations and orders.
- Sec. 18. Severability.
- Sec. 19. Repeals.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) The prevention, detection, control, and
4 eradication of diseases and pests of animals are es-
5 sential to protect animal health and the health and
6 welfare of the people of the United States, the eco-
7 nomic interests of the United States livestock and
8 related industries, the environment of the United
9 States, and interstate and foreign commerce of the
10 United States in animals and other articles.

11 (2) Animal diseases and pests are primarily
12 transmitted by animals and articles regulated under
13 this Act.

14 (3) The health of animals is affected by the
15 methods by which animals and articles are trans-
16 ported in interstate commerce and foreign com-
17 merce.

1 (4) The Secretary must continue to conduct re-
2 search on animal diseases and pests which con-
3 stitutes a threat to the livestock of the United
4 States.

5 (5) All animals and articles regulated under
6 this Act are in or affect interstate commerce or for-
7 eign commerce, and regulation by the Secretary and
8 cooperation by the Secretary with other nations,
9 States or other jurisdictions, or persons are nec-
10 essary to prevent and eliminate burdens on inter-
11 state commerce and foreign commerce, to regulate
12 effectively interstate commerce and foreign com-
13 merce, and to protect the agriculture, the environ-
14 ment, the economy, and the health and welfare of
15 the people of the United States.

16 **SEC. 3. DEFINITIONS.**

17 As used in this Act:

18 (1) ANIMAL.—The term “animal” means any
19 member of the animal kingdom (except humans).

20 (2) ARTICLE.—The term “article” means any
21 pest or disease or any material or tangible object
22 that could harbor pests or diseases.

23 (3) DISEASE.—The term “disease” means any
24 infectious or non-infectious disease or condition af-

1 fecting the health of livestock or any condition detri-
2 mental to production of livestock.

3 (4) ENTER AND ENTRY.—The terms “enter”
4 and “entry” mean to move into, or the act of move-
5 ment into, the commerce of the United States.

6 (5) EXPORT AND EXPORTATION.—The terms
7 “export” and “exportation” mean to move from, or
8 the act of movement from, the United States to any
9 place outside of the United States.

10 (6) FACILITY.—The term “facility” means any
11 structure.

12 (7) IMPORT AND IMPORTATION.—The term
13 “import” and “importation” mean to move into, or
14 the act of movement into, the territorial limits of the
15 United States.

16 (8) INTERSTATE.—The term “interstate”
17 means—

18 (A) from one State into or through any
19 other State; or

20 (B) within the District of Columbia,
21 Guam, the Virgin Islands of the United States,
22 or any other territory or possession of the
23 United States.

1 (9) INTERSTATE COMMERCE.—The term “inter-
2 state commerce” means trade, traffic, or other
3 commerce—

4 (A) between a place in a State and a point
5 in another State, or between points within the
6 same State but through any place outside that
7 State; or

8 (B) within the District of Columbia,
9 Guam, the Virgin Islands of the United States,
10 or any other territory or possession of the
11 United States.

12 (10) LIVESTOCK.—The term “livestock” means
13 all farm-raised animals.

14 (11) MEANS OF CONVEYANCE.—The term
15 “means of conveyance” means any personal property
16 used for or intended for use for the movement of
17 any other personal property.

18 (12) MOVE AND RELATED TERMS.—The terms
19 “move”, “moving”, and “movement” mean—

20 (A) to carry, enter, import, mail, ship, or
21 transport;

22 (B) to aid, abet, cause, or induce the car-
23 rying, entering, importing, mailing, shipping, or
24 transporting;

1 (C) to offer to carry, enter, import, mail,
2 ship, or transport;

3 (D) to receive in order to carry, enter, im-
4 port, mail, ship, or transport;

5 (E) to release into the environment; or

6 (F) to allow any of the activities included
7 within this paragraph.

8 (13) PERSON.—The term “person” means any
9 individual, partnership, corporation, association,
10 joint venture, or other legal entity.

11 (14) PEST.—The term “pest” means any of the
12 following that can directly or indirectly injure, cause
13 damage to, or cause disease in livestock:

14 (A) A protozoan.

15 (B) A plant.

16 (C) A bacteria.

17 (D) A fungus.

18 (E) A virus or viroid.

19 (F) An infectious agent or other pathogen.

20 (G) An arthropod.

21 (H) A parasite.

22 (I) A prion.

23 (J) A vector.

1 (K) Any organism similar to or allied with
2 any of the organisms specified in the preceding
3 subparagraphs.

4 (15) SECRETARY.—The term “Secretary”
5 means the Secretary of Agriculture.

6 (16) STATE.—The term “State” means any of
7 the several States of the United States, the Com-
8 monwealth of the Northern Mariana Islands, the
9 Commonwealth of Puerto Rico, the District of Co-
10 lumbia, Guam, the Virgin Islands of the United
11 States, or any other territory or possession of the
12 United States.

13 (17) THIS ACT.—Except when used in this sec-
14 tion, the term “this Act” includes any regulation or
15 order issued by the Secretary under the authority of
16 this Act.

17 (18) UNITED STATES.—The term “United
18 States” means all of the States.

19 **SEC. 4. RESTRICTION ON IMPORTATION OR ENTRY.**

20 (a) IN GENERAL.—The Secretary may prohibit or re-
21 strict the—

22 (1) importation or entry of any animal, article,
23 or means of conveyance or use of any means of con-
24 veyance or facility if the Secretary determines that
25 the prohibition or restriction is necessary to prevent

1 the introduction into or dissemination within the
2 United States of any pest or disease of livestock;

3 (2) further movement of any animal that has
4 strayed into the United States if the Secretary de-
5 termines that the prohibition or restriction is nec-
6 essary to prevent the introduction or dissemination
7 of any disease or pest of livestock within the United
8 States; and

9 (3) use of any means of conveyance in connec-
10 tion with the importation or entry of livestock if the
11 Secretary determines that the prohibition or restric-
12 tion is necessary because the means of conveyance
13 has not been maintained in a clean and sanitary
14 condition or does not have accommodations for the
15 safe and proper movement of livestock.

16 (b) REGULATIONS.—The Secretary may issue regula-
17 tions requiring that any animal imported or entered be
18 raised or handled under post-import quarantine conditions
19 by or under the supervision of the Secretary for the pur-
20 poses of determining whether the animal is or may be af-
21 fected by any disease or pest of livestock. —

22 (c) DESTRUCTION OR REMOVAL.—

23 (1) IN GENERAL.—The Secretary may order the
24 destruction or the removal from the United States
25 of—

1 (A) any animal, article, or means of con-
2 veyance that has been imported but has not en-
3 tered the United States if the Secretary deter-
4 mines that destruction or removal from the
5 United States is necessary to prevent the intro-
6 duction or dissemination of any disease or pest
7 of livestock into or within the United States;

8 (B) any animal, article, means of convey-
9 ance, or progeny of any animal that has been
10 imported or entered in violation of this Act; and

11 (C) any animal that has strayed into the
12 United States if the Secretary determines that
13 destruction or removal from the United States
14 is necessary to prevent the introduction or dis-
15 semination of any disease or pest of livestock
16 into or within the United States.

17 (2) REQUIREMENTS OF OWNERS.—

18 (A) ORDERS TO DISINFECT.—The Sec-
19 retary may require the disinfection of a means
20 of conveyance used in connection with the im-
21 portation of animals, and all attendants and
22 their clothing, and of all headropes and other
23 articles used in such importation.

24 (B) FAILURE TO COMPLY WITH ORDERS.—

25 If an owner or agent of the owner fails to com-

1 ply with an order of the Secretary under this
2 section, the Secretary may take remedial action,
3 destroy, or remove from the United States the
4 animal, article, or means of conveyance as au-
5 thorized under paragraph (1) and recover from
6 the owner or agent of the owner the costs of
7 any care, handling, remedial action, or disposal
8 incurred by the Secretary in connection with
9 the remedial action, destruction or removal.

10 **SEC. 5. EXPORTATION.**

11 (a) IN GENERAL.—The Secretary may prohibit or re-
12 strict the—

13 (1) exportation of any animal, article, or means
14 of conveyance if the Secretary determines that the
15 prohibition or restriction is necessary to prevent the
16 dissemination from or within the United States of
17 any disease or pest of livestock;

18 (2) exportation of any livestock if the Secretary
19 determines that the livestock is unfit to be moved;

20 (3) use of any means of conveyance or facility
21 in connection with the exportation of any animal or
22 article if the Secretary determines that the prohibi-
23 tion or restriction is necessary to prevent the dis-
24 semination from or within the United States of any
25 disease or pest of livestock; and

1 (4) use of any means of conveyance in connec-
2 tion with the exportation of livestock if the Secretary
3 determines that the prohibition or restriction is nec-
4 essary because the means of conveyance has not
5 been maintained in a clean and sanitary condition or
6 does not have accommodations for the safe and
7 proper movement and humane treatment of live-
8 stock.

9 (b) REQUIREMENTS OF OWNERS.—

10 (1) ORDERS TO DISINFECT.—The Secretary
11 may require the disinfection of a means of convey-
12 ance used in connection with the exportation of ani-
13 mals, and all attendants and their clothing, and of
14 all headropes and other articles used in such expor-
15 tation.

16 (2) FAILURE TO COMPLY WITH ORDERS.—If an
17 owner or agent of the owner fails to comply with an
18 order of the Secretary under this section, the Sec-
19 retary may take remedial actions or dispose of the
20 animal, article, or means of conveyance as author-
21 ized under paragraph (1) and recover from the
22 owner or agent of the owner the costs of any care,
23 handling, remedial action, or disposal incurred by
24 the Secretary in connection with the remedial action
25 or destruction.

1 (c) CERTIFICATION.—The Secretary may certify as
2 to the class, quality, quantity, condition, processing, han-
3 dling, or storage of any animal or article intended for ex-
4 port.

5 **SEC. 6. INTERSTATE MOVEMENT.**

6 The Secretary may prohibit or restrict the—

7 (1) movement in interstate commerce of any
8 animal, article, or means of conveyance if the Sec-
9 retary determines that the prohibition or restriction
10 is necessary to prevent the introduction or dissemi-
11 nation of any disease or pest of livestock; and

12 (2) use of any means of conveyance or facility
13 in connection with the movement in interstate com-
14 merce of any animal or article if the Secretary deter-
15 mines that the prohibition or restriction is necessary
16 to prevent the introduction or dissemination of any
17 disease or pest of livestock.

18 **SEC. 7. SEIZURE, QUARANTINE, AND DISPOSAL.**

19 (a) IN GENERAL.—The Secretary may hold, seize,
20 quarantine, treat, apply other remedial actions to, destroy
21 or otherwise dispose of—

22 (1) any animal or progeny of any animal, arti-
23 cle, or means of conveyance that is moving or has
24 been moved in interstate commerce or has been im-
25 ported and entered and that the Secretary has rea-

1 son to believe may carry, may have carried, may
2 have been affected with or exposed to any pest or
3 disease of livestock at the time of movement or
4 which is otherwise in violation of this Act;

5 (2) any animal or progeny of any animal, arti-
6 cle, or means of conveyance that is moving or is
7 being handled or has moved or has been handled in
8 interstate commerce in violation of this Act;

9 (3) any animal or progeny of any animal, arti-
10 cle, or means of conveyance that has been imported
11 and is moving or is being handled or has moved or
12 has been handled in violation of this Act; and

13 (4) any animal or progeny of any animal, arti-
14 cle, or means of conveyance that the Secretary finds
15 is not being maintained or has not been maintained
16 in accordance with any post-import quarantine, post-
17 import condition, post-movement quarantine, or
18 post-movement condition in accordance with this
19 Act.

20 (b) EXTRAORDINARY EMERGENCY.—

21 (1) IN GENERAL.—If the Secretary determines
22 that an extraordinary emergency exists because of
23 the presence in the United States of a disease or
24 pest of livestock and that the presence of the disease

1 or pest threatens the livestock of the United States,
2 the Secretary may—

3 (A) hold, seize, treat, apply other remedial
4 actions to, destroy (including preventive slaugh-
5 ter), or otherwise dispose of any animal, article,
6 facility, or means of conveyance if the Secretary
7 determines such action is necessary to prevent
8 the dissemination of the disease or pest; and

9 (B) prohibit or restrict the movement or
10 use within a State, portion of a State, or prem-
11 ises of any animal or article, means of convey-
12 ance, or facility if the Secretary determines that
13 the prohibition or restriction is necessary to
14 prevent the dissemination of the disease or pest.

15 (2) LIMITATION.—The Secretary may take ac-
16 tion under this subsection only upon finding, after
17 review and consultation with the Governor or other
18 appropriate official of the State, that measures being
19 taken by the State are inadequate to control and
20 eradicate the disease or pest. Before any action is
21 taken in any State under this subsection, the Sec-
22 retary shall notify the Governor and animal health
23 official, issue a public announcement, and, except as
24 provided in the following sentence, file for publica-
25 tion in the Federal Register a statement of the Sec-

1 retary’s findings, the action the Secretary intends to
2 take, and the reasons for the intended action. If it
3 is not possible to file for publication in the Federal
4 Register prior to taking action, the filing shall be
5 made within a reasonable time, not to exceed 10
6 business days, after commencement of the action.

7 (c) DISPOSAL, REQUIREMENT TO TAKE REMEDIAL
8 ACTIONS, AND QUARANTINE REQUIREMENTS.—The Sec-
9 retary, in writing, may order the owner of any animal, ar-
10 ticle, facility, or means of conveyance referred to in sub-
11 section (a) or (b), or the agent of the owner, to maintain
12 in quarantine, take remedial actions, or dispose of the ani-
13 mal, article, facility, or means of conveyance in any man-
14 ner as the Secretary may direct. If the owner or agent
15 of the owner fails to comply with the Secretary’s order,
16 the Secretary may seize, quarantine, take other remedial
17 actions, or dispose of the animal, article, facility, or means
18 of conveyance as authorized by subsection (a) or (b) and
19 recover from the owner, or agent of the owner, the costs
20 of any care, handling, remedial actions, and disposal in-
21 curred by the Secretary in connection with the seizure,
22 quarantine, remedial action, or disposal.

23 (d) COMPENSATION.—

24 (1) IN GENERAL.—The Secretary shall com-
25 pensate the owner of any animal, article, facility, or

1 means of conveyance which the Secretary requires to
2 be destroyed pursuant to this section.

3 (2) LEVEL.—

4 (A) IN GENERAL.—The compensation shall
5 be based upon the fair market value as deter-
6 mined by the Secretary of the animal, article,
7 facility, or means of conveyance.

8 (B) LIMITATION.—Compensation paid any
9 owner under this subsection shall not exceed the
10 difference between any compensation received
11 by the owner from a State or other source and
12 the fair market value of the animal, article, fa-
13 cility, or means of conveyance.

14 (C) REVIEWABILITY OF DETERMINA-
15 TION.—The determination by the Secretary of
16 the amount to be paid under this subsection
17 shall be final and shall not be subject to judicial
18 review.

19 (3) EXCEPTIONS.—No payment shall be made
20 by the Secretary under this subsection for—

21 (A) any animal, article, facility, or means
22 of conveyance that has been moved or handled
23 by the owner or the owner's agent, in violation
24 of an agreement for the control and eradication
25 of diseases or pests or in violation of this Act.

1 (B) any progeny of any animal or article,
2 which animal or article has been moved or han-
3 dled by the owner of the animal or article, or
4 the owner's agent, in violation of this Act;

5 (C) any animal, article, or means of con-
6 veyance that is refused entry under this Act; or

7 (D) any animal, article, facility, or means
8 of conveyance that becomes or has become af-
9 fected with or exposed to any disease or pest of
10 livestock because of a violation of an agreement
11 for the control and eradication of diseases or
12 pests or a violation of this Act by the owner or
13 the owner's agent.

14 **SEC. 8. INSPECTIONS, SEIZURES, AND WARRANTS.**

15 (a) **ROLE OF ATTORNEY GENERAL.**—The activities
16 authorized by this section shall be carried out consistent
17 with guidelines approved by the Attorney General.

18 (b) **WARRANTLESS INSPECTIONS.**—The Secretary
19 may stop and inspect, without a warrant, any person or
20 means of conveyance moving—

21 (1) into the United States to determine whether
22 the person or means of conveyance is carrying any
23 animal or article regulated under this Act or is mov-
24 ing subject to this Act;

1 (2) in interstate commerce upon probable cause
2 to believe that the person or means of conveyance is
3 carrying any animal or article, regulated under this
4 Act or is moving subject to this Act; and

5 (3) in intrastate commerce from any State, por-
6 tion of a State, or premises quarantined under sec-
7 tion 7(b) upon probable cause to believe that the
8 person or means of conveyance is carrying any ani-
9 mal or article regulated under section 7(b).

10 (c) INSPECTIONS WITH A WARRANT.—

11 (1) GENERAL AUTHORITY.—The Secretary may
12 enter, with a warrant, any premises in the United
13 States for the purpose of making inspections and
14 seizures under this Act.

15 (2) APPLICATION AND ISSUANCE OF A WAR-
16 RANT.—Upon proper oath or affirmation showing
17 probable cause to believe that there is on certain
18 premises any animal, article, facility, or means of
19 conveyance regulated under this Act, a United
20 States judge, a judge of a court of record in the
21 United States, or a United States magistrate judge
22 may, within the judge's or magistrate's jurisdiction,
23 issue a warrant for the entry upon the premises to
24 make any inspection or seizures under this Act. The

1 warrant may be applied for and executed by the Sec-
2 retary or any United States marshal.

3 **SEC. 9. DETECTION, CONTROL, AND ERADICATION OF DIS-**
4 **EASES AND PESTS.**

5 (a) IN GENERAL.—The Secretary may carry out op-
6 erations and measures to detect, control, and eradicate
7 any disease or pest of livestock (including the drawing of
8 blood and diagnostic testing of animals, including animals
9 at slaughterhouses, stockyards, and other points of con-
10 centration).

11 (b) COMPENSATION.—The Secretary may pay claims
12 growing out of the destruction of any animal, article,
13 means of conveyance consistent with the purposes of this
14 Act.

15 **SEC. 10. VETERINARY ACCREDITATION PROGRAM.**

16 The Secretary may establish a veterinary accredita-
17 tion program consistent with the purposes of this Act, in-
18 cluding the establishment of standards of conduct for ac-
19 credited veterinarians.

20 **SEC. 11. COOPERATION.**

21 (a) IN GENERAL.—The Secretary may cooperate with
22 other Federal agencies, States, or political subdivisions of
23 States, national governments, local governments of other
24 nations, domestic or international organizations, domestic

1 or international associations, and other persons to carry
2 out the purposes of this Act.

3 (b) RESPONSIBILITY.—The person or other entity co-
4 operating with the Secretary shall be responsible for the
5 authority necessary to carry out the operations or meas-
6 ures on all lands and properties within the foreign country
7 or State, other than those owned or controlled by the
8 United States, and for other facilities and means as the
9 Secretary determines necessary.

10 (c) USE OF FUNDS.—In addition to the purposes
11 specified in this section, funds appropriated pursuant to
12 this section may be used for printing and binding without
13 regard to section 501 of title 44, United States Code, for
14 the employment of civilian nationals of countries involved,
15 and for the construction and operation of research labora-
16 tories, quarantine stations, and other buildings and facili-
17 ties for special purposes.

18 (d) SCREWORMS.—

19 (1) IN GENERAL.—The Secretary may inde-
20 pendently or in cooperation with national govern-
21 ments of other nations, international organizations,
22 or international associations produce and sell sterile
23 screwworms to any national government of other na-
24 tions, international organization, or international as-
25 sociation, if the Secretary determines that the live-

1 stock industry and related industries of the United
2 States will not be adversely affected by the produc-
3 tion and sale.

4 (2) PROCEEDS.—If the Secretary independently
5 produces and sells sterile screwworms in accordance
6 with paragraph (1), the proceeds of the sale shall be
7 deposited into the Treasury of the United States and
8 be credited to the appropriation from which the op-
9 erating expenses of the facility producing the sterile
10 screwworm have been paid. If the Secretary cooper-
11 ates to produce and sell sterile screwworms in ac-
12 cordance with paragraph (1), the proceeds of the
13 sale shall be divided between the United States and
14 the national government, international organization,
15 or international association with which the Secretary
16 cooperates, as determined by the Secretary. The
17 United States portion of the proceeds shall be depos-
18 ited into the Treasury of the United States and be
19 credited to the appropriation from which the oper-
20 ating expenses of the facility producing the sterile
21 screwworm have been paid.

22 (e) COOPERATION IN PROGRAM ADMINISTRATION.—
23 The Secretary may cooperate with State authorities or
24 other persons in the administration of regulations for the
25 improvement of livestock and their products.

1 (f) CONSULTATION WITH OTHER FEDERAL AGEN-
2 CIES.—The Secretary shall consult with the appropriate
3 Secretary or head of another Federal agency with respect
4 to any activity that is subject to regulation by that Federal
5 agency. The Department of Agriculture shall be the lead
6 agency with respect to issues related to diseases and pests
7 of livestock.

8 **SEC. 12. REIMBURSABLE AGREEMENTS.**

9 (a) AUTHORITY TO ENTER INTO AGREEMENTS.—
10 The Secretary may enter into reimbursable fee agreements
11 with persons for preclearance of animals or articles at lo-
12 cations outside the United States for movement into the
13 United States.

14 (b) FUNDS COLLECTED FOR PRECLEARANCE.—
15 Funds collected for preclearance shall be credited to ac-
16 counts which may be established by the Secretary for this
17 purpose and shall remain available until expended for the
18 preclearance activities without fiscal year limitation.

19 (c) PAYMENT OF EMPLOYEES.—

20 (1) IN GENERAL.—Notwithstanding any other
21 law, the Secretary may pay employees of the United
22 States Department of Agriculture performing serv-
23 ices relating to imports into and exports from the
24 United States, for all overtime, night, or holiday

1 work performed by them at rates of pay established
2 by the Secretary.

3 (2) REIMBURSEMENT.—

4 (A) IN GENERAL.—The Secretary may re-
5 quire persons for whom the services are per-
6 formed to reimburse the Secretary for any sums
7 of money paid by the Secretary for the services
8 pursuant to this subsection.

9 (B) USE OF FUNDS.—All funds collected
10 under this subsection shall be credited to the
11 account that incurs the costs and shall remain
12 available until expended without fiscal year lim-
13 itation.

14 (d) LATE PAYMENT PENALTIES.—

15 (1) COLLECTION.—Upon failure to reimburse
16 the Secretary in accordance with this section, the
17 Secretary may assess a late payment penalty, and
18 the overdue funds shall accrue interest, as required
19 by section 3717 of title 31, United States Code.

20 (2) USE OF FUNDS.—Any late payment penalty
21 and any accrued interest shall be credited to the ac-
22 count that incurs the costs and shall remain avail-
23 able until expended without fiscal year limitation.

1 **SEC. 13. BUILDINGS, LAND, PEOPLE, AGREEMENTS, AND**
2 **CLAIMS.**

3 (a) IN GENERAL.—The Secretary may acquire and
4 maintain all real or personal property for special purposes
5 and employ any persons, make grants, and enter into any
6 contracts, cooperative agreements, memoranda of under-
7 standing, or other agreements necessary for carrying out
8 this Act.

9 (b) TORT CLAIMS.—

10 (1) IN GENERAL.—Except as provided in para-
11 graph (2), the Secretary may pay tort claims, in the
12 manner authorized in the first paragraph of section
13 2672 of title 28, United States Code, when the
14 claims arise outside the United States in connection
15 with activities authorized under this Act.

16 (2) REQUIREMENTS OF A CLAIM.—A claim may
17 not be allowed under this subsection unless it is pre-
18 sented in writing to the Secretary within two years
19 after the claim accrues.

20 **SEC. 14. PENALTIES FOR VIOLATION.**

21 (a) CRIMINAL PENALTIES.—Any person who know-
22 ingly violates this Act, or who knowingly forges, counter-
23 feits, or, without authority from the Secretary, uses, al-
24 ters, defaces, or destroys any certificate, permit, or other
25 document provided for in this Act shall be guilty of a mis-
26 demeanor, and, upon conviction, shall be fined in accord-

1 ance with the provisions of title 18, United States Code,
2 imprisoned for a period not exceeding one year, or fined
3 and imprisoned.

4 (b) CIVIL PENALTY.—

5 (1) IN GENERAL.—Any person who violates this
6 Act, or who forges, counterfeits, or, without author-
7 ity from the Secretary, uses, alters, defaces, or de-
8 stroy any certificate, permit, or other document
9 provided for in this Act may, after notice and oppor-
10 tunity for a hearing on the record, be assessed a
11 civil penalty by the Secretary—

12 (A) \$50,000 in the case of any individual
13 (except that the civil penalty may not exceed
14 \$1,000 in the case of an initial violation of this
15 Act by an individual moving regulated articles
16 not for monetary gain), \$250,000 in the case of
17 any other person for each violation, and
18 \$500,000 for all violations adjudicated in a sin-
19 gle proceeding; or

20 (B) twice the gross gain or gross loss for
21 any violation or forgery, counterfeiting, or un-
22 authorized use, defacing or destruction of a cer-
23 tificate, permit, or other document provided for
24 in this Act that results in the person deriving

1 pecuniary gain or causing pecuniary loss to an-
2 other.

3 (2) FACTORS IN DETERMINING CIVIL PEN-
4 ALTY.—In determining the amount of a civil penalty,
5 the Secretary shall take into account the nature, cir-
6 cumstance, extent, and gravity of the violation or
7 violations and the Secretary may consider, with re-
8 spect to the violator, ability to pay, effect on ability
9 to continue to do business, any history of prior viola-
10 tions, the degree of culpability, and any other factors
11 the Secretary deems appropriate.

12 (3) SETTLEMENT OF CIVIL PENALTIES.—The
13 Secretary may compromise, modify, or remit, with or
14 without conditions, any civil penalty that may be as-
15 sessed under this subsection.

16 (4) FINALITY OF ORDERS.—The order of the
17 Secretary assessing a civil penalty shall be treated as
18 a final order reviewable under chapter 158 of title
19 28, United States Code. The validity of the Sec-
20 retary's order may not be reviewed in an action to
21 collect the civil penalty. Any civil penalty not paid in
22 full when due under an order assessing the civil pen-
23 alty shall thereafter accrue interest until paid at the
24 rate of interest applicable to civil judgments of the
25 courts of the United States.

1 (c) SUSPENSION OR REVOCATION OF ACCREDITA-
2 TION.—

3 (1) IN GENERAL.—The Secretary may, after
4 notice and opportunity for a hearing on the record,
5 suspend or revoke the accreditation of any veteri-
6 narian accredited under this Act who violates this
7 Act. The order of the Secretary suspending or revok-
8 ing accreditation shall be treated as a final order re-
9 viewable under chapter 158 of title 28, United
10 States Code.

11 (2) SUMMARY SUSPENSION.—

12 (A) IN GENERAL.—Notwithstanding para-
13 graph (1), the Secretary may summarily sus-
14 pend the accreditation of a veterinarian, whom
15 the Secretary has reason to believe has violated
16 a provision of this Act.

17 (B) HEARING.—The Secretary shall pro-
18 vide the accredited veterinarian with a subse-
19 quent notice and an opportunity for a prompt
20 post-suspension hearing on the record.

21 (d) LIABILITY FOR ACTS OF AN AGENT.—When con-
22 struing and enforcing this Act, the act, omission, or failure
23 of any officer, agent, or person acting for or employed by
24 any other person within the scope of his or her employ-

1 ment or office, shall be deemed also to be the act, omis-
2 sion, or failure of the other person.

3 (e) GUIDELINES FOR CIVIL PENALTIES.—The Sec-
4 retary shall coordinate with the Attorney General to estab-
5 lish guidelines to determine under what circumstances the
6 Secretary may issue a civil penalty or suitable notice of
7 warning in lieu of prosecution by the Attorney General of
8 a violation of this Act.

9 **SEC. 15. ENFORCEMENT.**

10 (a) COLLECTION OF INFORMATION.—

11 (1) IN GENERAL.—The Secretary may gather
12 and compile information and conduct any inspec-
13 tions or investigations the Secretary considers nec-
14 essary for the administration or enforcement of this
15 Act.

16 (2) SUBPOENAS.—

17 (A) IN GENERAL.—The Secretary shall
18 have power to subpoena the attendance and tes-
19 timony of any witness, and the production of all
20 documentary evidence relating to the adminis-
21 tration or enforcement of this Act or any mat-
22 ter under investigation in connection with this
23 Act.

24 (B) LOCATION OF PRODUCTION.—The at-
25 tendance of any witness and production of doc-

1 umentary evidence relevant to the inquiry may
2 be required from any place in the United
3 States.

4 (C) ENFORCEMENT OF SUBPOENA.—In
5 case of disobedience to a subpoena by any per-
6 son, the Secretary may request the Attorney
7 General to invoke the aid of any court of the
8 United States within the jurisdiction in which
9 the investigation is conducted, or where the per-
10 son resides, is found, transacts business, is li-
11 censed to do business, or is incorporated in re-
12 quiring the attendance and testimony of any
13 witness and the production of documentary evi-
14 dence. In case of a refusal to obey a subpoena
15 issued to any person, a court may order the
16 person to appear before the Secretary and give
17 evidence concerning the matter in question or
18 to produce documentary evidence. Any failure
19 to obey the court's order may be punished by
20 the court as contempt of the court.

21 (D) COMPENSATION.—Witnesses sum-
22 moned by the Secretary shall be paid the same
23 fees and mileage that are paid to witnesses in
24 courts of the United States, and witnesses
25 whose depositions are taken and the persons

1 taking the depositions shall be entitled to the
2 same fees that are paid for similar services in
3 the courts of the United States.

4 (E) PROCEDURES.—The Secretary shall
5 publish procedures for the issuance of sub-
6 poenas under this section. Such procedures
7 shall include a requirement that subpoenas be
8 reviewed for legal sufficiency and signed by the
9 Secretary. If the authority to sign a subpoena
10 is delegated to an agency other than the Office
11 of Administrative Law Judges, the agency re-
12 ceiving the delegation shall seek review for legal
13 sufficiency outside that agency.

14 (b) AUTHORITY OF THE ATTORNEY GENERAL.—The
15 Attorney General may—

16 (1) prosecute, in the name of the United States,
17 all criminal violations of this Act that are referred
18 to the Attorney General by the Secretary or are
19 brought to the notice of the Attorney General by any
20 person;

21 (2) bring an action to enjoin the violation of or
22 to compel compliance with this Act, or to enjoin any
23 interference by any person with the Secretary in car-
24 rying out this Act, whenever the Secretary has rea-
25 son to believe that the person has violated, or is

1 about to violate this Act, or has interfered, or is
2 about to interfere, with the Secretary; and

3 (3) bring an action for the recovery of any un-
4 paid civil penalty, funds under reimbursable agree-
5 ments, late payment penalty, or interest assessed
6 under this Act.

7 (c) COURT JURISDICTION.—

8 (1) IN GENERAL.—The United States district
9 courts, the District Court of Guam, the District
10 Court of the Virgin Islands, the highest court of
11 American Samoa, and the United States courts of
12 the other territories and possessions are vested with
13 jurisdiction in all cases arising under this Act. Any
14 action arising under this Act may be brought, and
15 process may be served in the judicial district where
16 a violation or interference occurred or is about to
17 occur, or where the person charged with the viola-
18 tion, interference, impending violation, impending in-
19 terference, or failure to pay resides, is found, trans-
20 acts business, is licensed to do business, or is incor-
21 porated.

22 (2) EXCEPTION.—Paragraph (1) does not apply
23 to subsections (b) and (c) of section 14.

1 **SEC. 16. APPROPRIATIONS AND TRANSFER AUTHORITY.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—There
3 are authorized to be appropriated such sums of money as
4 may be necessary to carry out this Act.

5 (b) AUTHORITY TO TRANSFER CERTAIN FUNDS.—
6 The Secretary may, in connection with an emergency in
7 which a disease or pest of livestock threatens any segment
8 of the agricultural production of the United States, trans-
9 fer from other appropriations or funds available to the
10 agencies or corporations of the Department of Agriculture
11 any sum of money as the Secretary may deem necessary
12 to be available in the emergency for the arrest, control,
13 eradication, and prevention of the spread of the disease
14 or pest of livestock and for related expenses. Any funds
15 transferred under this section shall remain available for
16 such purposes without fiscal year limitation.

17 **SEC. 17. REGULATIONS AND ORDERS.**

18 The Secretary may issue any regulations or orders
19 as the Secretary deems necessary to carry out this Act.

20 **SEC. 18. SEVERABILITY.**

21 If any provision of this Act or application of any pro-
22 vision of this Act to any person or circumstance is held
23 invalid, the remainder of this Act and the application of
24 the provision to other persons and circumstances shall not
25 be affected by the invalidity.

1 **SEC. 19. REPEALS AND CONFORMING AMENDMENTS.**

2 (a) REPEALS.—The following provisions of law are
3 hereby repealed:

4 (1) Section 101(b) of the Department of Agri-
5 culture Organic Act of 1944 (7 U.S.C. 429).

6 (2) The Act of August 28, 1950 (Chap. 815, 64
7 Stat. 561, 7 U.S.C. 2260), “An Act to enable the
8 Secretary of Agriculture to furnish, upon a reim-
9 bursable basis, certain inspection services involving
10 overtime work”.

11 (3) Section 919 of the Federal Agriculture Im-
12 provement and Reform Act of 1996 (7 U.S.C.
13 2260a).

14 (4) Section 306 of the Tariff Act of 1930 (19
15 U.S.C. 1306).

16 (5) Sections 6 through 8 and 10 of the Act of
17 August 30, 1890 (21 U.S.C. 102–105), “An act pro-
18 viding for an inspection of meats for exportation,
19 prohibiting the importation of adulterated articles of
20 food or drink, and authorizing the President to
21 make proclamation in certain cases, and for other
22 purposes”.

23 (6) The Act of February 2, 1903 (21 U.S.C.
24 111, 120–122), “An Act to enable the Secretary of
25 Agriculture to more effectively suppress and prevent

1 the spread of contagious and infectious diseases of
2 livestock, and for other purposes”.

3 (7) Sections 2 through 9, 11, and 13 of the Act
4 of May 29, 1884 (Chap. 60, 23 Stat. 32, 21 U.S.C.
5 112, 113, 114, 114a, 114a–1, 115–120, and 130).

6 (8) Sections 1, 2, 3, and 5 of the Act of Feb-
7 ruary 28, 1947 (21 U.S.C. 114b, 114c, 114d, and
8 114d–1), “An Act to authorize the Secretary of Ag-
9 riculture to cooperate with the Government of Mex-
10 ico in the control and elimination of foot and mouth
11 disease and rinderpest”.

12 (9) The Act of June 16, 1948 (21 U.S.C. 114e
13 and 114f), “An Act authorizing additional research
14 and investigation into problems and methods relat-
15 ing to the eradication of cattle grubs, and for other
16 purposes”.

17 (10) The Act of September 6, 1961 (21 U.S.C.
18 114g–114h), “An Act to provide for a national hog
19 cholera eradication program”.

20 (11) Section 2506 of the Food, Agriculture,
21 Conservation, and Trade Act of 1990 (21 U.S.C.
22 114i).

23 (12) The third and fourth provisos of the fourth
24 paragraph under the heading Bureau of Animal In-
25 dustry of the Act of May 31, 1920 (21 U.S.C. 116),

1 “An Act making appropriations for the Department
2 of Agriculture for fiscal year ending June 30,
3 1921”.

4 (13) Sections 1–4 and 6 of the Act of March
5 3, 1905 (21 U.S.C. 123–127).

6 (14) The first proviso under the heading “Gen-
7 eral Expenses, Bureau of Animal Industry” in the
8 Act of June 30, 1914 (21 U.S.C. 128), “An Act
9 making appropriations for the Department of Agri-
10 culture for the fiscal year ending June thirtieth,
11 nineteen hundred and fifteen”.

12 (15) The fourth proviso in the paragraph under
13 the heading “Salaries and Expenses, Animal and
14 Plant Health Inspection Service” of the Department
15 of Agriculture, Rural Development, Food and Drug
16 Administration, and Related Agencies Appropriation
17 Act, 1999 (21 U.S.C. 129).

18 (16) The third paragraph under the heading
19 “Miscellaneous” of the Act of May 26, 1910 (21
20 U.S.C. 131), “An Act making appropriations for the
21 Department of Agriculture for the fiscal year ending
22 June thirtieth, nineteen hundred and eleven”.

23 (17) Sections 1 through 6 and 11 through 13
24 of the Act of July 2, 1962 (21 U.S.C. 134–134h),
25 “An Act to provide greater protection against the in-

1 roduction and dissemination of diseases of livestock
2 and poultry, and for other purposes”.

3 (18) The Act of May 6, 1970 (Public Law. 91–
4 239, 84 Stat. 202, 21 U.S.C. 135–135b).

5 (19) Sections 12 through 14 of the Federal
6 Meat Inspection Act (21 U.S.C. 612–614);

7 (20) Sections 3901 and 3902 of title 46, United
8 States Code.

9 (21) The first section of Public Law 97–46 (7
10 U.S.C. 147b).

11 (b) CONFORMING AMENDMENTS.—

12 (1) FEDERAL MEAT INSPECTION ACT.—Section
13 18 of the Federal Meat Inspection Act (21 U.S.C.
14 618) is amended by striking “of the cattle” and all
15 that follows through “as herein described” and in-
16 serting “the carcasses and products of cattle, sheep,
17 swine, goats, horses, mules, and other equines”. —

18 (2) FOOD, AGRICULTURE, CONSERVATION, AND
19 TRADE ACT OF 1990.—Section 2509 of the Food, Ag-
20 riculture, Conservation, and Trade Act of 1990 (21
21 U.S.C. 136a) is amended—

22 (A) in subsection (c), by adding after para-
23 graph (1) the following:

24 “(2) RECOVERY OF COSTS RELATED TO VET-
25 ERINARY DIAGNOSTICS.—The Secretary of Agri-

1 culture is authorized to prescribe and collect fees to
2 recover the costs of carrying out the provisions of
3 the Animal Health Protection Act which relate to
4 veterinary diagnostics.”; and

5 (B) in subsection (f)(1), by striking sub-
6 paragraphs (B) through (O) and inserting the
7 following:

8 “(B) section 9 of the Act of August 30,
9 1890 (26 U.S.C. 101);

10 “(C) the Animal Health Protection Act;
11 and

12 “(D) any other Act administered by the
13 Secretary relating to plant or animal diseases
14 or pests.”.

15 (c) EFFECT ON REGULATIONS.—Regulations issued
16 under the authority of a provision of law repealed by this
17 section shall remain in effect until such time as the Sec-
18 retary issues a regulation under section 17 that supersedes
19 the earlier regulation.

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