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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Animal Health Protection Act”.

(b) Table of Contents.—The table of contents for 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. 2. FINDINGS.

The Congress makes the following findings:

(1) The prevention, detection, control, and eradication of diseases and pests of animals are essential to protect animal health and the health and welfare of the people of the United States, the economic interests of the United States livestock and related industries, the environment of the United States, and interstate and foreign commerce of the United States in animals and other articles.

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

(3) The health of animals is affected by the methods by which animals and articles are transported in interstate commerce and foreign commerce.
(4) The Secretary must continue to conduct re-
search on animal diseases and pests which con-
stitutes a threat to the livestock of the United
States.

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

SEC. 3. DEFINITIONS.

As used in this Act:

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

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

(3) DISEASE.—The term “disease” means any
infectious or non-infectious disease or condition af-
fecting the health of livestock or any condition detri-
mental to production of livestock.

(4) Enter and Entry.—The terms “enter”
and “entry” mean to move into, or the act of move-
ment into, the commerce of the United States.

(5) Export and Exportation.—The terms
“export” and “exportation” mean to move from, or
the act of movement from, the United States to any
place outside of the United States.

(6) Facility.—The term “facility” means any
structure.

(7) Import and Importation.—The term
“import” and “importation” mean to move into, or
the act of movement into, the territorial limits of the
United States.

(8) Interstate.—The term “interstate”
means—

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

(B) within the District of Columbia,
Guam, the Virgin Islands of the United States,
or any other territory or possession of the
United States.
(9) INTERSTATE COMMERCE.—The term “inter-
state commerce” means trade, traffic, or other
commerce—

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

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

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

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

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

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

(B) to aid, abet, cause, or induce the car-
rying, entering, importing, mailing, shipping, or
transporting;
(C) to offer to carry, enter, import, mail, ship, or transport;

(D) to receive in order to carry, enter, import, mail, ship, or transport;

(E) to release into the environment; or

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

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

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

(A) A protozoan.

(B) A plant.

(C) A bacteria.

(D) A fungus.

(E) A virus or viroid.

(F) An infectious agent or other pathogen.

(G) An arthropod.

(H) A parasite.

(I) A prion.

(J) A vector.
(K) Any organism similar to or allied with any of the organisms specified in the preceding sub paragraphs.

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

(16) State.—The term “State” means any of the several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

(17) This Act.—Except when used in this section, the term “this Act” includes any regulation or order issued by the Secretary under the authority of this Act.

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

SEC. 4. RESTRICTION ON IMPORTATION OR ENTRY.

(a) In General.—The Secretary may prohibit or restrict the—

(1) importation or entry of any animal, article, or means of conveyance or use of any means of conveyance or facility if the Secretary determines that the prohibition or restriction is necessary to prevent
the introduction into or dissemination within the
United States of any pest or disease of livestock;

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

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

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

(c) DESTRUCTION OR REMOVAL.—

(1) IN GENERAL.—The Secretary may order the
destruction or the removal from the United States
of—
(A) any animal, article, or means of conveyance that has been imported but has not entered the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction or dissemination of any disease or pest of livestock into or within the United States;

(B) any animal, article, means of conveyance, or progeny of any animal that has been imported or entered in violation of this Act; and

(C) any animal that has strayed into the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction or dissemination of any disease or pest of livestock into or within the United States.

(2) Requirements of owners.—

(A) Orders to disinfect.—The Secretary may require the disinfection of a means of conveyance used in connection with the importation of animals, and all attendants and their clothing, and of all headropes and other articles used in such importation.

(B) Failure to comply with orders.—

If an owner or agent of the owner fails to com-
ply with an order of the Secretary under this section, the Secretary may take remedial action, destroy, or remove from the United States the animal, article, or means of conveyance as authorized under paragraph (1) and recover from the owner or agent of the owner the costs of any care, handling, remedial action, or disposal incurred by the Secretary in connection with the remedial action, destruction or removal.

SEC. 5. EXPORTATION.

(a) In General.—The Secretary may prohibit or restrict the—

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

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

(3) use of any means of conveyance or facility in connection with the exportation of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any disease or pest of livestock; and
(4) use of any means of conveyance in connection with the exportation of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement and humane treatment of livestock.

(b) REQUIREMENTS OF OWNERS.—

(1) ORDERS TO DISINFECT.—The Secretary may require the disinfection of a means of conveyance used in connection with the exportation of animals, and all attendants and their clothing, and of all headropes and other articles used in such exportation.

(2) FAILURE TO COMPLY WITH ORDERS.—If an owner or agent of the owner fails to comply with an order of the Secretary under this section, the Secretary may take remedial actions or dispose of the animal, article, or means of conveyance as authorized under paragraph (1) and recover from the owner or agent of the owner the costs of any care, handling, remedial action, or disposal incurred by the Secretary in connection with the remedial action or destruction.
(c) Certification.—The Secretary may certify as to the class, quality, quantity, condition, processing, handling, or storage of any animal or article intended for export.

SEC. 6. INTERSTATE MOVEMENT.

The Secretary may prohibit or restrict the—

(1) movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any disease or pest of livestock; and

(2) use of any means of conveyance or facility in connection with the movement in interstate commerce of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any disease or pest of livestock.

SEC. 7. SEIZURE, QUARANTINE, AND DISPOSAL.

(a) In General.—The Secretary may hold, seize, quarantine, treat, apply other remedial actions to, destroy or otherwise dispose of—

(1) any animal or progeny of any animal, article, or means of conveyance that is moving or has been moved in interstate commerce or has been imported and entered and that the Secretary has rea-
son to believe may carry, may have carried, may have been affected with or exposed to any pest or disease of livestock at the time of movement or which is otherwise in violation of this Act;

(2) any animal or progeny of any animal, article, or means of conveyance that is moving or is being handled or has moved or has been handled in interstate commerce in violation of this Act;

(3) any animal or progeny of any animal, article, or means of conveyance that has been imported and is moving or is being handled or has moved or has been handled in violation of this Act; and

(4) any animal or progeny of any animal, article, or means of conveyance that the Secretary finds is not being maintained or has not been maintained in accordance with any post-import quarantine, post-import condition, post-movement quarantine, or post-movement condition in accordance with this Act.

(b) EXTRAORDINARY EMERGENCY.—

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

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

(B) prohibit or restrict the movement or use within a State, portion of a State, or premises of any animal or article, means of conveyance, or facility if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of the disease or pest.

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

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

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

(d) COMPENSATION.—
(1) IN GENERAL.—The Secretary shall com-
pensate the owner of any animal, article, facility, or
means of conveyance which the Secretary requires to
be destroyed pursuant to this section.

(2) LEVEL.—

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

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

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

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

(A) any animal, article, facility, or means
of conveyance that has been moved or handled
by the owner or the owner's agent, in violation
of an agreement for the control and eradication
of diseases or pests or in violation of this Act.
(B) any progeny of any animal or article, which animal or article has been moved or handled by the owner of the animal or article, or the owner’s agent, in violation of this Act;

(C) any animal, article, or means of conveyance that is refused entry under this Act; or

(D) any animal, article, facility, or means of conveyance that becomes or has become affected with or exposed to any disease or pest of livestock because of a violation of an agreement for the control and eradication of diseases or pests or a violation of this Act by the owner or the owner’s agent.

SEC. 8. INSPECTIONS, SEIZURES, AND WARRANTS.

(a) Role of Attorney General.—The activities authorized by this section shall be carried out consistent with guidelines approved by the Attorney General.

(b) Warrantless Inspections.—The Secretary may stop and inspect, without a warrant, any person or means of conveyance moving—

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

(3) in intrastate commerce from any State, portion of a State, or premises quarantined under section 7(b) upon probable cause to believe that the person or means of conveyance is carrying any animal or article regulated under section 7(b).

(c) INSPECTIONS WITH A WARRANT.—

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

(2) APPLICATION AND ISSUANCE OF A WARRANT.—Upon proper oath or affirmation showing probable cause to believe that there is on certain premises any animal, article, facility, or means of conveyance regulated under this Act, a United States judge, a judge of a court of record in the United States, or a United States magistrate judge may, within the judge’s or magistrate’s jurisdiction, issue a warrant for the entry upon the premises to make any inspection or seizures under this Act. The
warrant may be applied for and executed by the Secretary or any United States marshal.

SEC. 9. DETECTION, CONTROL, AND ERADICATION OF DISEASES AND PESTS.

(a) IN GENERAL.—The Secretary may carry out operations and measures to detect, control, and eradicate any disease or pest of livestock (including the drawing of blood and diagnostic testing of animals, including animals at slaughterhouses, stockyards, and other points of concentration).

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

SEC. 10. VETERINARY ACCREDITATION PROGRAM.

The Secretary may establish a veterinary accreditation program consistent with the purposes of this Act, including the establishment of standards of conduct for accredited veterinarians.

SEC. 11. COOPERATION.

(a) IN GENERAL.—The Secretary may cooperate with other Federal agencies, States, or political subdivisions of States, national governments, local governments of other nations, domestic or international organizations, domestic
or international associations, and other persons to carry
out the purposes of this Act.

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

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

d) SCREWWORMS.—

(1) IN GENERAL.—The Secretary may inde-
dependently or in cooperation with national govern-
ments of other nations, international organizations,
or international associations produce and sell sterile
screwworms to any national government of other na-
tions, international organization, or international as-
sociation, if the Secretary determines that the live-
stock industry and related industries of the United States will not be adversely affected by the production and sale.

(2) PROCEEDS.—If the Secretary independently produces and sells sterile screwworms in accordance with paragraph (1), the proceeds of the sale shall be deposited into the Treasury of the United States and be credited to the appropriation from which the operating expenses of the facility producing the sterile screwworm have been paid. If the Secretary cooperates to produce and sell sterile screwworms in accordance with paragraph (1), the proceeds of the sale shall be divided between the United States and the national government, international organization, or international association with which the Secretary cooperates, as determined by the Secretary. The United States portion of the proceeds shall be deposited into the Treasury of the United States and be credited to the appropriation from which the operating expenses of the facility producing the sterile screwworm have been paid.

(e) COOPERATION IN PROGRAM ADMINISTRATION.—The Secretary may cooperate with State authorities or other persons in the administration of regulations for the improvement of livestock and their products.
(f) Consultation With Other Federal Agencies.—The Secretary shall consult with the appropriate Secretary or head of another Federal agency with respect to any activity that is subject to regulation by that Federal agency. The Department of Agriculture shall be the lead agency with respect to issues related to diseases and pests of livestock.

SEC. 12. REIMBURSABLE AGREEMENTS.

(a) Authority To Enter Into Agreements.—The Secretary may enter into reimbursable fee agreements with persons for preclearance of animals or articles at locations outside the United States for movement into the United States.

(b) Funds Collected for Preclearance.—Funds collected for preclearance shall be credited to accounts which may be established by the Secretary for this purpose and shall remain available until expended for the preclearance activities without fiscal year limitation.

(c) Payment of Employees.—

(1) In general.—Notwithstanding any other law, the Secretary may pay employees of the United States Department of Agriculture performing services relating to imports into and exports from the United States, for all overtime, night, or holiday
work performed by them at rates of pay established
by the Secretary.

(2) Reimbursement.—

(A) In general.—The Secretary may re-
quire persons for whom the services are per-
formed to reimburse the Secretary for any sums
of money paid by the Secretary for the services
pursuant to this subsection.

(B) Use of funds.—All funds collected
under this subsection shall be credited to the
account that incurs the costs and shall remain
available until expended without fiscal year lim-
itation.

(d) Late Payment Penalties.—

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

(2) Use of funds.—Any late payment penalty
and any accrued interest shall be credited to the ac-
count that incurs the costs and shall remain avail-
able until expended without fiscal year limitation.
SEC. 13. BUILDINGS, LAND, PEOPLE, AGREEMENTS, AND CLAIMS.

(a) In General.—The Secretary may acquire and maintain all real or personal property for special purposes and employ any persons, make grants, and enter into any contracts, cooperative agreements, memoranda of understanding, or other agreements necessary for carrying out this Act.

(b) Tort Claims.—

(1) In General.—Except as provided in paragraph (2), the Secretary may pay tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when the claims arise outside the United States in connection with activities authorized under this Act.

(2) Requirements of a Claim.—A claim may not be allowed under this subsection unless it is presented in writing to the Secretary within two years after the claim accrues.

SEC. 14. PENALTIES FOR VIOLATION.

(a) Criminal Penalties.—Any person who knowingly violates this Act, or who knowingly forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided for in this Act shall be guilty of a misdemeanor, and, upon conviction, shall be fined in accord-
ance with the provisions of title 18, United States Code, imprisoned for a period not exceeding one year, or fined and imprisoned.

(b) CIVIL PENALTY.—

(1) IN GENERAL.—Any person who violates this Act, or who forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided for in this Act may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary—

(A) $50,000 in the case of any individual (except that the civil penalty may not exceed $1,000 in the case of an initial violation of this Act by an individual moving regulated articles not for monetary gain), $250,000 in the case of any other person for each violation, and $500,000 for all violations adjudicated in a single proceeding; or

(B) twice the gross gain or gross loss for any violation or forgery, counterfeiting, or unauthorized use, defacing or destruction of a certificate, permit, or other document provided for in this Act that results in the person deriving
pecuniary gain or causing pecuniary loss to another.

(2) Factors in Determining Civil Penalty.—In determining the amount of a civil penalty, the Secretary shall take into account the nature, circumstance, extent, and gravity of the violation or violations and the Secretary may consider, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior violations, the degree of culpability, and any other factors the Secretary deems appropriate.

(3) Settlement of Civil Penalties.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that may be assessed under this subsection.

(4) Finality of Orders.—The order of the Secretary assessing a civil penalty shall be treated as a final order reviewable under chapter 158 of title 28, United States Code. The validity of the Secretary's order may not be reviewed in an action to collect the civil penalty. Any civil penalty not paid in full when due under an order assessing the civil penalty shall thereafter accrue interest until paid at the rate of interest applicable to civil judgments of the courts of the United States.
(c) Suspension or Revocation of Accreditation.—

(1) In general.—The Secretary may, after notice and opportunity for a hearing on the record, suspend or revoke the accreditation of any veterinarian accredited under this Act who violates this Act. The order of the Secretary suspending or revoking accreditation shall be treated as a final order reviewable under chapter 158 of title 28, United States Code.

(2) Summary Suspension.—

(A) In general.—Notwithstanding paragraph (1), the Secretary may summarily suspend the accreditation of a veterinarian, whom the Secretary has reason to believe has violated a provision of this Act.

(B) Hearing.—The Secretary shall provide the accredited veterinarian with a subsequent notice and an opportunity for a prompt post-suspension hearing on the record.

(d) Liability for Acts of an Agent.—When construing and enforcing this Act, the act, omission, or failure of any officer, agent, or person acting for or employed by any other person within the scope of his or her emplo-
ment or office, shall be deemed also to be the act, omission, or failure of the other person.

(e) Guidelines for Civil Penalties.—The Secretary shall coordinate with the Attorney General to establish guidelines to determine under what circumstances the Secretary may issue a civil penalty or suitable notice of warning in lieu of prosecution by the Attorney General of a violation of this Act.

SEC. 15. ENFORCEMENT.

(a) Collection of Information.—

(1) In general.—The Secretary may gather and compile information and conduct any inspections or investigations the Secretary considers necessary for the administration or enforcement of this Act.

(2) Subpoenas.—

(A) In general.—The Secretary shall have power to subpoena the attendance and testimony of any witness, and the production of all documentary evidence relating to the administration or enforcement of this Act or any matter under investigation in connection with this Act.

(B) Location of production.—The attendance of any witness and production of doc-
umentary evidence relevant to the inquiry may be required from any place in the United States.

(C) **Enforcement of Subpoena.**—In case of disobedience to a subpoena by any person, the Secretary may request the Attorney General to invoke the aid of any court of the United States within the jurisdiction in which the investigation is conducted, or where the person resides, is found, transacts business, is licensed to do business, or is incorporated in requiring the attendance and testimony of any witness and the production of documentary evidence. In case of a refusal to obey a subpoena issued to any person, a court may order the person to appear before the Secretary and give evidence concerning the matter in question or to produce documentary evidence. Any failure to obey the court’s order may be punished by the court as contempt of the court.

(D) **Compensation.**—Witnesses summoned by the Secretary shall be paid the same fees and mileage that are paid to witnesses in courts of the United States, and witnesses whose depositions are taken and the persons
taking the depositions shall be entitled to the
same fees that are paid for similar services in
the courts of the United States.

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

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

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

(2) bring an action to enjoin the violation of or
to compel compliance with this Act, or to enjoin any
interference by any person with the Secretary in car-
rying out this Act, whenever the Secretary has rea-
son to believe that the person has violated, or is
about to violate this Act, or has interfered, or is
about to interfere, with the Secretary; and

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

(c) COURT JURISDICTION.—

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

(2) EXCEPTION.—Paragraph (1) does not apply
to subsections (b) and (c) of section 14.
SEC. 16. APPROPRIATIONS AND TRANSFER AUTHORITY.

(a) Authorization of Appropriations.—There are authorized to be appropriated such sums of money as may be necessary to carry out this Act.

(b) Authority To Transfer Certain Funds.—The Secretary may, in connection with an emergency in which a disease or pest of livestock threatens any segment of the agricultural production of the United States, transfer from other appropriations or funds available to the agencies or corporations of the Department of Agriculture any sum of money as the Secretary may deem necessary to be available in the emergency for the arrest, control, eradication, and prevention of the spread of the disease or pest of livestock and for related expenses. Any funds transferred under this section shall remain available for such purposes without fiscal year limitation.

SEC. 17. REGULATIONS AND ORDERS.

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

SEC. 18. SEVERABILITY.

If any provision of this Act or application of any provision of this Act to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to other persons and circumstances shall not be affected by the invalidity.
SEC. 19. REPEALS AND CONFORMING AMENDMENTS.

(a) Repeals.—The following provisions of law are hereby repealed:

(1) Section 101(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 429).

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

(3) Section 919 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2260a).


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

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


(8) Sections 1, 2, 3, and 5 of the Act of February 28, 1947 (21 U.S.C. 114b, 114c, 114d, and 114d–1), “An Act to authorize the Secretary of Agriculture to cooperate with the Government of Mexico in the control and elimination of foot and mouth disease and rinderpest”.


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


(17) Sections 1 through 6 and 11 through 13 of the Act of July 2, 1962 (21 U.S.C. 134–134h), “An Act to provide greater protection against the in-
roduction and dissemination of diseases of livestock and poultry, and for other purposes”.


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

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


(b) CONFORMING AMENDMENTS.—

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

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

(A) in subsection (c), by adding after paragraph (1) the following:

“(2) RECOVERY OF COSTS RELATED TO VETERINARY DIAGNOSTICS.—The Secretary of Agri-
culture is authorized to prescribe and collect fees to recover the costs of carrying out the provisions of the Animal Health Protection Act which relate to veterinary diagnostics.”; and

(B) in subsection (f)(1), by striking subparagraphs (B) through (O) and inserting the following:

“(B) section 9 of the Act of August 30, 1890 (26 U.S.C. 101);
“(C) the Animal Health Protection Act;
and
“(D) any other Act administered by the Secretary relating to plant or animal diseases or pests.”.

(c) Effect on Regulations.—Regulations issued under the authority of a provision of law repealed by this section shall remain in effect until such time as the Secretary issues a regulation under section 17 that supersedes the earlier regulation.