retary may require the temporary marking of any horse during the period of its detention for the purpose of identifying the horse as detained. A horse which is detained subject to this para-
graph shall not be moved by any person from the place it is so detained except as authorized by the Secretary or until the expiration of the de-
tention period applicable to the horse.

(2) Any equipment, device, paraphernalia, or
substance which was used in violation of any
provision of this chapter or any regulation is-
issued under this chapter or which contributed to the soring of any horse at or prior to any horse
show, horse exhibition, or horse sale or auction,
shall be liable to be proceeded against, by pro-
cess of libel for the seizure and condemnation of such equipment, device, paraphernalia, or sub-
stance, in any United States district court with-
in the jurisdiction of which such equipment, de-
vice, paraphernalia, or substance is found. Such
proceedings shall conform as nearly as possible to proceedings in rem in admiralty.


AMENDMENTS

1976—Subsec. (a). Pub. L. 94–360 substituted provi-
sions increasing the maximum amount of fine that can be imposed and the maximum length of imprisonment that can be ordered for knowingly performing enumer-
ated activities prohibited under this chapter, for provi-
sions authorizing a maximum civil penalty of $1,000 for each unintentional violation of this chapter, requiring notice to an alleged violator prior to assessment of any penalty and authorizing the institution of civil actions by the Attorney General to enforce such penalties.

Subsec. (b). Pub. L. 94–360 substituted provisions re-
lating to imposition of civil penalties up to $2,000, cri-
tera for imposition of particular amounts, and proce-
dures for review and enforcement of civil penalties, for provisions authorizing fines up to $2,000 and/or impris-
sonment up to six months for intentional violations of provisions of this chapter or any regulation issued thereunder.

Subsecs. (c) to (e). Pub. L. 94–360 added subsecs. (c) to
(e).

§ 1826. Notice of violations to Attorney General

Whenever the Secretary believes that a willful
violations of this chapter has occurred and that
prosecution is needed to obtain compliance with this chapter, he shall inform the Attorney Gen-
eral and the Attorney General shall take such
action with respect to such matter as he deems
appropriate.


§ 1827. Utilization of personnel of Department of
Agriculture and officers and employees of
consenting States; technical and other non-
financial assistance to State

(a) Assistance from Department of Agriculture
and States

The Secretary, in carrying out the provisions of
this chapter, shall utilize, to the maximum extent practicable, the existing personnel and
facilities of the Department of Agriculture. The
Secretary is further authorized to utilize the of-
cicers and employees of any State, with its con-
sent, and with or without reimbursement, to as-
sist him in carrying out the provisions of this chapter.

(b) Assistance to States

The Secretary may, upon request, provide
technical and other nonfinancial assistance (in-
cluding the lending of equipment on such terms
and conditions as the Secretary determines is
appropriate) to any State to assist it in admin-
istering and enforcing any law of such State de-
signed to prohibit conduct described in section
1824 of this title.

L. 94–360, §8, July 13, 1976, 90 Stat. 920.)

AMENDMENTS

1976—Pub. L. 94–360 designated existing provisions as subsec. (a) and added subsec. (b).

§ 1828. Rules and regulations

The Secretary is authorized to issue such rules
and regulations as he deems necessary to carry
out the provisions of this chapter.


§ 1829. Preemption of State laws; concurrent jur-
isdiction; prohibition on certain State ac-
tion

No provision of this chapter shall be construed
as indicating an intent on the part of the Con-
gress to occupy the field in which such provision
operates to the exclusion of the law of any State
on the same subject matter, unless there is a di-
rect and positive conflict between such provi-
sion and the law of the State so that the two
cannot be reconciled or consistently stand to-
together. Nor shall any provision of this chapter
be construed to exclude the Federal Government
from enforcing the provision of this chapter
within any State, whether or not such State has
enacted legislation on the same subject, it being
the intent of the Congress to establish concur-
rent jurisdiction with the States over such sub-
ject matter. In no case shall any such State take
any action pursuant to this section involving a
violation of any such law of that State which
would preclude the United States from enforce-

ing the provisions of this chapter against any per-
son.


§ 1830. Omitted

CODIFICATION

required the Secretary of Agriculture to include infor-
mation on matters covered by this chapter, together
with recommendations for legislative and other action,
as part of the annual report submitted to Congress
under section 2155 of title 7, terminated, effective May
15, 2000, pursuant to section 3003 of Pub. L. 104–66, as
amended, set out as a note under section 1113 of Title
31, Money and Finance. See, also, page 44 of House Doc-
ument No. 103–7.

§ 1831. Authorization of appropriations

There are authorized to be appropriated to carry out this chapter $125,000 for the period be-