

### § 8307. Inspections, seizures, and warrants

#### (a) Guidelines

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 chapter;

(2) in interstate commerce, on probable cause to believe that the person or means of conveyance is carrying any animal or article regulated under this chapter; or

(3) in intrastate commerce from any State, or any portion of a State, quarantined under section 8306(b) of this title, on probable cause to believe that the person or means of conveyance is carrying any animal or article quarantined under section 8306(b) of this title.

#### (c) Inspections with warrants

##### (1) In general

The Secretary may enter, with a warrant, any premises in the United States for the purpose of making inspections and seizures under this chapter.

##### (2) Application and issuance of warrants

###### (A) In general

On 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 chapter, a United States judge, a judge of a court of record in the United States, or a United States magistrate judge may issue a warrant for the entry on premises within the jurisdiction of the judge or magistrate to make any inspection or seizure under this chapter.

###### (B) Execution

The warrant may be applied for and executed by the Secretary or any United States marshal.

(Pub. L. 107–171, title X, §10408, May 13, 2002, 116 Stat. 500.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in subsecs. (b) and (c), was in the original “this subtitle”, meaning subtitle E (§§10401–10418) of title X of Pub. L. 107–171, May 13, 2002, 116 Stat. 494, which is classified principally to this chapter. For complete classification of subtitle E to the Code, see Short Title note set out under section 8301 of this title and Tables.

#### Statutory Notes and Related Subsidiaries

##### TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this chapter to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title

6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### PRECLEARANCE QUARANTINE INSPECTIONS

Pub. L. 107–171, title X, §10811, May 13, 2002, 116 Stat. 531, provided that:

“(a) PRECLEARANCE INSPECTIONS REQUIRED.—The Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, shall conduct preclearance quarantine inspections of persons, baggage, cargo, and any other articles destined for movement from the State of Hawaii to any of the following—

“(1) The continental United States.

“(2) Guam.

“(3) Puerto Rico.

“(4) The United States Virgin Islands.

“(b) INSPECTION LOCATIONS.—The preclearance quarantine inspections required by subsection (a) shall be conducted at all direct departure and interline airports in the State of Hawaii.

“(c) LIMITATION.—The Secretary shall not implement this section unless appropriations for necessary expenses of the Animal and Plant Health Inspection Service for inspection, quarantine, and regulatory activities are increased by an amount not less than \$3,000,000 in an Act making appropriations for fiscal year 2003.”

### § 8308. Detection, control, and eradication of diseases and pests

#### (a) In general

The Secretary may carry out operations and measures to detect, control, or eradicate any pest or disease of livestock (including the drawing of blood and diagnostic testing of animals), including animals at a slaughterhouse, stockyard, or other point of concentration.

#### (b) Compensation

##### (1) In general

The Secretary may pay a claim arising out of the destruction of any animal, article, or means of conveyance consistent with the purposes of this chapter.

##### (2) Specific cooperative programs

The Secretary shall compensate industry participants and State agencies that cooperate with the Secretary in carrying out operations and measures under subsection (a) for 100 percent of eligible costs relating to cooperative programs involving Federal, State, and industry participants to control diseases of low pathogenicity in accordance with regulations issued by the Secretary.

##### (3) Reviewability

The action of the Secretary in carrying out paragraph (1) shall not be subject to review by any officer or employee of the Federal Government other than the Secretary or the designee of the Secretary.

(Pub. L. 107–171, title X, §10409, May 13, 2002, 116 Stat. 501; Pub. L. 110–234, title XI, §11011(2), May 22, 2008, 122 Stat. 1360; Pub. L. 110–246, §4(a), title XI, §11011(2), June 18, 2008, 122 Stat. 1664, 2122.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(1), was in the original “this subtitle”, meaning subtitle E (§§10401–10418) of title X of Pub. L. 107–171, May 13, 2002,

116 Stat. 494, which is classified principally to this chapter. For complete classification of subtitle E to the Code, see Short Title note set out under section 8301 of this title and Tables.

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### AMENDMENTS

2008—Subsec. (b)(2), (3). Pub. L. 110-246, §11011(2), added par. (2), redesignated former par. (2) as (3), and, in par. (3), struck out “of longer than 60 days” after “review”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

##### TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this chapter to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

##### NATIONAL POULTRY IMPROVEMENT PLAN

Pub. L. 113-79, title XII, §12107, Feb. 7, 2014, 128 Stat. 982, provided that: “The Secretary of Agriculture shall ensure that the Department of Agriculture continues to administer the diagnostic surveillance program for H5/H7 low pathogenic avian influenza with respect to commercial poultry under section 146.14 of title 9, Code of Federal Regulations (or a successor regulation), without amending the regulations in section 147.43 of title 9, Code of Federal Regulations (as in effect on the date of the enactment of this Act [Feb. 7, 2014]), with respect to the governance of the General Conference Committee established under such section. The Secretary of Agriculture shall maintain—

“(1) the operations of the General Conference Committee—

“(A) in the physical location at which the Committee was located on the date of the enactment of this Act; and

“(B) with the organizational structure within the Department of Agriculture in effect as of such date; and

“(2) the funding levels for the National Poultry Improvement Plan for Commercial Poultry (established under part 146 of title 9, Code of Federal Regulations, or a successor regulation) at the fiscal year 2013 funding levels for the Plan.”

#### § 8308a. Animal disease prevention and management

##### (a) National Animal Health Laboratory Network

###### (1) Definition of eligible laboratory

In this subsection, the term “eligible laboratory” means a diagnostic laboratory that meets specific criteria developed by the Secretary, in consultation with State animal health officials, State veterinary diagnostic laboratories, and veterinary diagnostic laboratories at institutions of higher education (as defined in section 1001 of title 20).

##### (2) In general

The Secretary, in consultation with State veterinarians, shall offer to enter into contracts, grants, cooperative agreements, or other legal instruments with eligible laboratories for any of the following purposes:

(A) To enhance the capability of the Secretary to respond in a timely manner to emerging or existing bioterrorist threats to animal health.

(B) To provide the capacity and capability for standardized—

(i) test procedures, reference materials, and equipment;

(ii) laboratory biosafety and biosecurity levels;

(iii) quality management system requirements;

(iv) interconnected electronic reporting and transmission of data; and

(v) evaluation for emergency preparedness.

(C) To coordinate the development, implementation, and enhancement of national veterinary diagnostic laboratory capabilities, with special emphasis on surveillance planning and vulnerability analysis, technology development and validation, training, and outreach.

##### (3) Priority

To the extent practicable and to the extent capacity and specialized expertise may be necessary, the Secretary shall give priority to existing Federal facilities, State facilities, and facilities at institutions of higher education.

#### (b) National Animal Disease Preparedness and Response Program

##### (1) Program required

The Secretary shall establish a program, to be known as the National Animal Disease Preparedness and Response Program (referred to in this section as “the Program”), to address the increasing risk of the introduction and spread within the United States of animal pests and diseases affecting the economic interests of the livestock and related industries of the United States, including the maintenance and expansion of export markets.

##### (2) Program activities

Activities under the Program shall include, to the extent practicable, the following:

(A) Enhancing animal pest and disease analysis and surveillance.

(B) Expanding outreach and education.

(C) Targeting domestic inspection activities at vulnerable points in the safeguarding continuum.

(D) Enhancing and strengthening threat identification technology.

(E) Improving biosecurity.

(F) Enhancing emergency preparedness and response capabilities, including training additional emergency response personnel.

(G) Conducting technology development to enhance electronic sharing of animal health data for risk analysis between State and Federal animal health officials.

(H) Enhancing the development and effectiveness of animal health technologies to