

(Pub. L. 107–171, title X, § 10409A, as added Pub. L. 113–79, title XII, § 12105, Feb. 7, 2014, 128 Stat. 980; amended Pub. L. 115–334, title XII, § 12101(b)–(d), Dec. 20, 2018, 132 Stat. 4937–4940.)

Editorial Notes

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (b)(5), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§ 1001 et seq.) of Title 5 by Pub. L. 117–286, §§ 3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

AMENDMENTS

2018—Pub. L. 115–334, § 12101(b)(1), substituted “Animal disease prevention and management” for “National animal health laboratory network” in section catchline.

Subsec. (a). Pub. L. 115–334, § 12101(b)(2), (4), substituted “National Animal Health Laboratory Network” for “Definition of eligible laboratory” in heading, inserted par. (1) designation and heading and substituted “In this subsection,” for “In this section,” redesignated subsecs. (b) and (c) as pars. (2) and (3), respectively, and realigned margins.

Subsec. (a)(2). Pub. L. 115–334, § 12101(b)(3)(B), redesignated pars. (1) to (3) of former subsec. (b) as subpars. (A) to (C), respectively, and realigned margins.

Subsec. (a)(2)(B). Pub. L. 115–334, § 12101(b)(3)(A), redesignated subpars. (A) to (E) of former subsec. (b)(2) as cls. (i) to (v), respectively, and realigned margins.

Subsec. (b). Pub. L. 115–334, § 12101(b)(5), added subsec. (b). Former subsec. (b) redesignated (a)(2).

Subsec. (c). Pub. L. 115–334, § 12101(c), added subsec. (c). Former subsec. (c) redesignated (a)(3).

Subsecs. (d), (e). Pub. L. 115–334, § 12101(d), added subsecs. (d) and (e) and struck out former subsec. (d) which authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2014 through 2018.

§ 8309. Veterinary accreditation program

(a) In general

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

(b) Consultation

The Secretary shall consult with State animal health officials and veterinary professionals regarding the establishment of the veterinary accreditation program.

(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 title¹ who violates this chapter.

(2) Final order

The order of the Secretary suspending or revoking accreditation shall be treated as a final order reviewable under chapter 158 of title 28.

(3) Summary suspension

(A) In general

The Secretary may summarily suspend the accreditation of a veterinarian whom the

Secretary has reason to believe knowingly violated this chapter.

(B) Hearings

The Secretary shall provide the veterinarian with a subsequent notice and an opportunity for a prompt post-suspension hearing on the record.

(d) Application of penalty provisions

The criminal and civil penalties described in section 8313 of this title shall not apply to a violation of this section that is not a violation of any other provision of this chapter.

(Pub. L. 107–171, title X, § 10410, May 13, 2002, 116 Stat. 501.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, 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.

This title, referred to in subsec. (c)(1), is title X of Pub. L. 107–171, May 13, 2002, 116 Stat. 486. For complete classification of title X to the Code, see 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.

§ 8310. Cooperation

(a) In general

To carry out this chapter, the Secretary may cooperate with other Federal agencies, States or political subdivisions of States, national governments of foreign countries, local governments of foreign countries, domestic or international organizations, domestic or international associations, Indian tribes, and other persons.

(b) Responsibility

The person or other entity cooperating with the Secretary shall be responsible for the authority necessary to carry out operations or measures—

(1) on all land and property within a foreign country or State, or under the jurisdiction of an Indian tribe, other than on land and property owned or controlled by the United States; and

(2) using other facilities and means, as determined by the Secretary.

(c) Screwworms

(1) In general

The Secretary may, independently or in cooperation with national governments of foreign countries or international organizations or associations, produce and sell sterile screwworms to any national government of a

¹ See References in Text note below.

foreign country or international organization or association, if the Secretary determines that the livestock industry and related industries of the United States will not be adversely affected by the production and sale.

(2) Proceeds

(A) Independent production and sale

If the Secretary independently produces and sells sterile screwworms under paragraph (1), the proceeds of the sale shall be—

- (i) deposited into the Treasury of the United States; and
- (ii) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(B) Cooperative production and sale

(i) In general

If the Secretary cooperates to produce and sell sterile screwworms under paragraph (1), the proceeds of the sale shall be divided between the United States and the cooperating national government or international organization or association in a manner determined by the Secretary.

(ii) Account

The United States portion of the proceeds shall be—

- (I) deposited into the Treasury of the United States; and
- (II) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(d) Cooperation in program administration

The Secretary may cooperate with State authorities, Indian tribe authorities, or other persons in the administration of regulations for the improvement of livestock and livestock products.

(e) Consultation and coordination with other Federal agencies

(1) In general

The Secretary shall consult and coordinate with the head of a Federal agency with respect to any activity that is under the jurisdiction of the Federal agency.

(2) Lead agency

Subject to the consultation and coordination requirement in paragraph (1), the Department of Agriculture shall be the lead agency with respect to issues related to pests and diseases of livestock.

(Pub. L. 107-171, title X, §10411, May 13, 2002, 116 Stat. 502.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), 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.

§ 8311. 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 activities—

- (1) may be collected in advance of the provision of such activities;
- (2) shall be credited as offsetting collections to the currently applicable appropriation, account, or fund of U.S. Customs and Border Protection;
- (3) shall remain available until expended;
- (4) shall be available for the purposes for which such appropriation, account, or fund is authorized to be used; and
- (5) may be collected and shall be available only to the extent provided in appropriations Acts.

(c) Payment of employees

(1) In general

Notwithstanding any other law, the Secretary may pay an officer or employee of the Department of Agriculture performing services under this chapter relating to imports into and exports from the United States for all overtime, night, or holiday work performed by the officer or employee at a rate of pay determined by the Secretary.

(2) Reimbursement

(A) In general

The Secretary may require a person for whom the services are performed to reimburse the Secretary for any expenses paid by the Secretary for the services under this subsection.

(B) Use of funds

All funds collected under this subsection shall—

- (i) be credited to the account that incurs the costs; and
- (ii) remain available until expended, without fiscal year limitation.

(d) Late payment penalties

(1) Collection

On failure by a person to reimburse the Secretary in accordance with this section, the Secretary may assess a late payment penalty against the person, including interest on overdue funds, as required by section 3717 of title 31.

(2) Use of funds

Any late payment penalty and any accrued interest shall—