

TITLE 21—FOOD AND DRUGS

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This section is referred to in sections 104, 136a of this title; title 16 section 1540.

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This section is referred to in sections 104, 136a of this title; title 16 section 1540.

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SECTION REFERRED TO IN OTHER SECTIONS

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This section is referred to in sections 104, 136a of this title; title 16 section 1540.

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 114g, 122, 136a of this title; title 16 section 1540.

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SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 118, 119, 136a of this title; title 16 section 1540.

§ 113. Measures to prevent exportation of diseased livestock and live poultry

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136a of this title; title 16 section 1540.

§ 113a. Establishment of research laboratories for foot-and-mouth disease and other animal diseases; research contracts; employment of technicians and scientists; appropriations

The Secretary of Agriculture is authorized to establish research laboratories, including the acquisition of necessary land, buildings, or facilities, and also the making of research contracts under the authority contained in section 427i(a) of title 7, for research and study, in the United States or elsewhere, of foot-and-mouth disease and other animal diseases which in the opinion of the Secretary constitute a threat to the livestock industry of the United States: *Provided*, That no live virus of foot-and-mouth disease may be introduced for any purpose into any part of the mainland of the United States (except coastal islands separated therefrom by water navigable for deep-water navigation and which shall not be connected with the mainland by any tunnel) unless the Secretary determines that it is necessary and in the public interest for the conduct of research and study in the United States (except at Brookhaven National Laboratory in Upton, New York) and issues a permit under such rules as the Secretary shall promulgate to protect animal health, except that the Secretary of Agriculture may transport said virus in the original package across the mainland under adequate safeguards, and except further, that in the event of outbreak of foot-and-mouth disease in this country, the Secretary of Agriculture may, at his discretion, permit said virus to be brought

into the United States under adequate safeguards. To carry out the provisions of this section, the Secretary is authorized to employ technical experts or scientists: *Provided*, That the number so employed shall not exceed five and that the maximum compensation for each shall not exceed the highest rate of grade 18 of the General Schedule. There is authorized to be appropriated such sums as Congress may deem necessary; in addition, the Secretary is authorized to utilize in carrying out this section, funds otherwise available for the control or eradication of such diseases.

(As amended Nov. 28, 1990, Pub. L. 101-624, title XVI, § 1618(b), 104 Stat. 3733.)

AMENDMENTS

1990—Pub. L. 101-624 substituted “United States (except)” for “United States except” and “tunnel” unless the Secretary determines that it is necessary and in the public interest for the conduct of research and study in the United States (except at Brookhaven National Laboratory in Upton, New York) and issues a permit under such rules as the Secretary shall promulgate to protect animal health,” for “tunnel, and”.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 118, 119, 136a of this title; title 16 section 1540.

§ 114. Regulations for suppression of diseases; cooperation of States and Territories

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 118, 119, 136a of this title; title 16 section 1540.

§ 114a. Control and eradication of diseases; cooperation of States and farmers' associations; purchase and destruction of diseased animals; “State” defined

The Secretary of Agriculture, either independently or in cooperation with States or political subdivisions thereof, farmers' associations and similar organizations, and individuals, is authorized to control and eradicate any communicable diseases of livestock or poultry, including, but not limited to, tuberculosis and paratuberculosis of animals, avian tuberculosis, brucellosis of domestic animals, southern cattle ticks, hog cholera and related swine diseases, scabies in sheep and cattle, dourine in horses, scrapie and blue tongue in sheep, incipient or potentially serious minor outbreaks of diseases of animals, and contagious or infectious diseases of animals (such as foot-and-mouth disease, rinderpest, and contagious pleuropneumonia) which in the opinion of the Secretary constitute an emergency and threaten the livestock industry of the country, including the payment of claims growing out of destruction of animals (including poultry), and of materials, affected by or exposed to any such disease, in accord-

ance with such regulations as the Secretary may prescribe. The Secretary of Agriculture is authorized to prescribe and collect fees to recover the costs of carrying out the provisions of this section which relate to veterinary diagnostics. As used in this section, the term “State” includes the District of Columbia, Puerto Rico, and the Territories and possessions of the United States.

(As amended Nov. 28, 1990, Pub. L. 101-624, title XXV, § 2509(c)(2), 104 Stat. 4071.)

AMENDMENTS

1990—Pub. L. 101-624 inserted after first sentence “The Secretary of Agriculture is authorized to prescribe and collect fees to recover the costs of carrying out the provisions of this section which relate to veterinary diagnostics.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 114c, 114g, 118, 119, 136a of this title; title 16 section 1540.

§ 114a-1. Interstate movement of domestic animals reacting to tests for brucellosis; immediate slaughter; rules and regulations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 118, 119, 136a of this title; title 16 section 1540.

§ 114b. Cooperation in animal disease control

The Secretary of Agriculture is authorized to cooperate with the Governments of foreign countries, and with foreign or international organizations or associations in carrying out operations or measures to eradicate, suppress, or control, or to prevent or retard, any communicable disease of animals or vectors thereof, including but not limited to foot-and-mouth disease, rinderpest, or screwworm in such countries where he deems such action necessary to protect the livestock, poultry, and related industries of the United States. In performing the operations or measures authorized in sections 114b to 114d-1 of this title, the Governments of such countries shall be responsible for the authority necessary to carry out such operations or measures on all lands and properties therein and for such other facilities and means as in the discretion of the Secretary of Agriculture are necessary. The measure and character of cooperation carried out under said sections on the part of the United States and on the part of the Governments of such countries, including the expenditure or use of funds appropriated pursuant to said sections, shall be such as may be prescribed by the Secretary of Agriculture. Arrangements for the cooperation authorized by said sections shall be made through and in consultation with the Secretary of State. The authority contained in said sections is in addition to and not in substitution for the authority of existing law.

(As amended Mar. 15, 1990, Pub. L. 101-255, § 1(1), 104 Stat. 114; Nov. 28, 1990, Pub. L. 101-624, title XXV, § 2505, 104 Stat. 4068.)

AMENDMENTS

1990—Pub. L. 101-624 substituted “foreign countries” for “Mexico, Guatemala, El Salvador, Costa Rica, Honduras, Nicaragua, Belize, Panama, Colombia, and Canada, the Bahama Islands, the Greater Antilles, and the Lesser Antilles” and inserted “foreign or” before “international”.

Pub. L. 101-255 inserted section catchline and substituted “screwworm” for “screw-worm” in text.

SHORT TITLE

Section 6 of act Feb. 28, 1947, as added by Pub. L. 101-255, § 1(6), Mar. 15, 1990, 104 Stat. 114, provided that: “This Act [enacting this section and sections 114c to 114d-1 of this title and provisions set out as a note under this section] may be referred to as the ‘Animal Disease Control Cooperation Act of 1947.’”

APPROPRIATIONS

Section 4 of act Feb. 28, 1947, as amended by Pub. L. 101-255, § 1(4), Mar. 15, 1990, 104 Stat. 114, provided: “There are authorized to be appropriated such sums as may be necessary to carry out this Act [sections 114b to 114d of this title].”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 114c, 114d, 114d-1, 129, 136a of this title; title 7 section 147b; title 16 section 1540.

§ 114c. Use of funds

[See main edition for text]

(As amended Mar. 15, 1990, Pub. L. 101-255, § 1(2), 104 Stat. 114.)

AMENDMENTS

1990—Pub. L. 101-255 inserted section catchline.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 114b, 114d-1, 129, 136a of this title; title 16 section 1540.

§ 114d. Sale of sterile screwworms

(a) In general

Notwithstanding section 114b of this title, the Secretary of Agriculture may, independently or in cooperation with any foreign government or any international organization or association, produce and sell sterile screwworms to any foreign government or to any international organization or association, if the Secretary determines that the protection of livestock and related industries of the United States will not be adversely affected by such production and sale.

(b) Terms of sale

The Secretary may provide for the sale of screwworms under subsection (a) of this section under such terms and conditions as the Secretary considers appropriate.

(c) Deposit of proceeds

(1) Independent sales

If the Secretary independently produces and sells screwworms under subsection (a) of this section, the proceeds of such sales shall be deposited in the Treasury of the United States and be credited to the appropriation from which the operating expenses of the facility producing the screwworms have been paid.

(2) Cooperative sales

If the Secretary produces and sells screwworms in cooperation with a foreign government or an international organization or association, the proceeds of such sale shall be divided between the United States and such government, organization, or association, as determined by the Secretary, and the United States portion of such 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 screwworms have been paid.

(Feb. 28, 1947, ch. 8, § 3, as added Mar. 15, 1990, Pub. L. 101-255, § 1(3), 104 Stat. 114.)

PRIOR PROVISIONS

A prior section 114d, act Feb. 28, 1947, ch. 8, § 3, 61 Stat. 8, which related to reports by Secretary of Agriculture to Congress with respect to activities carried on under sections 114b and 114c of this title, was repealed by Pub. L. 86-533, § 1(20), June 29, 1960, 74 Stat. 249.

§ 114d-1. Cooperation with public and private entities

[See main edition for text]

(As amended Mar. 15, 1990, Pub. L. 101-255, § 1(5), 104 Stat. 114.)

AMENDMENTS

1990—Pub. L. 101-255 inserted section catchline.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 114b, 114c, 129, 136a of this title; title 16 section 1540.

§ 114e. Control and eradication of cattle grubs; research and investigations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 114f, 136a of this title; title 16 section 1540.

§ 114f. “State” defined; authorization of appropriations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136a of this title; title 16 section 1540.

§ 114g. Hog cholera eradication program

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 114h, 136a of this title; title 16 section 1540.

§ 114h. Advisory committee

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136a of this title; title 16 section 1540.

§ 114i. Pseudorabies eradication

(a) Findings

Congress finds that efforts to eradicate pseudorabies in United States swine populations by the Department of Agriculture in cooperation with State agencies and the pork industry have a high priority and should be contin-

ued until pseudorabies is completely eradicated in the United States.

(h) Establishment of program

The Secretary of Agriculture shall establish and carry out a program for the eradication of pseudorabies in United States swine populations.

(c) Use of funds for testing and control of pseudorabies

The Secretary shall ensure that not less than 65 percent of the funds appropriated for the program established under subsection (b) of this section shall be used for testing and screening of animals and for other purposes directly related to the eradication or control of pseudorabies. This requirement on the use of appropriated funds for this program shall not be implemented in a manner that would adversely affect any other animal or plant disease or pest eradication or control program.

(d) Authorization of appropriations

There are authorized to be appropriated for each of the fiscal years 1991 through 1995 such sums as may be necessary for the purpose of carrying out the program established under subsection (b) of this section.

(Pub. L. 101-624, title XXV, § 2506, Nov. 28, 1990, 104 Stat. 4068.)

§ 115. Transportation of diseased livestock and live poultry prohibited

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 117, 118, 119, 136a of this title; title 16 section 1540.

§ 116. Shipment of certain cattle excepted

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136a of this title; title 16 section 1540.

§ 117. Penalties for transportation of diseased livestock or live poultry

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 118, 119, 136a of this title; title 16 section 1540.

§ 118. Duty of United States attorneys

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136a of this title; title 16 section 1540.

§ 119. Agents to examine and report on methods of treatment of animals, and means for suppression of diseases

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 118, 136a of this title; title 16 section 1540.

§ 120. Regulation of exportation and transportation of infected livestock and live poultry

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 118, 119, 121, 122, 136a of this title; title 16 section 1540.

§ 121. Shipments from areas suspected infected; control of animals and live poultry

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 122, 136a of this title; title 16 section 1540.

§ 122. Offenses; penalty

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136a of this title; title 16 section 1540.

§ 123. Quarantine

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 128, 136a of this title; title 16 section 1540.

§ 124. Transportation or delivery therefor from quarantined State or Territory or portion thereof, of quarantined animals and live poultry, forbidden

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 127, 128, 136a of this title; title 16 section 1540.

§ 125. Regulations for inspection, disinfection, and certification, and delivery and shipment of quarantined animals and live poultry from State or Territory

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 126, 128, 136a of this title; title 16 section 1540.

§ 126. Moving quarantined animals and live poultry from State or Territory, under regulations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 127, 128, 136a of this title; title 16 section 1540.

§ 127. Transportation from quarantined State, Territory, etc.; penalty

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 128, 136a of this title; title 16 section 1540.

§ 128. Extension of quarantine law to carriers in interstate commerce

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136a of this title; title 16 section 1540.

§ 129. Expenses for arrest and eradication of contagious or infectious diseases or pests of animals, poultry, or plants

In emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 114b to 114d-1 of this title and section 147a of title 7, and any unexpended balances of funds transferred for such emergency purposes in the next

preceding fiscal year shall be merged with such transferred amounts.

(Aug. 14, 1992, Pub. L. 102-341, title I, 106 Stat. 882.)

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Oct. 28, 1991, Pub. L. 102-142, title I, 105 Stat. 886.

Nov. 5, 1990, Pub. L. 101-506, title I, 104 Stat. 1323.

Nov. 21, 1989, Pub. L. 101-161, title I, 103 Stat. 959.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136a of this title; title 16 section 1540.

§ 130. Pleuropneumonia in District of Columbia; duties of Council of the District of Columbia

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 118, 119, 136a of this title; title 16 section 1540.

§ 131. Fences along international boundary lines to keep out diseased animals

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136a of this title; title 16 section 1540.

§ 134. Definitions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134e, 134f, 134g, 134h, 136a of this title; title 16 section 1540.

§ 134a. Seizure, quarantine, and disposal of livestock or poultry to guard against introduction or dissemination of communicable disease

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 134e, 134f, 134g, 134h, 136a of this title; title 16 section 1540.

§ 134b. Regulations for clean and sanitary movement of animals

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 134e, 134f, 134g, 134h, 136a of this title; title 16 section 1540.

§ 134c. Regulations for movement of animals affected or exposed to communicable disease

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 134e, 134f, 134g, 134h, 136a of this title; title 16 section 1540.

§ 134d. Inspections and seizures; issuance of warrants

Employees of the Department of Agriculture designated by the Secretary for the purpose, when properly identified, shall have authority (1) to stop and inspect, without a warrant, any person or means of conveyance, moving into the United States from a foreign country, to determine whether such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for prevention of the introduction or dissemination of any communicable animal disease; (2) to stop and inspect, without a warrant, any means of conveyance moving interstate upon probable cause to believe that

such means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease; and (3) to enter upon, with a warrant, any premises for the purpose of making inspections and seizures necessary under such laws and regulations. Any Federal judge, or any judge of a court of record in the United States, or any United States magistrate judge, may, within his jurisdiction, upon proper oath or affirmation indicating probable cause to believe that there is on certain premises any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease, issue warrants for the entry upon such premises and for inspections and seizures necessary under such laws and regulations. Such warrants may be executed by any authorized employee of the Department of Agriculture.

(As amended Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

CHANGE OF NAME

"United States magistrate judge" substituted in text for "United States magistrate" pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, "United States magistrate" substituted for "United States commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 134e, 134f, 134g, 134h, 136a of this title; title 16 section 1540.

§ 134e. Enforcement provisions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 134f, 134g, 134h, 136a of this title; title 16 section 1540.

§ 134f. Promulgation of regulations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 134g, 134h, 136a of this title; title 16 section 1540.

§ 134g. Authority in addition to other laws; repeal of inconsistent provisions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 134f, 134h, 136a of this title; title 16 section 1540.

§ 134h. Separability

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 134f, 134g, 136a of this title; title 16 section 1540.

§ 135. International animal quarantine station; establishment; acceptance of gifts; cooperation with breeders' organizations; collection of fees

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 135a, 135b, 136a of this title; title 16 section 1540.

§ 136. Additional inspection services

The Secretary of Agriculture, in carrying out regulations prohibiting or restricting the entry of materials that may harbor pests, or diseases, is authorized to enter into agreements with operators or owners of vessels or aircraft for the purpose of providing inspection services at points of entry in the United States in addition to the regular or on-call basis currently available in connection with such vessels or aircraft. Any such agreement shall provide for the payment by the operator or owner of an amount determined by the Secretary to be necessary to defray the costs of providing additional service pursuant to such agreement.

(Pub. L. 101-624, title XXV, § 2508, Nov. 28, 1990, 104 Stat. 4069.)

§ 136a. Collection of fees for inspection services

(a) Quarantine, inspection and transportation fees

(1) Quarantine and inspection

(A) In general

The Secretary of Agriculture (hereafter referred to in this section as the "Secretary") may prescribe and collect fees to cover the cost of providing agricultural quarantine and inspection services in connection with the arrival at a port in the customs territory of the United States, or the preclearance or preinspection at a site outside the customs territory of the United States, of an international passenger, commercial vessel, commercial aircraft, commercial truck, or railroad car.

(B) Airport inspection services

For airport inspection services, the Secretary shall collect no more than \$69,000,000 in fiscal year 1992 and \$75,000,000 in fiscal year 1993 from international airline passengers and commercial aircraft operators.

(C) Commercial truck and railroad car inspection services

For commercial truck and railroad car inspection services, the Secretary shall collect no more than \$3,667,000 in fiscal year 1992 and \$3,890,000 in fiscal year 1993 from commercial truck and railroad car operators.

(D) Costs

Fees, including fees from international airline passengers and commercial aircraft operators, may only be collected to the extent that the Secretary reasonably estimates that the amount of the fees are commensurate with the costs of agricultural quarantine and inspection services with respect to the class of persons or entities paying the fees. The costs of such services with respect to passengers as a class includes the costs of related inspections of the aircraft.

(2) Treasury

Any person who collects a fee under this subsection shall remit such fee to the Treasury of the United States prior to the date that is 31 days after the close of the calendar quarter in which such fee is collected.

(3) Agricultural Quarantine Inspection User Fee Account

(A) Establishment

There is established in the Treasury of the United States a no-year fund, to be known as the "Agricultural Quarantine Inspection User Fee Account" (hereafter referred to in this section as the "Account"), for the use of the Secretary for quarantine or inspection services under this section.

(B) Amounts in Account

(i) Deposits

All of the fees collected under this subsection shall be deposited in the Account.

(ii) Reimbursement

The Secretary of the Treasury shall use the Account to provide reimbursements to any appropriation accounts that incur the costs associated with the administration of this subsection and all other activities carried out by the Secretary at ports in the customs territory of the United States and at preclearance or preinspection sites outside the customs territory of the United States in connection with the enforcement of the animal quarantine laws. Any such reimbursement shall be subject to appropriations under clause (v).

(iii) Procedure

The Secretary of the Treasury shall make reimbursement under clause (ii) on a quarterly basis. Amounts required to be reimbursed under clause (ii), shall be made on the basis of estimates made by the Secretary of the expenses described in clause (ii) that are incurred by the Secretary in the 3-month period immediately preceding such reimbursement.

(iv) Adjustments

Adjustments of reimbursements made under clause (ii) shall be made to the extent necessary to correct prior estimates that were in excess of, or less than, the amount required to be reimbursed under clause (iii).

(v) Authorization of appropriations

There are authorized to be appropriated each fiscal year amounts in the Fund¹ for use for quarantine or inspection services.

(4) Adjustment in fee amounts

Subject to the limits set forth in paragraph (1), the Secretary shall adjust the amount of the fees to be assessed under this subsection to reflect the cost to the Secretary in administering such subsection, in carrying out the activities at ports in customs territory of the United States and preclearance and preinspection sites outside the customs territory of the United States in connection with the provision of agricultural quarantine inspection services, and in maintaining a reasonable balance in the Account.

¹ So in original. Probably should be "Account".

(b) Omitted**(c) Animal inspection and veterinary diagnostics****(1) Animal inspection**

The Secretary may prescribe and collect fees to reimburse the Secretary for the cost of carrying out the provisions of the Federal Animal Quarantine Laws that relate to the importation, entry, and exportation of animals, articles, or means of conveyance.

(2) Omitted**(3) Fees**

All fees collected pursuant to this subsection and any late payment penalties or accrued interest collected pursuant to this subsection shall be credited to the accounts that incur the cost and shall remain available until expended without fiscal year limitation.

(4) Liability

Any person for whom an activity related to the importation, entry, or exportation of an animal, article, or means of conveyance or relating to veterinary diagnostics, is performed pursuant to the section, shall be liable for payment of fees assessed. Upon failure to pay such fees when due, the Secretary shall assess a late payment penalty, and such overdue fees shall accrue interest, as required by section 3717 of title 31. All fees, late payment penalties, and accrued interest collected shall be credited to such accounts that incur the costs and shall remain available until expended without fiscal year limitation.

(5) Liens ²**(A) In general**

The Secretary shall have a lien against the animal, article, means of conveyance, or facility for which services have been provided under this section for the fees, any late payment penalty, and any accrued interest assessed under this subsection.

(B) Other animals, etc.

In the case of any person who fails to make payment when due under this subsection, the Secretary shall have a lien against any animal, article, or means of conveyance thereafter imported, moved in interstate commerce, or attempted to be exported by the person after the date of such failure until the date on which such owner or operator make ³ full payment to the Secretary under this subsection.

(C) Sales of animals, etc.**(i) Authority**

The Secretary may, if a person does not pay fees, late payment penalties, or accrued interest on such, after providing reasonable notice of default to such person, sell at public sale after reasonable public notice, or otherwise dispose of, any such animal, article, means of conveyance or facility on which the Secretary has a lien under this paragraph.

(ii) Excess proceeds

If the sale proceeds under clause (i) exceed the fees due, any late payment penalty assessed, any accrued interest on such, and the expenses associated with the sale, such excess shall be paid to the owner of the animal, article, means of conveyance, or facility if such owner submits an application for such excess together with proof of ownership not later than 6 months after the date of such sale. If no such application is made, such excess shall be credited to accounts that incur the costs associated with the fees collected and shall remain available until expended, without fiscal year limitation. The Secretary shall suspend performance of services to persons who have failed to pay fees, late payment penalty, or accrued interest under this section.

(d) Regulations

The Secretary may prescribe such regulations as the Secretary determines necessary to carry out the provisions of this section.

(e) Recovery of amounts owed

An action may be brought for the recovery of fees, late payment penalties, and accrued interest which have not been paid in accordance with this section against any person obligated for payment of such assessments under this section in any United States district court or other United States court for any territory or possession in any jurisdiction in which such person is found or resides or transacts business, and such court shall have jurisdiction to hear and decide such action.

(f) Definitions**(1) Animal quarantine laws**

For purposes of this section, the term "animal quarantine laws" means—

(A) section 306 of the Tariff Act of 1930 (19 U.S.C. 1306);

(B) sections 6 through 10 of the Act of August 30, 1890 (26 Stat. 416, chapter 839; 21 U.S.C. 101-105);

(C) section 2 of the Act of February 2, 1903 (32 Stat. 792, chapter 349; 21 U.S.C. 111);

(D) the Act of May 29, 1884 (23 Stat. 32, chapter 60; 21 U.S.C. 112 to 114a-1, 115, 117-119, and 130) (commonly known as the "Animal Industry Act");

(E) the Act of February 28, 1947 (61 Stat. 7, chapter 8; 21 U.S.C. 114b, 114c, and 114d-1);

(F) the Act of June 16, 1948 (62 Stat. 458, chapter 477; 21 U.S.C. 114e and 114f);

(G) Public Law 87-209 (21 U.S.C. 114g and 114h);

(H) the Act of May 31, 1920 (41 Stat. 699, chapter 217; 21 U.S.C. 116);

(I) the Act of February 2, 1903 (32 Stat. 791, chapter 349; 21 U.S.C. 112 and 120-122) (commonly known as the "Cattle Contagious Diseases Act of 1903");

(J) the Act of March 3, 1905 (33 Stat. 1264, chapter 1496; 21 U.S.C. 123-127) (com-

² So in original. Probably should be "Liens".

³ So in original. Probably should be "makes".

monly known as the "Cattle Contagious Diseases Act of 1905");

(K) the matter under the heading "Bureau of Animal Industry" of the Act of June 30, 1914 (38 Stat. 419, chapter 131; 21 U.S.C. 128);

(L) section 101 of Public Law 92-73 (21 U.S.C. 129);

(M) the matter under the heading "Miscellaneous" of the Act of May 26, 1910 (36 Stat. 440, chapter 256; 21 U.S.C. 131);

(N) sections 1 through 6 and 11 through 13 of Public Law 87-518 (21 U.S.C. 134-134h); or

(O) any other Act administered by the Secretary relating to plant or animal diseases or pests, other than the first section of Public Law 91-239 (21 U.S.C. 135).

(2) Customs territory

For the purposes of subsection (a) of this section, the term "customs territory of the United States" means the 50 States, the District of Columbia, and Puerto Rico.

(3) Person

For the purposes of this section, the term "person" means an individual, corporation, partnership, trust, association, or any other public or private entity, or any officer, employee, or agent thereof.

(4) United States

For the purposes of subsection (b) of this section, the term "United States" means the several States of the United States, the District of Columbia, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

(5) Vessel

For the purposes of subsection (a) of this section, the term "vessel" does not include any ferry.

(Pub. L. 101-624, title XXV, § 2509, Nov. 28, 1990, 104 Stat. 4069; Pub. L. 101-508, title I, § 1203, Nov. 5, 1990, 104 Stat. 1388-11; Pub. L. 102-237, title X, § 1015, Dec. 13, 1991, 105 Stat. 1902.)

REFERENCES IN TEXT

Section 101 of Public Law 92-73, referred to in subsec. (f)(1)(L), is listed in a Similar Provisions note set out under section 129 of this title.

CODIFICATION

Section is comprised of section 2509 of Pub. L. 101-624. Subsecs. (b) and (c)(2) of section 2509 of Pub. L. 101-624 amended section 147a(f) of Title 7, Agriculture, and section 114a of this title, respectively.

AMENDMENTS

1991—Subsec. (a)(1). Pub. L. 102-237, § 1015(1), designated existing provisions as subpar. (A), realigned margin, added heading, and added subpars. (B) to (D).

Subsec. (a)(3)(B)(ii). Pub. L. 102-237, § 1015(2), added cl. (ii) and struck out former cl. (ii) which read as follows: "The Secretary of Treasury shall use the Account to provide reimbursements to any appropriations accounts that incur the costs associated with the services authorized in paragraph (1). Any such reimbursement shall be subject to appropriations under clause (v)."

Subsec. (a)(4). Pub. L. 102-237, § 1015(3), substituted "Subject to the limits set forth in paragraph (1), the" for "The".

1990—Subsec. (a)(1). Pub. L. 101-508, § 1203(1), substituted "an international passenger, commercial vessel, commercial aircraft, commercial truck, or railroad car." for "a commercial vessel, commercial aircraft, commercial truck, or railroad car."

Subsec. (a)(3)(B)(ii). Pub. L. 101-508, § 1203(2)(A), inserted at end "Any such reimbursement shall be subject to appropriations under clause (v)."

Subsec. (a)(3)(B)(v). Pub. L. 101-508, § 1203(2)(B), added cl. (v).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 effective Nov. 29, 1990, see section 1301 of Pub. L. 101-508, set out as a note under section 511r of Title 7, Agriculture.

CHAPTER 9—FEDERAL FOOD, DRUG, AND COSMETIC ACT

SUBCHAPTER III—PROHIBITED ACTS AND PENALTIES

Sec.	
333a.	Repealed.
335a.	Debarment, temporary denial of approval, and suspension. <ul style="list-style-type: none"> (a) Mandatory debarment. (b) Permissive debarment. (c) Debarment period and considerations. (d) Termination of debarment. (e) Publication and list of debarred persons. (f) Temporary denial of approval. (g) Suspension authority. (h) Termination of suspension. (i) Procedure. (j) Judicial review. (k) Certification. (l) Applicability.
335b.	Civil penalties. <ul style="list-style-type: none"> (a) In general. (b) Procedure. (c) Judicial review. (d) Recovery of penalties. (e) Informants.
335c.	Authority to withdraw approval of abbreviated drug applications. <ul style="list-style-type: none"> (a) In general. (b) Procedure. (c) Applicability. (d) Judicial review.

SUBCHAPTER IV—FOOD

343-1. National uniform nutrition labeling.

SUBCHAPTER V—DRUGS AND DEVICES

PART A—DRUGS AND DEVICES

360L. Postmarket surveillance.

- (a) In general.
- (b) Surveillance approval.

PART C—ELECTRONIC PRODUCT RADIATION CONTROL

360gg. Repealed.

360hh. Definitions.

360il. Program of control.

- (a) Establishment.
- (b) Powers of Secretary.
- (c) Record keeping.

360jj. Studies by the Secretary.

- (a) Report to Congress.
- (b) Participation of other Federal agencies.
- (c) Organization of studies and participation.