

erences, 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.

§ 8316. Authorization of appropriations

(a) In general

There are authorized to be appropriated such sums as are necessary to carry out this chapter.

(b) Transfer of funds

(1) In general

In connection with an emergency under which a pest or disease of livestock threatens any segment of agricultural production in the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department of Agriculture such funds as the Secretary determines are necessary for the arrest, control, eradication, or prevention of the spread of the pest or disease of livestock and for related expenses.

(2) Availability

Any funds transferred under this subsection shall remain available until expended, without fiscal year limitation.

(3) Reviewability

The action of any officer, employee, or agent of the Secretary in carrying out this section (including determining the amount of and making any payment authorized to be made under this chapter) 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.

(c) Use of funds

In carrying out this chapter, the Secretary may use funds made available to carry out this chapter for—

- (1) the employment of civilian nationals in foreign countries; and
- (2) the construction and operation of research laboratories, quarantine stations, and other buildings and facilities for special purposes.

(Pub. L. 107–171, title X, §10417, May 13, 2002, 116 Stat. 507; Pub. L. 110–234, title XI, §11011(3), May 22, 2008, 122 Stat. 1360; Pub. L. 110–246, §4(a), title XI, §11011(3), June 18, 2008, 122 Stat. 1664, 2122.)

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.

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 L. 110–234 were repealed by section 4(a) of Pub.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)(3). Pub. L. 110–246, §11011(3), struck out “of longer than 60 days” after “review”.

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.

§ 8317. Effect on regulations

A regulation issued under a provision of law repealed by subsection (a) shall remain in effect until the Secretary issues a regulation under section 8303(b) or 8315 of this title that supercedes the earlier regulation.

(Pub. L. 107–171, title X, §10418(c), May 13, 2002, 116 Stat. 509.)

REFERENCES IN TEXT

Subsection (a), referred to in text, means section 10418(a) of title X of Pub. L. 107–171, May 13, 2002, 116 Stat. 507, which repealed sections 429, 2260, and 2260a of this title, section 1306 of Title 19, Customs Duties, sections 102 to 105, 111, 112, 113, 114 to 114d–1, 114e to 114h, 115 to 131, 134 to 135b, and 612 to 614 of Title 21, Food and Drugs, sections 3901 and 3902 of Title 46, Shipping, and provisions set out as a note under section 129a of Title 21.

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.

§ 8318. Veterinary training

The Secretary of Agriculture may develop a program to maintain in all regions of the United States a sufficient number of Federal and State veterinarians who are well trained in recognition and diagnosis of exotic and endemic animal diseases.

(Pub. L. 107–171, title X, §10504, May 13, 2002, 116 Stat. 510.)

CODIFICATION

Section was not enacted as part of the Animal Health Protection Act which comprises this chapter.

§ 8319. Surveillance of zoonotic diseases

The Secretary of Health and Human Services, through the Commissioner of Food and Drugs and the Director of the Centers for Disease Control and Prevention, and the Secretary of Agriculture shall coordinate the surveillance of zoonotic diseases.

(Pub. L. 107–188, title III, §313, June 12, 2002, 116 Stat. 674.)

CODIFICATION

Section was enacted as part of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, and not as part of the Animal Health Protection Act which comprises this chapter.

§ 8320. Expansion of Animal and Plant Health Inspection Service activities

(a) In general

The Secretary of Agriculture (referred to in this section as the “Secretary”) may utilize existing authorities to give high priority to enhancing and expanding the capacity of the Animal and Plant Health Inspection Service to conduct activities to—

- (1) increase the inspection capacity of the Service at international points of origin;
- (2) improve surveillance at ports of entry and customs;
- (3) enhance methods of protecting against the introduction of plant and animal disease organisms by terrorists;
- (4) develop new and improve existing strategies and technologies for dealing with intentional outbreaks of plant and animal disease arising from acts of terrorism or from unintentional introduction, including—

(A) establishing cooperative agreements among Veterinary Services of the Animal and Plant Health Inspection Service, State animal health commissions and regulatory agencies for livestock and poultry health, and private veterinary practitioners to enhance the preparedness and ability of Veterinary Services and the commissions and agencies to respond to outbreaks of such animal diseases; and

(B) strengthening planning and coordination with State and local agencies, including—

- (i) State animal health commissions and regulatory agencies for livestock and poultry health; and
- (ii) State agriculture departments; and

(5) otherwise improve the capacity of the Service to protect against the threat of bioterrorism.

(b) Automated recordkeeping system

The Administrator of the Animal and Plant Health Inspection Service may implement a central automated recordkeeping system to provide for the reliable tracking of the status of animal and plant shipments, including those shipments on hold at ports of entry and customs. The Secretary shall ensure that such a system shall be fully accessible to or fully integrated with the Food Safety Inspection Service.

(c) Authorization of appropriations

There is authorized to be appropriated to carry out this section, \$30,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year.

(Pub. L. 107–188, title III, §331, June 12, 2002, 116 Stat. 678.)

CODIFICATION

Section was enacted as part of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, and not as part of the Animal Health Protection Act which comprises this chapter.

§ 8321. Pest and Disease Response Fund

(a) Establishment

There is established on the books of the Treasury an account to be known as the “Pest and

Disease Response Fund”. There shall be deposited into the Fund any proceeds received by the Secretary of Agriculture as reimbursement for services provided by the Secretary using amounts in the Fund.

(b) Availability

Amounts in the Fund shall remain available until expended.

(c) Use of Fund

In implementing the Animal Health Protection Act (7 U.S.C. 8301 et seq.) and the Plant Protection Act (7 U.S.C. 7701 et seq.), the Secretary of Agriculture shall have complete discretion regarding the use of amounts in the Fund to support emergency eradication and research activities in response to economic and health threats posed by pests and diseases affecting agricultural commodities.

(d) Authorization of appropriations

For each of the fiscal years 2005 through 2009, there is authorized to be appropriated to the Secretary of Agriculture \$1,000,000 for deposit in the Fund.

(Pub. L. 108–465, title IV, §401, Dec. 21, 2004, 118 Stat. 3886.)

REFERENCES IN TEXT

The Animal Health Protection Act, referred to in subsec. (c), is 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 this Act to the Code, see Short Title note set out under section 8301 of this title and Tables.

The Plant Protection Act, referred to in subsec. (c), is title IV of Pub. L. 106–224, June 20, 2000, 114 Stat. 438, as amended, which is classified principally to chapter 104 (§7701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7701 of this title and Tables.

CODIFICATION

Section was enacted as part of the Specialty Crops Competitiveness Act of 2004, and not as part of the Animal Health Protection Act which comprises this chapter.

§ 8322. National aquatic animal health plan

(a) In general

The Secretary of Agriculture may enter into a cooperative agreement with an eligible entity to carry out a project under a national aquatic animal health plan under the authority of the Secretary under section 10411 of the Animal Health Protection Act (7 U.S.C. 8310) for the purpose of detecting, controlling, or eradicating diseases of aquaculture species and promoting species-specific best management practices.

(b) Cooperative agreements between eligible entities and the Secretary

(1) Duties

As a condition of entering into a cooperative agreement with the Secretary under this section, an eligible entity shall agree to—

(A) assume responsibility for the non-Federal share of the cost of carrying out the project under the national aquatic health plan, as determined by the Secretary in accordance with paragraph (2); and

(B) act in accordance with applicable disease and species specific best management