

shall be final and not subject to judicial review or review by any officer or employee of the Federal Government other than the Secretary or the designee of the Secretary.

### (3) Exceptions

No payment shall be made by the Secretary under this subsection for—

(A) any animal, article, facility, or means of conveyance that has been moved or handled by the owner in violation of an agreement for the control and eradication of diseases or pests or in violation of this chapter;

(B) any progeny of any animal or article, which animal or article has been moved or handled by the owner of the animal or article in violation of this chapter;

(C) any animal, article, or means of conveyance that is refused entry under this chapter; or

(D) any animal, article, facility, or means of conveyance that becomes or has become affected with or exposed to any pest or disease of livestock because of a violation of an agreement for the control and eradication of diseases or pests or a violation of this chapter by the owner.

(Pub. L. 107-171, title X, §10407, May 13, 2002, 116 Stat. 498; Pub. L. 110-234, title XI, §11011(1), May 22, 2008, 122 Stat. 1360; Pub. L. 110-246, §4(a), title XI, §11011(1), June 18, 2008, 122 Stat. 1664, 2121.)

#### REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (d)(3), 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 L. 110-234 were repealed by section 4(a) of Pub.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. (d)(2)(C). Pub. L. 110-246, §11011(1), struck out “of longer than 60 days” after “or 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.

## § 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.)

#### 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.

#### 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.)

#### 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”.

#### 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.

### § 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 title<sup>1</sup> 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.)

#### 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,

<sup>1</sup> See References in Text note below.