

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.

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.

#### 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 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.)

#### 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.

#### TRANSFER OF FUNCTIONS

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### § 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 shall—

- (1) be credited to accounts that may be established by the Secretary for carrying out this section; and
- (2) remain available until expended for the preclearance activities, without fiscal year limitation.