

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.

§ 8303. Restriction on importation or entry

(a) In general

With notice to the Secretary of the Treasury and public notice as soon as practicable, the Secretary may prohibit or restrict—

(1) the importation or entry of any animal, article, or means of conveyance, or use of any means of conveyance or facility, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(2) the further movement of any animal that has strayed into the United States if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock; and

(3) the use of any means of conveyance in connection with the importation or entry of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement of livestock.

(b) Regulations

(1) Restrictions on import and entry

The Secretary may issue such orders and promulgate such regulations as are necessary to carry out subsection (a).

(2) Post importation quarantine

The Secretary may promulgate regulations requiring that any animal imported or entered be raised or handled under post-importation quarantine conditions by or under the supervision of the Secretary for the purpose of determining whether the animal is or may be affected by any pest or disease of livestock.

(c) Destruction or removal

(1) In general

The Secretary may order the destruction or removal from the United States of—

(A) any animal, article, or means of conveyance that has been imported but has not entered the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(B) any animal or progeny of any animal, article, or means of conveyance that has been imported or entered in violation of this chapter; or

(C) any animal that has strayed into the United States if the Secretary determines

that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock.

(2) Requirements of owners

(A) Orders to disinfect

The Secretary may require the disinfection of—

(i) a means of conveyance used in connection with the importation of an animal;

(ii) an individual involved in the importation of an animal and personal articles of the individual; and

(iii) any article used in the importation of an animal.

(B) Failure to comply with orders

If an owner fails to comply with an order of the Secretary under this section, the Secretary may—

(i) take remedial action, destroy, or remove from the United States the animal or progeny of any animal, article, or means of conveyance as authorized under paragraph (1); and

(ii) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action, destruction, or removal.

(Pub. L. 107-171, title X, §10404, May 13, 2002, 116 Stat. 496.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c)(1)(B), 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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§ 8304. Exportation

(a) In general

The Secretary may prohibit or restrict—

(1) the exportation of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock;

(2) the exportation of any livestock if the Secretary determines that the livestock is unfit to be moved;

(3) the use of any means of conveyance or facility in connection with the exportation of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock; or

(4) the use of any means of conveyance in connection with the exportation of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement and humane treatment of livestock.

(b) Requirements of owners

(1) Orders to disinfect

The Secretary may require the disinfection of—

(A) a means of conveyance used in connection with the exportation of an animal;

(B) an individual involved in the exportation of an animal and personal articles of the individual; and

(C) any article used in the exportation of an animal.

(2) Failure to comply with orders

If an owner fails to comply with an order of the Secretary under this section, the Secretary may—

(A) take remedial action with respect to the animal, article, or means of conveyance referred to in paragraph (1); and

(B) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action.

(c) Certification

The Secretary may certify the classification, quality, quantity, condition, processing, handling, or storage of any animal or article intended for export.

(d) Authorization of appropriations

(1) In general

There is authorized to be appropriated—

(A) \$1,500,000 for each of fiscal years 2008 through 2018 to carry out section 11010 of the Food, Conservation, and Energy Act of 2008; and

(B) such sums as may be necessary for each of fiscal years 2008 through 2018 to carry out this section.

(2) Availability

Funds appropriated under paragraph (1) shall remain available until expended.

(Pub. L. 107-171, title X, §10405, May 13, 2002, 116 Stat. 497; Pub. L. 110-234, title XI, §11010(c), May 22, 2008, 122 Stat. 1360; Pub. L. 110-246, §4(a), title XI, §11010(c), June 18, 2008, 122 Stat. 1664, 2121; Pub. L. 113-79, title XII, §12101(c), Feb. 7, 2014, 128 Stat. 978.)

REFERENCES IN TEXT

Section 11010 of the Food, Conservation, and Energy Act of 2008, referred to in subsec. (d)(1)(A), is section 11010 of Pub. L. 110-246, which amended this section and enacted provisions set out as a note below.

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

2014—Subsec. (d)(1). Pub. L. 113-79 substituted “2018” for “2012” in subpars. (A) and (B).

2008—Subsec. (d). Pub. L. 110-246, §11010(c), added subsec. (d).

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

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TRICHINAE CERTIFICATION PROGRAM

Pub. L. 113-79, title XII, §12101(a), (b), Feb. 7, 2014, 128 Stat. 978, provided that:

“(a) ALTERNATIVE CERTIFICATION PROCESS.—The Secretary of Agriculture shall amend the rule made under paragraph (2) of section 11010(a) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8304(a) [sic]) [7 U.S.C. 8304 note, set out below] to implement the voluntary trichinae certification program established under paragraph (1) of such section, to include a requirement to establish an alternative trichinae certification process based on surveillance or other methods consistent with international standards for categorizing compartments as having negligible risk for trichinae.

“(b) FINAL REGULATIONS.—Not later than one year after the date on which the international standards referred to in subsection (a) are adopted, the Secretary shall finalize the rule amended under such subsection.”

Pub. L. 110-234, title XI, §11010(a), (b), May 22, 2008, 122 Stat. 1359, and Pub. L. 110-246, §4(a), title XI, §11010(a), (b), June 18, 2008, 122 Stat. 1664, 2121, provided that:

“(a) VOLUNTARY TRICHINAE CERTIFICATION.—

“(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act [June 18, 2008], the Secretary of Agriculture shall establish a voluntary trichinae certification program. Such program shall include the facilitation of the export of pork products and certification services related to such products.

“(2) REGULATIONS.—The Secretary shall issue final regulations to implement the program under paragraph (1) not later than 90 days after the date of the enactment of this Act.

“(3) REPORT.—If final regulations are not published in accordance with paragraph (2) within 90 days of the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing—

“(A) an explanation of why the final regulations have not been issued in accordance with paragraph (2); and

“(B) the date on which the Secretary expects to issue such final regulations.

“(b) FUNDING.—Subject to the availability of appropriations under subsection (d)(1)(A) of section 10405 of the Animal Health Protection Act (7 U.S.C. 8304), as added by subsection (c), the Secretary shall use not less than \$6,200,000 of the funds made available under such subsection to carry out subsection (a).”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

§ 8305. Interstate movement

The Secretary may prohibit or restrict—