

(c) Regulations

The Secretary shall promulgate regulations—
 (1) defining the term “person” for the purposes of this chapter, which shall conform, to the maximum extent practicable, to the regulations defining the term “person” promulgated under section 1308 of this title (before the amendment made by section 1603(a)¹ of the Food, Conservation, and Energy Act of 2008); and

(2) promulgating such regulations as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section.

(Pub. L. 107–171, title X, §10204, May 13, 2002, 116 Stat. 491; Pub. L. 110–234, title I, §1603(g)(4), May 22, 2008, 122 Stat. 1011; Pub. L. 110–246, §4(a), title I, §1603(g)(4), June 18, 2008, 122 Stat. 1664, 1740; Pub. L. 113–79, title I, §1609(b)(1), Feb. 7, 2014, 128 Stat. 709.)

REFERENCES IN TEXT

Section 1308 of this title (before the amendment made by section 1603(a) of the Food, Conservation, and Energy Act of 2008), referred to in subsec. (c)(1), means section 1308 of this title before the amendment by section 1603(a) of Pub. L. 110–246, which amended the definition of “covered commodity” in section 1308(a)(1). Section 1603(b) of Pub. L. 110–246 amended section 1308 by, among other things, adding subsec. (a)(4) which defined “person” and striking out subsec. (e) which related to issuance of regulations defining “person”. The amendments by section 1603 of Pub. L. 110–246 to section 1308 were effective May 22, 2008.

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 L. 110–234 were repealed by section 4(a) of Pub.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. (c)(1). Pub. L. 113–79 amended language inserted by Pub. L. 110–246, §1603(g)(4). See 2008 Amendment note below.

2008—Subsec. (c)(1). Pub. L. 110–246, §1603(g)(4), as amended by Pub. L. 113–79, §1609(b)(1), inserted “(before the amendment made by section 1603(a) of the Food, Conservation, and Energy Act of 2008)” after “section 1308 of this title”.

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113–79 effective as if included in Pub. L. 110–246, see section 1609(b)(2) of Pub. L. 113–79, set out as a note under section 1471g of this title.

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.

§ 8205. Authorization of appropriations

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

(Pub. L. 107–171, title X, §10205, May 13, 2002, 116 Stat. 491.)

CHAPTER 109—ANIMAL HEALTH PROTECTION

Sec.
8301. Findings.

¹ See References in Text note below.

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8320.	Expansion of Animal and Plant Health Inspection Service activities.
8321.	Pest and Disease Response Fund.
8322.	National aquatic animal health plan.

§ 8301. Findings

Congress finds that—

(1) the prevention, detection, control, and eradication of diseases and pests of animals are essential to protect—

- (A) animal health;
- (B) the health and welfare of the people of the United States;

- (C) the economic interests of the livestock and related industries of the United States;
- (D) the environment of the United States;

and
 (E) interstate commerce and foreign commerce of the United States in animals and other articles;

(2) animal diseases and pests are primarily transmitted by animals and articles regulated under this chapter;

(3) the health of animals is affected by the methods by which animals and articles are transported in interstate commerce and foreign commerce;

(4) the Secretary must continue to conduct research on animal diseases and pests that constitute a threat to the livestock of the United States; and

(5)(A) all animals and articles regulated under this chapter are in or affect interstate commerce or foreign commerce; and

(B) regulation by the Secretary and cooperation by the Secretary with foreign countries, States or other jurisdictions, or persons are necessary—

- (i) to prevent and eliminate burdens on interstate commerce and foreign commerce;
- (ii) to regulate effectively interstate commerce and foreign commerce; and
- (iii) to protect the agriculture, environment, economy, and health and welfare of the people of the United States.

(Pub. L. 107–171, title X, §10402, May 13, 2002, 116 Stat. 494.)

REFERENCES IN TEXT

This chapter, referred to in pars. (2) and (5)(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 below and Tables.

SHORT TITLE

Pub. L. 107-171, title X, §10401, May 13, 2002, 116 Stat. 494, provided that: "This subtitle [subtitle E (§§10401-10418) of title X of Pub. L. 107-171, enacting this chapter, amending sections 7714 and 7733 of this title, section 1540 of Title 16, Conservation, and sections 136a and 618 of Title 21, Food and Drugs, and repealing sections 429, 2260, 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, 612 to 614 of Title 21, sections 3901 and 3902 of Title 46, Shipping, and provisions set out as a note under section 129a of Title 21] may be cited as the 'Animal Health Protection Act'."

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.

§ 8302. Definitions

In this chapter:

(1) Animal

The term "animal" means any member of the animal kingdom (except a human).

(2) Article

The term "article" means any pest or disease or any material or tangible object that could harbor a pest or disease.

(3) Disease

The term "disease" has the meaning given the term by the Secretary.

(4) Enter

The term "enter" means to move into the commerce of the United States.

(5) Export

The term "export" means to move from a place within the territorial limits of the United States to a place outside the territorial limits of the United States.

(6) Facility

The term "facility" means any structure.

(7) Import

The term "import" means to move from a place outside the territorial limits of the United States to a place within the territorial limits of the United States.

(8) Indian tribe

The term "Indian tribe" has the meaning given the term in section 450b of title 25.

(9) Interstate commerce

The term "interstate commerce" means trade, traffic, or other commerce—

(A) between a place in a State and a place in another State, or between places within the same State but through any place outside that State; or

(B) within the District of Columbia or any territory or possession of the United States.

(10) Livestock

The term "livestock" means all farm-raised animals.

(11) Means of conveyance

The term "means of conveyance" means any personal property used for or intended for use for the movement of any other personal property.

(12) Move

The term "move" means—

(A) to carry, enter, import, mail, ship, or transport;

(B) to aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting;

(C) to offer to carry, enter, import, mail, ship, or transport;

(D) to receive in order to carry, enter, import, mail, ship, or transport;

(E) to release into the environment; or

(F) to allow any of the activities described in this paragraph.

(13) Pest

The term "pest" means any of the following that can directly or indirectly injure, cause damage to, or cause disease in livestock:

(A) A protozoan.

(B) A plant.

(C) A bacteria.

(D) A fungus.

(E) A virus or viroid.

(F) An infectious agent or other pathogen.

(G) An arthropod.

(H) A parasite.

(I) A prion.

(J) A vector.

(K) Any organism similar to or allied with any of the organisms described in this paragraph.

(14) Secretary

The term "Secretary" means the Secretary of Agriculture.

(15) State

The term "State" means any of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, or any territory or possession of the United States.

(16) This chapter

Except when used in this section, the term "this chapter" includes any regulation or order issued by the Secretary under the authority of this chapter.

(17) United States

The term "United States" means all of the States.

(Pub. L. 107-171, title X, §10403, May 13, 2002, 116 Stat. 494.)

REFERENCES IN TEXT

This chapter, referred to in introductory provisions and par. (16), 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