

## 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.

## NATIONAL POULTRY IMPROVEMENT PLAN

Pub. L. 113-79, title XII, §12107, Feb. 7, 2014, 128 Stat. 982, provided that: “The Secretary of Agriculture shall ensure that the Department of Agriculture continues to administer the diagnostic surveillance program for H5/H7 low pathogenic avian influenza with respect to commercial poultry under section 146.14 of title 9, Code of Federal Regulations (or a successor regulation), without amending the regulations in section 147.43 of title 9, Code of Federal Regulations (as in effect on the date of the enactment of this Act [Feb. 7, 2014]), with respect to the governance of the General Conference Committee established under such section. The Secretary of Agriculture shall maintain—

“(1) the operations of the General Conference Committee—

“(A) in the physical location at which the Committee was located on the date of the enactment of this Act; and

“(B) with the organizational structure within the Department of Agriculture in effect as of such date; and

“(2) the funding levels for the National Poultry Improvement Plan for Commercial Poultry (established under part 146 of title 9, Code of Federal Regulations, or a successor regulation) at the fiscal year 2013 funding levels for the Plan.”

### § 8308a. National animal health laboratory network

#### (a) Definition of eligible laboratory

In this section, the term “eligible laboratory” means a diagnostic laboratory that meets specific criteria developed by the Secretary, in consultation with State animal health officials, State veterinary diagnostic laboratories, and veterinary diagnostic laboratories at institutions of higher education (as defined in section 1001 of title 20).

#### (b) In general

The Secretary, in consultation with State veterinarians, shall offer to enter into contracts, grants, cooperative agreements, or other legal instruments with eligible laboratories for any of the following purposes:

(1) To enhance the capability of the Secretary to respond in a timely manner to emerging or existing bioterrorist threats to animal health.

(2) To provide the capacity and capability for standardized—

(A) test procedures, reference materials, and equipment;

(B) laboratory biosafety and biosecurity levels;

(C) quality management system requirements;

(D) interconnected electronic reporting and transmission of data; and

(E) evaluation for emergency preparedness.

(3) To coordinate the development, implementation, and enhancement of national veterinary diagnostic laboratory capabilities, with special emphasis on surveillance planning and vulnerability analysis, technology development and validation, training, and outreach.

#### (c) Priority

To the extent practicable and to the extent capacity and specialized expertise may be necessary, the Secretary shall give priority to existing Federal facilities, State facilities, and facilities at institutions of higher education.

#### (d) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2014 through 2018.

(Pub. L. 107-171, title X, §10409A, as added Pub. L. 113-79, title XII, §12105, Feb. 7, 2014, 128 Stat. 980.)

### § 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 oppor-

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

tunity 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, 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.

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**§ 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.

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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