

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.

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

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.

**§ 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—

(1) may be collected in advance of the provision of such activities;

(2) shall be credited as offsetting collections to the currently applicable appropriation, account, or fund of U.S. Customs and Border Protection;

(3) shall remain available until expended;

(4) shall be available for the purposes for which such appropriation, account, or fund is authorized to be used; and

(5) may be collected and shall be available only to the extent provided in appropriations Acts.

**(c) Payment of employees**

**(1) In general**

Notwithstanding any other law, the Secretary may pay an officer or employee of the Department of Agriculture performing services under this chapter relating to imports into and exports from the United States for all overtime, night, or holiday work performed by the officer or employee at a rate of pay determined by the Secretary.

**(2) Reimbursement**

**(A) In general**

The Secretary may require a person for whom the services are performed to reimburse the Secretary for any expenses paid by the Secretary for the services under this subsection.

**(B) Use of funds**

All funds collected under this subsection shall—

(i) be credited to the account that incurs the costs; and

(ii) remain available until expended, without fiscal year limitation.

**(d) Late payment penalties**

**(1) Collection**

On failure by a person to reimburse the Secretary in accordance with this section, the Secretary may assess a late payment penalty against the person, including interest on overdue funds, as required by section 3717 of title 31.

**(2) Use of funds**

Any late payment penalty and any accrued interest shall—

(A) be credited to the account that incurs the costs; and

(B) remain available until expended, without fiscal year limitation.

(Pub. L. 107–171, title X, §10412, May 13, 2002, 116 Stat. 503; Pub. L. 114–125, title VIII, §818(b), Feb. 24, 2016, 130 Stat. 222.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c)(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.

AMENDMENTS

2016—Subsec. (b). Pub. L. 114–125 amended subsec. (b) generally. Prior to amendment, text read as follows: “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.”

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.

**§ 8312. Administration and claims**

**(a) Administration**

To carry out this chapter, the Secretary may—

(1) acquire and maintain real or personal property;

(2) employ a person;

(3) make a grant; and

(4) notwithstanding chapter 63 of title 31, enter into a contract, cooperative agreement, memorandum of understanding, or other agreement.

**(b) Tort claims**

**(1) In general**

Except as provided in paragraph (2), the Secretary may pay a tort claim, in the manner authorized by the first paragraph of section 2672 of title 28, if the claim arises outside the United States in connection with an activity authorized under this chapter.

**(2) Requirements**

A claim may not be allowed under this subsection unless the claim is presented in writing to the Secretary not later than 2 years after the date on which the claim arises.

(Pub. L. 107–171, title X, §10413, May 13, 2002, 116 Stat. 503.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (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.

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.