

Section 128, act June 30, 1914, ch. 131, 38 Stat. 419; Pub. L. 87-518, §9, July 2, 1962, 76 Stat. 131, related to extension of quarantine law to carriers in interstate commerce.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Act Mar. 3, 1905, ch. 1496, 33 Stat. 1264, which enacted sections 123 to 127 of this title, was popularly known as the "Cattle Contagious Diseases Act of 1905".

§ 129. Omitted

Editorial Notes

CODIFICATION

Section, Pub. L. 107-76, title I, Nov. 28, 2001, 115 Stat. 712, related to transfer of funds for emergency arrest of animal, poultry, or plant diseases or pests, and was from the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002. Similar provisions which are permanent are classified to sections 7772 and 8316 of Title 7, Agriculture.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 106-387, §1(a) [title I], Oct. 28, 2000, 114 Stat. 1549, 1549A-9, repealed by Pub. L. 107-171, title X, §10418(a)(15), May 13, 2002, 116 Stat. 508.

Pub. L. 106-78, title I, Oct. 22, 1999, 113 Stat. 1143.

Pub. L. 105-277, div. A, §101(a) [title I], Oct. 21, 1998, 112 Stat. 2681, 2681-8.

Pub. L. 105-86, title I, Nov. 18, 1997, 111 Stat. 2086.

Pub. L. 104-180, title I, Aug. 6, 1996, 110 Stat. 1576.

Pub. L. 104-37, title I, Oct. 21, 1995, 109 Stat. 307.

Pub. L. 103-330, title I, Sept. 30, 1994, 108 Stat. 2443.

Pub. L. 103-111, title I, Oct. 21, 1993, 107 Stat. 1054.

Pub. L. 102-341, title I, Aug. 14, 1992, 106 Stat. 882.

Pub. L. 102-142, title I, Oct. 28, 1991, 105 Stat. 886.

Pub. L. 101-506, title I, Nov. 5, 1990, 104 Stat. 1323.

Pub. L. 101-161, title I, Nov. 21, 1989, 103 Stat. 959.

Pub. L. 100-460, title I, Oct. 1, 1988, 102 Stat. 2237.

Pub. L. 100-202, §101(k) [title I], Dec. 22, 1987, 101 Stat. 1329-322, 1329-331.

Pub. L. 99-500, §101(a) [title I], Oct. 18, 1986, 100 Stat. 1783, 1783-8, and Pub. L. 99-591, §101(a) [title I], Oct. 30, 1986, 100 Stat. 3341, 3341-8.

Pub. L. 99-190, §101(a) [H.R. 3037, title I], Dec. 19, 1985, 99 Stat. 1185; Pub. L. 100-202, §106, Dec. 22, 1987, 101 Stat. 1329-433.

Pub. L. 97-370, title I, Dec. 18, 1982, 96 Stat. 1792.

Pub. L. 97-103, title I, Dec. 23, 1981, 95 Stat. 1472.

Pub. L. 96-528, title I, Dec. 15, 1980, 94 Stat. 3099.

Pub. L. 96-108, title I, Nov. 9, 1979, 93 Stat. 826.

Pub. L. 95-448, title I, Oct. 11, 1978, 92 Stat. 1076.

Pub. L. 95-97, title I, Aug. 12, 1977, 91 Stat. 813.

Pub. L. 94-351, title I, July 12, 1976, 90 Stat. 854.

Pub. L. 94-122, title I, Oct. 21, 1975, 89 Stat. 645.

Pub. L. 93-563, title I, Dec. 31, 1974, 88 Stat. 1824.

Pub. L. 93-135, title I, Oct. 24, 1973, 87 Stat. 472.

Pub. L. 92-399, title I, Aug. 22, 1972, 86 Stat. 594.

Pub. L. 92-73, title I, Aug. 10, 1971, 85 Stat. 185.

Pub. L. 91-566, title I, Dec. 22, 1970, 84 Stat. 1482.

Pub. L. 91-127, title I, Nov. 26, 1969, 83 Stat. 246.

Pub. L. 90-463, title I, Aug. 8, 1968, 82 Stat. 640.

Pub. L. 90-113, title I, Oct. 24, 1967, 81 Stat. 321.

Pub. L. 89-556, title I, Sept. 7, 1966, 80 Stat. 690.

Pub. L. 89-316, title I, Nov. 2, 1965, 79 Stat. 1166.

Pub. L. 88-573, title I, Sept. 2, 1964, 78 Stat. 863.

Pub. L. 88-250, title I, Dec. 30, 1963, 77 Stat. 821.

Pub. L. 87-879, title I, Oct. 24, 1962, 76 Stat. 1204.

Pub. L. 87-112, title I, July 26, 1961, 75 Stat. 228.

Pub. L. 86-532, title I, June 29, 1960, 74 Stat. 233.

Pub. L. 86-80, title I, July 8, 1959, 73 Stat. 168.

Pub. L. 85-459, title I, June 13, 1958, 72 Stat. 189.

Pub. L. 85-118, title I, Aug. 2, 1957, 71 Stat. 330.

June 4, 1956, ch. 355, title I, 70 Stat. 230.

May 23, 1955, ch. 43, title I, 69 Stat. 52.

June 29, 1954, ch. 409, title I, 68 Stat. 305.

July 28, 1953, ch. 251, title III, 67 Stat. 223.

July 5, 1952, ch. 574, title III, 66 Stat. 354.

Aug. 31, 1951, ch. 374, title II, 65 Stat. 243.

Sept. 6, 1950, ch. 896, Ch. VI, title I, 64 Stat. 661.

June 29, 1949, ch. 280, title I, 63 Stat. 332.

June 19, 1948, ch. 543, 62 Stat. 515.

July 30, 1947, ch. 356, title I, 61 Stat. 532.

June 22, 1946, ch. 445, 60 Stat. 278.

May 5, 1945, ch. 109, 59 Stat. 144.

June 28, 1944, ch. 296, 58 Stat. 434.

July 12, 1943, ch. 215, 57 Stat. 403.

July 22, 1942, ch. 516, 56 Stat. 676.

July 1, 1941, ch. 267, 55 Stat. 418.

June 25, 1940, ch. 421, 54 Stat. 542.

June 30, 1939, ch. 253, title I, 53 Stat. 951.

June 16, 1938, ch. 464, title I, 52 Stat. 722.

June 29, 1937, ch. 404, 50 Stat. 406.

June 4, 1936, ch. 489, 49 Stat. 1432.

May 17, 1935, ch. 131, title I, 49 Stat. 257.

Mar. 26, 1934, ch. 89, 48 Stat. 477.

Mar. 3, 1933, ch. 203, 47 Stat. 1442.

July 7, 1932, ch. 443, 47 Stat. 620.

Feb. 23, 1931, ch. 278, 46 Stat. 1252.

May 27, 1930, ch. 341, 46 Stat. 403.

Feb. 16, 1929, ch. 227, 45 Stat. 1198.

May 16, 1928, ch. 572, 45 Stat. 548.

Jan. 18, 1927, ch. 39, 44 Stat. 1005.

May 11, 1926, ch. 286, 44 Stat. 529.

Feb. 10, 1925, ch. 200, 43 Stat. 851.

Dec. 5, 1924, ch. 4, 43 Stat. 683.

June 5, 1924, ch. 266, 43 Stat. 458.

Apr. 2, 1924, ch. 81, 43 Stat. 40.

Feb. 26, 1923, ch. 119, 42 Stat. 1318.

May 11, 1922, ch. 185, 42 Stat. 536.

Mar. 4, 1917, ch. 179, 39 Stat. 1167.

§§ 129a to 131. Repealed. Pub. L. 107-171, title X, § 10418(a)(1), (8), (16), May 13, 2002, 116 Stat. 507, 508

Section 129a, Pub. L. 97-46, §1, Sept. 25, 1981, 95 Stat. 953; Pub. L. 106-224, title IV, §438(b), June 20, 2000, 114 Stat. 454, related to transfer of funds for emergency arrest of animal or poultry diseases. Section was formerly classified to section 147b of Title 7, Agriculture.

Section 130, act May 29, 1884, ch. 60, §8, 23 Stat. 33; 1967 Reorg. Plan No. 3, §402(430), eff. Aug. 11, 1967, 32 F.R. 11669, 81 Stat. 948; Pub. L. 93-198, title IV, §401, Dec. 24, 1973, 87 Stat. 793, related to pleuropneumonia in District of Columbia and duties of Council of the District of Columbia.

Section 131, act May 26, 1910, ch. 256, 36 Stat. 440, related to fences along international boundary lines to keep out diseased animals.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 97-46, §2, Sept. 25, 1981, 95 Stat. 953, provided that section 129a of this title was to become effective Sept. 25, 1981, prior to repeal by Pub. L. 107-171, title X, §10418(a)(1), May 13, 2002, 116 Stat. 507.

§ 132. Transferred

Editorial Notes

CODIFICATION

Section, act May 23, 1908, ch. 192, 35 Stat. 254, which related to inspection of dairy products for export, was transferred to section 693 of this title.

§ 133. Repealed. July 13, 1949, ch. 307, 63 Stat. 410

Section, act July 24, 1946, ch. 592, 60 Stat. 633, related to establishment of a quarantine station on Swan Island.

§§ 134 to 135b. Repealed. Pub. L. 107-171, title X, § 10418(a)(17), (18), May 13, 2002, 116 Stat. 508

Section 134, Pub. L. 87-518, §1, July 2, 1962, 76 Stat. 129, related to definitions for Pub. L. 87-518.

Section 134a, Pub. L. 87-518, §2, July 2, 1962, 76 Stat. 129, related to seizure, quarantine, and disposal of livestock or poultry to guard against introduction or dissemination of communicable disease.

Section 134b, Pub. L. 87-518, §3, July 2, 1962, 76 Stat. 130, related to regulations for clean and sanitary movement of animals.

Section 134c, Pub. L. 87-518, §4, July 2, 1962, 76 Stat. 130, related to regulations for movement of animals affected or exposed to communicable disease.

Section 134d, Pub. L. 87-518, §5, July 2, 1962, 76 Stat. 130, related to inspections, seizures, and issuance of warrants.

Section 134e, Pub. L. 87-518, §6, July 2, 1962, 76 Stat. 131; Pub. L. 97-461, §8, Jan. 12, 1983, 96 Stat. 2525, related to enforcement provisions.

Section 134f, Pub. L. 87-518, §11, July 2, 1962, 76 Stat. 132, related to promulgation of regulations.

Section 134g, Pub. L. 87-518, §12, July 2, 1962, 76 Stat. 132, related to authority in addition to other laws and repeal of inconsistent provisions.

Section 134h, Pub. L. 87-518, §13, July 2, 1962, 76 Stat. 132, related to separability.

Section 135, Pub. L. 91-239, §1, May 6, 1970, 84 Stat. 202; Pub. L. 103-465, title IV, §431(j), Dec. 8, 1994, 108 Stat. 4969, related to the establishment of international animal quarantine station, acceptance of gifts, cooperation with breeders' organizations, and collection of fees.

Section 135a, Pub. L. 91-239, §2, May 6, 1970, 84 Stat. 202; Pub. L. 97-461, §9, Jan. 12, 1983, 96 Stat. 2525, related to smuggling penalties.

Section 135b, Pub. L. 91-239, §3, May 6, 1970, 84 Stat. 202, related to authorization of appropriations.

§ 136. Additional inspection services

The Secretary of Agriculture, in carrying out regulations prohibiting or restricting the entry of materials that may harbor pests, or diseases, is authorized to enter into agreements with operators or owners of vessels or aircraft for the purpose of providing inspection services at points of entry in the United States in addition to the regular or on-call basis currently available in connection with such vessels or aircraft. Any such agreement shall provide for the payment by the operator or owner of an amount determined by the Secretary to be necessary to defray the costs of providing additional service pursuant to such agreement.

(Pub. L. 101-624, title XXV, §2508, Nov. 28, 1990, 104 Stat. 4069.)

§ 136a. Collection of fees for inspection services

(a) Quarantine and inspection fees

(1) Fees authorized

The Secretary of Agriculture may prescribe and collect fees sufficient—

(A) to cover the cost of providing agricultural quarantine and inspection services in connection with the arrival at a port in the customs territory of the United States, or the preclearance or preinspection at a site outside the customs territory of the United States, of an international passenger, commercial vessel, commercial aircraft, commercial truck, or railroad car;

(B) to cover the cost of administering this subsection; and

(C) through fiscal year 2002, to maintain a reasonable balance in the Agricultural Quarantine Inspection User Fee Account established under paragraph (5).

(2) Limitation

In setting the fees under paragraph (1), the Secretary shall ensure that the amount of the fees is commensurate with the costs of agricultural quarantine and inspection services with respect to the class of persons or entities paying the fees. The costs of the services with respect to passengers as a class includes the costs of related inspections of the aircraft or other vehicle.

(3) Status of fees

Fees collected under this subsection by any person on behalf of the Secretary are held in trust for the United States and shall be remitted to the Secretary in such manner and at such times as the Secretary may prescribe.

(4) Late payment penalties

If a person subject to a fee under this subsection fails to pay the fee when due, the Secretary shall assess a late payment penalty, and the overdue fees shall accrue interest, as required by section 3717 of title 31.

(5) Agricultural Quarantine Inspection User Fee Account

(A) Establishment

There is established in the Treasury of the United States a fund, to be known as the "Agricultural Quarantine Inspection User Fee Account", which shall contain all of the fees collected under this subsection and late payment penalties and interest charges collected under paragraph (4) through fiscal year 2002.

(B) Use of account

For each of fiscal years 1996 through 2002, funds in the Agricultural Quarantine Inspection User Fee Account shall be available, in such amounts as are provided in advance in appropriations Acts, to cover the costs associated with the provision of agricultural quarantine and inspection services and the administration of this subsection. Amounts made available under this subparagraph shall be available until expended.

(C) Excess fees

Fees and other amounts collected under this subsection in any of fiscal years 1996 through 2002 in excess of \$100,000,000 shall be available for the purposes specified in subparagraph (B) until expended, without further appropriation.

(6) Use of amounts collected after fiscal year 2002

After September 30, 2002, the unobligated balance in the Agricultural Quarantine Inspection User Fee Account and fees and other amounts collected under this subsection shall be credited to the Department of Agriculture accounts that incur the costs associated with the provision of agricultural quarantine and inspection services and the administration of this subsection. The fees and other amounts