

ing 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

2018—Par. (18). Pub. L. 115–334 added par. (18).

### Statutory Notes and Related Subsidiaries

#### 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.)

### Editorial Notes

#### 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.

### Statutory Notes and Related Subsidiaries

#### 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.

### § 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.)

## **Editorial Notes**

### **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).

## **Statutory Notes and Related Subsidiaries**

### **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.

### **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—

(1) the movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock; and

(2) the use of any means of conveyance or facility in connection with the movement in interstate commerce of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock.

(Pub. L. 107-171, title X, §10406, May 13, 2002, 116 Stat. 498.)

### § 8306. Seizure, quarantine, and disposal

#### (a) In general

The Secretary may hold, seize, quarantine, treat, destroy, dispose of, or take other remedial action with respect to—

(1) any animal or progeny of any animal, article, or means of conveyance that—

(A) is moving or has been moved in interstate commerce or has been imported and entered; and

(B) the Secretary has reason to believe may carry, may have carried, or may have been affected with or exposed to any pest or disease of livestock at the time of movement or that is otherwise in violation of this chapter;

(2) any animal or progeny of any animal, article, or means of conveyance that is moving or is being handled, or has moved or has been handled, in interstate commerce in violation of this chapter;

(3) any animal or progeny of any animal, article, or means of conveyance that has been imported, and is moving or is being handled or has moved or has been handled, in violation of this chapter; or

(4) any animal or progeny of any animal, article, or means of conveyance that the Secretary finds is not being maintained, or has not been maintained, in accordance with any post-importation quarantine, post-importation condition, post-movement quarantine, or post-movement condition in accordance with this chapter.

#### (b) Extraordinary emergencies

##### (1) In general

Subject to paragraph (2), if the Secretary determines that an extraordinary emergency exists because of the presence in the United States of a pest or disease of livestock and that the presence of the pest or disease threatens the livestock of the United States, the Secretary may—

(A) hold, seize, treat, apply other remedial actions to, destroy (including preventative slaughter), or otherwise dispose of, any animal, article, facility, or means of conveyance if the Secretary determines the action is necessary to prevent the dissemination of the pest or disease; and

(B) prohibit or restrict the movement or use within a State, or any portion of a State of any animal or article, means of conveyance, or facility if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of the pest or disease.

##### (2) State action

###### (A) In general

The Secretary may take action in a State under this subsection only on finding that measures being taken by the State are inadequate to control or eradicate the pest or disease, after review and consultation with—

“(i)<sup>1</sup> the Governor or an appropriate animal health official of the State; or

“(ii)<sup>1</sup> in the case of any animal, article, facility, or means of conveyance under the jurisdiction of an Indian tribe, the head of the Indian tribe.

###### (B) Notice

Subject to subparagraph (C), before any action is taken in a State under subparagraph (A), the Secretary shall—

(i) notify the Governor, an appropriate animal health official of the State, or head of the Indian tribe of the proposed action;

(ii) issue a public announcement of the proposed action; and

(iii) publish in the Federal Register—

(I) the findings of the Secretary;

(II) a description of the proposed action; and

(III) a statement of the reasons for the proposed action.

###### (C) Notice after action

If it is not practicable to publish in the Federal Register the information required under subparagraph (B)(iii) before taking action under subparagraph (A), the Secretary shall publish the information as soon as practicable, but not later than 10 business days, after commencement of the action.

#### (c) Quarantine, disposal, or other remedial action

##### (1) In general

The Secretary, in writing, may order the owner of any animal, article, facility, or

<sup>1</sup> So in original. Opening quotation marks probably should not appear.