To consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health.

IN THE SENATE OF THE UNITED STATES

October 2, 2001

Mr. Harkin (for himself, Mr. Lugar, Mr. Hatch, Mr. Dayton, Mr. Akaka, Mr. Johnson, Mr. Allard, Mr. Crafo, Mr. Craig, Mrs. Lincoln, Mr. Helms, and Mr. Nelson of Nebraska) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

---

A BILL

To consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Animal Health Protection Act”.

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Restriction on importation or entry.
Sec. 5. Exportation.
Sec. 6. Interstate movement.
Sec. 7. Seizure, quarantine, and disposal.
Sec. 8. Inspections, seizures, and warrants.
Sec. 9. Detection, control, and eradication of diseases and pests.
Sec. 10. Veterinary accreditation program.
Sec. 11. Cooperation.
Sec. 12. Reimbursable agreements.
Sec. 13. Administration and claims.
Sec. 14. Penalties.
Sec. 15. Enforcement.
Sec. 16. Regulations and orders.
Sec. 17. Authorization of appropriations.
Sec. 18. Repeals and conforming amendments.

SEC. 2. 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 Act;
(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 Act 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.

SEC. 3. DEFINITIONS.

In this Act:

(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” means—

(A) any infectious or noninfectious disease or condition affecting the health of livestock; or

(B) any condition detrimental to production of livestock.

(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 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).
(9) INTERSTATE COMMERCE.—The term “inter-state 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) An animal.
(L) Any organism similar to or allied with
any of the organisms described in this para-
graph.

(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 Common-
wealth 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 Act.—Except when used in this sec-
tion, the term “this Act” includes any regulation or
order issued by the Secretary under the authority of
this Act.

(17) United States.—The term “United
States” means all of the States.

SEC. 4. RESTRICTION ON IMPORTATION OR ENTRY.

(a) In General.—The Secretary may prohibit or
restrict—

(1) the importation or entry of any animal, arti-
cle, 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 nec-
essary to prevent the introduction into or dissemi-
ation 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.—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 Act; 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.

SEC. 5. 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 dis-
semination from or within the United States of any
pest or disease of livestock; or

(4) the use of any means of conveyance in con-
nection with the exportation of livestock if the Sec-
etary determines that the prohibition or restriction
is necessary because the means of conveyance has
not been maintained in a clean and sanitary condi-
tion or does not have accommodations for the safe
and proper movement and humane treatment of live-
stock.

(b) REQUIREMENTS OF OWNERS.—

(1) ORDERS TO DISINFECT.—The Secretary
may require the disinfection of—

(A) a means of conveyance used in connec-
tion with the exportation of an animal;

(B) an individual involved in the export-
tation 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.

SEC. 6. 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.
SEC. 7. 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 Act;

(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 Act;

(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 Act; 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 Act.

(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) the Governor or an appropriate animal health official of the State; or

“(ii) 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 means of conveyance referred to in subsection (a) or (b) to maintain in quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance, in a manner determined by the Secretary.

(2) FAILURE TO COMPLY WITH ORDERS.—If the owner fails to comply with the order of the Secretary, the Secretary may—

(A) seize, quarantine, dispose of, or take other remedial action with respect to the ani-
mal, article, facility, or means of conveyance under subsection (a) or (b); and

(B) recover from the owner the costs of any care, handling, disposal, or other remedial action incurred by the Secretary in connection with the seizure, quarantine, disposal, or other remedial action.

(d) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall compensate the owner of any animal, article, facility, or means of conveyance that the Secretary requires to be destroyed under this section.

(2) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the compensation shall be based on the fair market value, as determined by the Secretary, of the destroyed animal, article, facility, or means of conveyance.

(B) LIMITATION.—Compensation paid any owner under this subsection shall not exceed the difference between—

(i) the fair market value of the destroyed animal, article, facility, or means of conveyance; and
(ii) any compensation received by the owner from a State or other source for the destroyed animal, article, facility, or means of conveyance.

(C) REVIEWABILITY OF DETERMINATION.—The determination by the Secretary of the amount to be paid under this subsection shall be final and not subject to judicial review.

(3) EXCEPTIONS.—No payment shall be made by the Secretary under this subsection for—

   (A) any animal, article, facility, or means of conveyance that has been moved or handled by the owner in violation of an agreement for the control and eradication of diseases or pests or in violation of this Act;

   (B) any progeny of any animal or article, which animal or article has been moved or handled by the owner of the animal or article in violation of this Act;

   (C) any animal, article, or means of conveyance that is refused entry under this Act; or

   (D) any animal, article, facility, or means of conveyance that becomes or has become affected with or exposed to any pest or disease of livestock because of a violation of an agreement
for the control and eradication of diseases or 
pests or a violation of this Act by the owner.

SEC. 8. INSPECTIONS, SEIZURES, AND WARRANTS.
(a) GUIDELINES.—The activities authorized by this 
section shall be carried out consistent with guidelines ap-
proved by the Attorney General.
(b) WARRANTLESS INSPECTIONS.—The Secretary 
may stop and inspect, without a warrant, any person or 
means of conveyance moving—
(1) into the United States, to determine wheth-
her the person or means of conveyance is carrying 
any animal or article regulated under this Act; 
(2) in interstate commerce, on probable cause 
to believe that the person or means of conveyance is 
carrying any animal or article regulated under this 
Act; or 
(3) in intrastate commerce from any State, or 
any portion of a State, quarantined under section 
7(b), on probable cause to believe that the person or 
means of conveyance is carrying any animal or arti-
cle quarantined under section 7(b).
(c) INSPECTIONS WITH WARRANTS.—
(1) IN GENERAL.—The Secretary may enter, 
with a warrant, any premises in the United States
for the purpose of making inspections and seizures under this Act.

(2) APPLICATION AND ISSUANCE OF WARRANTS.—

(A) IN GENERAL.—On proper oath or affirmation showing probable cause to believe that there is on certain premises any animal, article, facility, or means of conveyance regulated under this Act, a United States judge, a judge of a court of record in the United States, or a United States magistrate judge may issue a warrant for the entry on premises within the jurisdiction of the judge or magistrate to make any inspection or seizure under this Act.

(B) EXECUTION.—The warrant may be applied for and executed by the Secretary or any United States marshal.

SEC. 9. DETECTION, CONTROL, AND ERADICATION OF DISEASES AND PESTS.

(a) IN GENERAL.—The Secretary may carry out operations and measures to detect, control, or eradicate any pest or disease of livestock (including the drawing of blood and diagnostic testing of animals), including animals at a slaughterhouse, stockyard, or other point of concentration.
21
(b) COMPENSATION.—The Secretary may pay a claim arising out of the destruction of any animal, article, or means of conveyance consistent with the purposes of this Act.

5 SEC. 10. VETERINARY ACCREDITATION PROGRAM.
6 (a) IN GENERAL.—The Secretary may establish a veterinary accreditation program that is consistent with this Act, including the establishment of standards of conduct for accredited veterinarians.

(b) CONSULTATION.—The Secretary shall consult with State animal health officials regarding the establishment of the veterinary accreditation program.

13 SEC. 11. COOPERATION.
14 (a) IN GENERAL.—To carry out this Act, 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 In-
dian tribe, other than on land and property owned
or controlled by the United States; and

(2) using other facilities and means, as deter-
mined by the Secretary.

(c) SCREWWORMS.—

(1) IN GENERAL.—The Secretary may, inde-
dependently or in cooperation with national govern-
ments of foreign countries or international organiza-
tions 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 indus-
try 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 pro-
ducing the sterile screwworms have been
paid.
(B) COOPERATIVE PRODUCTION AND SALE.—

(i) IN GENERAL.—If the Secretary co-operates 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 WITH OTHER FEDERAL AGENCIES.—
(1) In General.—The Secretary shall consult with the head of a Federal agency with respect to any activity that is under the jurisdiction of the Federal agency.

(2) Lead Agency.—The Department of Agriculture shall be the lead agency with respect to issues related to pests and diseases of livestock.

SEC. 12. 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 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.

(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 Act relating to imports into and ex-
ports 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, United States Code.

(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.

SEC. 13. ADMINISTRATION AND CLAIMS.
(a) ADMINISTRATION.—To carry out this Act, 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, United States Code, 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, United States Code, if the claim arises outside the United States in connection with an activity authorized under this Act.
(2) REQUIREMENTS.—A claim may not be allowed under this subsection unless the claim is pre-
sent in writing to the Secretary not later than 2 years after the date on which the claim arises.

SEC. 14. PENALTIES.

(a) CRIMINAL PENALTIES.—Any person that knowingly violates this Act, or that knowingly forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided under this Act shall be guilty of a misdemeanor, and, on conviction, shall be fined in accordance with title 18, United States Code, imprisoned not more than 1 year, or both.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person that violates this Act, or that forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided under this Act may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary that does not exceed the greater of—

(A)(i) $50,000 in the case of any individual, except that the civil penalty may not exceed $1,000 in the case of an initial violation of this Act by an individual moving regulated articles not for monetary gain;
(ii) $250,000 in the case of any other person for each violation; and

(iii) $500,000 for all violations adjudicated in a single proceeding; or

(B) twice the gross gain or gross loss for any violation or forgery, counterfeiting, or unauthorized use, alteration, defacing or destruction of a certificate, permit, or other document provided under this Act that results in the person’s deriving pecuniary gain or causing pecuniary loss to another person.

(2) FACTORS IN DETERMINING CIVIL PENALTY.—In determining the amount of a civil penalty, the Secretary shall take into account the nature, circumstance, extent, and gravity of the violation or violations and the Secretary may consider, with respect to the violator—

(A) the ability to pay;

(B) the effect on ability to continue to do business;

(C) any history of prior violations;

(D) the degree of culpability; and

(E) such other factors as the Secretary considers to be appropriate.
(3) **Settlement of civil penalties.**—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that may be assessed under this subsection.

(4) **Finality of orders.**—

(A) **Final order.**—The order of the Secretary assessing a civil penalty shall be treated as a final order reviewable under chapter 158 of title 28, United States Code.

(B) **Review.**—The validity of the order of the Secretary may not be reviewed in an action to collect the civil penalty.

(C) **Interest.**—Any civil penalty not paid in full when due under an order assessing the civil penalty shall thereafter accrue interest until paid at the rate of interest applicable to civil judgments of the courts of the United States.

(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 Act that violates this Act.
(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, United States Code.

(3) Summary Suspension.—

(A) In General.—Notwithstanding paragraph (1), the Secretary may summarily suspend the accreditation of a veterinarian who the Secretary has reason to believe has violated this Act.

(B) Hearings.—The Secretary shall provide the accredited veterinarian with a subsequent notice and an opportunity for a prompt post-suspension hearing on the record.

(d) Liability for Acts of Agents.—In the construction and enforcement of this Act, the act, omission, or failure of any officer, agent, or person acting for or employed by any other person within the scope of the employment or office of the officer, agent, or person, shall be deemed also to be the act, omission, or failure of the other person.

(e) Guidelines for Civil Penalties.—The Secretary shall coordinate with the Attorney General to establish guidelines to determine under what circumstances the Secretary may issue a civil penalty or suitable notice of
warning in lieu of prosecution by the Attorney General of
a violation of this Act.

SEC. 15. ENFORCEMENT.

(a) Collection of Information.—
(1) In general.—The Secretary may gather
and compile information and conduct any inspection
or investigation that the Secretary considers to be
necessary for the administration or enforcement of
this Act.

(2) Subpoenas.—
(A) In general.—The Secretary shall
have power to issue a subpoena to compel the
attendance and testimony of any witness and
the production of any documentary evidence re-
lating to the administration or enforcement of
this Act or any matter under investigation in
connection with this Act.

(B) Location of Production.—The at-
tendance of any witness and production of doc-
umentary evidence relevant to the inquiry may
be required from any place in the United
States.

(C) Enforcement.—
(i) In general.—In case of disobe-
dience to a subpoena by any person, the
Secretary may request the Attorney General to invoke the aid of any court of the United States within the jurisdiction in which the investigation is conducted, or where the person resides, is found, transacts business, is licensed to do business, or is incorporated, to require the attendance and testimony of any witness and the production of documentary evidence.

(ii) NONCOMPLIANCE.—In case of a refusal to obey a subpoena issued to any person, a court may order the person to appear before the Secretary and give evidence concerning the matter in question or to produce documentary evidence.

(iii) CONTEMPT.—Any failure to obey the order of the court may be punished by the court as contempt of the court.

(D) COMPENSATION.—

(i) WITNESSES.—A witness summoned by the Secretary under this Act shall be paid the same fees and mileage that are paid to a witness in a court of the United States.
(ii) DEPOSITIONS.—A witness whose deposition is taken, and the person taking the deposition, shall be entitled to the same fees that are paid for similar services in a court of the United States.

(E) PROCEDURES.—

(i) PUBLICATION.—The Secretary shall publish procedures for the issuance of subpoenas under this section.

(ii) REVIEW.—The procedures shall include a requirement that subpoenas be reviewed for legal sufficiency and, to be effective, be signed by the Secretary.

(iii) DELEGATION.—If the authority to sign a subpoena is delegated to an agency other than the Office of Administrative Law Judges, the agency receiving the delegation shall seek review of the subpoena for legal sufficiency outside that agency.

(b) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may—

(1) prosecute, in the name of the United States, all criminal violations of this Act that are referred to the Attorney General by the Secretary or are
brought to the notice of the Attorney General by any person;

(2) bring an action to enjoin the violation of or to compel compliance with this Act, or to enjoin any interference by any person with the Secretary in carrying out this Act, in any case in which the Secretary has reason to believe that the person has violated, or is about to violate this Act or has interfered, or is about to interfere, with the actions of the Secretary; or

(3) bring an action for the recovery of any unpaid civil penalty, funds under a reimbursable agreement, late payment penalty, or interest assessed under this Act.

(c) COURT JURISDICTION.—

(1) IN GENERAL.—The United States district courts, the District Court of Guam, the District Court of the Northern Mariana Islands, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories and possessions are vested with jurisdiction in all cases arising under this Act.

(2) VENUE.—Any action arising under this Act may be brought, and process may be served, in the judicial district where a violation or interference oc-
curred or is about to occur, or where the person
charged with the violation, interference, impending
violation, impending interference, or failure to pay
resides, is found, transacts business, is licensed to
do business, or is incorporated.

(3) Exception.—Paragraphs (1) and (2) do
not apply to subsections (b) and (c) of section 14.

SEC. 16. REGULATIONS AND ORDERS.
The Secretary may promulgate such regulations, and
issue such orders, as the Secretary determines necessary
to carry out this Act.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appro-
priated such sums as are necessary to carry out this Act.

(b) Transfer of Funds.—

(1) In General.—In connection with an emer-
gency under which a pest or disease of livestock
threatens any segment of agricultural production in
the United States, the Secretary may transfer from
other appropriations or funds available to the agen-
cies or corporations of the Department of Agri-
culture such funds as the Secretary determines are
necessary for the arrest, control, eradication, or pre-
vention of the spread of the pest or disease of live-
stock and for related expenses.
(2) **Availability.**—Any funds transferred under this subsection shall remain available until expended, without fiscal year limitation.

(c) **Use of Funds.**—In carrying out this Act, the Secretary may use funds made available to carry out this Act for—

(1) printing and binding, without regard to section 501 of title 44, United States Code;

(2) the employment of civilian nationals in foreign countries; and

(3) the construction and operation of research laboratories, quarantine stations, and other buildings and facilities for special purposes.

**SEC. 18. Repeals and Conforming Amendments.**

(a) **Repeals.**—The following provisions of law are repealed:


(2) Section 101(b) of the Act of September 21, 1944 (7 U.S.C. 429).


(6) Sections 6 through 8 and 10 of the Act of August 30, 1890 (21 U.S.C. 102 through 105).


(8) Sections 2 through 9, 11, and 13 of the Act of May 29, 1884 (21 U.S.C. 112, 113, 114, 114a, 114a–1, 115 through 120, 130).

(9) The first section and sections 2, 3, and 5 of the Act of February 28, 1947 (21 U.S.C. 114b, 114c, 114d, 114d–1).


(18) The first section and sections 2 through 6 and 11 through 13 of Public Law 87–518 (21 U.S.C. 134 through 134h).


(b) CONFORMING AMENDMENTS.—

(1) Section 414(b) of the Plant Protection Act (7 U.S.C. 7714(b)) is amended—

(A) in paragraph (1), by striking “, or the owner’s agent,”; and

(B) in paragraph (2), by striking “or agent of the owner” each place it appears.

(2) Section 423 of the Plant Protection Act (7 U.S.C. 7733) is amended—

(A) by striking subsection (b) and inserting the following:

“(b) LOCATION OF PRODUCTION.—The attendance of any witness and production of documentary evidence relevant to the inquiry may be required from any place in the United States.”;

(B) in the third sentence of subsection (e), by inserting “to an agency other than the Office of Administrative Law Judges” after “is delegated”; and

(C) by striking subsection (f).

(3) Section 11(h) of the Endangered Species Act of 1973 (16 U.S.C. 1540(h)) is amended in the first sentence by striking “animal quarantine laws
inserting “animal quarantine laws (as defined in section 2509(f) of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a(f)))”.

(4) Section 18 of the Federal Meat Inspection Act (21 U.S.C. 618) is amended by striking “of the cattle” and all that follows through “as herein described” and inserting “of the carcasses and products of cattle, sheep, swine, goats, horses, mules, and other equines”.

(5) Section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a) is amended—

(A) in subsection (e), by inserting after paragraph (1) the following:

“(2) VETERINARY DIAGNOSTICS.—The Secretary may prescribe and collect fees to recover the costs of carrying out the provisions of the Animal Health Protection Act that relate to veterinary diagnostics.”; and

(B) in subsection (f)(1), by striking subparagraphs (B) through (O) and inserting the following:

“(B) section 9 of the Act of August 30, 1890 (21 U.S.C. 101);
“(C) the Animal Health Protection Act; or
“(D) any other Act administered by the Secretary relating to plant or animal diseases or pests.”.

(c) EFFECT ON REGULATIONS.—A regulation issued under a provision of law repealed by subsection (a) shall remain in effect until the Secretary issues a regulation under section 16 that supersedes the earlier regulation.