

another, or from any State into the District of Columbia, or from the District into any State, any livestock and/or live poultry, knowing them to be affected with any contagious, infectious, or communicable disease, and especially the disease known as pleuropneumonia: *Provided*, That such livestock or poultry may be so delivered and received for such transportation and so transported and moved if the Secretary of Agriculture determines that such action will not endanger the livestock or poultry of the United States and authorizes such action, and such delivery, receipt, transportation, and movement are made in strict compliance with such rules and regulations as the Secretary of Agriculture may prescribe to protect the livestock and poultry of the United States.

(May 29, 1884, ch. 60, § 6, 23 Stat. 32; June 28, 1926, ch. 700, § 1, 44 Stat. 774; Feb. 7, 1928, ch. 30, 45 Stat. 59; Pub. L. 87-763, Oct. 9, 1962, 76 Stat. 762.)

CODIFICATION

Act May 29, 1884, as amended by act June 28, 1926, also contained the following proviso: "That until May 1, 1928, cattle infested with or exposed to cattle fever ticks may be shipped in interstate commerce for immediate slaughter after one dipping in accordance with such regulations as the Secretary of Agriculture may prescribe."

AMENDMENTS

1962—Pub. L. 87-763 inserted proviso permitting such livestock or poultry to be delivered and received for transportation and so transported and moved if the Secretary determines that such action will not endanger the livestock or poultry of the United States and authorizes such action, and such delivery, receipt, transportation, and movement are made in strict compliance with such rules and regulations as the Secretary may prescribe.

1928—Act Feb. 7, 1928, inserted "and/or live poultry" after "livestock" wherever appearing.

1926—Act June 28, 1926, struck out provision deeming splenetic or Texas fever not a communicable disease as to cattle unloaded only to be fed and watered on the way by rail to market for slaughter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 117, 118, 119, 136a of this title; title 16 section 1540.

§ 116. Shipment of certain cattle excepted

Cattle which have reacted to the tuberculin test may be shipped, transported, or moved from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, for immediate slaughter, in accordance with such rules and regulations as shall be prescribed by the Secretary of Agriculture. The said Secretary of Agriculture may, in his discretion, and under such rules and regulations as he may prescribe, permit cattle which have been shipped for breeding or feeding purposes from one State, Territory, or the District of Columbia to another State, Territory, or the District of Columbia, and which have reacted to the tuberculin test subsequent to such shipment, to be re-shipped in interstate commerce to the original owner.

(May 29, 1884, ch. 60, 23 Stat. 31; May 31, 1920, ch. 217, 41 Stat. 699.)

AMENDMENTS

1920—Act May 31, 1920, amended act May 29, 1884, without amending any particular section thereof, by

enacting provisions set out as this section. For classification of act May 29, 1884, to the Code, see Short Title note set out under section 112 of this title and Tables.

EXTENSION OF PROVISIONS TO LIVE POULTRY

Act Feb. 7, 1928, ch. 30, 45 Stat. 59, extended the terms and provisions of this section to live poultry.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 136a of this title; title 16 section 1540.

§ 117. Penalties for transportation of diseased livestock or live poultry

(a) Criminal penalty

Any person or persons operating any railroad, or master or owner of any boat or vessel, or owner or custodian of, or person having control over, cattle or other livestock or live poultry who shall knowingly violate the provisions of section 115 of this title or the rules and regulations prescribed by the Secretary of Agriculture under such section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

(b) Civil penalty

Any person or persons operating any railroad, or master or owner of any boat or vessel, or owner or custodian of, or person having control over, cattle or other livestock or live poultry who shall violate the provisions of section 115 of this title or the rules and regulations prescribed by the Secretary of Agriculture under such section may be assessed a civil penalty by the Secretary of not more than \$1,000. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. Such order shall be treated as a final order reviewable under chapter 158 of title 28. The validity of such order may not be reviewed in an action to collect such civil penalty.

(May 29, 1884, ch. 60, § 7, 23 Stat. 32; Feb. 7, 1928, ch. 30, 45 Stat. 59; Pub. L. 95-439, § 1, Oct. 10, 1978, 92 Stat. 1061; Pub. L. 97-461, § 5, Jan. 12, 1983, 96 Stat. 2524.)

AMENDMENTS

1983—Pub. L. 97-461 designated existing provisions as subsec. (a), inserted "or the rules and regulations prescribed by the Secretary of Agriculture under such section" after "title", and added subsec. (b).

1978—Pub. L. 95-439 amended section generally, striking out provision requiring Secretary of Agriculture to notify in writing the proper officials of any railroad, steamboat, or other transportation company doing business in an infected area of the existence of a contagion and to publish in newspapers the existence of a contagion.

1928—Act Feb. 7, 1928, inserted "and/or live poultry" after "livestock".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 118, 119, 136a of this title; title 16 section 1540.

§ 118. Duty of United States attorneys

It shall be the duty of the several United States attorneys to prosecute all violations of