

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.

§ 119. Agents to examine and report on methods of treatment of animals, and means for suppression of diseases

The Secretary of Agriculture is authorized to appoint two competent agents, who shall be practical stock raisers or experienced business men familiar with questions pertaining to commercial transactions in livestock and/or live poultry, whose duty it shall be, under the instructions of the said Secretary of Agriculture, to examine and report upon the best methods of treating, transporting, and caring for animals, and the means to be adopted for the suppression and extirpation of contagious pleuropneumonia, and to provide against the spread of other dangerous contagious, infectious, and communicable diseases. The compensation of said agents shall be at the rate of \$10 per diem, with all necessary expenses, while engaged in the actual performance of their duties under this Act, when absent from their usual place of business or residence as such agent.

(May 29, 1884, ch. 60, § 2, 23 Stat. 31; Feb. 9, 1889, ch. 122, § 1, 25 Stat. 659; July 14, 1890, ch. 707, 26 Stat. 288; Feb. 7, 1928, ch. 30, 45 Stat. 59.)

REFERENCES IN TEXT

This Act, referred to in text, is act May 29, 1884, ch. 60, 23 Stat. 31, as amended, which is popularly known as the Animal Industry Act. For complete classification of this Act to the Code, see Short Title note set out under section 112 of this title and Tables.

CODIFICATION

Substitution of Secretary of Agriculture for Commissioner of Agriculture, see note set out under section 112 of this title.

AMENDMENTS

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, 136a of this title; title 16 section 1540.

§ 120. Regulation of exportation and transportation of infected livestock and live poultry

In order to enable the Secretary of Agriculture to effectually suppress and extirpate contagious pleuropneumonia, foot-and-mouth disease, and other dangerous contagious, infectious, and communicable diseases in cattle and other livestock and/or live poultry, and to prevent the spread of such diseases, he is authorized and directed from time to time to establish such rules and regulations concerning the exportation and transportation of livestock and/or live poultry from any place within the United States where he may have reason to believe such diseases may exist into and through any State or Territory, and into and through the District of Columbia and to foreign countries as he may

deem necessary, and all such rules and regulations shall have the force of law.

(May 29, 1884, ch. 60, §§ 4, 5, 23 Stat. 32; Feb. 2, 1903, ch. 349, § 1, 32 Stat. 791; Feb. 7, 1928, ch. 30, 45 Stat. 59.)

CODIFICATION

Section is comprised of part of section 1 of act Feb. 2, 1903. Remainder of such section 1 is classified to sections 112, 113, and 121 of this title. The words “including the Indian Territory” which followed the word “Territory” in the original text of this section were omitted as obsolete.

Substitution of Secretary of Agriculture for Commissioner of Agriculture, see note set out under section 112 of this title.

AMENDMENTS

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 113, 114, 118, 119, 121, 122, 136a of this title; title 16 section 1540.

§ 121. Shipments from areas suspected infected; control of animals and live poultry

Whenever any inspector or assistant inspector of the Bureau of Animal Industry shall issue a certificate showing that such officer had inspected any cattle or other livestock and/or live poultry which were about to be shipped, driven, or transported from such locality to another as stated in section 120 of this title, and had found them free from Texas or splenic fever infection, pleuropneumonia, foot-and-mouth disease, or any other infectious, contagious, or communicable disease, such animals, so inspected and certified, may be shipped, driven, or transported from such place into and through any State or Territory, and into and through the District of Columbia, or they may be exported from the United States without further inspection or the exaction of fees of any kind, except such as may at any time be ordered or exacted by the Secretary of Agriculture; and all such animals shall at all times be under the control and supervision of the Bureau of Animal Industry of the Agricultural Department for the purposes of such inspection.

(Feb. 2, 1903, ch. 349, § 1, 32 Stat. 791; Feb. 7, 1928, ch. 30, 45 Stat. 59.)

CODIFICATION

Section is comprised of part of section 1 of act Feb. 2, 1903. Remainder of such section 1 is classified to sections 112, 113 and 120 of this title.

The words “including the Indian territory” which followed “Territory” in the original text of this section were omitted as obsolete.

AMENDMENTS

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 122, 136a of this title; title 16 section 1540.

§ 122. Offenses; penalty

Any person, company, or corporation knowingly violating the provisions of this Act or the

orders or regulations made in pursuance thereof shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than one hundred dollars nor more than five thousand dollars, or by imprisonment not more than one year, or by both such fine and imprisonment. Any person, company, or corporation violating such provisions, orders, or regulations may be assessed a civil penalty by the Secretary of Agriculture of not more than one thousand dollars. 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.

(Feb. 2, 1903, ch. 349, § 3, 32 Stat. 792; Pub. L. 97-461, § 6, Jan. 12, 1983, 96 Stat. 2525.)

REFERENCES IN TEXT

This Act, referred to in text, is act Feb. 2, 1903, ch. 349, 32 Stat. 791, as amended, which enacted sections 111, 121, and 122 of this title and amended sections 112, 113, and 120 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1983—Pub. L. 97-461 substituted “five thousand dollars” for “one thousand dollars” and inserted provisions relating to a civil penalty.

EXTENSION OF PROVISIONS TO LIVE POULTRY

Act Feb. 7, 1928, ch. 30, 45 Stat. 59, extended the penalties, 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.

§ 123. Quarantine

The Secretary of Agriculture is authorized to quarantine by regulation any State or Territory or the District of Columbia, or any portion of any State or Territory or the District of Columbia, when he shall determine the fact that any animals or live poultry in such State or Territory or District of Columbia are affected with any contagious, infectious, or communicable disease of livestock or poultry or that the contagion of any such disease exists or that vectors which may disseminate any such disease exist in such State or Territory or the District of Columbia.

(Mar. 3, 1905, ch. 1496, § 1, 33 Stat. 1264; Feb. 7, 1928, ch. 30, 45 Stat. 59; Pub. L. 87-518, § 8(a), July 2, 1962, 76 Stat. 131; Pub. L. 95-439, § 2, Oct. 10, 1978, 92 Stat. 1061.)

AMENDMENTS

1978—Pub. L. 95-439 struck out provision requiring Secretary of Agriculture to give written notice of the establishment of quarantine to the proper officials of railroads, steamboats, or other transportation systems and to publish notice of the establishment of quarantine in newspapers in the quarantined State or Territory or the District of Columbia.

1962—Pub. L. 87-518 authorized quarantine upon the determination that any animals or poultry are affected with a communicable disease of livestock or poultry or that the contagion of any such disease exists or that vectors which may disseminate any such disease exist.

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

SHORT TITLE

This section and sections 124 to 127 of this title are from act Mar. 3, 1905, entitled “An act to enable the Secretary of Agriculture to establish and maintain quarantine districts, to permit and regulate the movement of cattle and other live stock therefrom, and for other purposes and constitute the Cattle Contagious Diseases Act of 1905.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 128, 136a of this title; title 16 section 1540.

§ 124. Transportation or delivery therefor from quarantined State or Territory or portion thereof, of quarantined animals and live poultry, forbidden

No railroad company or the owners or masters of any steam or sailing or other vessel or boat shall receive for transportation or transport from any quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, any quarantined animals, and/or live poultry, except as hereinafter provided; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or to the master or owner of any boat or vessel, any quarantined animals and/or live poultry, except as hereinafter provided; nor shall any person, company, or corporation drive on foot, or cause to be driven on foot, or transport in private conveyance or cause to be transported in private conveyance, from a quarantined State or Territory or the District of Columbia, or from the quarantined portion of any State or Territory or the District of Columbia, into any other State or Territory or the District of Columbia, and quarantined animals and/or live poultry, except as hereinafter provided.

(Mar. 3, 1905, ch. 1496, § 2, 33 Stat. 1264; Feb. 7, 1928, ch. 30, 45 Stat. 59; Pub. L. 87-518, § 8(b), July 2, 1962, 76 Stat. 131.)

AMENDMENTS

1962—Pub. L. 87-518 substituted “quarantined animals” for “cattle or other livestock” wherever appearing.

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 127, 128, 136a of this title; title 16 section 1540.

§ 125. Regulations for inspection, disinfection, and certification, and delivery and shipment of quarantined animals and live poultry from State or Territory

It shall be the duty of the Secretary of Agriculture, and he is authorized and directed, when the public safety will permit, to make and promulgate rules and regulations which shall permit and govern the inspection, disinfection, certification, treatment, handling, and method and manner of delivery and shipment of quarantined animals or live poultry from a quarantined