

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 herein-after 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 herein-after 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