

§ 134d. Inspections and seizures; issuance of warrants

Employees of the Department of Agriculture designated by the Secretary for the purpose, when properly identified, shall have authority (1) to stop and inspect, without a warrant, any person or means of conveyance, moving into the United States from a foreign country, to determine whether such person or means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for prevention of the introduction or dissemination of any communicable animal disease; (2) to stop and inspect, without a warrant, any means of conveyance moving interstate upon probable cause to believe that such means of conveyance is carrying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease; and (3) to enter upon, with a warrant, any premises for the purpose of making inspections and seizures necessary under such laws and regulations. Any Federal judge, or any judge of a court of record in the United States, or any United States magistrate judge, may, within his jurisdiction, upon proper oath or affirmation indicating probable cause to believe that there is on certain premises any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary for the prevention of the introduction or dissemination of any communicable animal disease, issue warrants for the entry upon such premises and for inspections and seizures necessary under such laws and regulations. Such warrants may be executed by any authorized employee of the Department of Agriculture.

(Pub. L. 87-518, § 5, July 2, 1962, 76 Stat. 130; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

CHANGE OF NAME

“United States magistrate judge” substituted in text for “United States magistrate” pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “United States magistrate” substituted for “United States commissioner” pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 134e, 134f, 134g, 134h, 136a of this title; title 16 section 1540.

§ 134e. Enforcement provisions

(a) Criminal and civil penalties

(1) Whoever knowingly violates any regulation promulgated pursuant to the provisions of sections 134 through 134d of this title shall be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding one year, or both.

(2) Whoever violates any such regulation may be assessed a civil penalty by the Secretary not exceeding \$1,000. The Secretary may issue an order assessing such civil penalty only after no-

tice 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.

(b) Injunctive proceedings

The Secretary may bring an action to enjoin the violation of, or to compel compliance with, any regulation promulgated or order issued under said sections, or to enjoin any interference by any person with an employee of the Department of Agriculture in carrying out any duties under said sections, whenever the Secretary has reason to believe that such person has violated, or is about to violate, any such regulation or order, or has interfered, or is about to interfere, with any such employee. Such action shall be brought in the United States district court, or the United States court of any Territory or possession, for the judicial district in which such person resides or transacts business or in which the violation, omission, or interference has occurred or is about to occur. Process in such cases may be served in any judicial district wherein the defendant resides or transacts business or wherever the defendant may be found, and subpoenas for witnesses who are required to attend the court in any judicial district in any such cases may run into any other judicial district.

(Pub. L. 87-518, § 6, July 2, 1962, 76 Stat. 131; Pub. L. 97-461, § 8, Jan. 12, 1983, 96 Stat. 2525.)

AMENDMENTS

1983—Subsec. (a). Pub. L. 97-461 designated existing provisions as par. (1), substituted “\$5,000” for “\$1,000”, and added par. (2).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 134f, 134g, 134h, 136a of this title; title 16 section 1540.

§ 134f. Promulgation of regulations

The Secretary is authorized to issue such regulations as he deems necessary to carry out the provisions of this Act.

(Pub. L. 87-518, § 11, July 2, 1962, 76 Stat. 132.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 87-518, July 2, 1962, 76 Stat. 129, as amended, which enacted sections 134 to 134h of this title and amended sections 114a, 123 to 126, and 128 of this title and section 1114 of Title 18, Crimes and Criminal Procedure. For complete classification of this Act to the Code, see Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 134, 134g, 134h, 136a of this title; title 16 section 1540.

§ 134g. Authority in addition to other laws; repeal of inconsistent provisions

The authority conferred by this Act shall be in addition to authority conferred by other statutes. Any provision of any other Act inconsistent with the provisions of this Act is repealed.

(Pub. L. 87-518, § 12, July 2, 1962, 76 Stat. 132.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 87-518, July 2, 1962, 76 Stat. 129, as amended, which enacted sections