

§ 103. Importation, except at quarantine ports, prohibited; slaughter of infected animals; appraisal; payment

The importation of all animals described in this subchapter into any port in the United States, except such as may be designated by the Secretary of Agriculture, with the approval of the Secretary of the Treasury, as quarantine stations, is prohibited. The Secretary of Agriculture may cause to be slaughtered such of the animals named in this subchapter as may be, under regulations prescribed by him, adjudged to be infected with any contagious disease, or to have been exposed to infection so as to be dangerous to other animals. The value of animals so slaughtered as being so exposed to infection but not infected may be ascertained by agreement of the Secretary of Agriculture and the owners thereof if practicable; otherwise, by the appraisal by two persons familiar with the character and value of such property, to be appointed by the Secretary of Agriculture, whose decision, if they agree, shall be final; otherwise, the Secretary of Agriculture shall decide between them, and his decision shall be final. The amount of the value thus ascertained shall be paid to the owner thereof out of money in the Treasury appropriated for the use of the Bureau of Animal Industry; but no payment shall be made for any animal imported in violation of the provisions of this subchapter. If any animal subject to quarantine according to the provisions of this subchapter are brought into any port of the United States where no quarantine station is established, the collector of such port shall require the same to be conveyed, by the vessel on which they are imported or are found to the nearest quarantine station, at the expense of the owner.

(Aug. 30, 1890, ch. 839, § 8, 26 Stat. 416.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this Act", meaning act Aug. 30, 1890, ch. 839, 26 Stat. 415, as amended, which is classified to sections 18, and 101 to 105 of this title and section 181 of Title 19, Customs Duties. For complete classification of this Act to the Code, see Tables.

TRANSFER OF FUNCTIONS

Functions of Bureau of Animal Industry transferred to Secretary of Agriculture by Reorg. Plan No. 1 of 1947, §301, eff. July 1, 1947, 12 F.R. 4534, 61 Stat. 952, set out in the Appendix to Title 5, Government Organization and Employees.

For abolition of the offices of collector of customs, see note set out under section 44 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 104, 136a of this title; title 16 section 1540.

§ 104. Importation of animals

(a) In general

The Secretary of Agriculture may by regulation prohibit or restrict the importation or entry of any cattle, sheep, or other ruminants, or swine, that are diseased or infected with any disease, or that have been exposed to an infection, into or through the United States to prevent the dissemination into the United States of a disease.

(b) Penalties

(1) Criminal

Any person who knowingly violates any regulation promulgated by the Secretary pursuant to this section, or any provision of sections 101, 102, 103, and 105 of this title or any regulation promulgated by the Secretary pursuant to such sections, shall be fined under title 18 or imprisoned not more than 1 year, or both.

(2) Civil

Any person who violates any such provision or any such regulation may be assessed a civil penalty by the Secretary of Agriculture not exceeding \$1,000. The Secretary may issue an order assessing the civil penalty only after notice and an opportunity for an agency hearing on the record. The order shall be treated as a final order reviewable under chapter 158 of title 28. The validity of the order may not be reviewed in an action to collect such civil penalty.

(Aug. 30, 1890, ch. 839, § 6, 26 Stat. 416; June 28, 1926, ch. 700, § 2, 44 Stat. 775; Feb. 28, 1931, ch. 348, 46 Stat. 1460; July 22, 1954, ch. 558, § 32, 68 Stat. 510; Jan. 28, 1956, ch. 12, § 1, 70 Stat. 5; Pub. L. 97-461, § 4, Jan. 12, 1983, 96 Stat. 2524; Pub. L. 103-182, title III, § 361(b), Dec. 8, 1993, 107 Stat. 2122; Pub. L. 103-465, title IV, § 431(h), Dec. 8, 1994, 108 Stat. 4969.)

AMENDMENTS

1994—Pub. L. 103-465 amended section generally. Prior to amendment, section read as follows: "The importation of cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is prohibited, except that the Secretary of Agriculture, in accordance with such regulations as the Secretary may issue, may (1) permit the importation of cattle, sheep, or other ruminants, and swine, from Canada or Mexico, and (2) permit the importation from the British Virgin Islands into the Virgin Islands of the United States, for slaughter only, of cattle that have been infested with or exposed to ticks on being freed from the ticks. Any person who knowingly violates any provision of this section or sections 101, 102, 103, and 105 of this title or any regulation prescribed by the Secretary of Agriculture under any such section shall be guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding \$5,000, by imprisonment not exceeding one year, or both. Any person who violates any such provision or any such regulation may be assessed a civil penalty by the Secretary of Agriculture not exceeding \$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."

1993—Pub. L. 103-182 substituted ", except that the Secretary of Agriculture, in accordance with such regulations as the Secretary may issue, may (1) permit the importation of cattle, sheep, or other ruminants, and swine, from Canada or Mexico, and (2) permit the importation from the British Virgin Islands into the Virgin Islands of the United States, for slaughter only, of cattle that have been infested with or exposed to ticks on being freed from the ticks" for "": *Provided*, That the Secretary of Agriculture, within his discretion and under such regulations as he may prescribe, is authorized to permit the admission from Mexico into the State of Texas of cattle which have been infested with