

(Pub. L. 87-209, §1, Sept. 6, 1961, 75 Stat. 481.)

SECTION REFERRED TO IN OTHER SECTIONS

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

§ 114h. Advisory committee

(a) Establishment; membership

The Secretary of Agriculture is authorized and directed to establish an advisory committee composed of (1) eleven members selected from representatives of the swine and related industries, State and local government agencies, professional and scientific groups, and the general public, and (2) one member selected from the officers and employees of the Department of Agriculture who shall serve as chairman of the Committee. The Committee shall meet at the call of the Secretary.

(b) Functions

It shall be the function of the Committee to advise the Secretary with respect to the initiation of the national hog cholera eradication program referred to in section 114g of this title, and with respect to the development of plans and procedures for carrying out such program.

(c) Employment status; expenses

Committee members other than the chairman shall not be deemed to be employees of the United States and shall not be entitled to compensation, but the Secretary is authorized to pay their travel and subsistence expenses (or per diem in lieu thereof) in connection with their attendance at meetings of the Committee.

(Pub. L. 87-209, §2, Sept. 6, 1961, 75 Stat. 481.)

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

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

§ 114i. Pseudorabies eradication

(a) Findings

Congress finds that efforts to eradicate pseudorabies in United States swine populations by the Department of Agriculture in cooperation with State agencies and the pork industry have a high priority and should be continued until pseudorabies is completely eradicated in the United States.

(b) Establishment of program

The Secretary of Agriculture shall establish and carry out a program for the eradication of pseudorabies in United States swine populations.

(c) Use of funds for testing and control of pseudorabies

The Secretary shall ensure that not less than 65 percent of the funds appropriated for the pro-

gram established under subsection (b) of this section shall be used for testing and screening of animals and for other purposes directly related to the eradication or control of pseudorabies. This requirement on the use of appropriated funds for this program shall not be implemented in a manner that would adversely affect any other animal or plant disease or pest eradication or control program.

(d) Authorization of appropriations

There are authorized to be appropriated for each of the fiscal years 1991 through 2002 such sums as may be necessary for the purpose of carrying out the program established under subsection (b) of this section.

(Pub. L. 101-624, title XXV, §2506, Nov. 28, 1990, 104 Stat. 4068; Pub. L. 104-127, title IX, §916, Apr. 4, 1996, 110 Stat. 1187.)

AMENDMENTS

1996—Subsec. (d). Pub. L. 104-127 substituted “2002” for “1995”.

§ 115. Transportation of diseased livestock and live poultry prohibited

No railroad company within the United States, or the owners or masters of any steam or sailing or other vessel or boat, shall receive for transportation or transport from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any livestock and/or live poultry affected with any contagious, infectious, or communicable disease, and especially the disease known as pleuropneumonia; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or master or owner of any boat or vessel, any livestock and/or live poultry, knowing them to be affected with any contagious, infectious, or communicable disease; nor shall any person, company, or corporation drive on foot, or transport in private conveyance from one State or Territory to 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 splenic 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 im-

prisonment 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 this Act which shall be brought to their notice or knowledge by any person making the complaint under oath; and the same shall be heard before any district court of the United States or Territorial court holden within the district in which such violation of this Act has been committed.

(May 29, 1884, ch. 60, § 9, 23 Stat. 33; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

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.

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted “United States attorneys” for “United States district attorneys”. See section 541 of Title 28, Judiciary and Judicial Procedure.

REPEALS

Act June 25, 1948, ch. 646, § 39, 62 Stat. 992, repealed act Mar. 3, 1911, ch. 231, § 289, 36 Stat. 1167, formerly cited as a credit to this section.