

**§ 150f. Expenses; employment of personnel; printing and binding; purchase of passenger-carrying vehicles.**

To carry out the purposes of this chapter the Secretary of Agriculture is authorized to incur all necessary expenses, including the employment of persons in the District of Columbia and elsewhere, printing and binding, and the purchase of passenger-carrying vehicles. (June 15, 1948, ch. 471, § 7, 62 Stat. 443.)

**§ 150g. Chapter as supplemental legislation.**

The provisions of this chapter are intended to supplement, and shall not be construed as limiting or repealing existing legislation. (June 15, 1948, ch. 471, § 8, 62 Stat. 443.)

**Chapter 7B.—PLANT PESTS**

Sec.

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**§ 150aa. Definitions.**

As used in this chapter, except where the context otherwise requires:

(a) "Secretary" means the Secretary of Agriculture of the United States or any other person to whom authority may be delegated to act in his stead.

(b) "Properly identified employee of the Department of Agriculture" means an employee of that Department authorized to enforce the provisions of the Plant Quarantine Act, and wearing a suitable badge for identification, or otherwise properly identified.

(c) "Plant pest" means any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.

(d) "Living stage" includes the egg, pupal, and larval stages as well as any other living stage.

(e) "United States" means any of the States, Territories, or Districts (including possessions and the District of Columbia) of the United States.

(f) "Interstate" means from one State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(g) "Move" means ship, deposit for transmission in the mail, otherwise offer for shipment, offer for entry, import, receive for transportation, carry, or

otherwise transport, or move, or allow to be moved, by mail or otherwise.

(h) "Plant Quarantine Act" means the Act of August 20, 1912 (37 Stat. 315), as from time to time amended.

(i) "Mexican Border Act" means the Act of January 31, 1942 (56 Stat. 40), as from time to time amended. (Pub. L. 85-36, title I, § 102, May 23, 1957, 71 Stat. 31.)

**REFERENCES IN TEXT**

In the original, "this chapter" read "this Act", meaning Pub. L. 85-36, which enacted this chapter and provisions set out as a note under section 147a of this title, amended sections 147a and 149 of this title, and repealed sections 141-144 and 441 of this title.

The Plant Quarantine Act, referred to in subds. (b) and (h), is classified to chapter 8 of this title.

The Mexican Border Act, referred to in subd. (i), is classified to section 149 of this title.

**SHORT TITLE**

Section 101 of Pub. L. 85-36 provided that: "This title [which enacted this chapter and provisions set out as a note under section 147a of this title, amended section 149 of this title and repealed sections 141-144 and 441 of this title] may be cited as the 'Federal Plant Pest Act'."

**§ 150bb. Movement of pests; permit; permission by Secretary.**

(a) No person shall knowingly move any plant pest from a foreign country into or through the United States, or interstate, or knowingly accept delivery of any plant pest moving from any foreign country into or through the United States, or interstate, unless such movement is authorized under general or specific permit from the Secretary and is made in accordance with such conditions as the Secretary may prescribe in the permit and in such regulations as he may promulgate under this section to prevent the dissemination into the United States, or interstate, of plant pests.

(b) The Secretary may refuse to issue a permit for the movement of any plant pest when, in his opinion, such movement would involve a danger of dissemination of such pests. The Secretary may permit the movement of host materials otherwise barred under the Plant Quarantine Act when they must necessarily accompany the plant pest to be moved. (Pub. L. 85-36, title I, § 103, May 23, 1957, 71 Stat. 32.)

**REFERENCES IN TEXT**

The Plant Quarantine Act, referred to in subsec. (b), is classified to chapter 8 of this title.

**§ 150cc. Mailing of pests; opening of mail; exception.**

(a) Any letter, parcel, box, or other package containing any plant pest, whether sealed as letter-rate postal matter or not, is declared to be nonmailable, and will not knowingly be conveyed in the mail or delivered from any post office or by any mail carrier, except when accompanied by a copy of a permit issued under this chapter.

(b) Nothing in this chapter shall authorize any person to open any letter or other sealed matter except in accordance with the postal laws and regulations.

(c) The prohibitions of this chapter shall not apply to any employee of the United States in the performance of his duties in handling mail. (Pub. L. 85-36, title I, § 104, May 23, 1957, 71 Stat. 32.)

## REFERENCES IN TEXT

In the original, "this chapter" read "this Act." See note under section 150aa of this title.

## § 150dd. Emergency measures by Secretary.

## (a) Remedial measures or disposal by Secretary.

Except as provided in paragraph (c) of this section, the Secretary may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as he deems appropriate, any product or article of any character whatsoever, or means of conveyance, which is moving into or through the United States, or interstate, and which he has reason to believe is infested or infected by or contains any such plant pest, or which has moved into the United States, or interstate, and which he has reason to believe was infested or infected by or contained any such plant pest at the time of such movement; and any plant pest, product, article, or means of conveyance which is moving into or through the United States, or interstate, or has moved into the United States, or interstate, in violation of this chapter or any regulation thereunder: *Provided*, That this paragraph shall not authorize such action with respect to any product, article, means of conveyance, or plant pest subject, at the time of the proposed action, to disposal under the Plant Quarantine Act.

## (b) Ordering treatment or disposal by owner; procedure.

Except as provided in paragraph (c) of this section, the Secretary may order the owner of any product, article, means of conveyance, or plant pest subject to disposal under paragraph (a) of this section, or his agent, to treat, apply other remedial measures to, destroy, or make other disposal of such product, article, means of conveyance, or plant pest, without cost to the Federal Government and in such manner as the Secretary deems appropriate. The Secretary may apply to the United States district court, or to a United States court of any Territory or possession, for the judicial district in which such person resides or transacts business or in which the product, article, means of conveyance, or plant pest is found, for enforcement of such order by injunction, mandatory or otherwise. Process in any such case may be served in any judicial district wherein the defendant resides or transacts business or may be found, and subpoena for witnesses who are required to attend a court in any judicial district in such a case may run into any other judicial district.

## (c) Other adequate action to prevent dissemination.

No product, article, means of conveyance, or plant pest shall be destroyed, exported, or returned to shipping point of origin, or ordered to be destroyed, exported, or so returned under this section, unless in the opinion of the Secretary there is no less drastic action which would be adequate to prevent the dissemination of plant pests new to or not theretofore known to be widely prevalent or distributed within and throughout the United States.

## (d) Compensation of owner for unauthorized disposal.

The owner of any product, article, means of conveyance, or plant pest destroyed, or otherwise disposed of by the Secretary under this section, may bring an action against the United States in the United States District Court for the District of Columbia, within one year after such destruction or disposal, and recover just compensation for such destruction or disposal of such product, article, means of conveyance, or plant pest (not including compensation for loss due to delays incident to determining eligibility for movement into or through the United States or for interstate movement) if the owner establishes that neither this section nor the Plant Quarantine Act authorized such destruction or disposal. Any judgment rendered in favor of such owner shall be paid out of the money in the Treasury appropriated for plant disease and pest control activities of the Department of Agriculture. (Pub. L. 85-36, title I, § 105, May 23, 1957, 71 Stat. 32.)

## REFERENCES IN TEXT

In the original, "this chapter" read "this Act." See note under section 150aa of this title.

The Plant Quarantine Act, referred to in subsecs. (a) and (d), is classified to chapter 8 of this title.

## FEDERAL RULES OF CIVIL PROCEDURE

Subpoena, see rule 45, Title 28, Appendix, Judiciary and Judicial Procedure.

## § 150ee. Regulations and conditions.

The Secretary may promulgate such regulations requiring inspection of products and articles of any character whatsoever and means of conveyance, specified in the regulations, as a condition of their movement into or through the United States, or interstate, and imposing other conditions upon such movement, as he deems necessary to prevent the dissemination into the United States, or interstate, of plant pests, in any situation in which such regulations are not authorized under the Plant Quarantine Act. (Pub. L. 85-36, title I, § 106, May 23, 1957, 71 Stat. 33.)

## REFERENCES IN TEXT

The Plant Quarantine Act, referred to in text, is classified to chapter 8 of this title.

## § 150ff. Inspections and seizures; warrants.

Any properly identified employee of the Department of Agriculture shall have authority to stop and inspect, without a warrant, any persons or means of conveyance moving into the United States, and any plant pests and any products and articles of any character whatsoever carried thereby, to determine whether such persons or means of conveyance are carrying any plant pest contrary to this chapter and whether any such means of conveyance, products, or articles are infested or infected by or contain any plant pest or are moving in violation of any regulation under this chapter; to stop and inspect, without a warrant, any persons or means of conveyance moving interstate, and any plant pests and any products and articles of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, products, or articles are infested or infected by or contain any plant pest or are moving subject to any

regulation under this chapter, or that such persons or means of conveyance are carrying any plant pest subject to this chapter; and to enter, with a warrant, any premises in the United States, other than places which may be entered under section 167 of this title, to make any inspections and seizures necessary under this chapter. Any judge of the United States or of a court of record of any State, Territory or possession, or a United States commissioner, may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause to believe that there are on certain premises any products, articles, means of conveyance, or plant pests regulated or subject to disposal under this chapter, issue warrants for the entry of such premises to make any inspections or seizures under this chapter. Such warrants may be executed by any authorized employee of the Department of Agriculture. (Pub. L. 85-36, title I, § 107, May 23, 1957, 71 Stat. 34.)

REFERENCES IN TEXT

In the original, "this chapter" read "this Act." See note under section 150aa of this title.

§ 150gg. Penalty.

Any person who violates section 150bb of this title, or any regulation promulgated under this chapter, or who forges, counterfeits, or without authority from the Secretary uses, alters, or defaces any permit or other document provided for by this chapter or the regulations thereunder, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500, or by imprisonment not exceeding one year, or both. (Pub. L. 85-36, title I, § 108, May 23, 1957, 71 Stat. 34.)

REFERENCES IN TEXT

In the original, "this chapter" read "this Act." See note under section 150aa of this title.

CROSS REFERENCES

Misdemeanor defined, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 150hh. Separability of provisions.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of the chapter and the application of such provision to other persons and circumstances shall not be affected thereby. (Pub. L. 85-36, title I, § 109, May 23, 1957, 71 Stat. 34.)

REFERENCES IN TEXT

In the original, "this chapter" read "this Act." See note under section 150aa of this title.

§ 150ii. Authority as additional.

The authority conferred by this chapter shall be in addition to authority conferred by other statutes not specifically repealed hereby. (Pub. L. 85-36, title I, § 111, May 23, 1957, 71 Stat. 34.)

REFERENCES IN TEXT

In the original, "this chapter" read "this Act." See note under section 150aa of this title.

CODIFICATION

Section constitutes first sentence of section 111 of Pub. L. 85-36. Second sentence of section 111 is classified as section 150jj of this title. Third sentence of section 111 repealed sections 141-144, and 441 of this title. Remainder of section 111 is set out as a note under section 147a of this title.

§ 150jj. Plant Quarantine Act unaffected.

Nothing in this chapter shall amend or repeal any of the provisions of the Plant Quarantine Act. (Pub. L. 85-36, title I, § 111, May 23, 1957, 71 Stat. 35.)

REFERENCES IN TEXT

In the original, "this chapter" read "this Act." See note under section 150aa of this title.

The Plant Quarantine Act, referred to in text, is classified to chapter 8 of this title.

CODIFICATION

Section constitutes second sentence of section 111 of Pub. L. 85-36. For disposition of remainder of section 111, see note set out under section 150ii of this title.

Chapter 8.—NURSERY STOCK AND OTHER PLANTS AND PLANT PRODUCTS

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| <p>Sec<br/>151<br/>152<br/>153<br/>154<br/><br/>155<br/>156<br/><br/>157<br/>158<br/><br/>159<br/>160<br/>161<br/><br/>161a.<br/>162.<br/>163.<br/><br/>164.<br/>164a.<br/>165.<br/>165a.<br/>166<br/><br/>167.</p> | <p>"Person" defined.<br/>"Nursery stock" defined.<br/>Liability of principal for act of agent.<br/>General restriction on importation of nursery stock; exceptions.<br/>Importation for scientific purposes permitted.<br/>Notification of arrival at port of entry; forwarding without notification forbidden; inspection before shipment.<br/>Marking packages, etc., for entry.<br/>Marking packages, etc., for interstate shipment; inspection.<br/>Regulations by Secretary restricting importation of plants, etc., other than "nursery stock"; notice and hearing before adoption of regulations.<br/>Regulations by Secretary restricting importation from insect-infested locality; hearing and promulgation of regulations; when quarantine effective<br/>Interstate quarantine; shipments or removals from quarantined localities forbidden; regulations by Secretary for shipment, etc., from quarantined localities; notice and hearings; promulgation.<br/>Inspection and certification of domestic plants and plant products for export; disposition of moneys.<br/>Rules and regulations.<br/>Violations; forgery, alterations, etc., of certificates; punishment; proof of violations by common carrier.<br/>Duty of United States attorneys to prosecute.<br/>Enforcement of quarantine against nursery stock and plant products; search and seizure.<br/>Repealed.<br/>Federal Horticultural Board; function transferred to Plant Quarantine and Control Administration.<br/>State terminal inspection; transmission of mailed packages for State inspection; nonmailable matter; punishment for violations; rules and regulations by Postmaster General.<br/>Rules governing District of Columbia.</p> |
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§ 151. "Person" defined.

The word "person" as used in this chapter shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. (Aug. 20, 1912, ch. 308, § 11, 37 Stat. 319.)

CODIFICATION

Section is comprised of a part of section 11 of act Aug. 20, 1912. Other provisions of section 11 are classified to section 153 of this title.

EFFECTIVE DATE

Section 14 of act Aug. 20, 1912, provided that the act shall become effective Oct. 1, 1912, except as otherwise provided therein.

SHORT TITLE

This chapter is popularly known as the "Nursery Stock Quarantine Act" and the "Plant Quarantine Act".