

the Secretary of Agriculture shall use such means as he may deem necessary, including construction and repair of buildings, plants, and equipment for fumigation and disinfection or cleaning of vehicles and materials; the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by or under the direction of authorized inspectors of the Department of Agriculture, and the Secretary of Agriculture shall make and collect such charge as will cover, as nearly as may be, the average cost of materials, facilities, and special labor used in performing such disinfection, and fees so collected shall be covered into the Treasury of the United States as miscellaneous receipts.

**(b) Penalties**

(1) Any person who knowingly violates any rule or regulation promulgated under subsection (a) of this section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$5,000, by imprisonment not exceeding one year, or both.

(2) Any person who violates any such rule or 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.

(Jan. 31, 1942, ch. 31, 56 Stat. 40; Pub. L. 85-36, title I, §110, May 23, 1957, 71 Stat. 34; Pub. L. 97-461, §3, Jan. 12, 1983, 96 Stat. 2524; Pub. L. 103-465, title IV, §431(b), Dec. 8, 1994, 108 Stat. 4967.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-465 struck out “from Mexico” after “regulate the entry into the United States”.

1983—Pub. L. 97-461 designated existing provisions as subsec. (a) and added subsec. (b).

1957—Pub. L. 85-36 substituted “or” for “and” before “under the direction of authorized inspectors”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-465 effective on the date of entry into force of the WTO Agreement with respect to the United States (Jan. 1, 1995), except as otherwise provided, see section 451 of Pub. L. 103-465, set out as an Effective Date note under section 3601 of Title 19, Customs Duties.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

DISPOSITION OF MONEYS

Department of Agriculture Appropriation Acts, July 12, 1943, ch. 215, 57 Stat. 408; June 28, 1944, ch. 296, 58 Stat. 440, provided that any moneys received in payment of charges shall be covered into the Treasury as miscellaneous receipts.

CONTINUATION OF PROVISIONS

Sections amended or repealed by Pub. L. 85-36 to continue in force as to rights, liabilities and violations

that occurred before May 23, 1957, and findings, regulations, other orders, permits and certificates issued before May 23, 1957, as remaining in effect until modified, see section 111 of Pub. L. 85-36, set out as a note under section 147a of this title.

**CHAPTER 7A—GOLDEN NEMATODE**

Sec. 150.	Governmental policy for protection of potatoes and tomatoes from golden nematode.
150a.	Duty of Secretary of Agriculture.
150b.	Inspections; quarantines; restrictions; crop destruction; compensation of growers.
150c.	Expenditure of funds; discretion of Secretary.
150d.	State legislative action authorizing restrictions on or destruction of crops.
150e.	Computation of compensation paid growers; method; finality of determination.
150f.	Expenses; employment of personnel; printing and binding; purchase of passenger-carrying vehicles.
150g.	Chapter as supplemental legislation.

**§ 150. Governmental policy for protection of potatoes and tomatoes from golden nematode**

To protect potato and tomato production in the United States from the destructive pest known as the golden nematode which subsists on the roots of potatoes and tomatoes, causes marked reduction in yield, persists in the soil for many years in an inactive state in the absence of preferred hosts, and becomes active and destructive when potatoes or tomatoes are again planted, it is the policy of the Government of the United States, independently or in cooperation with State and local governmental agencies, and other public and private organizations, associations, and individuals, to eradicate, suppress, control, and prevent the spread of, this pest.

(June 15, 1948, ch. 471, §1, 62 Stat. 442.)

SHORT TITLE

Section 9 of act June 15, 1948, provided that: “This Act [enacting this chapter] may be cited as the ‘Golden Nematode Act.’”

CROSS REFERENCES

Cooperation with State agencies in administration and enforcement of laws relating to marketing of agricultural products and control or eradication of plant and animal diseases and pests; assistance of State agencies to Secretary of Agriculture; coordination of administration of Federal and State laws; Federal administrative jurisdiction and other provisions respecting cooperation unaffected, see section 450 of this title.

**§ 150a. Duty of Secretary of Agriculture**

The Secretary of Agriculture either independently or in cooperation with public or private agencies is authorized to carry out operations or measures to eradicate, suppress, control, or prevent the spread of, the golden nematode.

(June 15, 1948, ch. 471, §2, 62 Stat. 443.)

**§ 150b. Inspections; quarantines; restrictions; crop destruction; compensation of growers**

The activities contemplated by this chapter include cooperation with States and other agencies in making inspections, applying suppressive measures, enforcing quarantines, enforcing restrictions on the planting of potatoes and toma-

atoes, destroying potatoes and tomatoes growing in soil found infested or exposed to infestation with the golden nematode, and compensating growers in areas infected, or exposed to infestation, with the golden nematode for not planting potatoes or tomatoes or for losses resulting from destruction for the purposes of this chapter of potatoes or tomatoes.

(June 15, 1948, ch. 471, § 3, 62 Stat. 443.)

**§ 150c. Expenditure of funds; discretion of Secretary**

In the discretion of the Secretary of Agriculture no part of any sums appropriated to carry out the purposes of this chapter shall be expended with respect to any area infested with the golden nematode or exposed to such infestation until the appropriate cooperating agency or agencies have presented evidence satisfactory to the Secretary of Agriculture that they will provide funds, materials, means, and State and local authority necessary for the cooperating agency or agencies to carry out effectively that part of the cooperative program the Secretary of Agriculture may require from the cooperating agency or agencies.

(June 15, 1948, ch. 471, § 4, 62 Stat. 443.)

**§ 150d. State legislative action authorizing restrictions on or destruction of crops**

The Secretary of Agriculture shall not undertake any program involving mandatory restrictions on the planting of potatoes or tomatoes, or mandatory destruction of potatoes or tomatoes unless the State concerned shall have enacted legislation authorizing such restrictions or destruction.

(June 15, 1948, ch. 471, § 5, 62 Stat. 443.)

**§ 150e. Computation of compensation paid growers; method; finality of determination**

The amount of compensation to be paid by the Federal Government and any cooperating agency, and the method of computation thereof, shall be determined by the Secretary of Agriculture or the agent or agents designated by him, in cooperation with the responsible officials of the agency concerned and in a manner to assure that necessary records are preserved to show full compliance with the provisions of this chapter and regulations promulgated in accordance therewith. No payment shall be made to any grower except after compliance in good faith with regulations concerning the golden nematode promulgated by the Secretary of Agriculture and the responsible official of the cooperating agency. The determination by the Secretary of Agriculture, or his authorized agent, of the amount of compensation to be provided by the Federal Government for any grower shall be final.

(June 15, 1948, ch. 471, § 6, 62 Stat. 443.)

**§ 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.	
150aa.	Definitions.
150bb.	Movement of pests prohibited. <ul style="list-style-type: none"> <li>(a) In general.</li> <li>(b) Regulations.</li> </ul>
150cc.	Mailing of pests; opening of mail; exception.
150dd.	Emergency measures by Secretary. <ul style="list-style-type: none"> <li>(a) Remedial measures or disposal by Secretary.</li> <li>(b) Additional remedial measures; payment of compensation; authorization of appropriations.</li> <li>(c) Ordering treatment or disposal by owner; procedure.</li> <li>(d) Other adequate action to prevent dissemination.</li> <li>(e) Compensation of owner for unauthorized disposal.</li> </ul>
150ee.	Regulations and conditions.
150ff.	Inspections and seizures; warrants.
150gg.	Violations. <ul style="list-style-type: none"> <li>(a) Criminal penalties.</li> <li>(b) Civil penalty.</li> </ul>
150hh.	Separability.
150ii.	Authority as additional.
150jj.	Plant Quarantine Act unaffected.

**CHAPTER REFERRED TO IN OTHER SECTIONS**

This chapter is referred to in section 2811 of this title; title 18 section 42.

**§ 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 [7 U.S.C. 151 et seq.], 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.