

Sec.	
	(e) Compensation of owner for unauthorized disposal.
150ee.	Regulations and conditions.
150ff.	Inspections and seizures; warrants.
150gg.	Violations.
	(a) Criminal penalties.
	(b) Civil penalty.
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.

(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

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 85–36, May 23, 1957, 71 Stat. 31, as amended, which enacted this chapter, amended sections 147a and 149 of this title, repealed sections 141 to 144 and 441 of this title, and enacted provisions set out as a note under section 147a of this title. For complete classification of this Act to the Code, see Tables.

The Plant Quarantine Act, referred to in subsecs. (b) and (h), is act Aug. 20, 1912, ch. 308, 37 Stat. 315, as amended, which is classified generally to chapter 8 (§151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 151 of this title and Tables.

The Mexican Border Act, referred to in subsec. (i), is act Jan. 31, 1942, ch. 31, 56 Stat. 40, as amended, which is classified to section 149 of this title.

SHORT TITLE

Section 101 of Pub. L. 85–36 provided that: “This title [enacting this chapter and provisions set out as a note under section 147a of this title, amending section 149 of this title and repealing sections 141 to 144 and 441 of this title] may be cited as the ‘Federal Plant Pest Act.’”

§ 150bb. Movement of pests prohibited**(a) In general**

No person shall import or enter any plant pest into the United States, or move any plant pest interstate, or accept delivery of any plant pest moving from any foreign country into or through the United States, or interstate, unless the movement is made in accordance with such regulations as the Secretary may promulgate to prevent the dissemination into the United States, or interstate, of plant pests.

(b) Regulations

The regulations promulgated by the Secretary to implement subsection (a) of this section may include regulations requiring that a plant pest moving into or through the United States, or interstate—

(1) be accompanied by a permit issued by the Secretary prior to the movement of the plant pest; or

(2) be accompanied by a certificate of inspection issued, in a manner and form required by the Secretary, by appropriate officials of the country or State from which the plant pest is to be moved.

(Pub. L. 85–36, title I, §103, May 23, 1957, 71 Stat. 32; Pub. L. 97–461, §1(a), Jan. 12, 1983, 96 Stat. 2523; Pub. L. 100–449, title III, §301(f)(1), Sept. 28, 1988, 102 Stat. 1868; Pub. L. 103–465, title IV, §431(c)(1), Dec. 8, 1994, 108 Stat. 4967.)

AMENDMENTS

1994—Pub. L. 103–465 amended section generally, substituting present provisions for former subsecs. (a) to (c) which prohibited movement of plant pests into or through United States unless permitted by Secretary, provided for conditions for granting or refusing permits for such movement, and provided for movement of plant pests from Canada into or through United States only in accordance with such regulations as Secretary may promulgate.

1988—Subsec. (a). Pub. L. 100–449, §301(f)(1)(A), substituted “Except as provided in subsection (c) of this section, no person shall” for “No person shall”.

Subsec. (c). Pub. L. 100–449, §301(f)(1)(B), added subsec. (c).

1983—Subsec. (a). Pub. L. 97–461 struck out “knowingly” wherever appearing.

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.