

sence 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 tomatoes, destroying potatoes and tomatoes growing in soil found infested or exposed to infestation with the golden nematode, and compensating growers in areas infested, 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> </ul>

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.

EFFECTIVE AND TERMINATION DATES OF 1988  
AMENDMENT

Amendment by Pub. L. 100-449 effective on date United States-Canada Free-Trade Agreement enters into force (Jan. 1, 1989), and to cease to have effect on date Agreement ceases to be in force, see section 501(a), (c) of Pub. L. 100-449, set out in a note under section 2112 of Title 19, Customs Duties.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 150gg of this title; title 39 section 3015.

**§ 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 nonmailable, and shall not knowingly be conveyed in the mail or delivered from any post office or by any mail carrier, unless it is mailed in conformance with such regulations as the Secretary may promulgate to prevent the dissemination into the United States, or interstate, of plant pests.

(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; Pub. L. 100-449, title III, §301(f)(2), Sept. 28, 1988, 102 Stat. 1869; Pub. L. 103-465, title IV, §431(c)(2), Dec. 8, 1994, 108 Stat. 4967.)

## REFERENCES IN TEXT

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

## AMENDMENTS

1994—Subsec. (a). Pub. L. 103-465, §431(c)(2)(A), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Except as provided in subsection (b) of this section, 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."

Subsecs. (b) to (d). Pub. L. 103-465, §431(c)(2)(B), (C), redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out former subsec. (b) which read as follows: "Any letter, parcel, box, or other package from Canada containing any plant pest, whether sealed as letter-rate postal matter or not, is declared to be nonmailable, and shall not knowingly be conveyed in the mail or delivered from any post office or by any mail carrier, except in accordance with such regulations as the Secretary may promulgate under this section to prevent the dissemination into the United States of plant pests."

1988—Subsec. (a). Pub. L. 100-449, §301(f)(2)(A), substituted "Except as provided in subsection (b) of this section, any letter" for "Any letter".

Subsecs. (b) to (d). Pub. L. 100-449, §301(f)(2)(B), (C), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

## 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.

EFFECTIVE AND TERMINATION DATES OF 1988  
AMENDMENT

Amendment by Pub. L. 100-449 effective on date United States-Canada Free-Trade Agreement enters into force (Jan. 1, 1989), and to cease to have effect on date Agreement ceases to be in force, see section 501(a), (c) of Pub. L. 100-449, set out in a note under section 2112 of Title 19, Customs Duties.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 39 section 3015.

**§ 150dd. Emergency measures by Secretary****(a) Remedial measures or disposal by Secretary**

Except as provided in subsection (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 subsection 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 [7 U.S.C. 151 et seq.].

**(b) Additional remedial measures; payment of compensation; authorization of appropriations**

(1) Whereas, the existence of a plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States on any premises in the United States would constitute a threat to crops, other plant life, and plant products of the Nation and thereby seriously burden interstate or foreign commerce, whenever the Secretary determines that an extraordinary emergency exists because of the presence of such plant pest on any premises in the United States, and that the presence of such plant pest anywhere in the United States threatens the crops, other plant life, or plant products of the United States, the Secretary may (A) seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as the Secretary deems appropriate, any product or article of any character whatsoever, or means of conveyance which the Secretary has reason to believe is infested or infected by or contains any such plant pest; (B) quarantine, treat, or apply other remedial meas-

ures to, in such manner as the Secretary deems appropriate, any premises, including articles on such premises which the Secretary has reason to believe are infested or infected by any such plant pest: *Provided*, That any action taken under clauses (A) and (B) shall be consistent with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.]; *Provided further*, That such action may be taken under this subsection only if the Secretary finds after review of measures taken by the State or other jurisdiction and after consultation with the Governor that the measures being taken are inadequate. Before any action is taken in any State or other jurisdiction under this subsection, the Secretary shall notify the Governor of the State or other jurisdiction, shall issue a public announcement and shall file a statement for publication in the Federal Register of the action the Secretary intends to take together with the findings and reasons therefor: *Provided*, That if it is not possible to make such a filing with the Federal Register prior to taking action, the filing shall be made within a reasonable time, not to exceed five business days, after commencement of the action. If the Secretary wishes to change any action previously taken under this subsection, the Secretary shall follow the procedure set forth in the preceding sentence. The cost of any action taken by the Secretary under this subsection shall be at the expense of the United States.

(2) The Secretary may pay compensation to producers and other persons for economic losses incurred by them as a result of the quarantine, destruction, or other action taken under the authority of paragraph (1) of this subsection. The determination by the Secretary of the amount of any compensation to be paid under this subsection shall be final.

(3) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

**(c) Ordering treatment or disposal by owner; procedure**

Except as provided in subsection (c) of this section, the Secretary may order the owner of any product, article, means of conveyance, or plant pest subject to disposal under subsection (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 the 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.

**(d) 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.

**(e) 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 [7 U.S.C. 151 et seq.] 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; Pub. L. 97-98, title XI, § 1119(1), Dec. 22, 1981, 95 Stat. 1272.)

REFERENCES IN TEXT

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

The Plant Quarantine Act, referred to in subsecs. (a) and (d), 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 Federal Insecticide, Fungicide, and Rodenticide Act, referred to in subsec. (b), is act June 25, 1947, ch. 125, as amended generally by Pub. L. 92-516, Oct. 21, 1972, 86 Stat. 973, which is classified generally to subchapter II (§ 136 et seq.) of chapter 6 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 136 of this title and Tables.

AMENDMENTS

1981—Subsecs. (b) to (e). Pub. L. 97-98 added subsec. (b) and redesignated former subsecs. (b) to (d) as (c) to (e), respectively.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 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 arti-

cles 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 [7 U.S.C. 151 et seq.].

(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 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.

#### § 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; to stop and inspect without a warrant any person or means of conveyance moving intrastate upon probable cause to believe that the person or conveyance is carrying any product or article subject to treatment or disposal under the provisions of this chapter or the regulations issued thereunder; 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 magistrate judge, 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; Pub. L. 90-578, title IV, §402(b)(2), Oct. 17,

1968, 82 Stat. 1118; Pub. L. 97-98, title XI, §1119(2), Dec. 22, 1981, 95 Stat. 1273; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

#### REFERENCES IN TEXT

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

#### AMENDMENTS

1981—Pub. L. 97-98 inserted "to stop and inspect without a warrant any person or means of conveyance moving intrastate upon probable cause to believe that the person or conveyance is carrying any product or article subject to treatment or disposal under the provisions of this Act or the regulations issued thereunder;" after "subject to this chapter;"

#### CHANGE OF NAME

"United States magistrate judge" substituted for "United States magistrate" in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, "United States magistrate" substituted for "United States commissioner" pursuant to Pub. L. 90-578. See chapter 43 (§631 et seq.) of Title 28.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

#### § 150gg. Violations

##### (a) Criminal penalties

Any person who—

(1) knowingly violates section 150bb of this title or any regulation promulgated under this chapter;

(2) knowingly forges or counterfeits any permit or other document provided for by this chapter or by any such regulation; or

(3) knowingly and without the authority of the Secretary, uses, alters, or defaces any such permit or document;

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.

##### (b) Civil penalty

Any person who—

(1) violates section 150bb of this title or any regulation promulgated under this chapter;

(2) forges or counterfeits any permit or other document provided for by this chapter or by any such regulation; or

(3) without the authority of the Secretary, uses, alters, or defaces any such permit or document;

may be assessed a civil penalty by the Secretary 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.

(Pub. L. 85-36, title I, §108, May 23, 1957, 71 Stat. 34; Pub. L. 97-461, §1(b), Jan. 12, 1983, 96 Stat. 2523.)

#### REFERENCES IN TEXT

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

AMENDMENTS

1983—Pub. L. 97-461 designated existing provisions as subsec. (a), divided existing provisions among pars. (1) through (3), substituted “\$5,000” for “\$500”, and added subsec. (b).

**§ 150hh. Separability**

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” was “this Act”. See note set out 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” was “this Act”. See note set out 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 to 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 [7 U.S.C. 151 et seq.].

(Pub. L. 85-36, title I, §111, May 23, 1957, 71 Stat. 35.)

REFERENCES IN TEXT

In the original, “this chapter” was “this Act”. See note set out under section 150aa of this title.

The Plant Quarantine Act, referred to in text, 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.

CODIFICATION

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

**CHAPTER 8—NURSERY STOCK AND OTHER PLANTS AND PLANT PRODUCTS**

- Sec. 151. “Person” defined.
- 152. “Nursery stock” defined.
- 153. Liability of principal for act of agent.
- 154. Importation of nursery stock.
  - (a) In general.
  - (b) Regulations.
- 155. Importation for scientific purposes permitted.

- Sec. 156. Notification of arrival at port of entry; forwarding without notification forbidden; inspection before shipment.
- 157. Marking packages, etc., for entry.
- 158. Marking packages, etc., for interstate shipment; inspection.
- 159. Regulations by Secretary restricting importation of plants, etc., other than “nursery stock”.
- 160. Regulations by Secretary restricting importation from insect-infested locality; when quarantine effective.
- 161. Interstate quarantine; shipments or removals from quarantined localities forbidden; regulations by Secretary for shipment, etc., from quarantined localities; promulgation.
- 161a. Omitted.
- 162. Rules and regulations.
- 163. Violations; forgery, alterations, etc., of certificates; punishment; civil penalty.
- 164. Duty of United States attorneys to prosecute.
- 164a. Enforcement of quarantine against nursery stock and plant products; search and seizure.
- 165, 165a. Repealed or Omitted.
- 166. State terminal inspection; transmission of mailed packages for State inspection; non-mailable matter; punishment for violations; rules and regulations by United States Postal Service.
- 167. Rules governing District of Columbia.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 150aa, 150dd, 150ee, 150jj, and 2811 of this title; title 39 sections 3014, 3015.

**§ 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 this Act [enacting this chapter] shall become and be effective from and after the first day of October, nineteen hundred and twelve, except as herein otherwise provided.”

SHORT TITLE

Act Aug. 20, 1912, as amended, which is classified to this chapter is popularly known as the “Nursery Stock Quarantine Act” and the “Plant Quarantine Act”.

CROSS REFERENCES

Words denoting number, etc., see section 1 of Title 1, General Provisions.

**§ 152. “Nursery stock” defined**

For the purpose of this chapter the term “nursery stock” shall include all field-grown florists’ stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits, and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except field, vegetable, and flower seeds, bedding