

postmaster at the place of inspection who shall promptly notify the sender of said plants or plant products that they will be returned to him upon his request and at his expense, or in default of such request that they will be turned over to the State authorities for destruction.

It shall be unlawful for any person, firm, or corporation to deposit in the United States mails any package containing any plant or plant product addressed to any place within a State maintaining inspection thereof, as herein defined, without plainly marking the package so that its contents may be readily ascertained by an inspection of the outside thereof. Whoever shall fail to so mark said packages shall be punished by a fine of not more than \$100.

The United States Postal Service is authorized and directed to make all needful rules and regulations for carrying out the purposes hereof.

(Mar. 4, 1915, ch. 144, 38 Stat. 1113; June 4, 1936, ch. 495, 49 Stat. 1461; Pub. L. 91-375, §4(a), Aug. 12, 1970, 84 Stat. 773.)

CODIFICATION

Section was formerly classified to section 166 of this title.

Section was enacted as part of the Agricultural Appropriation Act, 1916, and not as part of the Plant Protection Act which comprises this chapter.

AMENDMENTS

1936—Act June 4, 1936, amended last sentence of first par. by changing introductory word “plant” to “plants”, inserting “(including seed)”, “and not in violation of a plant-quarantine law or plant-quarantine regulation of the United States Department of Agriculture or of the State of destination pertaining to such injurious pests”, “or in violation of a plant-quarantine law or plant-quarantine regulation of the United States Department of Agriculture or of the State of destination pertaining to such injurious pests,” and striking out the comma after “place of inspection”.

SHORT TITLE

This section is popularly known as the “Terminal Inspection Act.”

TRANSFER OF FUNCTIONS

In first and third pars., “United States Postal Service” substituted for “Postmaster General” pursuant to Pub. L. 91-375, §4(a), Aug. 12, 1970, 84 Stat. 773, set out as a note under section 201 of Title 39, Postal Service, which abolished office of Postmaster General of Post Office Department and transferred its functions to United States Postal Service.

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.

SUBCHAPTER IV—AUTHORIZATION OF APPROPRIATIONS

§ 7771. Authorization of appropriations

There are authorized to be appropriated such amounts as may be necessary to carry out this chapter. Except as specifically authorized by law, no part of the money appropriated under this section shall be used to pay indemnities for property injured or destroyed by or at the direction of the Secretary.

(Pub. L. 106-224, title IV, §441, June 20, 2000, 114 Stat. 455.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title IV of Pub. L. 106-224, June 20, 2000, 114 Stat. 438, which is classified principally to this chapter. For complete classification of title IV to the Code, see Short Title note set out under section 7701 of this title and Tables.

§ 7772. Transfer authority

(a) Authority to transfer certain funds

In connection with an emergency in which a plant pest or noxious weed threatens any segment of the agricultural production of the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department of Agriculture such amounts as the Secretary considers necessary to be available in the emergency for the arrest, control, eradication, and prevention of the spread of the plant pest or noxious weed and for related expenses.

(b) Availability

Any funds transferred under this section shall remain available for such purposes without fiscal year limitation.

(Pub. L. 106-224, title IV, §442, June 20, 2000, 114 Stat. 455.)

CODIFICATION

Similar provisions relating to authority to transfer funds for emergency arrest of animal, poultry, or plant diseases or pests are contained in section 129 of Title 21, Food and Drugs, and similar provisions relating to authority to transfer funds for emergency arrest of animal or poultry diseases are contained in section 129a of Title 21.

CHAPTER 105—HASS AVOCADO PROMOTION, RESEARCH, AND INFORMATION

Sec.

7801. Findings and declaration of policy.
 (a) Findings.
 (b) Purpose.
 (c) Limitation.
7802. Definitions.
7803. Issuance of orders.
 (a) In general.
 (b) Procedures.
 (c) Amendments.
7804. Required terms in orders.
 (a) In general.
 (b) Hass Avocado Board.
 (c) General responsibilities of the Avocado Board.
 (d) Budgets; plans and projects.
 (e) Contracts and agreements.
 (f) Books and records of Board.
 (g) Control of administrative costs.
 (h) Assessments.
 (i) Reimbursement of Secretary expenses.
 (j) Prohibition on brand advertising and certain claims.
 (k) Prohibition on use of funds to influence governmental action.
 (l) Prohibition of conflict of interest.
 (m) Books and records; reports.
 (n) Consultations with industry experts.
 (o) Other terms of the order.
7805. Referenda.
 (a) Requirements for initial referendum.
 (b) Votes permitted.
 (c) Manner of conducting referenda.
 (d) Subsequent referenda.

- Sec.
7806. (e) Suspension or termination.
Petition and review.
(a) Petition and hearing.
(b) Review.
(c) Enforcement.
7807. Enforcement.
(a) Jurisdiction.
(b) Referral to Attorney General.
(c) Civil penalties and orders.
(d) Review by district court.
(e) Failure to obey an order.
(f) Failure to pay a penalty.
(g) Additional remedies.
7808. Investigations and power to subpoena.
(a) Investigations.
(b) Subpoenas, oaths, and affirmations.
(c) Aid of courts.
7809. Confidentiality.
(a) Prohibition.
(b) Penalty.
(c) Additional prohibition.
(d) Withholding information from Congress prohibited.
7810. Authority for Secretary to suspend or terminate order.
(a) Grounds for suspension or termination.
(b) Effect of lack of approval of order.
7811. Rules of construction.
(a) Termination or suspension not an order.
(b) Rights.
(c) Other programs.
7812. Regulations.
7813. Authorization of appropriations.
(a) In general.
(b) Administrative expenses.

§ 7801. Findings and declaration of policy

(a) Findings

Congress finds the following:

(1) Hass avocados are an integral food source in the United States that are a valuable and healthy part of the human diet and are enjoyed by millions of persons every year for a multitude of everyday and special occasions.

(2) Hass avocados are a significant tree fruit crop grown by many individual producers, but virtually all domestically produced Hass avocados for the commercial market are grown in the State of California.

(3) Hass avocados move in interstate and foreign commerce, and Hass avocados that do not move in interstate or foreign channels of commerce but only in intrastate commerce directly affect interstate commerce in Hass avocados.

(4) In recent years, large quantities of Hass avocados have been imported into the United States from other countries.

(5) The maintenance and expansion of markets in existence on October 28, 2000, and the development of new or improved markets or uses for Hass avocados are needed to preserve and strengthen the economic viability of the domestic Hass avocado industry for the benefit of producers and other persons associated with the producing, marketing, processing, and consuming of Hass avocados.

(6) An effective and coordinated program of promotion, research, industry information, and consumer information regarding Hass avocados is necessary for the maintenance, expansion, and development of domestic markets for Hass avocados.

(b) Purpose

It is the purpose of this chapter to authorize the establishment, through the exercise of the powers provided in this chapter, of an orderly procedure for the development and financing (through an adequate assessment on Hass avocados sold by producers and importers in the United States) of an effective and coordinated program of promotion, research, industry information, and consumer information, including funds for marketing and market research activities, that is designed to—

(1) strengthen the position of the Hass avocado industry in the domestic marketplace; and

(2) maintain, develop, and expand markets and uses for Hass avocados in the domestic marketplace.

(c) Limitation

Nothing in this chapter may be construed to provide for the control of production or otherwise limit the right of any person to produce, handle, or import Hass avocados.

(Pub. L. 106-387, §1(a) [title XII, §1202], Oct. 28, 2000, 114 Stat. 1549, 1549A-79.)

SHORT TITLE

Pub. L. 106-387, §1(a) [title XII, §1201], Oct. 28, 2000, 114 Stat. 1549, 1549A-79, provided that: ‘‘This title [enacting this chapter] may be cited as the ‘Hass Avocado Promotion, Research, and Information Act of 2000’.’’

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 7803, 7810 of this title.

§ 7802. Definitions

As used in this chapter:

(1) Board

The terms ‘‘Avocado Board’’ and ‘‘Board’’ mean the Hass Avocado Board established under section 7804 of this title.

(2) Conflict of interest

The term ‘‘conflict of interest’’ means a situation in which a member or employee of the Board has a direct or indirect financial interest in a person that performs a service for, or enters into a contract with, the Board for anything of economic value.

(3) Consumer information

The term ‘‘consumer information’’ means any action or program that provides information to consumers and other persons on the use, nutritional attributes, and other information that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, and use of Hass avocados.

(4) Customs

The term ‘‘Customs’’ means the United States Customs Service.

(5) Department

The term ‘‘Department’’ means the United States Department of Agriculture.

(6) Hass avocado

(A) In general

The term ‘‘Hass avocado’’ includes—