

copies of such notice are prominently displayed at post offices located within each State or area covered by the quarantine, and shall take any other measures which the Postal Service considers necessary in order to inform the public both of the establishment of such quarantine and of relevant provisions of this section and sections 1716B and 1716C of title 18 in connection therewith.

(b) Any plant, the transportation of which by common carrier from any State or other area is prohibited or restricted under any quarantine referred to in subsection (a), is nonmailable matter, and may not be accepted by the Postal Service or conveyed in the mails, if the matter involved is tendered for transmission through the mails from such State or area or if such matter first enters the mails within such State or area.

(c) The Postal Service shall, after consultation with the Secretary of Agriculture, prescribe rules and regulations permitting the mailing of a plant, and otherwise making subsection (b) of this section inapplicable with respect to such plant, if the method or manner of mailing such plant would be consistent with the procedures set forth in the rules and regulations prescribed under the fourth sentence of section 8 of the Plant Quarantine Act (relating to the inspection, disinfection, and certification of, and other conditions for, the delivery and shipment of plants otherwise subject to quarantine).

(d) For the purposes of this section—

(1) “Plant Quarantine Act” means the Act entitled “An Act to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes”, enacted August 20, 1912¹ (37 Stat. 315 et seq.); and

(2) “plant” means any class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, any class of nursery stock (as defined by section 6 of the Plant Quarantine Act),¹ and any other article or matter which is capable of carrying any dangerous plant disease or pest.

(Added Pub. L. 100-574, §1(a)(1), Oct. 31, 1988, 102 Stat. 2892.)

REFERENCES IN TEXT

The Act of Aug. 20, 1912, referred to in subsec. (d), is act Aug. 20, 1912, ch. 308, 37 Stat. 315, as amended, which was classified generally to chapter 8 (§151 et seq.) of Title 7, Agriculture, prior to repeal by Pub. L. 106-224, title IV, §438(a)(1), June 20, 2000, 114 Stat. 454. Sections 6 and 8 of the Act were classified to sections 152 and 161, respectively, of Title 7. For complete classification of this Act to the Code, see Tables.

EFFECTIVE DATE

Section 4 of Pub. L. 100-574 provided that:
“(a) IN GENERAL.—This Act and the amendments made by this Act [enacting this section and sections 1716B and 1716C of Title 18, Crimes and Criminal Procedure] shall become effective on the earlier of—

“(1) the 366th day after the date of the enactment of this Act [Oct. 31, 1988]; or

“(2) the first date as of which all rules and regulations required to be prescribed under the amendments made by this Act have first been published in the Federal Register. [For publication of regulations, see 54 F.R. 49978, Dec. 4, 1989.]

“(b) REGULATIONS.—Nothing in this section shall prevent the United States Postal Service from taking any action which may be necessary to prepare and issue, as soon as possible after the date of the enactment of this Act, any rules and regulations which the Postal Service is required to prescribe under any of the amendments made by this Act.”

§3015. Nonmailable plant pests and injurious animals

(a) INJURIOUS ANIMALS.—Any injurious animal, the importation or interstate shipment of which is prohibited pursuant to section 42 of title 18, constitutes nonmailable matter.

(b) PLANT PESTS.—Any plant pest, the movement of which is prohibited pursuant to section 103 or 104 of the Federal Plant Pest Act (7 U.S.C. 150bb or 150cc),¹ constitutes nonmailable matter.

(c) PLANTS.—Any plant, article, or matter, the importation or interstate shipment of which is prohibited pursuant to the Act of August 20, 1912 (37 Stat. 315, chapter 308; 7 U.S.C. 151 et seq.) (commonly known as the “Plant Quarantine Act”),¹ constitutes nonmailable matter.

(d) ILLEGALLY TAKEN FISH, WILDLIFE, OR PLANTS.—Any fish, wildlife, or plant, the conveyance of which is prohibited pursuant to section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372), constitutes nonmailable matter.

(Added Pub. L. 102-393, title VI, §631(d)(1), Oct. 6, 1992, 106 Stat. 1776.)

REFERENCES IN TEXT

Sections 103 and 104 of the Federal Plant Pest Act (7 U.S.C. 150bb, 150cc), referred to in subsec. (b), were repealed by Pub. L. 106-224, title IV, §438(a)(2), June 20, 2000, 114 Stat. 454.

The Plant Quarantine Act, referred to in subsec. (c), is act Aug. 20, 1912, ch. 308, 37 Stat. 315, as amended, which was classified generally to chapter 8 (§151 et seq.) of Title 7, Agriculture, prior to repeal by Pub. L. 106-224, title IV, §438(a)(1), June 20, 2000, 114 Stat. 454. For complete classification of this Act to the Code, see Tables.

SHORT TITLE

Section 631(e) of Pub. L. 102-393 provided that: “This section [enacting this section and provisions set out below] may be cited as the ‘Alien Species Prevention and Enforcement Act of 1992.’”

ALIEN SPECIES PREVENTION AND ENFORCEMENT IN HAWAII

Section 631(a)–(c) of Pub. L. 102-393 provided that:

“(a) PESTS IN THE MAILS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture shall hereafter operate a program, under terms and conditions acceptable to the Postal Service, to protect Hawaii from the introduction of prohibited plants, plant pests, and injurious animals that may be contained in mail received in Hawaii, except that this subsection shall not apply to mail that originates and is intended for delivery outside the United States.

“(2) MEMORANDUM OF UNDERSTANDING.—For the purpose of carrying out the program operated under paragraph (1), the Secretary of Agriculture shall enter into a memorandum of understanding or other

¹ See References in Text note below.

¹ See References in Text note below.

agreement with the Secretary of the Interior relating to prohibited plants, plant pests, or injurious animals under the jurisdiction of the Department of the Interior.

“(3) REMEDIAL ACTION.—If, pursuant to the program, mail is found to contain a prohibited plant, plant pest, or injurious animal, the Secretary shall—

“(A) make a record of the prohibited plant, plant pest, or injurious animal found in the mail;

“(B) take appropriate action to prevent the introduction of the prohibited material into Hawaii; and

“(C) determine whether the facts and circumstances warrant seeking prosecution under a law prohibiting the conveyance of a plant, plant pest, or injurious animal.

“(4) DEFINITIONS.—As used in this subsection:

“(A) INJURIOUS ANIMAL.—The term ‘injurious animal’ means an animal the importation or interstate shipment of which is prohibited by section 42 of title 18, United States Code.

“(B) PLANT.—The term ‘plant’ means a plant from any class of plants, or any other article or matter, the importation or interstate shipment of which is prohibited under the Act of August 20, 1912 (37 Stat. 315, chapter 308; 7 U.S.C. 151 et seq.) (commonly known as the ‘Plant Quarantine Act’).

“(C) PLANT PEST.—The term ‘plant pest’ means any organism or substance the importation or interstate shipment of which is prohibited under the Federal Plant Pest Act (7 U.S.C. 150aa et seq.).

“(b) COOPERATIVE AGREEMENTS WITH HAWAII TO ENFORCE CERTAIN AGRICULTURAL QUARANTINE LAWS.—

“(1) AGREEMENT BETWEEN SECRETARY OF AGRICULTURE AND HAWAII.—

“(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 6, 1992], the Secretary of Agriculture shall offer to enter into a cooperative agreement with the State of Hawaii for a 2-year period to enforce in the State—

“(i) the Act of August 20, 1912 (37 Stat. 315, chapter 308; 7 U.S.C. 151 et seq.) (commonly known as the ‘Plant Quarantine Act’);

“(ii) the Federal Plant Pest Act (7 U.S.C. 150aa et seq.); and

“(iii) the matter under the heading ‘ENFORCEMENT OF THE PLANT-QUARANTINE ACT:’ of the Act of March 4, 1915 (38 Stat. 1113; 7 U.S.C. 166 [7760]) (commonly known as the ‘Terminal Inspection Act’).

“(B) INSPECTION OF PLANTS AND PLANT PRODUCTS.—The cooperative agreement shall establish a specific procedure for the submission and approval of the names of plants and plant products that the State of Hawaii elects to inspect under the provision of law referred to in subparagraph (A)(iii).

“(C) AUTHORITY.—The Secretary shall carry out this paragraph under the authority provided by—

“(i) section 102 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 147a);

“(ii) section 3 of the Act of May 29, 1884 (23 Stat. 32, chapter 60; 21 U.S.C. 114); and

“(iii) section 11 of the Department of Agriculture Organic Act of 1956 (7 U.S.C. 114a) [probably means section 11 of act May 29, 1884, as added by the Department of Agriculture Organic Act of 1944, which is classified to 21 U.S.C. 114a].

“(2) AGREEMENT BETWEEN SECRETARY OF THE INTERIOR AND HAWAII.—

“(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Oct. 6, 1992], the Secretary of the Interior shall offer to enter into a cooperative agreement with the State of Hawaii for a 2-year period to enforce in the State the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.).

“(B) AUTHORITY.—The Secretary shall use to carry out this paragraph the authority provided under section 3 of the Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742).

“(3) AGREEMENT BETWEEN POSTAL SERVICE AND HAWAII.—

“(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Postal Service shall offer to enter into a cooperative agreement with the State of Hawaii for a 2-year period to enforce in the State, under terms and conditions acceptable to the Postal Service and in compliance with postal regulations, Public Law 100-574 [enacting section 3014 of this title, sections 1716B and 1716C of Title 18, Crimes and Criminal Procedure, and provisions set out as a note under section 3014 of this title] and the amendments made by such Public Law.

“(B) AUTHORITY.—The Postal Service shall use to carry out this paragraph the authority provided under section 3014 of title 39, United States Code.

“(4) COOPERATIVE PROGRAMS.—Any program conducted jointly by the State of Hawaii and any Federal agency under this subsection that in any way affects the mail or the postal system of the United States shall comply with postal regulations and shall be conducted under terms and conditions acceptable to the Postal Service.

“(5) EXTENSION OF AGREEMENTS.—A cooperative agreement entered into under this subsection may be extended by mutual consent of the parties to the agreement.

“(c) PUBLIC INFORMATION PROGRAM ON PROHIBITIONS AGAINST SHIPMENT OR TRANSPORTATION OF PLANT PESTS AND INJURIOUS ANIMALS.—

“(1) IN GENERAL.—The Postal Service, the Secretary of the Interior, and the Secretary of Agriculture shall jointly establish a public information program to inform the public on—

“(A) the prohibitions against the shipment or transportation of plants, plants [sic] pests, and injurious animals; and

“(B) the consequences of violating Federal laws designed to prevent the introduction of alien species into the State of Hawaii and other areas of the United States.

“(2) METHODS.—In carrying out paragraph (1), the Postal Service and Secretaries may—

“(A) use public service announcements, mail, and other forms of distributing information, dial-up information services, and such other methods as will effectively communicate the information described in paragraph (1); and

“(B) cooperate with State and private organizations to carry out the program established under this subsection.

“(3) STUDY.—Not later than 1 year after the program established under subsection (a) commences, the Secretary of Agriculture, in cooperation with the Secretary of the Interior, the Postal Service, and the State of Hawaii, shall—

“(A) conduct a study to determine the proportion of plant pests and injurious animals that are introduced into Hawaii by various modes of commerce; and

“(B) report the results of the study to Congress.”

§ 3016. Administrative subpoenas

(a) SUBPOENA AUTHORITY.—

(1) INVESTIGATIONS.—

(A) IN GENERAL.—In any investigation conducted under section 3005(a), the Postmaster General may require by subpoena the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Postmaster General considers relevant or material to such investigation.

(B) CONDITION.—No subpoena shall be issued under this paragraph except in accordance with procedures, established by the Postal Service, requiring that—

(i) a specific case, with an individual or entity identified as the subject, be opened before a subpoena is requested;