

(C) to reduce the risk of and mitigate those plant pests and diseases.

**(e) Funding**

Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

- (1) \$12,000,000 for fiscal year 2009;
- (2) \$45,000,000 for fiscal year 2010;
- (3) \$50,000,000 for fiscal year 2011; and
- (4) \$50,000,000 for fiscal year 2012 and each fiscal year thereafter.

(Pub. L. 106-224, title IV, § 420, as added Pub. L. 110-234, title X, § 10201(a), May 22, 2008, 122 Stat. 1339, and Pub. L. 110-246, § 4(a), title X, § 10201(a), June 18, 2008, 122 Stat. 1664, 2101.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (b)(3), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

The date of enactment of this paragraph, referred to in subsec. (c)(3), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

SUBCHAPTER II—INSPECTION AND ENFORCEMENT

**§ 7731. Inspections, seizures, and warrants**

**(a) Role of Attorney General**

The activities authorized by this section shall be carried out consistent with guidelines approved by the Attorney General.

**(b) Warrantless inspections**

The Secretary may stop and inspect, without a warrant, any person or means of conveyance moving—

- (1) into the United States to determine whether the person or means of conveyance is carrying any plant, plant product, biological control organism, plant pest, noxious weed, or article subject to this chapter;
- (2) in interstate commerce, upon probable cause to believe that the person or means of conveyance is carrying any plant, plant product, biological control organism, plant pest, noxious weed, or article subject to this chapter; and
- (3) in intrastate commerce from or within any State, portion of a State, or premises quarantined as part of an extraordinary emergency declared under section 7715 of this title upon probable cause to believe that the person or means of conveyance is carrying any plant, plant product, biological control organism, plant pest, noxious weed, or article regulated under that section or is moving subject to that section.

**(c) Inspections with a warrant**

**(1) General authority**

The Secretary may enter, with a warrant, any premises in the United States for the purpose of conducting investigations or making inspections and seizures under this chapter.

**(2) Application and issuance of a warrant**

Upon proper oath or affirmation showing probable cause to believe that there is on certain premises any plant, plant product, biological control organism, plant pest, noxious weed, article, facility, or means of conveyance regulated under this chapter, a United States judge, a judge of a court of record in the United States, or a United States magistrate judge may, within the judge's or magistrate's<sup>1</sup> jurisdiction, issue a warrant for the entry upon the premises to conduct any investigation or make any inspection or seizure under this chapter. The warrant may be applied for and executed by the Secretary or any United States Marshal.

(Pub. L. 106-224, title IV, § 421, June 20, 2000, 114 Stat. 448.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b)(1), (2) and (c), 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.

TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this chapter to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

**§ 7732. Collection of information**

The Secretary may gather and compile information and conduct any investigations the Secretary considers necessary for the administration and enforcement of this chapter.

(Pub. L. 106-224, title IV, § 422, June 20, 2000, 114 Stat. 449.)

TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this chapter to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

**§ 7733. Subpoena authority**

**(a) Authority to issue**

The Secretary shall have the power to subpoena the attendance and testimony of any witness, the production of all evidence (including books, papers, documents, electronically stored information, and other tangible things that con-

<sup>1</sup> So in original. Probably should be "magistrate judges's".