

expended without fiscal year limitation. The Secretary of Agriculture shall have a lien for the fees, any late payment penalty, and any accrued interest assessed against the plant or plant product for which services have been provided. In the case of any person who fails to make payment when due, the Secretary of Agriculture shall also have a lien against any plant or plant product thereafter attempted to be exported by such person. The Secretary of Agriculture may, in case of nonpayment of the fees, late payment penalty, or accrued interest, after giving reasonable notice of default to the person liable for payment of such assessments, sell at public sale after reasonable public notice, or otherwise dispose of, any such plant or plant product upon which the Secretary of Agriculture has a lien pursuant to this section. If the sale proceeds exceed the fees due, any late payment penalty assessed, any accrued interest and the expenses of the sale, the excess shall be paid, in accordance with regulations of the Secretary of Agriculture, to the owner of the plant or plant product sold upon the owner making application therefore with proof of ownership, within six months after such sale, and otherwise the excess shall be credited to accounts that incur the costs and shall remain available until expended. The Secretary of Agriculture shall, pursuant to regulations as prescribed by the Secretary of Agriculture, suspend performance of services to persons who have failed to pay such fees, late payment penalty and accrued interest.

(Sept. 21, 1944, ch. 412, title I, § 102, 58 Stat. 735; June 17, 1949, ch. 220, 63 Stat. 200; Pub. L. 85-36, title II, § 201, May 23, 1957, 71 Stat. 35; Pub. L. 94-231, § 1, Mar. 15, 1976, 90 Stat. 215; Pub. L. 101-624, title XXV, §§ 2504, 2509(b), Nov. 28, 1990, 104 Stat. 4068, 4070; Pub. L. 106-224, title IV, § 438(a)(3), June 20, 2000, 114 Stat. 454.)

CODIFICATION

Section was formerly classified to section 147a of this title.

Section was not enacted as part of the Plant Protection Act which comprises this chapter.

AMENDMENTS

2000—Subsecs. (a) to (e). Pub. L. 106-224 struck out subsecs. (a) to (e), which authorized measures for control and eradication of plant pests, set forth provisions relating to intergovernmental cooperation and responsibility of cooperating foreign agencies, defined terms as used in this section, and authorized rules and regulations to provide for inspection and certification of plants and plant products offered for export or transiting the United States.

1990—Subsec. (b). Pub. L. 101-624, § 2504, substituted “foreign countries” for “all countries of the Western Hemisphere” and inserted “foreign or” before “international”.

Subsec. (f). Pub. L. 101-624, § 2509(b), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: “There are hereby authorized to be appropriated such sums as the Congress may annually determine to be necessary to enable the Secretary of Agriculture to carry out the provisions of this section. Unless otherwise specifically authorized, or provided for in appropriations, no part of such sums shall be used to pay the cost or value of property injured or destroyed.”

1976—Subsecs. (a) to (d). Pub. L. 94-231 redesignated existing provisions of subsec. (a) as subsecs. (a) to (d) and broadened Secretary’s authority to control and eradicate plant pests and animal diseases, extended

Secretary’s authority to cooperate with foreign governments, and inserted definitions for “plant pest” and “living stage”. Former subsecs. (b) and (c) redesignated (e) and (f), respectively.

Subsec. (e). Pub. L. 94-231 redesignated subsec. (b) as (e) and made discretionary the Secretary’s authority to provide phytosanitary inspection and certification service for domestic plants and plant products offered for export or transit in the United States.

Subsec. (f). Pub. L. 94-231 redesignated subsec. (c) as (f) and substituted provisions authorizing appropriations on a Congressional finding of necessity made “annually” for provisions authorizing appropriations on a Congressional finding of necessity made “from time to time”.

1957—Subsec. (a). Pub. L. 85-36 inserted “insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed, spotted alfalfa aphid,” after “or to prevent or retard the spread of”.

1949—Subsec. (a). Act June 17, 1949, authorized the Secretary to carry out operations to combat the citrus blackfly, white-fringed beetle, and the Hall scale.

§ 7760. State terminal inspection; transmission of mailed packages for State inspection; non-mailable matter; punishment for violations; rules and regulations by United States Postal Service

When any State shall provide for terminal inspection of plants and plant products, and shall establish and maintain, at the sole expense of the State, such inspection at one or more places therein, the proper officials of said State may submit to the Secretary of Agriculture a list of plants and plant products and the plant pests transmitted thereby, that in the opinion of said officials should be subject to terminal inspection in order to prevent the introduction or dissemination in said State of pests injurious to agriculture. Upon his approval of said list, in whole or in part, the Secretary of Agriculture shall transmit the same to the United States Postal Service, and thereafter all packages containing any plants or plant products named in said approved lists shall, upon payment of postage therefor, be forwarded by the postmaster at the destination of said package to the proper State official at the nearest place where inspection is maintained. If the plants or plant products (including seed) are found upon inspection to be free from injurious pests 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 if infected shall be disinfected by said official, they shall upon payment of postage therefor be returned to the postmaster at the place of inspection to be forward¹ to the person to whom they are addressed; but if found to be infected with injurious pests and incapable of satisfactory disinfection 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, the State inspector shall so notify the 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 de-

¹ So in original.

fault 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.

§ 7761. National Clean Plant Network

(a) In general

The Secretary shall establish a program to be known as the “National Clean Plant Network” (referred to in this section as the “Program”).

(b) Requirements

Under the Program, the Secretary shall establish a network of clean plant centers for diagnostic and pathogen elimination services to—

- (1) produce clean propagative plant material; and
- (2) maintain blocks of pathogen-tested plant material in sites located throughout the United States.

(c) Availability of clean plant source material

Clean plant source material may be made available to—

- (1) a State for a certified plant program of the State; and
- (2) private nurseries and producers.

(d) Consultation and collaboration

In carrying out the Program, the Secretary shall—

- (1) consult with State departments of agriculture, land grant universities, and NLGCA Institutions (as defined in section 3103 of this title); and
- (2) to the extent practicable and with input from the appropriate State officials and industry representatives, use existing Federal or State facilities to serve as clean plant centers.

(e) Funding

(1) Fiscal years 2009 through 2012

Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out the Program \$5,000,000 for each of fiscal years 2009 through 2012, to remain available until expended.

(2) Fiscal year 2013

There is authorized to be appropriated to carry out the Program \$5,000,000 for fiscal year 2013.

(Pub. L. 110-234, title X, §10202, May 22, 2008, 122 Stat. 1342; Pub. L. 110-246, §4(a), title X, §10202, June 18, 2008, 122 Stat. 1664, 2104; Pub. L. 112-240, title VII, §701(g)(2), Jan. 2, 2013, 126 Stat. 2366.)

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.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of the Plant Protection Act which comprises this chapter.

AMENDMENTS

2013—Subsec. (e). Pub. L. 112-240 designated existing provisions as par. (1), inserted heading, and added par. (2).

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-240 effective Sept. 30, 2012, see section 701(j) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

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.

DEFINITIONS

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

“State department of agriculture” as meaning the agency, commission, or department of a State government responsible for protecting and promoting agriculture in the State, see section 10001(2) of Pub. L. 110-246, set out as a note under section 1622b 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