

(A) not be less than the minimum rate payable for a position at level GS-15 of the General Schedule; and

(B) not be more than the rate payable for a position at level I of the Executive Schedule, unless the rate is approved by the President under section 5377(d)(2) of title 5.

(e) Retirement contributions

(1) In general

On the request of a member of the Service who was an employee of an institution of higher education (as defined in section 1001 of title 20) immediately prior to appointment as a member of the Service and who retains the right to continue to make contributions to the retirement system of the institution, the Secretary may contribute an amount not to exceed 10 percent of the basic pay of the member to the retirement system of the institution on behalf of the member.

(2) Federal retirement system

(A) In general

Subject to subparagraph (B), a member for whom a contribution is made under paragraph (1) shall not, as a result of serving as a member of the Service, be covered by, or earn service credit under, chapter 83 or 84 of title 5.

(B) Annual leave

Service of a member of the Service described in subparagraph (A) shall be creditable for determining years of service under section 6303(a) of title 5.

(f) Involuntary separation

(1) In general

Subject to paragraph (2) and notwithstanding the provisions of title 5 governing appointment in the competitive service, in the case of an individual who is separated from the Service involuntarily and without cause—

(A) the Secretary may appoint the individual to a position in the competitive civil service at level GS-15 of the General Schedule; and

(B) the appointment shall be a career appointment.

(2) Excepted civil service

In the case of an individual described in paragraph (1) who immediately prior to appointment as a member of the Service was not a career appointee in the civil service or the Senior Executive Service, the appointment of the individual under paragraph (1)—

(A) shall be to the excepted civil service; and

(B) may not exceed a period of 2 years.

(Pub. L. 105-185, title VI, §620, as added Pub. L. 107-171, title VII, §7219, May 13, 2002, 116 Stat. 449.)

REFERENCES IN TEXT

The General Schedule, referred to in subsecs. (b)(2)(C), (4)(A)(iv), (B), (d)(2)(A), and (f)(1)(A), is set out under section 5332 of Title 5, Government Organization and Employees.

Level I of the Executive Schedule, referred to in subsec. (d)(2)(B), is set out in section 5312 of Title 5, Government Organization and Employees.

PART C—STUDIES

§§ 7671, 7672. Repealed. Pub. L. 113-79, title VII, § 7311, Feb. 7, 2014, 128 Stat. 893

Section 7671, Pub. L. 105-185, title VI, §631, June 23, 1998, 112 Stat. 608, related to evaluation and assessment of agricultural research, extension, and education programs.

Section 7672, Pub. L. 105-185, title VI, §632, June 23, 1998, 112 Stat. 608, related to study of federally funded agricultural research, extension, and education.

CHAPTER 104—PLANT PROTECTION

- Sec.
- 7701. Findings.
- 7702. Definitions.

SUBCHAPTER I—PLANT PROTECTION

- 7711. Regulation of movement of plant pests.
- 7712. Regulation of movement of plants, plant products, biological control organisms, noxious weeds, articles, and means of conveyance.
- 7712a. Reduction in backlog of agricultural export petitions.
- 7713. Notification and holding requirements upon arrival.
- 7714. General remedial measures for new plant pests and noxious weeds.
- 7715. Declaration of extraordinary emergency and resulting authorities.
- 7716. Recovery of compensation for unauthorized activities.
- 7717. Control of grasshoppers and Mormon crickets.
- 7718. Certification for exports.
- 7719. Methyl bromide.
- 7720. National plan for control and management of Sudden Oak Death.
- 7721. Plant pest and disease management and disaster prevention.

SUBCHAPTER II—INSPECTION AND ENFORCEMENT

- 7731. Inspections, seizures, and warrants.
- 7732. Collection of information.
- 7733. Subpoena authority.
- 7734. Penalties for violation.
- 7735. Enforcement actions of Attorney General.
- 7736. Court jurisdiction.

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

- 7751. Cooperation.
- 7752. Buildings, land, people, claims, and agreements.
- 7753. Reimbursable agreements.
- 7754. Regulations and orders.
- 7755. Protection for mail handlers.
- 7756. Preemption.
- 7757. Severability.
- 7758. Repeal of superseded laws.
- 7759. Fees for inspection of plants for exporting or transiting.
- 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.
- 7761. Repealed.

SUBCHAPTER IV—AUTHORIZATION OF APPROPRIATIONS

- 7771. Authorization of appropriations.
- 7772. Transfer authority.

SUBCHAPTER V—NOXIOUS WEED CONTROL AND ERADICATION

- 7781. Definitions.
- 7782. Establishment of program.

Sec.	
7783.	Grants to weed management entities.
7784.	Agreements.
7785.	Relationship to other programs.
7786.	Authorization of appropriations.

§ 7701. Findings

Congress finds that—

(1) the detection, control, eradication, suppression, prevention, or retardation of the spread of plant pests or noxious weeds is necessary for the protection of the agriculture, environment, and economy of the United States;

(2) biological control is often a desirable, low-risk means of ridding crops and other plants of plant pests and noxious weeds, and its use should be facilitated by the Department of Agriculture, other Federal agencies, and States whenever feasible;

(3) it is the responsibility of the Secretary to facilitate exports, imports, and interstate commerce in agricultural products and other commodities that pose a risk of harboring plant pests or noxious weeds in ways that will reduce, to the extent practicable, as determined by the Secretary, the risk of dissemination of plant pests or noxious weeds;

(4) decisions affecting imports, exports, and interstate movement of products regulated under this chapter shall be based on sound science;

(5) the smooth movement of enterable plants, plant products, biological control organisms, or other articles into, out of, or within the United States is vital to the United State's¹ economy and should be facilitated to the extent possible;

(6) export markets could be severely impacted by the introduction or spread of plant pests or noxious weeds into or within the United States;

(7) the unregulated movement of plant pests, noxious weeds, plants, certain biological control organisms, plant products, and articles capable of harboring plant pests or noxious weeds could present an unacceptable risk of introducing or spreading plant pests or noxious weeds;

(8) the existence on any premises in the United States of a plant pest or noxious weed new to or not known to be widely prevalent in or distributed within and throughout the United States could constitute a threat to crops and other plants or plant products of the United States and burden interstate commerce or foreign commerce; and

(9) all plant pests, noxious weeds, plants, plant products, articles capable of harboring plant pests or noxious weeds regulated under this chapter are in or affect interstate commerce or foreign commerce.

(Pub. L. 106-224, title IV, § 402, June 20, 2000, 114 Stat. 438.)

REFERENCES IN TEXT

This chapter, referred to in pars. (4) and (9), was in the original "this title", meaning title IV of Pub. L. 106-224, June 20, 2000, 114 Stat. 438, known as the Plant

Protection Act, which is classified principally to this chapter. For complete classification of title IV to the Code, see Short Title note set out below and Tables.

SHORT TITLE

Pub. L. 106-224, title IV, § 401, June 20, 2000, 114 Stat. 438, provided that: "This title [enacting this chapter, amending section 7759 of this title and section 129a of Title 21, Food and Drugs, and repealing sections 148, 148a, 148c to 148f, 149, 150, 150a to 150g, 150aa to 150jj, 151 to 154, 156 to 164, 164a, 167, 1651 to 1656, and 2801 to 2813 of this title, and provisions set out as notes under sections 147a, 150, 150aa, 151, and 1651 of this title] may be cited as the 'Plant Protection Act'."

Pub. L. 106-224, title IV, § 451, as added by Pub. L. 108-412, § 1, Oct. 30, 2004, 118 Stat. 2320, provided that: "This subtitle [subtitle E (§§ 451-457) of title IV of Pub. L. 106-224, enacting subchapter V of this chapter] may be cited as the 'Noxious Weed Control and Eradication Act of 2004'."

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.

REGULATIONS TO IMPROVE MANAGEMENT AND OVERSIGHT OF CERTAIN REGULATED ARTICLES

Pub. L. 110-234, title X, § 10204, May 22, 2008, 122 Stat. 1343, and Pub. L. 110-246, § 4(a), title X, § 10204, June 18, 2008, 122 Stat. 1664, 2105, provided that:

"(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act [June 18, 2008], the Secretary [of Agriculture] shall—

"(1) take action on each issue identified in the document entitled 'Lessons Learned and Revisions under Consideration for APHIS' Biotechnology Framework', dated October 4, 2007; and

"(2) as the Secretary considers appropriate, promulgate regulations to improve the management and oversight of articles regulated under the Plant Protection Act (7 U.S.C. 7701 et seq.).

"(b) INCLUSIONS.—In carrying out subsection (a), the Secretary shall take actions that are designed to enhance—

"(1) the quality and completeness of records;

"(2) the availability of representative samples;

"(3) the maintenance of identity and control in the event of an unauthorized release;

"(4) corrective actions in the event of an unauthorized release;

"(5) protocols for conducting molecular forensics;

"(6) clarity in contractual agreements;

"(7) the use of the latest scientific techniques for isolation and confinement distances;

"(8) standards for quality management systems and effective research; and

"(9) the design of electronic permits to store documents and other information relating to the permit and notification processes.

"(c) CONSIDERATION.—In carrying out subsection (a), the Secretary shall consider—

"(1) establishing—

"(A) a system of risk-based categories to classify each regulated article;

"(B) a means to identify regulated articles (including the retention of seed samples); and

"(C) standards for isolation and containment distances; and

"(2) requiring permit holders—

"(A) to maintain a positive chain of custody;

"(B) to provide for the maintenance of records;

"(C) to provide for the accounting of material;

"(D) to conduct periodic audits;

¹ So in original.