

§ 138i. Effect of other laws

Nothing in this chapter shall alter the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(Pub. L. 101-624, title XIII, §1330, Nov. 28, 1990, 104 Stat. 3565.)

REFERENCES IN TEXT

The Federal Food, Drug, and Cosmetic Act, referred to in text, is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (§301 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

CHAPTER 7—INSECT PESTS GENERALLY**§§ 141 to 144. Repealed. Pub. L. 85-36, title I, § 111, May 23, 1957, 71 Stat. 35**

Sections were from act Mar. 3, 1905, ch. 1501, §§1-4, 33 Stat. 1269. See chapter 7B of this title.

Section 141 prohibited transportation or removal of insect pests.

Section 142 related to punishment for mailing parcels, etc., containing insect pests.

Section 143 related to regulations for mailing, transportation, etc., of insect pests for scientific purposes.

Section 144, amended Sept. 3, 1954, ch. 1263, §16, 68 Stat. 1232, related to punishment for unlawful transportation or removal of insect pests.

§ 145. Repealed. Pub. L. 94-231, § 2, Mar. 15, 1976, 90 Stat. 216

Section, act Oct. 6, 1917, ch. 79, §1, 40 Stat. 374, provided for cooperation with Mexico and adjacent States in extermination of pink bollworm infestations in Mexico and related operations.

§§ 146, 147. Omitted

CODIFICATION

Section 146, act Feb. 9, 1927, ch. 90, 44 Stat. 1065, authorized an appropriation of \$10,000,000 to eradicate or control European corn borer.

Section 147, act May 24, 1928, ch. 734, 45 Stat. 734, authorized an additional appropriation of \$7,000,000 to eradicate or control European corn borer.

§§ 147a, 147b. Transferred

CODIFICATION

Section 147a, acts Sept. 21, 1944, ch. 412, title I, §102, 58 Stat. 735, as amended, which related to fees for inspection of plants for exporting or transiting, was transferred to section 7759 of this title.

Section 147b, Pub. L. 97-46, §1, Sept. 25, 1981, 95 Stat. 953, as amended, which related to transfer of funds for emergency arrest of animal or poultry diseases, was transferred to section 129a of Title 21, Food and Drugs, and was subsequently repealed by Pub. L. 107-171, title X, §10418(a)(1), May 13, 2002, 116 Stat. 507.

§§ 148, 148a. Repealed. Pub. L. 106-224, title IV, § 438(a)(6), June 20, 2000, 114 Stat. 454

Section 148, acts Apr. 6, 1937, ch. 69, 50 Stat. 57; May 9, 1938, ch. 192, 52 Stat. 344; Aug. 13, 1954, ch. 731, 68 Stat. 717, related to control of incipient or emergency outbreaks of insect pests and plant diseases.

Section 148a, act Apr. 6, 1937, ch. 69, §2, as added May 9, 1938, ch. 192, 52 Stat. 344, related to availability of appropriated money for personnel, general administration, material and equipment, and other necessary expenses.

§ 148b. Repealed. Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111

Section, act Apr. 6, 1937, ch. 69, §3, as added May 9, 1938, ch. 192, 52 Stat. 344, related to procurement of materials and equipment for the control of insect pests and plant diseases.

§ 148c to 148e. Repealed. Pub. L. 106-224, title IV, § 438(a)(6), June 20, 2000, 114 Stat. 454

Section 148c, act Apr. 6, 1937, ch. 69, §4, as added May 9, 1938, ch. 192, 52 Stat. 344, related to cooperation of States in control of insect pests and plant diseases.

Section 148d, act Apr. 6, 1937, ch. 69, §5, as added May 9, 1938, ch. 192, 52 Stat. 344, prohibited use of appropriations to pay cost or value of injured or destroyed animals, crops, or other property.

Section 148e, act Apr. 6, 1937, ch. 69, §6, as added May 9, 1938, ch. 192, 52 Stat. 344, authorized appropriations to carry out provisions of sections 148 to 148e of this title.

§ 148f. Repealed. Pub. L. 106-224, title IV, § 438(a)(9), June 20, 2000, 114 Stat. 454

Section, Pub. L. 99-198, title XVII, §1773, Dec. 23, 1985, 99 Stat. 1658, related to control of grasshoppers and Mormon Crickets on Federal lands. See section 7717 of this title.

§ 149. Repealed. Pub. L. 106-224, title IV, § 438(a)(5), June 20, 2000, 114 Stat. 454

Section, acts Jan. 31, 1942, ch. 31, 56 Stat. 40; Pub. L. 85-36, title I, §110, May 23, 1957, 71 Stat. 34; Pub. L. 97-461, §3, Jan. 12, 1983, 96 Stat. 2524; Pub. L. 103-465, title IV, §431(b), Dec. 8, 1994, 108 Stat. 4967, related to inspection, cleaning, and disinfection of vehicles and materials entering into the United States from Mexico.

CHAPTER 7A—GOLDEN NEMATODE**§§ 150 to 150g. Repealed. Pub. L. 106-224, title IV, § 438(a)(8), June 20, 2000, 114 Stat. 454**

Section 150, act June 15, 1948, ch. 471, §1, 62 Stat. 442, set forth governmental policy for protection of potatoes and tomatoes from golden nematode.

Section 150a, act June 15, 1948, ch. 471, §2, 62 Stat. 443, authorized Secretary of Agriculture to carry out operations to eradicate, suppress, control, or prevent spread of golden nematode.

Section 150b, act June 15, 1948, ch. 471, §3, 62 Stat. 443, related to inspections, quarantines, restrictions on planting, crop destruction, and compensation of growers.

Section 150c, act June 15, 1948, ch. 471, §4, 62 Stat. 443, made expenditure of funds discretionary with Secretary.

Section 150d, act June 15, 1948, ch. 471, §5, 62 Stat. 443, made State legislative action prerequisite to restrictions on or destruction of crops.

Section 150e, act June 15, 1948, ch. 471, §6, 62 Stat. 443, related to determination of amount of compensation paid to growers.

Section 150f, act June 15, 1948, ch. 471, §7, 62 Stat. 443, authorized expenditures, including employment of personnel, printing and binding, and purchase of vehicles.

Section 150g, act June 15, 1948, ch. 471, §8, 62 Stat. 443, directed that chapter be construed to supplement existing legislation.

SHORT TITLE

Act June 15, 1948, ch. 471, §9, 62 Stat. 443, provided that act June 15, 1948, enacting this chapter, could be cited as the "Golden Nematode Act", prior to repeal by Pub. L. 106-224, title IV, §438(a)(8), June 20, 2000, 114 Stat. 454.

CHAPTER 7B—PLANT PESTS**§§ 150aa to 150jj. Repealed. Pub. L. 106-224, title IV, § 438(a)(2), June 20, 2000, 114 Stat. 454**

Section 150aa, Pub. L. 85-36, title I, § 102, May 23, 1957, 71 Stat. 31, defined terms as used in this chapter.

Section 150bb, Pub. L. 85-36, title I, § 103, May 23, 1957, 71 Stat. 32; Pub. L. 97-461, § 1(a), Jan. 12, 1983, 96 Stat. 2523; Pub. L. 100-449, title III, § 301(f)(1), Sept. 28, 1988, 102 Stat. 1868; Pub. L. 103-465, title IV, § 431(c)(1), Dec. 8, 1994, 108 Stat. 4967, prohibited movement of plant pests into or through the United States or interstate.

Section 150cc, Pub. L. 85-36, title I, § 104, May 23, 1957, 71 Stat. 32; Pub. L. 100-449, title III, § 301(f)(2), Sept. 28, 1988, 102 Stat. 1869; Pub. L. 103-465, title IV, § 431(c)(2), Dec. 8, 1994, 108 Stat. 4967, prohibited mailing of plant pests.

Section 150dd, Pub. L. 85-36, title I, § 105, May 23, 1957, 71 Stat. 32; Pub. L. 97-98, title XI, § 1119(1), Dec. 22, 1981, 95 Stat. 1272, authorized emergency measures to prevent dissemination of plant pests.

Section 150ee, Pub. L. 85-36, title I, § 106, May 23, 1957, 71 Stat. 33, authorized promulgation of regulations requiring inspection of products and articles.

Section 150ff, Pub. L. 85-36, title I, § 107, May 23, 1957, 71 Stat. 34; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 97-98, title XI, § 1119(2), Dec. 22, 1981, 95 Stat. 1273; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117, authorized warrantless stops and inspections and entries with warrants for inspections and seizures.

Section 150gg, Pub. L. 85-36, title I, § 108, May 23, 1957, 71 Stat. 34; Pub. L. 97-461, § 1(b), Jan. 12, 1983, 96 Stat. 2523, set forth criminal and civil penalties.

Section 150hh, Pub. L. 85-36, title I, § 109, May 23, 1957, 71 Stat. 34, related to separability of provisions.

Section 150ii, Pub. L. 85-36, title I, § 111, May 23, 1957, 71 Stat. 34, provided that authority conferred by this chapter was to be in addition to that conferred by other statutes.

Section 150jj, Pub. L. 85-36, title I, § 111, May 23, 1957, 71 Stat. 35, provided that nothing in this chapter was to amend or repeal provisions of the Plant Quarantine Act.

SHORT TITLE

Pub. L. 85-36, title I, § 101, May 23, 1957, 71 Stat. 31, provided that title I of Pub. L. 85-36, which enacted this chapter and provisions set out as a note under section 147a of this title, amended section 149 of this title, and repealed sections 141 to 144 and 441 of this title, could be cited as the “Federal Plant Pest Act”, prior to repeal by Pub. L. 106-224, title IV, § 438(a)(2), June 20, 2000, 114 Stat. 454.

CHAPTER 8—NURSERY STOCK AND OTHER PLANTS AND PLANT PRODUCTS**§§ 151 to 154. Repealed. Pub. L. 106-224, title IV, § 438(a)(1), June 20, 2000, 114 Stat. 454**

Section 151, act Aug. 20, 1912, ch. 308, § 11, 37 Stat. 319, defined “person” as used in this chapter.

Section 152, act Aug. 20, 1912, ch. 308, § 6, 37 Stat. 317, defined “nursery stock” for purpose of this chapter.

Section 153, act Aug. 20, 1912, ch. 308, § 11, 37 Stat. 319, related to liability of principal for act or omission of agent.

Section 154, acts Aug. 20, 1912, ch. 308, § 1, 37 Stat. 315; July 31, 1947, ch. 405, 61 Stat. 680; Pub. L. 100-449, title III, § 301(f)(3)(A), Sept. 28, 1988, 102 Stat. 1869; Pub. L. 103-465, title IV, § 431(d)(1), Dec. 8, 1994, 108 Stat. 4967, required that movement of nursery stock into or through the United States be made in accordance with regulations to prevent dissemination of plant pests, plant diseases, or insect pests.

EFFECTIVE DATE

Section 14 of act Aug. 20, 1912, provided that act Aug. 20, 1912, enacting this chapter, was effective Oct. 1, 1912,

except as otherwise provided, prior to repeal by Pub. L. 106-224, title IV, § 438(a)(1), June 20, 2000, 114 Stat. 454.

§ 155. Omitted**CODIFICATION**

Section, act Mar. 4, 1913, ch. 145, § 1 [part], 37 Stat. 854, provided that any class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products of which the importation could be forbidden from any country or locality under the provisions of section 160 of this title could be imported for experimental or scientific purposes by the Department of Agriculture.

§§ 156 to 161. Repealed. Pub. L. 106-224, title IV, § 438(a)(1), June 20, 2000, 114 Stat. 454

Section 156, acts Aug. 20, 1912, ch. 308, § 2, 37 Stat. 316; Pub. L. 100-449, title III, § 301(f)(3)(B), Sept. 28, 1988, 102 Stat. 1869; Pub. L. 103-465, title IV, § 431(d)(2), Dec. 8, 1994, 108 Stat. 4968, required that Secretary of Agriculture be notified of arrival of nursery stock at port of entry, prohibited forwarding without notification, and provided for inspection before shipment.

Section 157, act Aug. 20, 1912, ch. 308, § 3, 37 Stat. 316, set forth marking requirements for entry of nursery stock into United States.

Section 158, act Aug. 20, 1912, ch. 308, § 4, 37 Stat. 316, related to marking and inspection of imported nursery stock for interstate shipment.

Section 159, acts Aug. 20, 1912, ch. 308, § 5, 37 Stat. 316; Pub. L. 97-432, § 1(1), Jan. 8, 1983, 96 Stat. 2276, related to regulation of importation of plant products other than nursery stock.

Section 160, acts Aug. 20, 1912, ch. 308, § 7, 37 Stat. 317; Pub. L. 97-432, § 1(2), Jan. 8, 1983, 96 Stat. 2276, authorized regulations prohibiting importation of nursery stock or other plant products to prevent introduction into United States of any tree, plant or fruit disease or any injurious insect.

Section 161, acts Aug. 20, 1912, ch. 308, § 8, 37 Stat. 318; Mar. 4, 1917, ch. 179, 39 Stat. 1165; Apr. 13, 1926, ch. 135, 44 Stat. 250; Pub. L. 95-439, § 4, Oct. 10, 1978, 92 Stat. 1062; Pub. L. 97-432, § 1(3), Jan. 8, 1983, 96 Stat. 2276; Pub. L. 104-127, title IX, § 911, Apr. 4, 1996, 110 Stat. 1185, authorized quarantine of any State, territory, or district of the United States in order to prevent the spread of a dangerous plant disease or insect infestation.

§ 161a. Omitted**CODIFICATION**

Section was from the Department of Agriculture Appropriation Act, 1945, act June 28, 1944, ch. 296, 58 Stat. 440, related to disposition of moneys from inspection and certification of domestic plants and plant products for export, and was not repeated in subsequent appropriation acts. Similar provisions were contained in prior appropriation acts as follows:

July 12, 1943, ch. 215, 57 Stat. 408.

July 22, 1942, ch. 516, 56 Stat. 686.

§§ 162 to 164a. Repealed. Pub. L. 106-224, title IV, § 438(a)(1), June 20, 2000, 114 Stat. 454

Section 162, act Aug. 20, 1912, ch. 308, § 9, 37 Stat. 318, authorized rules and regulations as necessary for carrying out the purposes of this chapter.

Section 163, acts Aug. 20, 1912, ch. 308, § 10, 37 Stat. 318; Pub. L. 97-461, § 2, Jan. 12, 1983, 96 Stat. 2523, set forth penalties for violations of provisions of this chapter or regulations promulgated thereunder.

Section 164, act Aug. 20, 1912, ch. 308, § 10, 37 Stat. 318, set forth duty of United States attorneys to prosecute violations of this chapter.

Section 164a, act Aug. 20, 1912, ch. 308, § 10, as added May 1, 1928, ch. 462, 45 Stat. 468, authorized search and seizure of nursery stock and plant products by Department of Agriculture employees.