

(A) to facilitate the establishment of phytosanitary systems and the resolution of phytosanitary issues;

(B) to assist those countries with agricultural health protection activities; and

(C) to provide general liaison on agricultural health issues with the plant health or other appropriate officials of the country.

**(f) Transfer of cooperative agreement fund**

**(1) In general**

A State may provide to a unit of local government in the State described in paragraph (2) any cost-sharing assistance or financing mechanism provided to the State under a cooperative agreement entered into under this Act between the Secretary and the State relating to the eradication, prevention, control, or suppression of plant pests.

**(2) Requirements**

To be eligible for assistance or financing under paragraph (1), a unit of local government shall be—

(A) engaged in any activity relating to the eradication, prevention, control, or suppression of the plant pest infestation covered under the cooperative agreement between the Secretary and the State; and

(B) capable of documenting each plant pest infestation eradication, prevention, control, or suppression activity generally carried out by—

(i) the Department of Agriculture; or

(ii) the State department of agriculture that has jurisdiction over the unit of local government.

(Pub. L. 106-224, title IV, § 431, June 20, 2000, 114 Stat. 451; Pub. L. 110-234, title X, § 10206, May 22, 2008, 122 Stat. 1346; Pub. L. 110-246, § 4(a), title X, § 10206, June 18, 2008, 122 Stat. 1664, 2107.)

**Editorial Notes**

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), 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 under section 7701 of this title and Tables.

This Act, referred to in subsec. (f)(1), is Pub. L. 106-224, June 20, 2000, 114 Stat. 358, known as the Agricultural Risk Protection Act of 2000. For complete classification of this Act to the Code, see Short Title of 2000 Amendment note set out under section 1501 of this title and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (f). Pub. L. 110-246, § 10206, added subsec. (f).

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment 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 an Effective Date note under section 8701 of this title.

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.

**§ 7752. Buildings, land, people, claims, and agreements**

**(a) In general**

To the extent necessary to carry out this chapter, the Secretary may acquire and maintain all real or personal property for special purposes and employ any persons, make grants, and enter into any contracts, cooperative agreements, memoranda of understanding, or other agreements.

**(b) Tort claims**

**(1) In general**

Except as provided in paragraph (2), the Secretary may pay tort claims in the manner authorized in the first paragraph of section 2672 of title 28, when the claims arise outside the United States in connection with activities that are authorized under this chapter.

**(2) Requirements of claim**

A claim may not be allowed under this subsection unless the claim is presented in writing to the Secretary within 2 years after the date on which the claim accrues.

(Pub. L. 106-224, title IV, § 432, June 20, 2000, 114 Stat. 452.)

**Editorial Notes**

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b)(1), 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 under section 7701 of this title and Tables.

**Statutory Notes and Related Subsidiaries**

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.

**§ 7753. Reimbursable agreements**

**(a) Authority to enter into agreements**

The Secretary may enter into reimbursable fee agreements with persons for preclearance of plants, plant products, biological control organisms, and articles at locations outside the United States for movement into the United States.

**(b) Funds collected for preclearance**

Funds collected for preclearance shall be credited to accounts which may be established by the Secretary for this purpose and shall remain available until expended for the preclearance activities without fiscal year limitation.

**(c) Payment of employees****(1) In general**

Notwithstanding any other law, the Secretary may pay employees of the Department of Agriculture performing services relating to imports into and exports from the United States, for all overtime, night, or holiday work performed by them, at rates of pay established by the Secretary.

**(2) Reimbursement of the Secretary****(A) In general**

The Secretary may require persons for whom the services are performed to reimburse the Secretary for any sums of money paid by the Secretary for the services.

**(B) Use of funds**

All funds collected under this paragraph shall be credited to the account that incurs the costs and shall remain available until expended without fiscal year limitation.

**(d) Late payment penalties****(1) Collection**

Upon failure to reimburse the Secretary in accordance with this section, the Secretary may assess a late payment penalty, and the overdue funds shall accrue interest, as required by section 3717 of title 31.

**(2) Use of funds**

Any late payment penalty and any accrued interest shall be credited to the account that incurs the costs and shall remain available until expended without fiscal year limitation.

(Pub. L. 106-224, title IV, §433, June 20, 2000, 114 Stat. 452.)

**Statutory Notes and Related Subsidiaries**

## 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.

**§ 7754. Regulations and orders**

The Secretary may issue such regulations and orders as the Secretary considers necessary to carry out this chapter.

(Pub. L. 106-224, title IV, §434, June 20, 2000, 114 Stat. 453.)

**Editorial Notes**

## REFERENCES IN TEXT

This chapter, referred to in text, 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 under section 7701 of this title and Tables.

**Statutory Notes and Related Subsidiaries**

## 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.

**§ 7755. Protection for mail handlers**

This chapter shall not apply to any employee of the United States in the performance of the duties of the employee in handling the mail.

(Pub. L. 106-224, title IV, §435, June 20, 2000, 114 Stat. 453.)

**Editorial Notes**

## REFERENCES IN TEXT

This chapter, referred to in text, 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 under section 7701 of this title and Tables.

**§ 7756. Preemption****(a) Regulation of foreign commerce**

No State or political subdivision of a State may regulate in foreign commerce any article, means of conveyance, plant, biological control organism, plant pest, noxious weed, or plant product in order—

- (1) to control a plant pest or noxious weed;
- (2) to eradicate a plant pest or noxious weed;

or

- (3) prevent the introduction or dissemination of a biological control organism, plant pest, or noxious weed.

**(b) Regulation of interstate commerce****(1) In general**

Except as provided in paragraph (2), no State or political subdivision of a State may regulate the movement in interstate commerce of any article, means of conveyance, plant, biological control organism, plant pest, noxious weed, or plant product in order to control a plant pest or noxious weed, eradicate a plant pest or noxious weed, or prevent the introduction or dissemination of a biological control organism, plant pest, or noxious weed, if the Secretary has issued a regulation or order to prevent the dissemination of the biological control organism, plant pest, or noxious weed within the United States.

**(2) Exceptions****(A) Regulations consistent with Federal regulations**

A State or a political subdivision of a State may impose prohibitions or restrictions upon the movement in interstate com-