

Public Law 94-231  
94th Congress

An Act

To clarify the authority of the Secretary of Agriculture to control and eradicate plant pests, and for other purposes.

Mar. 15, 1976

[S. 1617]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 102 of the Act of September 21, 1944 (58 Stat. 735, as amended; 7 U.S.C. 147a), is amended to read as follows:

Plant pests,  
control and  
eradication.

"SEC. 102. (a) The Secretary of Agriculture, either independently or in cooperation with States or political subdivisions thereof, farmers' associations and similar organizations, and individuals, is authorized to carry out operations or measures to detect, eradicate, suppress, control, or to prevent or retard the spread of plant pests.

"(b) The Secretary of Agriculture is further authorized to cooperate with the governments of all countries of the Western Hemisphere, or the local authorities thereof, and with international organizations or associations, in carrying out necessary surveys and control operations in those countries in connection with the detection, eradication, suppression, control, and prevention or retardation of the spread of plant pests.

"(c) In performing the operations or measures herein authorized, the cooperating foreign country, State, or local agency shall be responsible for the authority necessary to carry out the operations or measures on all lands and properties within the foreign country or State other than those owned or controlled by the Federal Government and for such other facilities and means as in the discretion of the Secretary of Agriculture are necessary.

"(d) As used in this section—

Definitions.

"(1) 'plant pest' means any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants;

"(2) 'living stage' includes the egg, pupal, and larval stages as well as any other living stage; and

"(3) 'State' includes the District of Columbia and the territories and possessions of the United States.

"(e) The Secretary of Agriculture is authorized to promulgate such rules and regulations and use such means as he may deem necessary to provide for the inspection of plants and plant products offered for export or transiting the United States and to certify to shippers and interested parties as to the freedom of such products from plant pests according to the phytosanitary requirements of the foreign countries to which such products may be exported, or to the freedom from exposure to plant pests while in transit through the United States.

Rules and  
regulations.

Appropriation  
authorization.

“(f) 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.”

Repeal.

SEC. 2. The material appearing under the head “FEDERAL HORTICULTURAL BOARD” in section 1 of the Act of October 6, 1917 (40 Stat. 374; 7 U.S.C. 145), is hereby repealed.

SEC. 3. Section 1 of the Act of February 28, 1947 (61 Stat. 7, as amended; 21 U.S.C. 114b), is amended by (1) inserting in the first sentence after the words “any communicable disease of animals” the words “or vectors thereof”; (2) inserting after “Canada” a comma and “the Bahama Islands, the Greater Antilles, and the Lesser Antilles, and with international organizations or associations”; and (3) by deleting “British Honduras” and inserting in lieu thereof “Belize”.

Approved March 15, 1976.

#### LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-613 (Comm. on Agriculture) and No. 94-813 (Comm. of Conference).

SENATE REPORT No. 94-370 (Comm. on Agriculture and Forestry).

#### CONGRESSIONAL RECORD:

Vol. 121 (1975): Sept. 16, considered and passed Senate.

Nov. 4, considered and passed House, amended.

Vol. 122 (1976): Feb. 18, House agreed to conference report.

Mar. 2, Senate agreed to conference report.