

CODIFICATION

Section was enacted as part of the Agricultural Appropriation Act, 1916, and not as part of the "Plant Quarantine 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.

§ 167. Rules governing District of Columbia

Prohibition against shipment generally.—In order further to control and eradicate and to prevent the dissemination of dangerous plant diseases and insect infections and infestations no plant or plant products for or capable of propagation, including nursery stock, herein-after referred to as plants and plant products, shall be moved or allowed to be moved, shipped, transported, or carried by any means whatever into or out of the District of Columbia, except in compliance with such rules and regulations as shall be prescribed by the Secretary of Agriculture as hereinafter provided.

Eradication by owner.—Whenever the Secretary of Agriculture, after investigation, shall determine that any plants and plant products in the District of Columbia are infested or infected with insect pests and diseases and that any place, articles, and substances used or connected therewith are so infested or infected, written notice thereof shall be given by him to the owner or person in possession or control thereof, and such owner or person shall forthwith control or eradicate and prevent the dissemination of such insect pest or disease and shall remove, cut, or destroy such infested and infected plants, plant products, and articles and substances used or connected therewith, which are declared to be nuisances, within the time and in the manner required in said notice or by the rules and regulations of the Secretary of Agriculture.

Eradication by Secretary of Agriculture.—Whenever such owner or person cannot be found, or shall fail, neglect, or refuse to comply with the foregoing provisions of this section, the Secretary of Agriculture is authorized and required

to control and eradicate and prevent dissemination of such insect pest or disease and to remove, cut, or destroy infested or infected plants and plant products and articles and substances used or connected therewith, and the United States shall have an action of debt against such owner or persons for expenses incurred by the Secretary of Agriculture in that behalf.

Inspection.—Employees of the Bureau of Entomology and Plant Quarantine are authorized and required to inspect places, plants, and plant products and articles and substances used or connected therewith whenever the Secretary of Agriculture shall determine that such inspections are necessary for the purposes of this section.

Entry upon premises; opening packages; destruction of plants, etc.—For the purpose of carrying out the provisions and requirements of this section and of the rules and regulations of the Secretary of Agriculture made hereunder, and the notices given pursuant thereto, employees of the Bureau of Entomology and Plant Quarantine shall have power with a warrant to enter into or upon any place and open any bundle, package, or other container of plants or plant products whenever they shall have cause to believe that infections or infestations of plant pests and diseases exist therein or thereon, and when such infections or infestations are found to exist, after notice by the Secretary of Agriculture to the owner or person in possession or control thereof and an opportunity by said owner or person to be heard, to destroy the infected or infested plants or plant products contained therein.

Search warrants.—The Superior Court of the District of Columbia shall have power, upon information supported by oath or affirmation showing probable cause for believing that there exists in any place, bundle, package, or other container in the District of Columbia any plant or plant product which is infected or infested with plant pests or disease, to issue warrants for the search for and seizure of all such plants and plant products.

Rules and regulations.—It shall be the duty of the Secretary of Agriculture, and he is required, from time to time, to make and promulgate such rules and regulations as shall be necessary to carry out the purposes of this section, and any person who shall move or allow to be moved, or shall ship, transport, or carry, by any means whatever, any plant or plant products from or into the District of Columbia, except in compliance with the rules and regulations prescribed under this section, shall be punished, as is provided in section 163 of this title.

(Aug. 20, 1912, ch. 308, §15, as added May 31, 1920, ch. 217, 41 Stat. 726; amended May 16, 1928, ch. 572, 45 Stat. 565; July 7, 1932, ch. 443, 47 Stat. 640; Mar. 26, 1934, ch. 89, 48 Stat. 486; Apr. 1, 1942, ch. 207, §§1, 4, 56 Stat. 190, 192; Pub. L. 88-60, §§1, 7, July 8, 1963, 77 Stat. 77, 78; Pub. L. 91-358, title I, §155(a), July 29, 1970, 84 Stat. 570.)

CODIFICATION

Section is also set out in D.C. Code, §6-1104.

CHANGE OF NAME

In penultimate par., "Superior Court of the District of Columbia" substituted for "District of Columbia

Court of General Sessions'' on authority of Pub. L. 91-358.

''District of Columbia Court of General Sessions'' was the designation given to the ''Municipal Court for the District of Columbia'' by Pub. L. 88-60, §§1, 7, July 8, 1963, 77 Stat. 77, 78, which provided that, eff. Jan. 1, 1963, whenever reference is made in any Act of Congress to the ''Municipal Court for the District of Columbia'', such reference shall be held to be a reference to the ''District of Columbia Court of General Sessions.''

Police Court of District of Columbia and Municipal Court of District of Columbia consolidated into a single court known as ''The Municipal Court for the District of Columbia'' and powers and jurisdiction of such courts transferred thereto by act Apr. 1, 1942, ch. 207, §§1, 4, 56 Stat. 190, 192.

TRANSFER OF FUNCTIONS

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.

Functions of Bureau of Entomology and Plant Quarantine transferred to Secretary of Agriculture by 1947 Reorg. Plan No. 1, §301, eff. July 1, 1947, 12 F.R. 4534, 61 Stat. 952, set out in the Appendix to Title 5, Government Organization and Employees.

''Bureau of Entomology and Plant Quarantine'' substituted in text for ''Federal Horticultural Board'' by acts May 16, 1928, July 7, 1932, and Mar. 26, 1934. See note under section 165a of this title.

FEDERAL RULES OF CIVIL PROCEDURE

One form of action, see rule 2, Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 150ff of this title.

CHAPTER 8A—RUBBER AND OTHER CRITICAL AGRICULTURAL MATERIALS

SUBCHAPTER I—GENERAL PROVISIONS

- Sec.
- 171. Program for development of guayule and other rubber-bearing plants.
- 172. Authorization of Secretary to appoint employees; delegation of powers; cooperation with other agencies; allotment of funds; leases of facilities and disposal of water.
- 173. Authorization of appropriations.
- 174. Omitted.
- 175. Lease or sublease of unsuitable lands; disposal of water supply.
- 176. Sale of guayule shrub to Reconstruction Finance Corporation.

SUBCHAPTER II—CRITICAL AGRICULTURAL MATERIALS

- 178. Congressional findings and declaration of policy.
- 178a. Definitions.
- 178b. Joint Commission on Research and Development of Critical Agricultural Materials.
 - (a) Establishment; function.
 - (b) Membership.
 - (c) Chairman.
 - (d) Delegation of responsibilities to Joint Commission; transfer and use of appropriated funds.
 - (e) Duties.
 - (f) Administrative support services.
 - (g) Advice of scientific, engineering and business communities.
- 178c. Research and development program by Secretary of Agriculture.
 - (a) Designation of Department as lead agency.

Sec.

- (b) Scope of program.
- (c) Office of Critical Agricultural Materials.
- (d) Authority of Secretary in carrying out demonstration project.
- 178d. Research and development program by Secretary of Commerce.
- 178e. Cooperative projects with Mexico, Australia, and Israel.
- 178f. Assistance from States and public agencies; contracts and agreements.
- 178g. Powers of Secretary of Agriculture.
- 178h. Powers of Secretary of Commerce.
- 178i. Coordination of activities with Federal agencies.
- 178j. Laws governing inventions under this subchapter.
- 178k. Disposition of byproducts and strategic and industrially important products.
- 178l. Rules and regulations.
- 178m. Report to President and Congress.
- 178n. Administration and funding.
 - (a) Authorization of appropriations to Secretary of Agriculture.
 - (b) Administration and management.
 - (c) Contract authority as limited by amounts provided in appropriations acts.
 - (d) Activities limited to critical materials other than native latex after fiscal 1988.

SUBCHAPTER I—GENERAL PROVISIONS

§ 171. Program for development of guayule and other rubber-bearing plants

The Secretary of Agriculture (hereinafter called the ''Secretary'') is authorized—

(1) To acquire by purchase, license, or other agreement, the right to operate under processes or patents relating to the growing and harvesting of guayule or the extraction of rubber therefrom, and such properties, processes, records, and data as are necessary to such operation, including but not limited to any such rights owned or controlled by the Intercontinental Rubber Company, or any of its subsidiaries, and all equipment, materials, structures, factories, real property, seed, seedlings, growing shrub, and other facilities, patents and processes of the Intercontinental Rubber Company, or any of its subsidiaries, located in California, and for such rights, properties, and facilities of the Intercontinental Rubber Company or any of its subsidiaries, the Secretary is authorized to pay not to exceed \$2,000,000;

(2) To plant, or contract for the planting of, not in excess of five hundred thousand acres of guayule in areas in the Western Hemisphere where the best growth and yields may be expected in order to maintain a nucleus planting of guayule to serve as a domestic source of crude rubber as well as of planting material for use in further expanding guayule planting to meet emergency needs of the United States for crude rubber; to establish and maintain nurseries to provide seedlings for field plants; and to purchase necessary equipment, facilities, land for nurseries and administrative sites and water rights;

(3) To acquire by lease, or other agreement, for not exceeding ten years, rights to land for the purpose of making plantings of guayule; to acquire water rights; to erect necessary build-