

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

SUBCHAPTER IV—AUTHORIZATION OF APPROPRIATIONS

§ 7771. Authorization of appropriations

There are authorized to be appropriated such amounts as may be necessary to carry out this chapter. Except as specifically authorized by law, no part of the money appropriated under this section shall be used to pay indemnities for property injured or destroyed by or at the direction of the Secretary.

(Pub. L. 106-224, title IV, § 441, June 20, 2000, 114 Stat. 455.)

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, 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.

§ 7772. Transfer authority

(a) Authority to transfer certain funds

In connection with an emergency in which a plant pest or noxious weed threatens any segment of the agricultural production of the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department of Agriculture such amounts as the Secretary considers necessary to be available in the emergency for the arrest, control, eradication, and prevention of the spread of the plant pest or noxious weed and for related expenses.

(b) Availability

Any funds transferred under this section shall remain available for such purposes without fiscal year limitation.

(Pub. L. 106-224, title IV, § 442, June 20, 2000, 114 Stat. 455.)

CHAPTER 105—HASS AVOCADO PROMOTION, RESEARCH, AND INFORMATION

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§ 7801. Findings and declaration of policy

(a) Findings

Congress finds the following:

(1) Hass avocados are an integral food source in the United States that are a valuable and healthy part of the human diet and are enjoyed by millions of persons every year for a multitude of everyday and special occasions.

(2) Hass avocados are a significant tree fruit crop grown by many individual producers, but virtually all domestically produced Hass avocados for the commercial market are grown in the State of California.

(3) Hass avocados move in interstate and foreign commerce, and Hass avocados that do not move in interstate or foreign channels of commerce but only in intrastate commerce directly affect interstate commerce in Hass avocados.

(4) In recent years, large quantities of Hass avocados have been imported into the United States from other countries.

(5) The maintenance and expansion of markets in existence on October 28, 2000, and the development of new or improved markets or uses for Hass avocados are needed to preserve and strengthen the economic viability of the domestic Hass avocado industry for the benefit of producers and other persons associated with the producing, marketing, processing, and consuming of Hass avocados.

(6) An effective and coordinated program of promotion, research, industry information, and consumer information regarding Hass avocados is necessary for the maintenance, expansion, and development of domestic markets for Hass avocados.

(b) Purpose

It is the purpose of this chapter to authorize the establishment, through the exercise of the powers provided in this chapter, of an orderly procedure for the development and financing (through an adequate assessment on Hass avocados sold by producers and importers in the United States) of an effective and coordinated program of promotion, research, industry information, and consumer information, including funds for marketing and market research activities, that is designed to—

(1) strengthen the position of the Hass avocado industry in the domestic marketplace; and

(2) maintain, develop, and expand markets and uses for Hass avocados in the domestic marketplace.

(c) Limitation

Nothing in this chapter may be construed to provide for the control of production or otherwise limit the right of any person to produce, handle, or import Hass avocados.

(Pub. L. 106-387, §1(a) [title XII, §1202], Oct. 28, 2000, 114 Stat. 1549, 1549A-79.)

SHORT TITLE

Pub. L. 106-387, §1(a) [title XII, §1201], Oct. 28, 2000, 114 Stat. 1549, 1549A-79, provided that: “This title [enacting this chapter] may be cited as the ‘Hass Avocado Promotion, Research, and Information Act of 2000’.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 7803, 7810 of this title.

§ 7802. Definitions

As used in this chapter:

(1) Board

The terms “Avocado Board” and “Board” mean the Hass Avocado Board established under section 7804 of this title.

(2) Conflict of interest

The term “conflict of interest” means a situation in which a member or employee of the Board has a direct or indirect financial interest in a person that performs a service for, or enters into a contract with, the Board for anything of economic value.

(3) Consumer information

The term “consumer information” means any action or program that provides information to consumers and other persons on the use, nutritional attributes, and other information that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, and use of Hass avocados.

(4) Customs

The term “Customs” means the United States Customs Service.

(5) Department

The term “Department” means the United States Department of Agriculture.

(6) Hass avocado

(A) In general

The term “Hass avocado” includes—

(i) the fruit of any Hass variety avocado tree; and

(ii) any other type of avocado fruit that the Board, with the approval of the Secretary, determines is so similar to the Hass variety avocado as to be indistinguishable to consumers in fresh form.

(B) Form of fruit

Except as provided in subparagraph (C), the term includes avocado fruit described in subparagraph (A) whether in fresh, frozen, or any other processed form.

(C) Exceptions

In any case in which a handler further processes avocados described in subparagraph (A), or products of such avocados, for sale to a retailer, the Board, with the approval of the Secretary, may determine that such further processed products do not constitute a substantial value of the product and that, based on its determination, the product shall not be treated as a product of Hass avocados subject to assessment under the order. In addition, the Board, with the approval of the Secretary, may exempt certain frozen avocado products from assessment under the order.

(7) Handler

(A) First handler

The term “first handler” means a person operating in the Hass avocados marketing system that sells domestic or imported Hass avocados for United States domestic consumption, and who is responsible for remitting assessments to the Board. The term includes an importer or producer who sells di-