

(d) Adjustment of fees

The Secretary may, on an annual basis, adjust the fees imposed under this section as necessary to support the full costs of the laboratory accreditation programs carried out under the statutory authorities set forth in subsection (a).

(e) Appropriations prerequisite

No fees collected under this section may be used to offset the cost of laboratory accreditation without appropriations made under subsection (f).

(f) Authorization of appropriations

There are authorized to be appropriated each fiscal year such sums as may be necessary for laboratory accreditation services under this section.

(Pub. L. 101-624, title XIII, §1327, Nov. 28, 1990, 104 Stat. 3565; Pub. L. 102-237, title X, §1017, Dec. 13, 1991, 105 Stat. 1904.)

Editorial Notes

REFERENCES IN TEXT

The Federal Meat Inspection Act, referred to in subsec. (a), is titles I to V of act Mar. 4, 1907, ch. 2907, as added Pub. L. 90-201, Dec. 15, 1967, 81 Stat. 584, and Pub. L. 110-246, title XI, §11015(a), June 18, 2008, 122 Stat. 2124, which are classified generally to subchapters I to IV-A (§601 et seq.) of chapter 12 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 601 of Title 21 and Tables.

The Poultry Products Inspection Act, referred to in subsec. (a), is Pub. L. 85-172, Aug. 28, 1957, 71 Stat. 441, which is classified generally to chapter 10 (§451 et seq.) of Title 21. For complete classification of this Act to the Code, see Short Title note set out under section 451 of Title 21 and Tables.

AMENDMENTS

1991—Pub. L. 102-237 amended section generally, in subsec. (a), inserting provisions relating to Federal Meat Inspection Act and Poultry Products Inspection Act and provisions relating to crediting and availability of fees, in subsec. (b), substituting provisions relating to fee under this section for provisions relating to fee under subsec. (a) of this section, and provisions relating to laboratory accreditation programs administered by Secretary under statutory authorities set forth in subsec. (a) of this section for provisions relating to program established under this chapter, in subsec. (c), substituting provisions relating to statutory authority set forth in subsec. (a) of this section for provisions relating to this chapter, in subsec. (d), substituting provisions relating to laboratory accreditation programs under statutory authority set forth in subsec. (a) of this section for provisions relating to program established under this chapter, and adding subsecs. (e) and (f).

§ 138g. Public disclosure

The results of the evaluations of laboratories conducted by the Secretary under this chapter shall be made available to the Secretary of Health and Human Services and to the public on request.

(Pub. L. 101-624, title XIII, §1328, Nov. 28, 1990, 104 Stat. 3565.)

§ 138h. Regulations

The Secretary shall promulgate regulations to carry out this chapter.

(Pub. L. 101-624, title XIII, §1329, Nov. 28, 1990, 104 Stat. 3565.)

§ 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.)

Editorial Notes

REFERENCES IN TEXT

The Federal Food, Drug, and Cosmetic Act, referred to in text, is act June 25, 1938, ch. 675, 52 Stat. 1040, 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**Editorial Notes**

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**Editorial Notes**

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.

Statutory Notes and Related Subsidiaries

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.

Statutory Notes and Related Subsidiaries

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.