

69TH CONGRESS }  
1st Session }

SENATE

} REPORT  
No. 519

## AMENDMENT OF THE PLANT QUARANTINE ACT

MARCH 27 (calendar day, APRIL 1), 1926.—Ordered to be printed

MR. RANDELL, from the Committee on Agriculture and Forestry,  
submitted the following

### REPORT

[To accompany S. J. Res. 78]

The Committee on Agriculture and Forestry, to which was referred the bill (S. J. Res. 78), for the amendment of the plant quarantine act of August 20, 1912, to allow the States to quarantine against the shipment therein or through of plants, plant products, and other articles found to be diseased or infested when not covered by a quarantine established by the Secretary of Agriculture, and for other purposes, having considered the same, report the bill to the Senate, with the recommendation that it do pass with the following amendments:

On page 2, line 4, after the word "Territory," insert the words "insular possessions."

On page 2, line 5, strike out the word "statute."

On page 2, line 6, strike out the words "order, rule, or regulation."

On page 2, line 19, strike out the word "statute."

On page 2, lines 19 and 20, strike out the words "order, rule, or regulation."

This bill is in line with the ideas of the Secretary of Agriculture, as expressed in his letter to the chairman of this committee under date of March 18, 1926, in reporting on Senate Joint Resolution 67 (for which S. J. Res. 78 is a substitute). The Secretary's letter is formally incorporated in the committee hearings, and reads as follows:

DEPARTMENT OF AGRICULTURE,  
Washington, March 18, 1926.

HON. GEORGE W. NORRIS,  
Chairman Committee on Agriculture and Forestry,  
United States Senate.

DEAR SENATOR NORRIS: Most careful consideration has been given to Senate Joint Resolution 67, for the amendment of the plant quarantine act of August 20, 1912, so as to allow the States to quarantine against the entry of dangerous plants, plant products, and other articles not covered by Federal quarantine.

The department believes that some such amendment is very necessary if the protective quarantines and orders of the various States for the said purposes are

to be continued in force in view of the decision of the Supreme Court of March 1, 1926, in the case of the Oregon-Washington Railroad & Navigation Co. v. State of Washington, invalidating such State quarantines.

The department believes further, however, that, while this amendment will accomplish a very desirable result, it leaves untouched other important matters affecting the right of the State to take action with respect to the entry of these dangerous diseases and pests and that it would therefore be desirable that these matters should also be covered by the resolution. These matters are: (1) Action by any State under its police power to control or dispose of nursery stock, plants, and other articles entering or passing through such State in violation of a Federal quarantine; and (2) cooperative action by the Federal Government with the State government in connection with a State quarantine or order relative to plant diseases and insect pests not covered by a Federal quarantine, which would be permitted if this resolution is passed.

The department also feels that the form of the joint resolution, as now printed, should be slightly amended so as to add, in lines 4, 9, 10, 11, and 13, the word "District" after the words "State and Territory", and, in view of the suggestion made hereinabove in the preceding paragraph, that there should be added at the end of the title the words "and for other purposes."

For the reasons given, the department submits herewith, as a separate inclosure, a suggested form for the joint resolution with a recommendation for favorable action thereon.

Sincerely,

W. M. JARDINE, *Secretary.*

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REPORT

To the President of the United States

The Committee on Agriculture and Forestry, to which was referred the bill (S. J. Res. 78), for the amendment of the plant quarantine act of August 20, 1912, to allow the States to quarantine against the shipment therein or through of plants, plant products, and other articles found to be diseased or infested when not covered by a quarantine established by the Secretary of Agriculture, and for other purposes, having considered the same, report the bill to the Senate with the recommendation that it do pass with the following amendments: On page 2, line 4, after the word "Territory," insert the words "and for other purposes." On page 2, line 5, strike out the word "State." On page 2, line 6, strike out the words "order, rule, or regulation." On page 2, line 13, strike out the word "State." On page 2, lines 19 and 20, strike out the words "order, rule, or regulation." This bill is in line with the ideas of the Secretary of Agriculture as expressed in his letter to the chairman of this committee under date of March 18, 1926, in reporting on Senate Joint Resolution 67 for which S. J. Res. 78 is a substitute. The Secretary's letter is formally incorporated in the committee hearings and reads as follows:

DEPARTMENT OF AGRICULTURE  
WASHINGTON, March 18, 1926.  
Hon. GEORGE W. NORTON,  
Chairman, Committee on Agriculture and Forestry,  
United States Senate.  
DEAR SENATOR NORTON: Most careful consideration has been given to Senate Joint Resolution 67 for the amendment of the plant quarantine act of August 20, 1912, so as to allow the States to quarantine against the entry of dangerous plants, plant products, and other articles not covered by Federal quarantine. The department believes that some such amendment is very necessary. If the protective quarantines and orders of the various States for the said purposes are