

Public Law 85-34

AN ACT

To authorize the city of Rock Hill, South Carolina, to acquire certain tribal lands on the Catawba Indian Reservation, South Carolina.

May 17, 1957
[H. R. 676]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Catawba Indian Tribe of South Carolina is authorized to sell to the city of Rock Hill, South Carolina, a tract of approximately forty-nine acres of land in the Catawba Indian Reservation for a consideration mutually agreeable to the parties and to the Secretary of the Interior. The Secretary of the Interior is authorized to execute such conveyancing instrument as may be appropriate for that purpose. If a negotiated sale cannot be effected prior to July 1, 1958, the city is authorized to acquire the land by eminent domain proceedings in accordance with the laws of South Carolina in an action against the United States filed in the United States District Court for the Western District of South Carolina. The payment or distribution of the proceeds from any sale or condemnation pursuant to this Act shall not be subject to any lien, except for debts owed to the United States or to Indian organizations indebted to the United States, and shall not be taxable.

Rock Hill, S. C.
Acquisition of
certain Indian
lands.

SEC. 2. The Secretary of the Interior is authorized, but only after securing the consent of the Catawba Indian Tribe thereto, to grant to the city of Rock Hill an immediate right of entry on such land pending the completion of a sale or condemnation action.

Approved May 17, 1957.

Public Law 85-35

AN ACT

To provide for the reconveyance of certain land to the city of Spearfish, South Dakota.

May 21, 1957
[H. R. 2401]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall transfer by quitclaim deed to the city of Spearfish, South Dakota, all right, title, and interest of the United States in and to the following described land, including improvements thereon, in such city: Lot 1-A of the northwest quarter of the southeast quarter of section fifteen in township six north, range two east, Black Hills meridian, containing one acre.

Spearfish, S. Dak.
Reconveyance.

Approved May 21, 1957.

Public Law 85-36

AN ACT

To facilitate the regulation, control, and eradication of plant pests.

May 23, 1957
[S. 1442]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FEDERAL PLANT PEST ACT

SEC. 101. This title may be cited as the "Federal Plant Pest Act".

SEC. 102. As used in this Act, except where the context otherwise requires:

Federal Plant
Pest Act.
Definitions.

(a) "Secretary" means the Secretary of Agriculture of the United States or any other person to whom authority may be delegated to act in his stead.

(b) "Properly identified employee of the Department of Agriculture" means an employee of that Department authorized to enforce the provisions of the Plant Quarantine Act, and wearing a suitable badge for identification, or otherwise properly identified.

(c) "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.

(d) "Living stage" includes the egg, pupal, and larval stages as well as any other living stage.

(e) "United States" means any of the States, Territories, or Districts (including possessions and the District of Columbia) of the United States.

(f) "Interstate" means from one State, Territory, or District (including possessions and the District of Columbia) of the United States into or through any other such State, Territory, or District.

(g) "Move" means ship, deposit for transmission in the mail, otherwise offer for shipment, offer for entry, import, receive for transportation, carry, or otherwise transport, or move, or allow to be moved, by mail or otherwise.

(h) "Plant Quarantine Act" means the Act of August 20, 1912 (37 Stat. 315), as from time to time amended (7 U. S. C. 151 and the following).

(i) "Mexican Border Act" means the Act of January 31, 1942 (56 Stat. 40), as from time to time amended (7 U. S. C. 149).

Dissemination
of plant pests.

SEC. 103. (a) No person shall knowingly move any plant pest from a foreign country into or through the United States, or interstate, or knowingly accept delivery of any plant pest moving from any foreign country into or through the United States, or interstate, unless such movement is authorized under general or specific permit from the Secretary and is made in accordance with such conditions as the Secretary may prescribe in the permit and in such regulations as he may promulgate under this section to prevent the dissemination into the United States, or interstate, of plant pests.

(b) The Secretary may refuse to issue a permit for the movement of any plant pest when, in his opinion, such movement would involve a danger of dissemination of such pests. The Secretary may permit the movement of host materials otherwise barred under the Plant Quarantine Act when they must necessarily accompany the plant pest to be moved.

Postal laws.

SEC. 104. (a) Any letter, parcel, box, or other package containing any plant pest, whether sealed as letter-rate postal matter or not, is hereby declared to be nonmailable, and will not knowingly be conveyed in the mail or delivered from any post office or by any mail carrier, except when accompanied by a copy of a permit issued under this Act.

(b) Nothing in this Act shall authorize any person to open any letter or other sealed matter except in accordance with the postal laws and regulations.

(c) The prohibitions of this Act shall not apply to any employee of the United States in the performance of his duties in handling mail.

Seizure of in-
fected plants.

SEC. 105. (a) Except as provided in paragraph (c), the Secretary may, whenever he deems it necessary as an emergency measure in order

to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as he deems appropriate, any product or article of any character whatsoever, or means of conveyance, which is moving into or through the United States, or interstate, and which he has reason to believe is infested or infected by or contains any such plant pest, or which has moved into the United States, or interstate, and which he has reason to believe was infested or infected by or contained any such plant pest at the time of such movement; and any plant pest, product, article, or means of conveyance which is moving into or through the United States, or interstate, or has moved into the United States, or interstate, in violation of this Act or any regulation thereunder: *Provided*, That this paragraph shall not authorize such action with respect to any product, article, means of conveyance, or plant pest subject, at the time of the proposed action, to disposal under the Plant Quarantine Act.

(b) Except as provided in paragraph (c), the Secretary may order the owner of any product, article, means of conveyance, or plant pest subject to disposal under paragraph (a), or his agent, to treat, apply other remedial measures to, destroy, or make other disposal of such product, article, means of conveyance, or plant pest, without cost to the Federal Government and in such manner as the Secretary deems appropriate. The Secretary may apply to the United States district court, or to the United States court of any Territory or possession, for the judicial district in which such person resides or transacts business or in which the product, article, means of conveyance, or plant pest is found, for enforcement of such order by injunction, mandatory or otherwise. Process in any such case may be served in any judicial district wherein the defendant resides or transacts business or may be found, and subpoena for witnesses who are required to attend a court in any judicial district in such a case may run into any other judicial district.

(c) No product, article, means of conveyance, or plant pest shall be destroyed, exported, or returned to shipping point of origin, or ordered to be destroyed, exported, or so returned under this section, unless in the opinion of the Secretary there is no less drastic action which would be adequate to prevent the dissemination of plant pests new to or not theretofore known to be widely prevalent or distributed within and throughout the United States.

(d) The owner of any product, article, means of conveyance, or plant pest destroyed, or otherwise disposed of by the Secretary under this section, may bring an action against the United States in the United States District Court for the District of Columbia, within one year after such destruction or disposal, and recover just compensation for such destruction or disposal of such product, article, means of conveyance, or plant pest (not including compensation for loss due to delays incident to determining eligibility for movement into or through the United States or for interstate movement) if the owner establishes that neither this section nor the Plant Quarantine Act authorized such destruction or disposal. Any judgment rendered in favor of such owner shall be paid out of the money in the Treasury appropriated for plant disease and pest control activities of the Department of Agriculture.

SEC. 106. The Secretary may promulgate such regulations requiring inspection of products and articles of any character whatsoever and means of conveyance, specified in the regulations, as a condition of their movement into or through the United States, or interstate, and

imposing other conditions upon such movement, as he deems necessary to prevent the dissemination into the United States, or interstate, of plant pests, in any situation in which such regulations are not authorized under the Plant Quarantine Act.

Inspections and seizures.

SEC. 107. Any properly identified employee of the Department of Agriculture shall have authority to stop and inspect, without a warrant, any persons or means of conveyance moving into the United States, and any plant pests and any products and articles of any character whatsoever carried thereby, to determine whether such persons or means of conveyance are carrying any plant pest contrary to this Act and whether any such means of conveyance, products, or articles are infested or infected by or contain any plant pest or are moving in violation of any regulation under this Act; to stop and inspect, without a warrant, any persons or means of conveyance moving interstate, and any plant pests and any products and articles of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, products, or articles are infested or infected by or contain any plant pest or are moving subject to any regulation under this Act, or that such persons or means of conveyance are carrying any plant pest subject to this Act; and to enter, with a warrant, any premises in the United States, other than places which may be entered under section 15 of the Plant Quarantine Act, to make any inspections and seizures necessary under this Act. Any judge of the United States or of a court of record of any State, Territory or possession, or a United States commissioner, may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause to believe that there are on certain premises any products, articles, means of conveyance, or plant pests regulated or subject to disposal under this Act, issue warrants for the entry of such premises to make any inspections or seizures under this Act. Such warrants may be executed by any authorized employee of the Department of Agriculture.

41 Stat. 726.
7 USC 167.

Penalty.

SEC. 108. Any person who violates section 103 of this Act, or any regulation promulgated under this Act, or who forges, counterfeits, or without authority from the Secretary uses, alters, or defaces any permit or other document provided for by this Act or the regulations thereunder, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500, or by imprisonment not exceeding one year, or both.

Separability.

SEC. 109. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

Railway cars.
Disinfection.

SEC. 110. The Act entitled "An Act to provide for regulating, inspecting, cleaning, and, when necessary, disinfecting railway cars, other vehicles, and other materials entering the United States from Mexico," approved January 31, 1942 (56 Stat. 40; 7 U. S. C. 149) is hereby amended by deleting the provision that "the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by and under the direction of authorized inspectors of the Department of Agriculture," and by substituting therefor the following: "the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by or under the direction of authorized inspectors of the Department of Agriculture."

Repeals, etc.

SEC. 111. The authority conferred by this Act shall be in addition to authority conferred by other statutes not specifically repealed hereby. Nothing in this Act shall amend or repeal any of the provisions of the Plant Quarantine Act. The Act entitled "An Act to

37 Stat. 315.
7 USC 151 note.

prohibit importation or interstate transportation of insect pests, and the use of the United States mails for that purpose," approved March 3, 1905 (33 Stat. 1269; 7 U. S. C. 141-144), and the Act entitled "An Act to prevent the entry of certain mollusks into the United States", approved September 22, 1951 (65 Stat. 335; 7 U. S. C. 441), are hereby repealed. However, all Acts amended or repealed hereby shall be deemed to continue in full force and effect for the purpose of sustaining any action or other proceeding with respect to any right that accrued, liability that was incurred, or violation that occurred prior to the effective date of this Act. Nothing contained in this Act shall affect the validity of any findings, regulations, or other orders, permits, or certificates, which were issued under any of the Acts cited in this section prior to the effective date of this Act and which are in effect on said date, but such findings, regulations, other orders, permits, and certificates shall remain in effect unless and until modified in accordance with this Act.

TITLE II—ERADICATION AND CONTROL OF INSECT PESTS, PLANT DISEASES, AND NEMATODES

SEC. 201. Subsection (a) of section 102 of the Department of Agriculture Organic Act of 1944, as amended, (7 U. S. C. 147a) is hereby further amended by adding after the phrase "or to prevent or retard the spread of" the words "insect pests, plant diseases, and nematodes, such as imported fire ant, soybean cyst nematode, witchweed, spotted alfalfa aphid,".

Approved May 23, 1957.

58 Stat. 735.

Public Law 85-37

AN ACT

Making appropriations for the Treasury and Post Office Departments and the Tax Court of the United States for the fiscal year ending June 30, 1958, and for other purposes.

May 27, 1957
[H. R. 4897]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury and Post Office Departments and the Tax Court of the United States for the fiscal year ending June 30, 1958, namely:

Treasury-Post
Office Appropriation
Act, 1958.

TITLE I—TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses in the Office of the Secretary, including the operation and maintenance of the Treasury Building and Annex thereof; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates for individuals not to exceed \$50 per diem; and the purchase of uniforms for elevator operators; \$3,088,000.

60 Stat. 810.

BUREAU OF ACCOUNTS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Accounts, \$3,125,000.