

Public Law 100-574
100th Congress

An Act

Oct. 31, 1988
[H.R. 5199]

To make nonmailable any plant, fruit, vegetable, or other matter, the movement of which in interstate commerce has been prohibited or restricted by the Secretary of Agriculture in order to prevent the dissemination of dangerous plant diseases or pests, and for other purposes.

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

SECTION 1. NONMAILABLE PLANTS.

(a) AMENDMENTS TO TITLE 39.—

(1) IN GENERAL.—Chapter 30 of title 39, United States Code, is amended by adding at the end the following:

“§ 3014. Nonmailable plants

“(a)(1) Whenever the Secretary of Agriculture establishes a quarantine under section 8 of the Plant Quarantine Act, prohibiting the transportation by common carrier of any plant from any State or other geographic area, the Secretary shall give notice of the establishment of such quarantine to the Postal Service in writing.

“(2) Upon receiving any such notice under paragraph (1), the Postal Service shall ensure that copies of such notice are prominently displayed at post offices located within each State or area covered by the quarantine, and shall take any other measures which the Postal Service considers necessary in order to inform the public both of the establishment of such quarantine and of relevant provisions of this section and sections 1716B and 1716C of title 18 in connection therewith.

“(b) Any plant, the transportation of which by common carrier from any State or other area is prohibited or restricted under any quarantine referred to in subsection (a), is nonmailable matter, and may not be accepted by the Postal Service or conveyed in the mails, if the matter involved is tendered for transmission through the mails from such State or area or if such matter first enters the mails within such State or area.

Regulations.

“(c) The Postal Service shall, after consultation with the Secretary of Agriculture, prescribe rules and regulations permitting the mailing of a plant, and otherwise making subsection (b) of this section inapplicable with respect to such plant, if the method or manner of mailing such plant would be consistent with the procedures set forth in the rules and regulations prescribed under the fourth sentence of section 8 of the Plant Quarantine Act (relating to the inspection, disinfection, and certification of, and other conditions for, the delivery and shipment of plants otherwise subject to quarantine).

“(d) For the purposes of this section—

“(1) ‘Plant Quarantine Act’ means the Act entitled ‘An Act to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits,

plants, and vegetables therefrom, and for other purposes', enacted August 20, 1912 (37 Stat. 315 et seq.); and

"(2) 'plant' means any class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, any class of nursery stock (as defined by section 6 of the Plant Quarantine Act), and any other article or matter which is capable of carrying any dangerous plant disease or pest."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of title 39, United States Code, is amended by adding after the item relating to section 3013 the following:

"3014. Nonmailable plants."

(b) AMENDMENTS TO TITLE 18.—

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after section 1716A the following:

Law
enforcement and
crime.

"§ 1716B. Nonmailable plants

"Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared nonmailable by section 3014(b) of title 39, unless in accordance with the rules and regulations prescribed by the Postal Service under section 3014(c) of such title, shall be fined under this title, or imprisoned not more than one year, or both."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 83 of title 18, United States Code, is amended by inserting after the item relating to section 1716A the following:

"1716B. Nonmailable plants."

SEC. 2. FORGED AGRICULTURAL CERTIFICATIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after section 1716B, as added by section 1(b)(1), the following:

Law
enforcement and
crime.

"§ 1716C. Forged agricultural certifications

"Whoever forges or counterfeits any certification authorized under any rules or regulations prescribed under section 3014(c) of title 39 with intent to make it appear that such is a genuine certification, or makes or knowingly uses or sells, or possesses with intent to use or sell, any forged or counterfeited certification so authorized, or device for imprinting any such certification, shall be fined under this title, or imprisoned not more than one year, or both."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 83 of title 18, United States Code, is amended by inserting after the item relating to section 1716B, as added by section 2(b)(2), the following:

"1716C. Forged agricultural certifications."

SEC. 3. SENSE OF THE CONGRESS.

It is the sense of the Congress that the United States Postal Service and the Department of Agriculture should, using the resources and methods available to each, engage in a joint effort to educate the public as to the types of harm which can result from the transmission to different parts of the country of plants, fruits,

vegetables, and other matter which may be carrying dangerous plant diseases or pests. To that end, particular emphasis should be placed on such matters as—

(1) the potential for injury to crops and other agricultural products, and the economic consequences to farmers, the consumer, and the Nation's balance of trade, likely to result therefrom;

(2) the environmental impact associated with the spread of plant diseases and pests, including the potentially catastrophic consequences which can result if a natural predator or other inhibiting factor which is present in one area is absent in an area to which the disease or pest has spread; and

(3) the economic and other costs associated with attempting to eliminate or control plant diseases and pests.

39 USC 3014
note.

SEC. 4. EFFECTIVE DATE.

(a) IN GENERAL.—This Act and the amendments made by this Act shall become effective on the earlier of—

(1) the 366th day after the date of the enactment of this Act;

or

(2) the first date as of which all rules and regulations required to be prescribed under the amendments made by this Act have first been published in the Federal Register.

(b) REGULATIONS.—Nothing in this section shall prevent the United States Postal Service from taking any action which may be necessary to prepare and issue, as soon as possible after the date of the enactment of this Act, any rules and regulations which the Postal Service is required to prescribe under any of the amendments made by this Act.

Approved October 31, 1988.

LEGISLATIVE HISTORY—H.R. 5199:

HOUSE REPORTS: No. 100-954, Pt. 1 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 134 (1988):

Oct. 3, 4, considered and passed House.

Oct. 12, considered and passed Senate.