

(Pub. L. 106-224, title IV, § 431, June 20, 2000, 114 Stat. 451; Pub. L. 110-234, title X, § 10206, May 22, 2008, 122 Stat. 1346; Pub. L. 110-246, § 4(a), title X, § 10206, June 18, 2008, 122 Stat. 1664, 2107.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this title”, meaning title IV of Pub. L. 106-224, June 20, 2000, 114 Stat. 438, known as the Plant Protection Act, 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.

This Act, referred to in subsec. (f)(1), is Pub. L. 106-224, June 20, 2000, 114 Stat. 358, known as the Agricultural Risk Protection Act of 2000. For complete classification of this Act to the Code, see Short Title of 2000 Amendment note set out under section 1501 of this title and Tables.

##### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

##### AMENDMENTS

2008—Subsec. (f). Pub. L. 110-246, § 10206, added subsec. (f).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

##### TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this chapter to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### § 7752. Buildings, land, people, claims, and agreements

##### (a) In general

To the extent necessary to carry out this chapter, the Secretary may acquire and maintain all real or personal property for special purposes and employ any persons, make grants, and enter into any contracts, cooperative agreements, memoranda of understanding, or other agreements.

##### (b) Tort claims

###### (1) In general

Except as provided in paragraph (2), the Secretary may pay tort claims in the manner authorized in the first paragraph of section 2672 of title 28, when the claims arise outside the United States in connection with activities that are authorized under this chapter.

###### (2) Requirements of claim

A claim may not be allowed under this subsection unless the claim is presented in writ-

ing to the Secretary within 2 years after the date on which the claim accrues.

(Pub. L. 106-224, title IV, § 432, June 20, 2000, 114 Stat. 452.)

#### Editorial Notes

##### REFERENCES IN TEXT

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#### § 7753. Reimbursable agreements

##### (a) Authority to enter into agreements

The Secretary may enter into reimbursable fee agreements with persons for preclearance of plants, plant products, biological control organisms, and articles at locations outside the United States for movement into the United States.

##### (b) Funds collected for preclearance

Funds collected for preclearance shall be credited to accounts which may be established by the Secretary for this purpose and shall remain available until expended for the preclearance activities without fiscal year limitation.

##### (c) Payment of employees

###### (1) In general

Notwithstanding any other law, the Secretary may pay employees of the Department of Agriculture performing services relating to imports into and exports from the United States, for all overtime, night, or holiday work performed by them, at rates of pay established by the Secretary.

###### (2) Reimbursement of the Secretary

###### (A) In general

The Secretary may require persons for whom the services are performed to reimburse the Secretary for any sums of money paid by the Secretary for the services.

###### (B) Use of funds

All funds collected under this paragraph shall be credited to the account that incurs the costs and shall remain available until expended without fiscal year limitation.

##### (d) Late payment penalties

###### (1) Collection

Upon failure to reimburse the Secretary in accordance with this section, the Secretary may assess a late payment penalty, and the