

CHAPTER 25—EXPORT STANDARDS FOR APPLES

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§581. Standards of export; establishment; shipping without certificate forbidden; hearings

It shall be unlawful for any person to ship or offer for shipment or for any carrier, or any steamship company, or any person to transport or receive for transportation to any foreign destination, except as provided in this chapter, any apples in packages which are not accompanied by a certificate issued under authority of the Secretary of Agriculture showing that such apples are of a Federal or State grade which meets the minimum of quality established by the Secretary for shipment in export. The Secretary is authorized to prescribe, by regulations, the requirements, other than those of grade, which the fruit must meet before certificates are issued. The Secretary shall provide opportunity, by public hearing or otherwise, for interested persons to examine and make recommendation with respect to any standard of export proposed to be established or designated, or regulation prescribed, by the Secretary for the purposes of this chapter.

(June 10, 1933, ch. 59, §1, 48 Stat. 123; Pub. L. 106–96, §1(c), Nov. 12, 1999, 113 Stat. 1321.)

EDITORIAL NOTES

AMENDMENTS

1999—Pub. L. 106–96 struck out "and/or pears" after "any apples" and "or pears" after "such apples".

STATUTORY NOTES AND RELATED SUBSIDIARIES

SHORT TITLE

Act June 10, 1933, ch. 59, §11, as added by Pub. L. 106–96, §1(a), Nov. 12, 1999, 113 Stat. 1321, provided that: "This Act [enacting this chapter] may be cited as the 'Export Apple Act'".

§582. Notice of establishment of standards; shipments under contracts made before adoption of standards

The Secretary shall give reasonable notice through one or more trade papers of the effective date of standards of export established or designated by him under this chapter: *Provided*, That any apples may be certified and shipped for export in fulfillment of any contract made within six months prior to the date of such shipment if the terms of such contract were in accordance with the grades and regulations of the Secretary in effect at the time the contract was made.

(June 10, 1933, ch. 59, §2, 48 Stat. 123; Pub. L. 106–96, §1(c)(2), Nov. 12, 1999, 113 Stat. 1321.)

EDITORIAL NOTES

AMENDMENTS

1999—Pub. L. 106–96 struck out "or pears" after "any apples".

§583. Foreign standards; certification of compliance

Where the government of the country to which the shipment is to be made has standards or requirements as to condition of apples, the Secretary may in addition to inspection and certification for compliance with the standards established or designated hereunder inspect and certify for determination as to compliance with the standards or requirements of such foreign government and may provide for special certificates in such cases.

(June 10, 1933, ch. 59, §3, 48 Stat. 124; Pub. L. 106–96, §1(c)(2), Nov. 12, 1999, 113 Stat. 1321.)

EDITORIAL NOTES

AMENDMENTS

1999—Pub. L. 106–96 struck out "or pears" after "of apples".

§584. Exemptions

(a) In general

Apples in less than carload lots as defined by the Secretary may, in his discretion, be shipped to any foreign country without complying with the provisions of this chapter.

(b) Bulk containers

Apples may be shipped to Canada in bulk containers without complying with the provisions of this chapter.

(June 10, 1933, ch. 59, §4, 48 Stat. 124; Pub. L. 106–96, §1(c)(2), Nov. 12, 1999, 113 Stat. 1321; Pub. L. 113–79, title X, §10009(a), Feb. 7, 2014, 128 Stat. 949.)

EDITORIAL NOTES

AMENDMENTS

2014—Pub. L. 113–79 inserted section catchline, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1999—Pub. L. 106–96 struck out "or pears" after "Apples".

STATUTORY NOTES AND RELATED SUBSIDIARIES

REGULATIONS

Pub. L. 113–79, title X, §10009(c), Feb. 7, 2014, 128 Stat. 949, provided that: "Not later than 60 days after the date of enactment of this Act [Feb. 7, 2014], the Secretary [of Agriculture] shall issue regulations to carry out the amendments made by this section [amending this section and section 589 of this title]."

§585. Fees for inspection and certification; certificates as prima facie evidence

For inspecting and certifying the grade, quality, and/or condition of apples, the Secretary shall cause to be collected a reasonable fee which shall as nearly as may be cover the cost of the service rendered: *Provided*, That when cooperative arrangements satisfactory to the Secretary, or his designated representative, for carrying out the purposes of this chapter cannot be made the fees collected hereunder in such cases shall be available until expended to defray the cost of the service rendered, and in such cases the limitations on the amounts expended for the purchase and maintenance of motor-propelled passenger-carrying vehicles shall not be applicable: *Provided further*, That certificates issued by the authorized agents of the United States Department of Agriculture shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained.

(June 10, 1933, ch. 59, §5, 48 Stat. 124; Pub. L. 106–96, §1(c)(1), Nov. 12, 1999, 113 Stat. 1321.)

EDITORIAL NOTES

AMENDMENTS

1999—Pub. L. 106–96 struck out "and/or pears" after "of apples".

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

§586. Refusal of certificates for violations of laws; penalties for violations

After opportunity for hearing the Secretary is authorized to refuse the issuance of certificates under this chapter for periods not exceeding ninety days to any person who ships or offers for shipment any apples in foreign commerce in violation of any of the provisions of this chapter. Any person or any common carrier or any transportation agency knowingly violating any of the provisions of this chapter shall be fined not less than \$100 nor more than \$10,000 by a court of competent jurisdiction.

(June 10, 1933, ch. 59, §6, 48 Stat. 124; Pub. L. 106–96, §1(c)(1), Nov. 12, 1999, 113 Stat. 1321.)

EDITORIAL NOTES**AMENDMENTS**

1999—Pub. L. 106–96 struck out "and/or pears" after "any apples".

§587. Rules and regulations; cooperation with other agencies; compensation of officers and employees; effect on other laws

The Secretary may make such rules, regulations, and orders as may be necessary to carry out the provisions of this chapter, and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person, whether operating in one or more jurisdictions; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, binding, telegrams, telephones, law books, books of reference, publications, furniture, stationery, office equipment, travel, and other supplies and expenses, including reporting services, as shall be necessary to the administration of this chapter in the District of Columbia and elsewhere, and as may be appropriated for by Congress. This chapter shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this chapter; but it is intended that all such statutes shall remain in full force and effect except insofar as they are inconsistent herewith or repugnant hereto.

(June 10, 1933, ch. 59, §7, 48 Stat. 124.)

§588. Separability

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

(June 10, 1933, ch. 59, §8, 48 Stat. 124.)

§589. Definitions

When used in this chapter—

- (1) The term "person" includes individuals, partnerships, corporations, and associations.
- (2) The term "Secretary of Agriculture" means the Secretary of Agriculture of the United States.
- (3) Except as provided herein, the term "foreign commerce" means commerce between any State, or the District of Columbia, and any place outside of the United States or its possessions.
- (4) The term "apples" means fresh whole apples, whether or not the apples have been in storage.
- (5) The term "bulk container" means a container that contains a quantity of apples weighing more than 100 pounds.

(June 10, 1933, ch. 59, §9, 48 Stat. 124; Pub. L. 106–96, §1(b), Nov. 12, 1999, 113 Stat. 1321; Pub. L. 113–79, title X, §10009(b), Feb. 7, 2014, 128 Stat. 949.)

EDITORIAL NOTES**AMENDMENTS**

2014—Par. (5). Pub. L. 113–79 added par. (5).

1999—Par. (4). Pub. L. 106–96 added par. (4) and struck out former par. (4) which read as follows: "The term 'apples and/or pears' means fresh whole apples or pears, whether or not they have been in storage."

§590. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary for the administration of this chapter. (June 10, 1933, ch. 59, §10, as added Pub. L. 87–725, §12, Oct. 1, 1962, 76 Stat. 676.)

§590a. Estimates of apple production

On and after October 18, 1986, no funds available to the Department of Agriculture shall be available to publish estimates of apple production for other than the commercial crop.

(Pub. L. 99–500, §101(a) [title I], Oct. 18, 1986, 100 Stat. 1783, 1783–3, and Pub. L. 99–591, §101(a) [title I], Oct. 30, 1986, 100 Stat. 3341, 3341–3.)

EDITORIAL NOTES

CODIFICATION

Section was formerly classified to section 411b of this title prior to editorial reclassification and renumbering as this section.

Section was enacted as part of the Department of the Interior and Related Agencies Appropriations Act, 1987, as enacted by Pub. L. 99–500 and Pub. L. 99–591, and not as part of the Export Apple Act which comprises this chapter.

Pub. L. 99–591 is a corrected version of Pub. L. 99–500.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 99–190, §101(a) [H.R. 3037, title I], Dec. 19, 1985, 99 Stat. 1185; Pub. L. 100–202, §106, Dec. 22, 1987, 101 Stat. 1329–433.

Pub. L. 97–370, title I, Dec. 18, 1982, 96 Stat. 1794.

Pub. L. 97–103, title I, Dec. 23, 1981, 95 Stat. 1473.

Pub. L. 96–528, title I, Dec. 15, 1980, 95 Stat. 3101.

Pub. L. 96–108, title I, Nov. 9, 1979, 93 Stat. 827.

Pub. L. 95–448, title I, Oct. 11, 1978, 92 Stat. 1079.

Pub. L. 95–97, title I, Aug. 12, 1977, 91 Stat. 815.

Pub. L. 94–351, title I, July 12, 1976, 90 Stat. 855.

Pub. L. 94–122, title I, Oct. 21, 1975, 89 Stat. 648.

Pub. L. 93–563, title I, Dec. 31, 1974, 88 Stat. 1826.

Pub. L. 93–135, title I, Oct. 24, 1973, 87 Stat. 474.

Pub. L. 92–399, title I, Aug. 22, 1972, 86 Stat. 596.

Pub. L. 92–73, title I, Aug. 10, 1971, 85 Stat. 187.

Pub. L. 91–566, title I, Dec. 22, 1970, 84 Stat. 1487.

Pub. L. 91–127, title I, Nov. 26, 1969, 83 Stat. 250.

Pub. L. 90–463, title I, Aug. 8, 1968, 82 Stat. 644.

Pub. L. 90–113, title I, Oct. 24, 1967, 81 Stat. 325.

Pub. L. 89–556, title I, Sept. 7, 1966, 80 Stat. 694.

Pub. L. 89–316, title I, Nov. 2, 1965, 79 Stat. 1170.

Pub. L. 88–573, title I, Sept. 2, 1964, 78 Stat. 867.

Pub. L. 88–250, title I, Dec. 30, 1963, 77 Stat. 825.

Pub. L. 87–879, title I, Oct. 24, 1962, 76 Stat. 1208.

Pub. L. 87–112, title I, July 26, 1961, 75 Stat. 231.

Pub. L. 86–532, title I, June 29, 1960, 74 Stat. 237.

Pub. L. 86–80, title I, July 8, 1959, 73 Stat. 172.

Pub. L. 85–459, title I, June 13, 1958, 72 Stat. 193.

Pub. L. 85–118, title I, Aug. 2, 1957, 71 Stat. 331.

June 4, 1956, ch. 355, title I, 70 Stat. 234.

May 23, 1955, ch. 43, title I, 69 Stat. 57.

June 29, 1954, ch. 409, title I, 68 Stat. 313.

July 28, 1953, ch. 251, title I, 67 Stat. 206.

July 5, 1952, ch. 574, title I, 66 Stat. 336.

Aug. 31, 1951, ch. 374, title I, 65 Stat. 226.

Sept. 6, 1950, ch. 896, ch. VI, title I, 64 Stat. 658.
June 29, 1949, ch. 280, title I, 63 Stat. 328.
June 19, 1948, ch. 543, title I, 62 Stat. 512.
July 30, 1947, ch. 356, title I, 61 Stat. 527.
June 22, 1946, ch. 445, 60 Stat. 274.
May 5, 1945, ch. 109, 59 Stat. 140.
June 28, 1944, ch. 296, 58 Stat. 430.
July 12, 1943, ch. 215, 57 Stat. 398.
July 22, 1942, ch. 516, 56 Stat. 687.
July 1, 1941, ch. 267, 55 Stat. 430.
June 25, 1940, ch. 421, 54 Stat. 555.
June 30, 1939, ch. 253, title I, 53 Stat. 968.