

**(b) Procedure**

The promulgation of the regulations and administration of this title<sup>1</sup> and the amendments made by this title<sup>1</sup> shall be made without regard to—

- (1) the notice and comment provisions of section 553 of title 5;
- (2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and
- (3) chapter 35 of title 44 (commonly known as the “Paperwork Reduction Act”).

**(c) Congressional review of agency rulemaking**

In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5.

(Pub. L. 108–357, title VI, §642, Oct. 22, 2004, 118 Stat. 1535.)

## REFERENCES IN TEXT

This title, referred to in subsecs. (a) and (b), means title VI of Pub. L. 108–357, which enacted this chapter, amended sections 609, 1282, 1301, 1303, 1314h, 1361, 1371, 1373, 1375, 1378, 1379, 1428, 1433c–1, and 1441 of this title and section 714c of Title 15, Commerce and Trade, repealed sections 511r, 515 to 515k, 625, 1311 to 1314, 1314–1, 1314b, 1314b–1, 1314b–2, 1314c to 1314j, 1315, 1316, 1445, 1445–1, and 1445–2 of this title, enacted provisions set out as notes under sections 515 and 518 of this title, and repealed provisions set out as a note under section 1314c of this title. For complete classification of title VI to the Code, see Short Title note set out under section 518 of this title and Tables.

**CHAPTER 22—AGRICULTURAL MARKETING****§§ 521 to 535. Omitted or Transferred**

## CODIFICATION

Sections, act June 15, 1929, ch. 24, §§1–15, 46 Stat. 11, as amended, were omitted or transferred as set forth below.

Section 521, which related to declaration of policy, effective merchandising of agricultural commodities, speculation, cooperative marketing, surpluses and administration of the chapter, was transferred to section 1141 of Title 12, Banks and Banking.

Section 522, which related to appointment, compensation, qualifications, term of office, and expenses of Governor of Farm Credit Administration, was transferred to section 1141a of Title 12, and was repealed by act Aug. 6, 1953, ch. 335, §19, 67 Stat. 400. See section 2244 et seq. of Title 12.

Section 523, which related to designation of agricultural commodities and establishment of advisory commodity committees, was omitted.

Section 524, which related to general powers of Farm Credit Administration, was transferred to section 1141b of Title 12.

Section 525, which related to special powers of Administration, was transferred to section 1141c of Title 12.

Section 526, which related to authorization of a revolving fund, was transferred to section 1141d of Title 12.

Section 527, which related to loans to cooperative associations, was transferred to section 1141e of Title 12.

Section 528, which related to miscellaneous loan provisions, was transferred to section 1141f of Title 12.

Section 529, which provided for recognition, upon application of advisory commodity committee, of stabilization corporations for commodities, and prescribed functions and operations in connection therewith, was

transferred to section 1141g of Title 12, and was subsequently omitted from the Code as obsolete.

Section 530, which related to clearing house associations, was omitted.

Section 531, which related to insurance against loss through price decline, was omitted.

Section 532, which related to appropriation for administrative expenses, was omitted.

Section 533, which related to avoidance of duplication, cooperation with other governmental establishments, obtaining information and data, cooperation with States, Territories, and agencies or subdivisions thereof, indication of research problems, and transfer of offices and functions, etc. was transferred to section 1141h of Title 12.

Section 534, which related to examination of books and accounts, was transferred to section 1141i of Title 12.

Section 535, which related to miscellaneous provisions, was transferred to section 1141j of Title 12.

**CHAPTER 23—FOREIGN AGRICULTURAL SERVICE****§§ 541 to 545. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131(56), 60 Stat. 1039**

Sections 541 to 545, act June 5, 1930, ch. 399, 46 Stat. 497–499, related to Foreign Agricultural Service.

## EFFECTIVE DATE OF REPEAL

Repeal effective three months following Aug. 13, 1946, see section 1141 of act Aug. 13, 1946, ch. 957, title XI, 60 Stat. 1040.

**CHAPTER 24—PERISHABLE AGRICULTURAL COMMODITIES****§§ 551 to 568. Transferred**

## CODIFICATION

Sections 551 to 568 of this title, which were comprised of act June 10, 1930, ch. 436, §§1–18, 46 Stat. 531, as amended, known as the Perishable Agricultural Commodities Act, 1930, were transferred to sections 499a to 499r of chapter 20A of this title.

**CHAPTER 25—EXPORT STANDARDS FOR APPLES**

Sec.	
581.	Standards of export; establishment; shipping without certificate forbidden; hearings.
582.	Notice of establishment of standards; shipments under contracts made before adoption of standards.
583.	Foreign standards; certification of compliance.
584.	Shipments of less than carload lots; exemptions.
585.	Fees for inspection and certification; certificates as prima facie evidence.
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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.)

#### AMENDMENTS

1999—Pub. L. 106-96 struck out “and/or pears” after “any apples” and “or pears” after “such apples”.

#### 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.)

#### 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.)

#### AMENDMENTS

1999—Pub. L. 106-96 struck out “or pears” after “of apples”.

### § 584. Shipments of less than carload lots; exemptions

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.

(June 10, 1933, ch. 59, § 4, 48 Stat. 124; Pub. L. 106-96, § 1(c)(2), Nov. 12, 1999, 113 Stat. 1321.)

#### AMENDMENTS

1999—Pub. L. 106-96 struck out “or pears” after “Apples”.

### § 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.)

#### 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.)

#### 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