

Fund or the No Net Cost Tobacco Account of an association established under section 106A or 106B of the Agricultural Act of 1949 (7 U.S.C. 1445-1, 1445-2) such amounts as the Secretary determines will be adequate to reimburse the Commodity Credit Corporation for any net losses that the Corporation may sustain under its loan agreements with the association.

(d) Transfer of remaining no net cost funds

Any funds in the No Net Cost Tobacco Fund or the No Net Cost Tobacco Account of an association established under sections 106A and 106B of the Agricultural Act of 1949 (7 U.S.C. 1445-1, 1445-2) that remain after the application of subsections (b) and (c) shall be transferred to the association for distribution to producers of quota tobacco in accordance with a plan approved by the Secretary.

(Pub. L. 108-357, title VI, §641, Oct. 22, 2004, 118 Stat. 1534.)

REFERENCES IN TEXT

Sections 106A and 106B of the Agricultural Act of 1949, referred to in text, were classified to sections 1445-1 and 1445-2, respectively, of this title prior to repeal by Pub. L. 108-357, title VI, §612(a), Oct. 22, 2004, 118 Stat. 1523.

EFFECTIVE DATE

Section applicable to the 2005 and subsequent crops of tobacco, see section 643 of Pub. L. 108-357, set out as a note under section 518 of this title.

§ 519a. Regulations

(a) In general

The Secretary may promulgate such regulations as are necessary to implement this title¹ and the amendments made by this title.¹

(b) Procedure

The promulgation of the regulations and administration of this title¹ and the amendments made by this title¹ 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1371, 1373, 1375, 1378, 1379, 1428, 1433c-1, and 1441 of this title and section 714c of Title 15, Commerce and Trade, repealed sections 511r, 515 to 515k, 625, 1311 to 1314, 1314-1, 1314b, 1314b-1, 1314b-2, 1314c to 1314j, 1315, 1316, 1445,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.

EFFECTIVE DATE

Section applicable to the 2005 and subsequent crops of tobacco, see section 643 of Pub. L. 108-357, set out as a note under section 518 of this title.

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, and was subsequently repealed by Pub. L. 115-334.

Section 525, which related to special powers of Administration, was transferred to section 1141c of Title 12, and was subsequently repealed by Pub. L. 115-334.

Section 526, which related to authorization of a revolving fund, was transferred to section 1141d of Title 12, and was subsequently repealed by Pub. L. 115-334.

Section 527, which related to loans to cooperative associations, was transferred to section 1141e of Title 12, and was subsequently repealed by Pub. L. 115-334.

Section 528, which related to miscellaneous loan provisions, was transferred to section 1141f of Title 12, and was subsequently repealed by Pub. L. 115-334.

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, and was subsequently repealed by Pub. L. 115-334.

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.

¹ See References in Text note below.

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. Exemptions.
- 585. Fees for inspection and certification; certificates as prima facie evidence.
- 586. Refusal of certificates for violations of laws; penalties for violations.
- 587. Rules and regulations; cooperation with other agencies; compensation of officers and employees; effect on other laws.
- 588. Separability.
- 589. Definitions.
- 590. Authorization of appropriations.
- 590a. Estimates of apple production.

§ 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. 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.)

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”.

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