

(Pub. L. 97-98, title XVII, §1718, Dec. 22, 1981, 95 Stat. 1357.)

#### § 4318. 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 this chapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(Pub. L. 97-98, title XVII, §1719, Dec. 22, 1981, 95 Stat. 1358.)

#### § 4319. Authorization of appropriations

There are authorized to be appropriated out of any money in the Treasury not otherwise appropriated such funds as are necessary to carry out the provisions of this chapter. The funds so appropriated shall not be available for payment of the expenses or expenditures of the Floraboard in administering any provisions of any order issued pursuant to the terms of this chapter.

(Pub. L. 97-98, title XVII, §1720, Dec. 22, 1981, 95 Stat. 1358.)

### CHAPTER 75—INTERNATIONAL CARRIAGE OF PERISHABLE FOODSTUFFS

Sec.	
4401.	Congressional findings and declaration of purpose.
4402.	Definitions.
4403.	Duties of Secretary of Agriculture.
4404.	Duties of Secretary of State.
4405.	Fees and charges.
4406.	Authorization of appropriations.

#### § 4401. Congressional findings and declaration of purpose

Congress hereby finds and declares that—

(1) the United States, as a member of the Economic Commission for Europe of the United Nations, participated in development by that Commission of the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage;

(2) the agreement requires that equipment involved in the international carriage of perishable foodstuffs be inspected, tested, and certified to specified standards;

(3) this chapter will make it possible for equipment in the United States to be inspected, tested, and certified in accordance with the agreement and the standards specified therein; and

(4) this chapter will improve the conditions for the movement of perishable foodstuffs in international carriage in equipment owned or operated by United States firms, which will serve to protect existing trade and promote expansion of trade in perishable foodstuffs, and will improve the sale of United States manufactured equipment for use in international carriage.

(Pub. L. 97-325, §2, Oct. 15, 1982, 96 Stat. 1603.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in pars. (3) and (4), was in the original "this Act", meaning Pub. L. 97-325, Oct. 15,

1982, 96 Stat. 1603, known as the International Carriage of Perishable Foodstuffs Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE

Pub. L. 97-325, §1, Oct. 15, 1982, 96 Stat. 1603, provided: "That this Act [enacting this chapter and section 2212c of this title, amending sections 5315 and 5316 of Title 5, Government Organization and Employees, repealing section 3 of Reorg. Plan No. 2 of 1953, and enacting provisions set out as a note under section 2212c of this title] may be cited as the 'International Carriage of Perishable Foodstuffs Act'."

#### § 4402. Definitions

As used in this chapter—

(1) The term "agreement" means the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage, and the annexes and the appendices thereto, done at Geneva, September 1, 1970, under the auspices of the Economic Commission for Europe of the United Nations.

(2) The term "contracting party" means any country that is eligible under article 9 of the agreement and that has complied with the terms of such article.

(3) The term "equipment" means the special transport equipment that complies with the definitions and standards set forth in annex 1 to the agreement, including, but not limited to, railway cars, trucks, trailers, semitrailers, and intermodal freight containers that are insulated only, or insulated and equipped with a refrigerating, mechanically refrigerating, or heating appliance.

(4) The term "perishable foodstuffs" means quick deep-frozen and frozen food products listed in annex 2 and food products listed in annex 3 to the agreement.

(5) The term "international carriage" means transportation of perishable foodstuffs if such foodstuffs are loaded in equipment or the equipment containing them is loaded onto a rail or road vehicle, in the territory of any country and such foodstuffs are, or the equipment containing them is, unloaded in the territory of another country that is a contracting party, where such transportation is by—

(A) rail,

(B) road,

(C) any combination of rail and road, or

(D) any sea crossing of less than one hundred and fifty kilometers, if preceded or followed by one or more land journeys as referred to in clauses (A), (B), and (C) of this paragraph, and the perishable foodstuffs are shipped in the same equipment used for such land journeys without transloading of such foodstuffs.

In the case of any transportation that involves one or more sea crossings other than as specified in clause (D) of this paragraph, each land journey shall be considered separately.

(6) The term "United States" means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto