

plants, or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provisions of this chapter, or of any order, or rule or regulation issued under this chapter. For the purpose of such investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena to, any person, including a producer of flowers and plants, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All processes in any such cases may be served in the judicial district wherein such person is an inhabitant or wherever such person may be found.

(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.
	(a) Testing or inspection.
	(b) Issuance of certificates of compliance.
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.)

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 enacted this chapter and section 2212c of this title, amended sections 5315 and 5316 of Title 5, Government Organization and Employees, repealed section 3 of Reorg. Plan No. 2 of 1953, and enacted provisions set out as a note under section 2212c of this title. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

SHORT TITLE

Section 1 of Pub. L. 97-325 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 Rico, Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(Pub. L. 97-325, §3, Oct. 15, 1982, 96 Stat. 1603.)

#### § 4403. Duties of Secretary of Agriculture

The Secretary of Agriculture of the United States shall be the competent authority to implement the agreement. To ensure compliance with the standards specified in the agreement, the Secretary of Agriculture may—

- (1) designate appropriate organizations to inspect or test equipment, or both;
- (2) issue certificates of compliance in accordance with annex 1, appendix 1, paragraph 4 of the agreement;
- (3) prescribe such regulations as may be necessary to implement the agreement and administer this chapter, including, but not limited to, provision for suspending or denying the designation of any organization to inspect or test equipment and for denying the issuance of certificates of compliance as may be necessary to ensure compliance with the provisions of this chapter and the regulations issued thereunder;
- (4) make periodic onsite inspections of facilities and procedures used by those seeking certificates of compliance and by organizations designated to test or inspect equipment under this chapter;
- (5) require submission of reports by those seeking certificates of compliance and by or-

ganizations designated to test or inspect equipment under this chapter;

(6) require maintenance of records by those seeking certificates of compliance and by organizations designated to test or inspect equipment under this chapter, such records to be made available to the Secretary upon request;

(7) inform contracting parties, through the Secretary of State of the United States, of all general measures taken in connection with the implementation of the agreement; and

(8) take such other action as may be considered appropriate to implement the agreement and administer this chapter.

(Pub. L. 97-325, §4, Oct. 15, 1982, 96 Stat. 1604.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4405 of this title.

#### § 4404. Duties of Secretary of State

The Secretary of State, with the concurrence of the Secretary of Agriculture, may take such action as may be considered appropriate to assert and protect the rights of the United States under the agreement.

(Pub. L. 97-325, §5, Oct. 15, 1982, 96 Stat. 1605.)

#### § 4405. Fees and charges

##### (a) Testing or inspection

Any organization designated by the Secretary of Agriculture to test or inspect equipment may establish reasonable fees to cover the costs of such testing or inspection. Such fees shall be payable directly to the organization by those seeking inspection or testing.

##### (b) Issuance of certificates of compliance

The Secretary of Agriculture may, effective October 1, 1982, fix and cause to be collected reasonable fees to cover, as nearly as practicable, the costs to the Department of Agriculture incurred in connection with the issuance of certificates of compliance as provided under section 4403(2) of this title. All fees collected shall be credited to the current appropriation account that incurs the cost and shall be available without fiscal year limitation to pay the expenses of the Secretary of Agriculture incident to the issuance of certificates of compliance under this chapter.

(Pub. L. 97-325, §6, Oct. 15, 1982, 96 Stat. 1605.)

#### § 4406. Authorization of appropriations

There are authorized to be appropriated to the Secretary of Agriculture for the fiscal year beginning October 1, 1982, and for each fiscal year thereafter, such sums as are necessary to carry out the provisions of this chapter, but not to exceed \$100,000 in any fiscal year.

(Pub. L. 97-325, §7, Oct. 15, 1982, 96 Stat. 1605.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 97-325 which enacted this chapter and section 2212c of this title, amended sections 5315 and 5316 of Title 5, Government Organization and Employees, repealed section 3 of Reorg. Plan No. 2 of 1953, and enacted provisions set out as a note under section 2212c of this title.

**CHAPTER 76—DAIRY RESEARCH AND  
PROMOTION**

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SUBCHAPTER I—DAIRY PROMOTION  
PROGRAM

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 4533, 4535, 7401 of this title.

**§ 4501. Congressional findings and declaration of policy**

(a) Congress finds that—

(1) dairy products are basic foods that are a valuable part of the human diet;

(2) the production of dairy products plays a significant role in the Nation's economy the milk from which dairy products are manufac-

ured is produced by thousands of milk producers, and dairy products are consumed by millions of people throughout the United States;

(3) dairy products must be readily available and marketed efficiently to ensure that the people of the United States receive adequate nourishment;

(4) the maintenance and expansion of existing markets for dairy products are vital to the welfare of milk producers and those concerned with marketing, using, and producing dairy products, as well as to the general economy of the Nation; and

(5) dairy products move in interstate and foreign commerce, and dairy products that do not move in such channels of commerce directly burden or affect interstate commerce of dairy products.

(b) It, therefore, is declared to be the policy of Congress that it is in the public interest to authorize the establishment, through the exercise of the powers provided herein, of an orderly procedure for financing (through assessments on all milk produced in the United States for commercial use) and carrying out a coordinated program of promotion designed to strengthen the dairy industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for fluid milk and dairy products produced in the United States. Nothing in this subchapter may be construed to provide for the control of production or otherwise limit the right of individual milk producers to produce milk.

(Pub. L. 98-180, title I, § 110, Nov. 29, 1983, 97 Stat. 1136.)

SHORT TITLE

For short title of title I of Pub. L. 98-180 as the "Dairy Production Stabilization Act of 1983", see Short Title of 1983 Amendment note set out under section 1421 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4502 of this title.

**§ 4502. Definitions**

As used in this subchapter—

(a) the term "Board" means the National Dairy Promotion and Research Board established under section 4504 of this title;

(b) the term "Department" means the Department of Agriculture;

(c) the term "Secretary" means the Secretary of Agriculture;

(d) the term "milk" means any class of cow's milk produced in the United States;

(e) the term "dairy products" means products manufactured for human consumption which are derived from the processing of milk, and includes fluid milk products;

(f) the term "fluid milk products" means those milk products normally consumed in liquid form as a beverage;

(g) the term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity;

(h) the term "producer" means any person engaged in the production of milk for commercial use;