

**§ 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”.

**Executive Documents**

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 thereto.

(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.)