

§ 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and section 2212c of this title, amended sections 5315 and 5316 of Title 5, Government Organization and Employees, repealed section 3 of Reorg.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-