

In the Senate of the United States,

October 12 (legislative day, September 22), 2000.

Resolved, That the bill from the House of Representatives (H.R. 4788) entitled “An Act to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under that Act, extend the authorization of appropriations for that Act, and improve the administration of that Act, to reenact the United States Warehouse Act to require the licensing and inspection of warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE*.—*This Act may be cited as the*

3 *“Grain Standards and Warehouse Improvement Act of*

4 *2000”*.

- 1 *(b) TABLE OF CONTENTS.—The table of contents of this*
 2 *Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—GRAIN STANDARDS

- Sec. 101. Sampling for export grain.*
Sec. 102. Geographic boundaries for official agencies.
Sec. 103. Authorization to collect fees.
Sec. 104. Testing of equipment.
Sec. 105. Limitation on administrative and supervisory costs.
Sec. 106. Licenses and authorizations.
Sec. 107. Grain additives.
Sec. 108. Authorization of appropriations.
Sec. 109. Advisory committee.
Sec. 110. Conforming amendments.
Sec. 111. Special effective date for certain expired provisions.

TITLE II—WAREHOUSES

- Sec. 201. Storage of agricultural products in warehouses.*
Sec. 202. Regulations.

TITLE III—MISCELLANEOUS

- Sec. 301. Energy generation, transmission, and distribution facilities efficiency grants and loans in rural communities with extremely high energy costs.*
Sec. 302. Carry forward adjustment.
Sec. 303. Fees and penalties for mediation and arbitration of disputes involving agricultural products moving in foreign commerce under multinational entities.
Sec. 304. Community facilities grant program for rural communities with extreme unemployment and severe economic depression.
Sec. 305. Community facilities grant program for rural communities with high levels of out-migration or loss of population.
Sec. 306. State agricultural mediation programs.
Sec. 307. Adjustments to nutrition programs.
Sec. 308. Authorization for Secretary of Agriculture to purchase and transfer land.
Sec. 309. Extension of time period for filing certain complaints alleging preparation of false inspection certificates.
Sec. 310. International food relief partnership.

3 ***TITLE I—GRAIN STANDARDS***

4 ***SEC. 101. SAMPLING FOR EXPORT GRAIN.***

- 5 *Section 5(a)(1) of the United States Grain Standards*
 6 *Act (7 U.S.C. 77(a)(1)) is amended by striking “(on the*

1 basis” and all that follows through “from the United
2 States)”.

3 **SEC. 102. GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGEN-**
4 **CIES.**

5 (a) *INSPECTION AUTHORITY.*—Section 7(f) of the
6 United States Grain Standards Act (7 U.S.C. 79(f)) is
7 amended by striking paragraph (2) and inserting the fol-
8 lowing:

9 “(2) *GEOGRAPHIC BOUNDARIES FOR OFFICIAL*
10 *AGENCIES.*—Not more than 1 official agency des-
11 ignated under paragraph (1) or State delegated au-
12 thority under subsection (e)(2) to carry out the in-
13 spection provisions of this Act shall be operative at
14 the same time in any geographic area defined by the
15 Secretary, except that, if the Secretary determines
16 that the presence of more than 1 designated official
17 agency in the same geographic area will not under-
18 mine the policy stated in section 2, the Secretary
19 may—

20 “(A) allow more than 1 designated official
21 agency to carry out inspections within the same
22 geographical area as part of a pilot program;
23 and

24 “(B) allow a designated official agency to
25 cross boundary lines to carry out inspections in

1 *another geographic area if the Secretary also de-*
 2 *termines that—*

3 *“(i) the current designated official*
 4 *agency for that geographic area is unable to*
 5 *provide inspection services in a timely*
 6 *manner;*

7 *“(ii) a person requesting inspection*
 8 *services in that geographic area has not*
 9 *been receiving official inspection services*
 10 *from the current designated official agency*
 11 *for that geographic area; or*

12 *“(iii) a person requesting inspection*
 13 *services in that geographic area requests a*
 14 *probe inspection on a barge-lot basis.”.*

15 *(b) WEIGHING AUTHORITY.—Section 7A(i) of the*
 16 *United States Grain Standards Act (7 U.S.C. 79a(i)) is*
 17 *amended—*

18 *(1) by striking “(i) No” and inserting the fol-*
 19 *lowing:*

20 *“(i) UNAUTHORIZED WEIGHING PROHIBITED.—*

21 *“(1) IN GENERAL.—No”;*

22 *(2) by striking the second sentence; and*

23 *(3) by adding at the end the following:*

24 *“(2) GEOGRAPHIC BOUNDARIES FOR OFFICIAL*
 25 *AGENCIES.—Not more than 1 designated official agen-*

1 *cy referred to in paragraph (1) or State agency dele-*
2 *gated authority pursuant to subsection (c)(2) to carry*
3 *out the weighing provisions of this Act shall be opera-*
4 *tive at the same time in any geographic area defined*
5 *by the Secretary, except that, if the Secretary deter-*
6 *mines that the presence of more than 1 designated of-*
7 *ficial agency in the same geographic area will not un-*
8 *dermine the policy stated in section 2, the Secretary*
9 *may—*

10 *“(A) allow more than 1 designated official*
11 *agency to carry out the weighing provisions*
12 *within the same geographical area as part of a*
13 *pilot program; and*

14 *“(B) allow a designated official agency to*
15 *cross boundary lines to carry out the weighing*
16 *provisions in another geographic area if the Sec-*
17 *retary also determines that—*

18 *“(i) the current designated official*
19 *agency for that geographic area is unable to*
20 *provide the weighing services in a timely*
21 *manner; or*

22 *“(ii) a person requesting weighing*
23 *services in that geographic area has not*
24 *been receiving official weighing services*

1 *from the current designated official agency*
 2 *for that geographic area.”.*

3 **SEC. 103. AUTHORIZATION TO COLLECT FEES.**

4 (a) *INSPECTION AND SUPERVISORY FEES.*—Section
 5 7(j)(4) of the United States Grain Standards Act (7 U.S.C.
 6 79(j)(4)) is amended in the first sentence by striking “2000”
 7 and inserting “2005”.

8 (b) *WEIGHING AND SUPERVISORY FEES.*—Section
 9 7A(l)(3) of the United States Grain Standards Act (7
 10 U.S.C. 79a(l)(3)) is amended in the first sentence by strik-
 11 ing “2000” and inserting “2005”.

12 **SEC. 104. TESTING OF EQUIPMENT.**

13 Section 7B(a) of the United States Grain Standards
 14 Act (7 U.S.C. 79b(a)) is amended in the first sentence by
 15 striking “but at least annually and”.

16 **SEC. 105. LIMITATION ON ADMINISTRATIVE AND SUPER-**
 17 **VISORY COSTS.**

18 Section 7D of the United States Grain Standards Act
 19 (7 U.S.C. 79d) is amended—

20 (1) by striking “2000” and inserting “2005”;
 21 and

22 (2) by striking “40 per centum” and inserting
 23 “30 percent”.

1 **SEC. 106. LICENSES AND AUTHORIZATIONS.**

2 Section 8(a)(3) of the United States Grain Standards
3 Act (7 U.S.C. 84(a)(3)) is amended by inserting “inspec-
4 tion, weighing,” after “laboratory testing,”.

5 **SEC. 107. GRAIN ADDITIVES.**

6 Section 13(e)(1) of the United States Grain Standards
7 Act (7 U.S.C. 87b(e)(1)) is amended by inserting “, or pro-
8 hibit disguising the quality of grain,” after “sound and
9 pure grain”.

10 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

11 Section 19 of the United States Grain Standards Act
12 (7 U.S.C. 87h) is amended by striking “2000” and insert-
13 ing “2005”.

14 **SEC. 109. ADVISORY COMMITTEE.**

15 Section 21(e) of the United States Grain Standards
16 Act (7 U.S.C. 87j(e)) is amended by striking “2000” and
17 inserting “2005”.

18 **SEC. 110. CONFORMING AMENDMENTS.**

19 (a) Section 8 of the United States Grain Standards
20 Act of 1976 (7 U.S.C. 79 note; Public Law 94–582) is
21 amended—

22 (1) by striking “(a)”; and

23 (2) by striking subsection (b).

24 (b) Sections 23, 24, and 25 of the United States Grain
25 Standards Act of 1976 (7 U.S.C. 87e–1, 7 U.S.C. 76 note;
26 Public Law 94–582) are repealed.

1 (c) *Section 27 of the United States Grain Standards*
 2 *Act of 1976 (7 U.S.C. 74 note; Public Law 94–582) is*
 3 *amended by striking “; and thereafter” and all that follows*
 4 *and inserting a period.*

5 **SEC. 111. SPECIAL EFFECTIVE DATE FOR CERTAIN EXPIRED**
 6 **PROVISIONS.**

7 *The amendments made by sections 103, 105, 108, and*
 8 *109 shall take effect as if enacted on September 30, 2000.*

9 **TITLE II—WAREHOUSES**

10 **SEC. 201. STORAGE OF AGRICULTURAL PRODUCTS IN WARE-**
 11 **HOUSES.**

12 *The United States Warehouse Act (7 U.S.C. 241 et*
 13 *seq.) is amended to read as follows:*

14 **“SECTION 1. SHORT TITLE.**

15 *“This Act may be cited as the ‘United States Ware-*
 16 *house Act’.*

17 **“SEC. 2. DEFINITIONS.**

18 *“In this Act:*

19 *“(1) AGRICULTURAL PRODUCT.—The term ‘agri-*
 20 *cultural product’ means an agricultural commodity,*
 21 *as determined by the Secretary, including a processed*
 22 *product of an agricultural commodity.*

23 *“(2) APPROVAL.—The term ‘approval’ means the*
 24 *consent provided by the Secretary for a person to en-*
 25 *gage in an activity authorized by this Act.*

1 “(3) *DEPARTMENT.*—The term ‘Department’
2 *means the Department of Agriculture.*

3 “(4) *ELECTRONIC DOCUMENT.*—The term ‘elec-
4 *tronic document’ means a document that is generated,*
5 *sent, received, or stored by electronic, optical, or simi-*
6 *lar means, including electronic data interchange, elec-*
7 *tronic mail, telegram, telex, or telecopy.*

8 “(5) *ELECTRONIC RECEIPT.*—The term ‘elec-
9 *tronic receipt’ means a receipt that is authorized by*
10 *the Secretary to be issued or transmitted under this*
11 *Act in the form of an electronic document.*

12 “(6) *HOLDER.*—The term ‘holder’ means a per-
13 *son that has possession in fact or by operation of law*
14 *of a receipt or any electronic document.*

15 “(7) *PERSON.*—The term ‘person’ means—

16 “(A) a person (as defined in section 1 of
17 *title 1, United States Code);*

18 “(B) a State; and

19 “(C) a political subdivision of a State.

20 “(8) *RECEIPT.*—The term ‘receipt’ means a
21 *warehouse receipt issued in accordance with this Act,*
22 *including an electronic receipt.*

23 “(9) *SECRETARY.*—The term ‘Secretary’ means
24 *the Secretary of Agriculture.*

1 “(10) WAREHOUSE.—The term ‘warehouse’
 2 means a structure or other approved storage facility,
 3 as determined by the Secretary, in which any agricul-
 4 tural product may be stored or handled for the pur-
 5 poses of interstate or foreign commerce.

6 “(11) WAREHOUSE OPERATOR.—The term ‘ware-
 7 house operator’ means a person that is lawfully en-
 8 gaged in the business of storing or handling agricul-
 9 tural products.

10 **“SEC. 3. POWERS OF SECRETARY.**

11 “(a) IN GENERAL.—The Secretary shall have exclusive
 12 power, jurisdiction, and authority, to the extent that this
 13 Act applies, with respect to—

14 “(1) each warehouse operator licensed under this
 15 Act;

16 “(2) each person that has obtained an approval
 17 to engage in an activity under this Act; and

18 “(3) each person claiming an interest in an ag-
 19 ricultural product by means of a document or receipt
 20 subject to this Act.

21 “(b) COVERED AGRICULTURAL PRODUCTS.—The Sec-
 22 retary shall specify, after an opportunity for notice and
 23 comment, those agricultural products for which a warehouse
 24 license may be issued under this Act.

1 “(c) *INVESTIGATIONS.*—*The Secretary may investigate*
2 *the storing, warehousing, classifying according to grade and*
3 *otherwise, weighing, and certifying of agricultural products.*

4 “(d) *INSPECTIONS.*—*The Secretary may inspect or*
5 *cause to be inspected any person or warehouse licensed*
6 *under this Act and any warehouse for which a license is*
7 *applied for under this Act.*

8 “(e) *SUITABILITY FOR STORAGE.*—*The Secretary may*
9 *determine whether a licensed warehouse, or a warehouse for*
10 *which a license is applied for under this Act, is suitable*
11 *for the proper storage of the agricultural product or prod-*
12 *ucts stored or proposed for storage in the warehouse.*

13 “(f) *CLASSIFICATION.*—*The Secretary may classify a*
14 *licensed warehouse, or a warehouse for which a license is*
15 *applied for under this Act, in accordance with the owner-*
16 *ship, location, surroundings, capacity, conditions, and*
17 *other qualities of the warehouse and as to the kinds of li-*
18 *censes issued or that may be issued for the warehouse under*
19 *this Act.*

20 “(g) *WAREHOUSE OPERATOR’S DUTIES.*—*Subject to*
21 *the other provisions of this Act, the Secretary may prescribe*
22 *the duties of a warehouse operator operating a warehouse*
23 *licensed under this Act with respect to the warehouse opera-*
24 *tor’s care of and responsibility for agricultural products*
25 *stored or handled by the warehouse operator.*

1 “(h) *SYSTEMS FOR ELECTRONIC CONVEYANCE.*—

2 “(1) *REGULATIONS GOVERNING ELECTRONIC SYS-*
3 *TEMS.—Except as provided in paragraph (2), the*
4 *Secretary may promulgate regulations governing 1 or*
5 *more electronic systems under which electronic re-*
6 *ceipts may be issued and transferred and other elec-*
7 *tronic documents relating to the shipment, payment,*
8 *and financing of the sale of agricultural products*
9 *may be issued or transferred.*

10 “(2) *LIMITATIONS.—The Secretary shall not have*
11 *the authority under this Act to establish—*

12 “(A) *1 or more central filing systems for the*
13 *filing of financing statements or the filing of the*
14 *notice of financing statements; or*

15 “(B) *rules to determine security interests of*
16 *persons affected by this Act.*

17 “(i) *EXAMINATION AND AUDITS.—In addition to the*
18 *authority provided under subsection (l), on request of the*
19 *person, State agency, or commodity exchange, the Secretary*
20 *may conduct an examination, audit, or similar activity*
21 *with respect to—*

22 “(1) *any person that is engaged in the business*
23 *of storing an agricultural product that is subject to*
24 *this Act;*

1 “(2) *any State agency that regulates the storage*
 2 *of an agricultural product by such a person; or*

3 “(3) *any commodity exchange with regulatory*
 4 *authority over the storage of agricultural products*
 5 *that are subject to this Act.*

6 “(j) *LICENSES FOR OPERATION OF WAREHOUSES.—*
 7 *The Secretary may issue to any warehouse operator a li-*
 8 *cense for the operation of a warehouse in accordance with*
 9 *this Act if—*

10 “(1) *the Secretary determines that the warehouse*
 11 *is suitable for the proper storage of the agricultural*
 12 *product or products stored or proposed for storage in*
 13 *the warehouse; and*

14 “(2) *the warehouse operator agrees, as a condi-*
 15 *tion of the license, to comply with this Act (including*
 16 *regulations promulgated under this Act).*

17 “(k) *LICENSING OF OTHER PERSONS.—*

18 “(1) *IN GENERAL.—On presentation of satisfac-*
 19 *tory proof of competency to carry out the activities*
 20 *described in this paragraph, the Secretary may issue*
 21 *to any person a Federal license—*

22 “(A) *to inspect any agricultural product*
 23 *stored or handled in a warehouse subject to this*
 24 *Act;*

1 “(B) to sample such an agricultural prod-
2 uct;

3 “(C) to classify such an agricultural prod-
4 uct according to condition, grade, or other class
5 and certify the condition, grade, or other class of
6 the agricultural product; or

7 “(D) to weigh such an agricultural product
8 and certify the weight of the agricultural prod-
9 uct.

10 “(2) *CONDITION.*—As a condition of a license
11 issued under paragraph (1), the licensee shall agree to
12 comply with this Act (including regulations promul-
13 gated under this Act).

14 “(l) *EXAMINATION OF BOOKS, RECORDS, PAPERS, AND*
15 *ACCOUNTS.*—The Secretary may examine and audit, using
16 designated officers, employees, or agents of the Department,
17 all books, records, papers, and accounts relating to activities
18 subject to this Act of—

19 “(1) a warehouse operator operating a warehouse
20 licensed under this Act;

21 “(2) a person operating a system for the elec-
22 tronic recording and transfer of receipts and other
23 documents authorized by the Secretary; or

1 “(3) any other person issuing receipts or elec-
2 tronic documents authorized by the Secretary under
3 this Act.

4 “(m) COOPERATION WITH STATES.—The Secretary
5 may—

6 “(1) cooperate with officers and employees of a
7 State who administer or enforce State laws relating
8 to warehouses, warehouse operators, weighers, graders,
9 inspectors, samplers, or classifiers; and

10 “(2) enter into cooperative agreements with
11 States to perform activities authorized under this Act.

12 **“SEC. 4. IMPOSITION AND COLLECTION OF FEES.**

13 “(a) IN GENERAL.—The Secretary shall assess persons
14 covered by this Act fees to cover the costs of administering
15 this Act.

16 “(b) RATES.—The fees under this section shall be set
17 at a rate determined by the Secretary.

18 “(c) TREATMENT OF FEES.—All fees collected under
19 this section shall be credited to the account that incurs the
20 costs of administering this Act and shall be available to the
21 Secretary without further appropriation and without fiscal
22 year limitation.

23 “(d) INTEREST.—Funds collected under this section
24 may be deposited in an interest-bearing account with a fi-

1 nancial institution, and any interest earned on the account
2 shall be credited under subsection (c).

3 “(e) *EFFICIENCIES AND COST EFFECTIVENESS.*—

4 “(1) *IN GENERAL.*—The Secretary shall seek to
5 minimize the fees established under this section by
6 improving efficiencies and reducing costs, including
7 the efficient use of personnel to the extent practicable
8 and consistent with the effective implementation of
9 this Act.

10 “(2) *REPORT.*—The Secretary shall publish an
11 annual report on the actions taken by the Secretary
12 to comply with paragraph (1).

13 **“SEC. 5. QUALITY AND VALUE STANDARDS.**

14 “If standards for the evaluation or determination of
15 the quality or value of an agricultural product are not es-
16 tablished under another Federal law, the Secretary may es-
17 tablish standards for the evaluation or determination of the
18 quality or value of the agricultural product under this Act.

19 **“SEC. 6. BONDING AND OTHER FINANCIAL ASSURANCE RE-**
20 **QUIREMENTS.**

21 “(a) *IN GENERAL.*—As a condition of receiving a li-
22 cense or approval under this Act (including regulations
23 promulgated under this Act), the person applying for the
24 license or approval shall execute and file with the Secretary
25 a bond, or provide such other financial assurance as the

1 *Secretary determines appropriate, to secure the person's*
2 *performance of the activities so licensed or approved.*

3 “(b) *SERVICE OF PROCESS.*—*To qualify as a suitable*
4 *bond or other financial assurance under subsection (a), the*
5 *surety, sureties, or financial institution shall be subject to*
6 *service of process in suits on the bond or other financial*
7 *assurance in the State, district, or territory in which the*
8 *warehouse is located.*

9 “(c) *ADDITIONAL ASSURANCES.*—*If the Secretary de-*
10 *termines that a previously approved bond or other financial*
11 *assurance is insufficient, the Secretary may suspend or re-*
12 *voked the license or approval covered by the bond or other*
13 *financial assurance if the person that filed the bond or other*
14 *financial assurance does not provide such additional bond*
15 *or other financial assurance as the Secretary determines ap-*
16 *propriate.*

17 “(d) *THIRD PARTY ACTIONS.*—*Any person injured by*
18 *the breach of any obligation arising under this Act for*
19 *which a bond or other financial assurance has been obtained*
20 *as required by this section may sue with respect to the bond*
21 *or other financial assurance in a district court of the*
22 *United States to recover the damages that the person sus-*
23 *tained as a result of the breach.*

1 **“SEC. 7. MAINTENANCE OF RECORDS.**

2 *“To facilitate the administration of this Act, the fol-*
 3 *lowing persons shall maintain such records and make such*
 4 *reports, as the Secretary may by regulation require:*

5 *“(1) A warehouse operator that is licensed under*
 6 *this Act.*

7 *“(2) A person operating a system for the elec-*
 8 *tronic recording and transfer of receipts and other*
 9 *documents that are authorized under this Act.*

10 *“(3) Any other person engaged in the issuance of*
 11 *electronic receipts or the transfer of documents under*
 12 *this Act.*

13 **“SEC. 8. FAIR TREATMENT IN STORAGE OF AGRICULTURAL**
 14 **PRODUCTS.**

15 *“(a) IN GENERAL.—Subject to the capacity of a ware-*
 16 *house, a warehouse operator shall deal, in a fair and rea-*
 17 *sonable manner, with persons storing, or seeking to store,*
 18 *an agricultural product in the warehouse if the agricultural*
 19 *product—*

20 *“(1) is of the kind, type, and quality customarily*
 21 *stored or handled in the area in which the warehouse*
 22 *is located;*

23 *“(2) is tendered to the warehouse operator in a*
 24 *suitable condition for warehousing; and*

25 *“(3) is tendered in a manner that is consistent*
 26 *with the ordinary and usual course of business.*

1 “(b) *ALLOCATION.*—*Nothing in this section prohibits*
 2 *a warehouse operator from entering into an agreement with*
 3 *a depositor of an agricultural product to allocate available*
 4 *storage space.*

5 **“SEC. 9. COMMINGLING OF AGRICULTURAL PRODUCTS.**

6 “(a) *IN GENERAL.*—*A warehouse operator may com-*
 7 *mingle agricultural products in a manner approved by the*
 8 *Secretary.*

9 “(b) *LIABILITY.*—*A warehouse operator shall be sever-*
 10 *ally liable to each depositor or holder for the care and rede-*
 11 *livery of the share of the depositor and holder of the com-*
 12 *mingled agricultural product to the same extent and under*
 13 *the same circumstances as if the agricultural products had*
 14 *been stored separately.*

15 **“SEC. 10. TRANSFER OF STORED AGRICULTURAL PROD-**
 16 **UCTS.**

17 “(a) *IN GENERAL.*—*In accordance with regulations*
 18 *promulgated under this Act, a warehouse operator may*
 19 *transfer a stored agricultural product from 1 warehouse to*
 20 *another warehouse for continued storage.*

21 “(b) *CONTINUED DUTY.*—*The warehouse operator from*
 22 *which agricultural products have been transferred under*
 23 *subsection (a) shall deliver to the rightful owner of such*
 24 *products, on request at the original warehouse, such prod-*
 25 *ucts in the quantity and of the kind, quality, and grade*

1 *called for by the receipt or other evidence of storage of the*
 2 *owner.*

3 **“SEC. 11. WAREHOUSE RECEIPTS.**

4 “(a) *IN GENERAL.*—At the request of the depositor of
 5 *an agricultural product stored or handled in a warehouse*
 6 *licensed under this Act, the warehouse operator shall issue*
 7 *a receipt to the depositor as prescribed by the Secretary.*

8 “(b) *ACTUAL STORAGE REQUIRED.*—A receipt may
 9 *not be issued under this section for an agricultural product*
 10 *unless the agricultural product is actually stored in the*
 11 *warehouse at the time of the issuance of the receipt.*

12 “(c) *CONTENTS.*—Each receipt issued for an agricul-
 13 *tural product stored or handled in a warehouse licensed*
 14 *under this Act shall contain such information, for each ag-*
 15 *ricultural product covered by the receipt, as the Secretary*
 16 *may require by regulation.*

17 “(d) *PROHIBITION ON ADDITIONAL RECEIPTS OR*
 18 *OTHER DOCUMENTS.*—

19 “(1) *RECEIPTS.*—While a receipt issued under
 20 *this Act is outstanding and uncanceled by the ware-*
 21 *house operator, an additional receipt may not be*
 22 *issued for the same agricultural product (or any por-*
 23 *tion of the same agricultural product) represented by*
 24 *the outstanding receipt, except as authorized by the*
 25 *Secretary.*

1 “(2) *OTHER DOCUMENTS.*—If a document is
2 transferred under this section, no duplicate document
3 in any form may be transferred by any person with
4 respect to the same agricultural product represented
5 by the document, except as authorized by the Sec-
6 retary.

7 “(e) *ELECTRONIC RECEIPTS AND ELECTRONIC DOCU-*
8 *MENTS.*—Except as provided in section 3(h)(2), notwith-
9 standing any other provision of Federal or State law:

10 “(1) *IN GENERAL.*—The Secretary may promul-
11 gate regulations that authorize the issuance, record-
12 ing, and transfer of electronic receipts, and the trans-
13 fer of other electronic documents, in accordance with
14 this subsection.

15 “(2) *ELECTRONIC RECEIPT OR ELECTRONIC DOC-*
16 *UMENT SYSTEMS.*—Electronic receipts may be issued,
17 recorded, and transferred, and electronic documents
18 may be transferred, under this subsection with respect
19 to an agricultural product under, a system or systems
20 maintained in 1 or more locations and approved by
21 the Secretary in accordance with regulations issued
22 under this Act.

23 “(3) *TREATMENT OF HOLDER.*—Any person des-
24 ignated as the holder of an electronic receipt or other
25 electronic document issued or transferred under this

1 *Act shall, for the purpose of perfecting the security in-*
2 *terest of the person under Federal or State law and*
3 *for all other purposes, be considered to be in posses-*
4 *sion of the receipt or other electronic document.*

5 “(4) *NONDISCRIMINATION.*—*An electronic receipt*
6 *issued, or other electronic document transferred, in*
7 *accordance with this Act shall not be denied legal ef-*
8 *fect, validity, or enforceability on the ground that the*
9 *information is generated, sent, received, or stored by*
10 *electronic or similar means.*

11 “(5) *SECURITY INTERESTS.*—*If more than 1 se-*
12 *curity interest exists in the agricultural product that*
13 *is the subject of an electronic receipt or other elec-*
14 *tronic document under this Act, the priority of the se-*
15 *curity interest shall be determined by the applicable*
16 *Federal or State law.*

17 “(6) *NO ELECTRONIC RECEIPT REQUIRED.*—*A*
18 *person shall not be required to issue in electronic form*
19 *a receipt or document with respect to an agricultural*
20 *product.*

21 “(7) *OPTION FOR NON-FEDERALLY LICENSED*
22 *WAREHOUSE OPERATORS.*—*Notwithstanding any*
23 *other provision of this Act, a warehouse operator not*
24 *licensed under this Act may, at the option of the*
25 *warehouse operator and in accordance with regula-*

1 *tions established by the Secretary, issue electronic re-*
 2 *ceipts and transfer other electronic documents in ac-*
 3 *cordance with this Act.*

4 *“(8) APPLICATION TO STATE-LICENSED WARE-*
 5 *HOUSE OPERATORS.—This subsection shall not apply*
 6 *to a warehouse operator that is licensed under State*
 7 *law to store agricultural commodities in a warehouse*
 8 *in the State if the warehouse operator elects—*

9 *“(A) not to issue electronic receipts author-*
 10 *ized under this subsection; or*

11 *“(B) to issue electronic receipts authorized*
 12 *under State law.*

13 **“SEC. 12. CONDITIONS FOR DELIVERY OF AGRICULTURAL**
 14 **PRODUCTS.**

15 *“(a) PROMPT DELIVERY.—In the absence of a lawful*
 16 *excuse, a warehouse operator shall, without unnecessary*
 17 *delay, deliver the agricultural product stored or handled in*
 18 *the warehouse on a demand made by—*

19 *“(1) the holder of the receipt for the agricultural*
 20 *product; or*

21 *“(2) the person that deposited the product, if no*
 22 *receipt has been issued.*

23 *“(b) PAYMENT TO ACCOMPANY DEMAND.—Prior to de-*
 24 *livery of the agricultural product, payment of the accrued*
 25 *charges associated with the storage of the agricultural prod-*

1 *uct, including satisfaction of the warehouseman’s lien, shall*
 2 *be made if requested by the warehouse operator.*

3 “(c) *SURRENDER OF RECEIPT.*—When the holder of a
 4 *receipt requests delivery of an agricultural product covered*
 5 *by the receipt, the holder shall surrender the receipt to the*
 6 *warehouse operator, in the manner prescribed by the Sec-*
 7 *retary, to obtain the agricultural product.*

8 “(d) *CANCELLATION OF RECEIPT.*—A warehouse oper-
 9 *ator shall cancel each receipt returned to the warehouse op-*
 10 *erator upon the delivery of the agricultural product for*
 11 *which the receipt was issued.*

12 **“SEC. 13. SUSPENSION OR REVOCATION OF LICENSES.**

13 “(a) *IN GENERAL.*—After providing notice and an op-
 14 *portunity for a hearing in accordance with this section, the*
 15 *Secretary may suspend or revoke any license issued, or ap-*
 16 *proval for an activity provided, under this Act—*

17 “(1) *for a material violation of, or failure to*
 18 *comply, with any provision of this Act (including*
 19 *regulations promulgated under this Act); or*

20 “(2) *on the ground that unreasonable or exorbi-*
 21 *tant charges have been imposed for services rendered.*

22 “(b) *TEMPORARY SUSPENSION.*—The Secretary may
 23 *temporarily suspend a license or approval for an activity*
 24 *under this Act prior to an opportunity for a hearing for*
 25 *any violation of, or failure to comply with, any provision*

1 *of this Act (including regulations promulgated under this*
2 *Act).*

3 “(c) *AUTHORITY TO CONDUCT HEARINGS.*—*The agen-*
4 *cy within the Department that is responsible for admin-*
5 *istering regulations promulgated under this Act shall have*
6 *exclusive authority to conduct any hearing required under*
7 *this section.*

8 “(d) *JUDICIAL REVIEW.*—

9 “(1) *JURISDICTION.*—*A final administrative de-*
10 *termination issued subsequent to a hearing may be*
11 *reviewable only in a district court of the United*
12 *States.*

13 “(2) *PROCEDURE.*—*The review shall be con-*
14 *ducted in accordance with the standards set forth in*
15 *section 706(2) of title 5, United States Code.*

16 **“SEC. 14. PUBLIC INFORMATION.**

17 “(a) *IN GENERAL.*—*The Secretary may release to the*
18 *public the names, addresses, and locations of all persons—*

19 “(1) *that have been licensed under this Act or*
20 *that have been approved to engage in an activity*
21 *under this Act; and*

22 “(2) *with respect to which a license or approval*
23 *has been suspended or revoked under section 13, the*
24 *results of any investigation made or hearing con-*

1 *ducted under this Act, including the reasons for the*
2 *suspension or revocation.*

3 *“(b) CONFIDENTIALITY.—Except as otherwise provided*
4 *by law, an officer, employee, or agent of the Department*
5 *shall not divulge confidential business information obtained*
6 *during a warehouse examination or other function per-*
7 *formed as part of the duties of the officer, employee, or agent*
8 *under this Act.*

9 **“SEC. 15. PENALTIES FOR NONCOMPLIANCE.**

10 *“If a person fails to comply with any requirement of*
11 *this Act (including regulations promulgated under this*
12 *Act), the Secretary may assess, on the record after an oppor-*
13 *tunity for a hearing, a civil penalty—*

14 *“(1) of not more than \$25,000 per violation, if*
15 *an agricultural product is not involved in the viola-*
16 *tion; or*

17 *“(2) of not more than 100 percent of the value*
18 *of the agricultural product, if an agricultural product*
19 *is involved in the violation.*

20 **“SEC. 16. JURISDICTION AND ARBITRATION.**

21 *“(a) FEDERAL JURISDICTION.—A district court of the*
22 *United States shall have exclusive jurisdiction over any ac-*
23 *tion brought under this Act without regard to the amount*
24 *in controversy or the citizenship of the parties.*

1 “(b) *ARBITRATION.*—*Nothing in this Act prevents the*
2 *enforceability of an agreement to arbitrate that would other-*
3 *wise be enforceable under chapter 1 of title 9, United States*
4 *Code.*

5 **“SEC. 17. AUTHORIZATION OF APPROPRIATIONS.**

6 *“There are authorized to be appropriated such sums*
7 *as are necessary to carry out this Act.”.*

8 **SEC. 202. REGULATIONS.**

9 (a) *PROPOSED REGULATIONS.*—*Not later than 90 days*
10 *after the date of enactment of this Act, the Secretary of Ag-*
11 *riculture shall publish in the Federal Register proposed reg-*
12 *ulations for carrying out the amendment made by section*
13 *201.*

14 (b) *FINAL REGULATIONS.*—*Not later than 180 days*
15 *after the date of enactment of this Act, the Secretary shall*
16 *promulgate final regulations for carrying out the amend-*
17 *ment made by section 201.*

18 (c) *EFFECTIVENESS OF EXISTING ACT.*—*The United*
19 *States Warehouse Act (7 U.S.C. 241 et seq.) (as it existed*
20 *before the amendment made by section 201) shall be effective*
21 *until the earlier of—*

22 (1) *the date on which final regulations are pro-*
23 *mulgated under subsection (b); or*

24 (2) *August 1, 2001.*

1 ***TITLE III—MISCELLANEOUS***

2 ***SEC. 301. ENERGY GENERATION, TRANSMISSION, AND DIS-***
3 ***TRIBUTION FACILITIES EFFICIENCY GRANTS***
4 ***AND LOANS IN RURAL COMMUNITIES WITH***
5 ***EXTREMELY HIGH ENERGY COSTS.***

6 *Title I of the Rural Electrification Act of 1936 (7*
7 *U.S.C. 901 et seq.) is amended by adding at the end the*
8 *following:*

9 ***“SEC. 19. ENERGY GENERATION, TRANSMISSION, AND DIS-***
10 ***TRIBUTION FACILITIES EFFICIENCY GRANTS***
11 ***AND LOANS IN RURAL COMMUNITIES WITH***
12 ***EXTREMELY HIGH ENERGY COSTS.***

13 ***“(a) IN GENERAL.—The Secretary, acting through the***
14 ***Rural Utilities Service, may—***

15 ***“(1) in coordination with State rural develop-***
16 ***ment initiatives, make grants and loans to persons,***
17 ***States, political subdivisions of States, and other enti-***
18 ***ties organized under the laws of States to acquire,***
19 ***construct, extend, upgrade, and otherwise improve en-***
20 ***ergy generation, transmission, or distribution facili-***
21 ***ties serving communities in which the average resi-***
22 ***dential expenditure for home energy is at least 275***
23 ***percent of the national average residential expendi-***
24 ***ture for home energy (as determined by the Energy***

1 *Information Agency using the most recent data avail-*
2 *able);*

3 *“(2) make grants and loans to the Denali Com-*
4 *mission established by the Denali Commission Act of*
5 *1998 (42 U.S.C. 3121 note; Public Law 105–277) to*
6 *acquire, construct, extend, upgrade, and otherwise im-*
7 *prove energy generation, transmission, or distribution*
8 *facilities serving communities described in paragraph*
9 *(1); and*

10 *“(3) make grants to State entities, in existence*
11 *as of the date of enactment of this section, to establish*
12 *and support a revolving fund to provide a more cost-*
13 *effective means of purchasing fuel where the fuel can-*
14 *not be shipped by means of surface transportation.*

15 *“(b) AUTHORIZATION OF APPROPRIATIONS.—*

16 *“(1) IN GENERAL.—There are authorized to be*
17 *appropriated to carry out this section \$50,000,000 for*
18 *fiscal year 2001 and such sums as are necessary for*
19 *each subsequent fiscal year.*

20 *“(2) LIMITATION ON PLANNING AND ADMINISTRA-*
21 *TIVE EXPENSES.—Not more than 4 percent of the*
22 *amounts made available under paragraph (1) may be*
23 *used for planning and administrative expenses.”.*

1 **SEC. 302. CARRY FORWARD ADJUSTMENT.**

2 *The amendments made by section 204(b)(10)(A) of the*
 3 *Agricultural Risk Protection Act of 2000 shall apply begin-*
 4 *ning with undermarketings of the 2001 crop of burley to-*
 5 *bacco and with marketings of the 2002 crop of burley to-*
 6 *bacco.*

7 **SEC. 303. FEES AND PENALTIES FOR MEDIATION AND ARBI-**
 8 **TRATION OF DISPUTES INVOLVING AGRICUL-**
 9 **TURAL PRODUCTS MOVING IN FOREIGN COM-**
 10 **MERCE UNDER MULTINATIONAL ENTITIES.**

11 *Section 203(e) of the Agricultural Marketing Act of*
 12 *1946 (7 U.S.C. 1622(e)) is amended—*

13 *(1) by striking “(e) To” and inserting the fol-*
 14 *lowing:*

15 *“(e) DEVELOPMENT OF NEW MARKETS.—*

16 *“(1) IN GENERAL.—To”; and*

17 *(2) by adding at the end the following:*

18 *“(2) FEES AND PENALTIES.—*

19 *“(A) IN GENERAL.—In carrying out para-*
 20 *graph (1), the Secretary may assess and collect*
 21 *reasonable fees and late payment penalties to*
 22 *mediate and arbitrate disputes arising between*
 23 *parties in connection with transactions involving*
 24 *agricultural products moving in foreign com-*
 25 *merce under the jurisdiction of a multinational*
 26 *entity.*

1 “(B) *DEPOSIT.—Fees and penalties col-*
 2 *lected under subparagraph (A) shall be deposited*
 3 *into the account that incurred the cost of pro-*
 4 *viding the mediation or arbitration service.*

5 “(C) *AVAILABILITY.—Fees and penalties*
 6 *collected under subparagraph (A) shall be avail-*
 7 *able to the Secretary without further Act of ap-*
 8 *propriation and shall remain available until ex-*
 9 *pende to pay the expenses of the Secretary for*
 10 *providing mediation and arbitration services*
 11 *under this paragraph.*

12 “(D) *NO REQUIREMENT FOR USE OF SERV-*
 13 *ICES.—No person shall be required by the Sec-*
 14 *retary to use the mediation and arbitration serv-*
 15 *ices provided under this paragraph.”.*

16 **SEC. 304. COMMUNITY FACILITIES GRANT PROGRAM FOR**
 17 **RURAL COMMUNITIES WITH EXTREME UNEM-**
 18 **PLOYMENT AND SEVERE ECONOMIC DEPRES-**
 19 **SION.**

20 (a) *IN GENERAL.—Section 306(a) of the Consolidated*
 21 *Farm and Rural Development Act (7 U.S.C. 1926(a)) is*
 22 *amended by adding at the end the following:*

23 “(20) *COMMUNITY FACILITIES GRANT PROGRAM*
 24 *FOR RURAL COMMUNITIES WITH EXTREME UNEMPLOY-*
 25 *MENT AND SEVERE ECONOMIC DEPRESSION.—*

1 “(A) *DEFINITION OF NOT EMPLOYED*
2 *RATE.*—*In this paragraph, the term ‘not em-*
3 *ployed rate’, with respect to a community, means*
4 *the percentage of individuals over the age of 18*
5 *who reside within the community and who are*
6 *ready, willing, and able to be employed but are*
7 *unable to find employment, as determined by the*
8 *department of labor of the State in which the*
9 *community is located.*

10 “(B) *GRANT AUTHORITY.*—*The Secretary*
11 *may make grants to associations, units of gen-*
12 *eral local government, nonprofit corporations,*
13 *and Indian tribes (as defined in section 4 of the*
14 *Indian Self-Determination and Education As-*
15 *sistance Act (25 U.S.C. 450b)) in a State to pro-*
16 *vide the Federal share of the cost of developing*
17 *specific essential community facilities in rural*
18 *communities with respect to which the not em-*
19 *ployed rate is greater than the lesser of—*

20 “(i) *500 percent of the average na-*
21 *tional unemployment rate on the date of en-*
22 *actment of this paragraph, as determined*
23 *by the Bureau of Labor Statistics; or*

24 “(ii) *200 percent of the average na-*
25 *tional unemployment rate during the Great*

1 *Depression, as determined by the Bureau of*
 2 *Labor Statistics.*

3 “(C) *FEDERAL SHARE.—Paragraph (19)(B)*
 4 *shall apply to a grant made under this para-*
 5 *graph.*

6 “(D) *AUTHORIZATION OF APPROPRIA-*
 7 *TIONS.—There are authorized to be appropriated*
 8 *to carry out this paragraph \$50,000,000 for fis-*
 9 *cal year 2001 and such sums as are necessary*
 10 *for each subsequent fiscal year, of which not*
 11 *more than 5 percent of the amount made avail-*
 12 *able for a fiscal year shall be available for com-*
 13 *munity planning and implementation.”.*

14 (b) *CONFORMING AMENDMENT.—Section*
 15 *381E(d)(1)(B) of the Consolidated Farm and Rural Devel-*
 16 *opment Act (7 U.S.C. 2009d(d)(1)(B)) is amended by strik-*
 17 *ing “section 306(a)(19)” and inserting “paragraph (19) or*
 18 *(20) of section 306(a)”.*

19 **SEC. 305. COMMUNITY FACILITIES GRANT PROGRAM FOR**
 20 **RURAL COMMUNITIES WITH HIGH LEVELS OF**
 21 **OUT-MIGRATION OR LOSS OF POPULATION.**

22 (a) *IN GENERAL.—Section 306(a) of the Consolidated*
 23 *Farm and Rural Development Act (7 U.S.C. 1926(a)) (as*
 24 *amended by section 304(a)) is amended by adding at the*
 25 *end the following:*

1 “(21) *COMMUNITY FACILITIES GRANT PROGRAM*
2 *FOR RURAL COMMUNITIES WITH HIGH LEVELS OF*
3 *OUT-MIGRATION OR LOSS OF POPULATION.*—

4 “(A) *GRANT AUTHORITY.*—*The Secretary*
5 *may make grants to associations, units of gen-*
6 *eral local government, nonprofit corporations,*
7 *and Indian tribes (as defined in section 4 of the*
8 *Indian Self-Determination and Education As-*
9 *sistance Act (25 U.S.C. 450b)) in a State to pro-*
10 *vide the Federal share of the cost of developing*
11 *specific essential community facilities in any ge-*
12 *ographic area—*

13 “(i) *that is represented by—*

14 “(I) *any political subdivision of a*
15 *State;*

16 “(II) *an Indian tribe on a Fed-*
17 *eral or State reservation; or*

18 “(III) *other federally recognized*
19 *Indian tribal group;*

20 “(ii) *that is located in a rural area (as*
21 *defined in section 381A);*

22 “(iii) *with respect to which, during the*
23 *most recent 5-year period, the net out-mi-*
24 *gration of inhabitants, or other population*

1 loss, from the area equals or exceeds 5 per-
 2 cent of the population of the area; and

3 “(iv) that has a median household in-
 4 come that is less than the nonmetropolitan
 5 median household income of the United
 6 States.

7 “(B) *FEDERAL SHARE*.—Paragraph (19)(B)
 8 shall apply to a grant made under this para-
 9 graph.

10 “(C) *AUTHORIZATION OF APPROPRIA-*
 11 *TIONS*.—There are authorized to be appropriated
 12 to carry out this paragraph \$50,000,000 for fis-
 13 cal year 2001 and such sums as are necessary
 14 for each subsequent fiscal year, of which not
 15 more than 5 percent of the amount made avail-
 16 able for a fiscal year shall be available for com-
 17 munity planning and implementation.”.

18 (b) *CONFORMING AMENDMENT*.—Section
 19 381E(d)(1)(B) of the Consolidated Farm and Rural Devel-
 20 opment Act (7 U.S.C. 2009d(d)(1)(B)) (as amended by sec-
 21 tion 304(b)) is amended by striking “paragraph (19) or
 22 (20)” and inserting “paragraph (19), (20), or (21)”.

1 **SEC. 306. STATE AGRICULTURAL MEDIATION PROGRAMS.**

2 (a) *ELIGIBLE PERSON; MEDIATION SERVICES.*—*Sec-*
 3 *tion 501 of the Agricultural Credit Act of 1987 (7 U.S.C.*
 4 *5101) is amended—*

5 (1) *in subsection (c), by striking paragraphs (1)*
 6 *and (2) and inserting the following:*

7 “(1) *ISSUES COVERED.*—

8 “(A) *IN GENERAL.*—*To be certified as a*
 9 *qualifying State, the mediation program of the*
 10 *State must provide mediation services to persons*
 11 *described in paragraph (2) that are involved in*
 12 *agricultural loans (regardless of whether the*
 13 *loans are made or guaranteed by the Secretary*
 14 *or made by a third party).*

15 “(B) *OTHER ISSUES.*—*The mediation pro-*
 16 *gram of a qualifying State may provide medi-*
 17 *ation services to persons described in paragraph*
 18 *(2) that are involved in 1 or more of the fol-*
 19 *lowing issues under the jurisdiction of the De-*
 20 *partment of Agriculture:*

21 “(i) *Wetlands determinations.*

22 “(ii) *Compliance with farm programs,*
 23 *including conservation programs.*

24 “(iii) *Agricultural credit.*

25 “(iv) *Rural water loan programs.*

1 “(v) *Grazing on National Forest Sys-*
2 *tem land.*

3 “(vi) *Pesticides.*

4 “(vii) *Such other issues as the Sec-*
5 *retary considers appropriate.*

6 “(2) *PERSONS ELIGIBLE FOR MEDIATION.—*

7 “(A) *IN GENERAL.—Subject to subpara-*
8 *graph (B), the persons referred to in paragraph*
9 *(1) include—*

10 “(i) *agricultural producers;*

11 “(ii) *creditors of producers (as appli-*
12 *cable); and*

13 “(iii) *persons directly affected by ac-*
14 *tions of the Department of Agriculture.*

15 “(B) *VOLUNTARY PARTICIPATION.—*

16 “(i) *IN GENERAL.—Subject to clause*
17 *(ii) and section 503, a person may not be*
18 *compelled to participate in mediation serv-*
19 *ices provided under this Act.*

20 “(ii) *STATE LAWS.—Clause (i) shall*
21 *not affect a State law requiring mediation*
22 *before foreclosure on agricultural land or*
23 *property.”; and*

24 (2) *by adding at the end the following:*

1 “(d) *DEFINITION OF MEDIATION SERVICES.*—*In this*
 2 *section, the term ‘mediation services’, with respect to medi-*
 3 *ation or a request for mediation, may include all activities*
 4 *related to—*

5 “(1) *the intake and scheduling of cases;*

6 “(2) *the provision of background and selected in-*
 7 *formation regarding the mediation process;*

8 “(3) *financial advisory and counseling services*
 9 *(as appropriate) performed by a person other than a*
 10 *State mediation program mediator; and*

11 “(4) *the mediation session.*”.

12 “(b) *USE OF MEDIATION GRANTS.*—*Section 502(c) of*
 13 *the Agricultural Credit Act of 1987 (7 U.S.C. 5102(c)) is*
 14 *amended—*

15 “(1) *by striking ‘Each’ and inserting the fol-*
 16 *lowing:*

17 “(1) *IN GENERAL.*—*Each*”; and

18 “(2) *by adding at the end the following:*

19 “(2) *OPERATION AND ADMINISTRATION EX-*
 20 *PENSES.*—*For purposes of paragraph (1), operation*
 21 *and administration expenses for which a grant may*
 22 *be used include—*

23 “(A) *salaries;*

24 “(B) *reasonable fees and costs of mediators;*

1 “(C) office rent and expenses, such as utili-
2 ties and equipment rental;

3 “(D) office supplies;

4 “(E) administrative costs, such as workers’
5 compensation, liability insurance, the employer’s
6 share of Social Security, and necessary travel;

7 “(F) education and training;

8 “(G) security systems necessary to ensure
9 the confidentiality of mediation sessions and
10 records of mediation sessions;

11 “(H) costs associated with publicity and
12 promotion of the mediation program;

13 “(I) preparation of the parties for medi-
14 ation; and

15 “(J) financial advisory and counseling serv-
16 ices for parties requesting mediation.”.

17 (c) *AUTHORIZATION OF APPROPRIATIONS.*—Section
18 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106)
19 is amended by striking “2000” and inserting “2005”.

20 **SEC. 307. ADJUSTMENTS TO NUTRITION PROGRAMS.**

21 (a) *PAYMENT OF COSTS ASSOCIATED WITH REMOVAL*
22 *OF COMMODITIES THAT POSE A HEALTH OR SAFETY*
23 *RISK.*—Section 15(e) of the Commodity Distribution Re-
24 form Act and WIC Amendments of 1987 (7 U.S.C. 612c

1 *note; Public Law 100–237) is amended by striking “2000”*
 2 *and inserting “2003”.*

3 *(b) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM*
 4 *FOR WOMEN, INFANTS, AND CHILDREN.—*

5 *(1) COST-OF-LIVING ALLOWANCES FOR MEMBERS*
 6 *OF UNIFORMED SERVICES.—Section 17(d)(2)(B)(ii) of*
 7 *the Child Nutrition Act of 1966 (42 U.S.C.*
 8 *1786(d)(2)(B)(ii)) is amended by striking “conti-*
 9 *mental” and inserting “contiguous States of the”.*

10 *(2) DEMONSTRATION PROJECT.—Effective Octo-*
 11 *ber 1, 2000, section 17(r)(1) of the Child Nutrition*
 12 *Act of 1966 (42 U.S.C. 1786(r)(1)) is amended by*
 13 *striking “at least 20 local agencies” and inserting*
 14 *“not more than 20 local agencies”.*

15 *(c) CHILD AND ADULT CARE FOOD PROGRAM.—*

16 *(1) TECHNICAL AMENDMENTS.—Section 17 of the*
 17 *Richard B. Russell National School Lunch Act (42*
 18 *U.S.C. 1766) is amended—*

19 *(A) by striking the section heading and all*
 20 *that follows through “SEC. 17.” and inserting the*
 21 *following:*

22 **“SEC. 17. CHILD AND ADULT CARE FOOD PROGRAM.”;**

23 *and*

24 *(B) in subsection (a)(6)(C)(ii), by striking*
 25 *“and” at the end.*

1 (2) *EXCEPTIONS TO HEARING REQUIREMENTS.*—
 2 *Section 17(d)(5)(D) of the Richard B. Russell Na-*
 3 *tional School Lunch Act (42 U.S.C. 1766(d)(5)(D)) is*
 4 *amended—*

5 (A) *by striking “(D) HEARING.—An insti-*
 6 *tution” and inserting the following:*

7 “(D) *HEARING.*—

8 “(i) *IN GENERAL.*—*Except as provided*
 9 *in clause (ii), an institution”; and*

10 (B) *by adding at the end the following:*

11 “(ii) *EXCEPTION FOR FALSE OR*
 12 *FRAUDULENT CLAIMS.*—

13 “(I) *IN GENERAL.*—*If a State*
 14 *agency determines that an institution*
 15 *has knowingly submitted a false or*
 16 *fraudulent claim for reimbursement,*
 17 *the State agency may suspend the par-*
 18 *ticipation of the institution in the pro-*
 19 *gram in accordance with this clause.*

20 “(II) *REQUIREMENT FOR RE-*
 21 *VIEW.*—*Prior to any determination to*
 22 *suspend participation of an institution*
 23 *under subclause (I), the State agency*
 24 *shall provide for an independent re-*

1 *view of the proposed suspension in ac-*
2 *cordance with subclause (III).*

3 *“(III) REVIEW PROCEDURE.—The*
4 *review shall—*

5 *“(aa) be conducted by an*
6 *independent and impartial offi-*
7 *cial other than, and not account-*
8 *able to, any person involved in the*
9 *determination to suspend the in-*
10 *stitution;*

11 *“(bb) provide the State agen-*
12 *cy and the institution the right to*
13 *submit written documentation re-*
14 *lating to the suspension, including*
15 *State agency documentation of the*
16 *alleged false or fraudulent claim*
17 *for reimbursement and the re-*
18 *sponse of the institution to the*
19 *documentation;*

20 *“(cc) require the reviewing*
21 *official to determine, based on the*
22 *review, whether the State agency*
23 *has established, based on a pre-*
24 *ponderance of the evidence, that*
25 *the institution has knowingly sub-*

1 mitted a false or fraudulent claim
2 for reimbursement;

3 “(dd) require the suspension
4 to be in effect for not more than
5 120 calendar days after the insti-
6 tution has received notification of
7 a determination of suspension in
8 accordance with this clause; and

9 “(ee) require the State agen-
10 cy during the suspension to ensure
11 that payments continue to be
12 made to sponsored centers and
13 family and group day care homes
14 meeting the requirements of the
15 program.

16 “(IV) HEARING.—A State agency
17 shall provide an institution that has
18 been suspended from participation in
19 the program under this clause an op-
20 portunity for a fair hearing on the sus-
21 pension conducted in accordance with
22 subsection (e)(1).”.

23 (3) STATEWIDE DEMONSTRATION PROJECTS IN-
24 VOLVING PRIVATE FOR-PROFIT ORGANIZATIONS PRO-
25 VIDING NONRESIDENTIAL DAY CARE SERVICES.—Sec-

1 *tion 17(p)(3)(C) of the Richard B. Russell National*
2 *School Lunch Act (42 U.S.C. 1766(p)(3)(C)) is*
3 *amended—*

4 *(A) in clause (iii), by striking “all fami-*
5 *lies” and inserting “all low-income families”;*
6 *and*

7 *(B) in clause (iv), by striking “made” and*
8 *inserting “reported for fiscal year 1998”.*

9 **SEC. 308. AUTHORIZATION FOR SECRETARY OF AGRI-**
10 **CULTURE TO PURCHASE AND TRANSFER**
11 **LAND.**

12 *Subject to the availability of funds appropriated to the*
13 *Agricultural Research Service, the Secretary of Agriculture*
14 *may—*

15 *(1) purchase a tract of land in the State of*
16 *South Carolina that is contiguous to land owned on*
17 *the date of enactment of this Act by the Department*
18 *of Agriculture, acting through the Coastal Plains Soil,*
19 *Water, and Plant Research Center of the Agricultural*
20 *Research Service; and*

21 *(2) transfer land owned by the Department of*
22 *Agriculture to the Florence Darlington Technical Col-*
23 *lege, South Carolina, in exchange for land owned by*
24 *the College.*

1 **SEC. 309. EXTENSION OF TIME PERIOD FOR FILING CER-**
 2 **TAIN COMPLAINTS ALLEGING PREPARATION**
 3 **OF FALSE INSPECTION CERTIFICATES.**

4 *Notwithstanding section 6(a)(1) of the Perishable Agri-*
 5 *cultural Commodities Act, 1930 (7 U.S.C. 499f(a)(1)), a*
 6 *person that desires to file a complaint under section 6 of*
 7 *that Act involving the allegation of a false inspection cer-*
 8 *tificate prepared by a grader of the Department of Agri-*
 9 *culture at Hunts Point Terminal Market, Bronx, New York,*
 10 *prior to October 27, 1999, may file the complaint not later*
 11 *than January 1, 2001.*

12 **SEC. 310. INTERNATIONAL FOOD RELIEF PARTNERSHIP.**

13 *(a) ASSISTANCE FOR STOCKPILING AND RAPID TRANS-*
 14 *PORTATION, DELIVERY, AND DISTRIBUTION OF SHELF-STA-*
 15 *BLE PREPACKAGED FOODS.—Title II of the Agricultural*
 16 *Trade Development and Assistance Act of 1954 (7 U.S.C.*
 17 *1721 et seq.) is amended by adding at the end the following:*

18 **“SEC. 208. ASSISTANCE FOR STOCKPILING AND RAPID**
 19 **TRANSPORTATION, DELIVERY, AND DIS-**
 20 **TRIBUTION OF SHELF-STABLE PREPACKAGED**
 21 **FOODS.**

22 *“(a) IN GENERAL.—The Administrator may provide*
 23 *grants to—*

24 *“(1) United States nonprofit organizations (de-*
 25 *scribed in section 501(c)(3) of the Internal Revenue*
 26 *Code of 1986 and exempt from tax under section*

1 501(a) of the Internal Revenue Code of 1986) for the
2 preparation of shelf-stable prepackaged foods requested
3 by eligible organizations and the establishment and
4 maintenance of stockpiles of the foods in the United
5 States; and

6 “(2) private voluntary organizations and inter-
7 national organizations for the rapid transportation,
8 delivery, and distribution of shelf-stable prepackaged
9 foods described in paragraph (1) to needy individuals
10 in foreign countries.

11 “(b) GRANTS FOR ESTABLISHMENT OF STOCKPILES.—

12 “(1) IN GENERAL.—Not more than 70 percent of
13 the amount made available to carry out this section
14 shall be used to provide grants under subsection
15 (a)(1).

16 “(2) PRIORITY.—In providing grants under sub-
17 section (a)(1), the Administrator shall provide a pref-
18 erence to a United States nonprofit organization that
19 agrees to provide—

20 “(A) non-Federal funds in an amount equal
21 to 50 percent of the amount of funds received
22 under a grant under subsection (a)(1);

23 “(B) an in-kind contribution in an amount
24 equal to that percentage; or

1 “(C) a combination of such funds and an
2 in-kind contribution;
3 for the preparation of shelf-stable prepackaged foods
4 and the establishment and maintenance of stockpiles
5 of the foods in the United States in accordance with
6 subsection (a)(1).

7 “(c) GRANTS FOR RAPID TRANSPORTATION, DELIV-
8 ERY, AND DISTRIBUTION.—Not less than 20 percent of the
9 amount made available to carry out this section shall be
10 used to provide grants under subsection (a)(2).

11 “(d) ADMINISTRATION.—Not more than 10 percent of
12 the amount made available to carry out this section may
13 be used by the Administrator for the administration of
14 grants under subsection (a).

15 “(e) REGULATIONS OR GUIDELINES.—Not later than
16 180 days after the date of enactment of this section, the Ad-
17 ministrator, in consultation with the Secretary, shall issue
18 such regulations or guidelines as the Administrator deter-
19 mines to be necessary to carry out this section, including
20 regulations or guidelines that provide to United States non-
21 profit organizations eligible to receive grants under sub-
22 section (a)(1) guidance with respect to the requirements for
23 qualified shelf-stable prepackaged foods and the quantity of
24 the foods to be stockpiled by the organizations.

1 “(f) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 2 *authorized to be appropriated to the Administrator to carry*
 3 *out this section, in addition to amounts otherwise available*
 4 *to carry out this section, \$3,000,000 for each of fiscal years*
 5 *2001 and 2002, to remain available until expended.”.*

6 (b) *PREPOSITIONING OF COMMODITIES.—Section*
 7 *407(c) of the Agricultural Trade Development and Assist-*
 8 *ance Act of 1954 (7 U.S.C. 1736a(c)) is amended by adding*
 9 *at the end the following:*

10 “(4) *PREPOSITIONING.—Funds made available*
 11 *for fiscal years 2001 and 2002 to carry out titles II*
 12 *and III may be used by the Administrator to procure,*
 13 *transport, and store agricultural commodities for*
 14 *prepositioning within the United States and in for-*
 15 *ign countries, except that for each such fiscal year*
 16 *not more than \$2,000,000 of such funds may be used*
 17 *to store agricultural commodities for prepositioning*
 18 *in foreign countries.”.*

Attest:

Secretary.

106TH CONGRESS
2D SESSION

H. R. 4788

AMENDMENT

HR 4788 EAS—2

HR 4788 EAS—3

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