

(7) Option for non-federally licensed warehouse operators

Notwithstanding any other provision of this chapter, a warehouse operator not licensed under this chapter may, at the option of the warehouse operator and in accordance with regulations established by the Secretary, issue electronic receipts and transfer other electronic documents in accordance with this chapter.

(8) Application to State-licensed warehouse operators

This subsection shall not apply to a warehouse operator that is licensed under State law to store agricultural commodities in a warehouse in the State if the warehouse operator elects—

- (A) not to issue electronic receipts authorized under this subsection; or
- (B) to issue electronic receipts authorized under State law.

(Aug. 11, 1916, ch. 313, pt. C, §11, as added Pub. L. 106-472, title II, §201, Nov. 9, 2000, 114 Stat. 2065.)

Editorial Notes

PRIOR PROVISIONS

A prior section 250, acts Aug. 11, 1916, ch. 313, pt. C, §8, 39 Stat. 487; Mar. 2, 1931, ch. 366, §3, 46 Stat. 1463, authorized designation as bonded warehouse upon filing of bond and approval by Secretary, prior to the general amendment of this chapter by Pub. L. 106-472.

A prior section 11 of act Aug. 11, 1916, ch. 313, pt. C, was classified to section 252 of this title, prior to the general amendment of this chapter by Pub. L. 106-472.

§251. Conditions for delivery of agricultural products

(a) Prompt delivery

In the absence of a lawful excuse, a warehouse operator shall, without unnecessary delay, deliver the agricultural product stored or handled in the warehouse on a demand made by—

- (1) the holder of the receipt for the agricultural product; or
- (2) the person that deposited the product, if no receipt has been issued.

(b) Payment to accompany demand

Prior to delivery of the agricultural product, payment of the accrued charges associated with the storage of the agricultural product, including satisfaction of the warehouseman's lien, shall be made if requested by the warehouse operator.

(c) Surrender of receipt

When the holder of a receipt requests delivery of an agricultural product covered by the receipt, the holder shall surrender the receipt to the warehouse operator, in the manner prescribed by the Secretary, to obtain the agricultural product.

(d) Cancellation of receipt

A warehouse operator shall cancel each receipt returned to the warehouse operator upon the delivery of the agricultural product for which the receipt was issued.

(Aug. 11, 1916, ch. 313, pt. C, §12, as added Pub. L. 106-472, title II, §201, Nov. 9, 2000, 114 Stat. 2067.)

Editorial Notes

PRIOR PROVISIONS

A prior section 251, acts Aug. 11, 1916, ch. 313, pt. C, §10, 39 Stat. 487; Mar. 2, 1931, ch. 366, §5, 46 Stat. 1464; Pub. L. 97-35, title I, §158(a)(1), Aug. 13, 1981, 95 Stat. 375, authorized fee for warehouse examination, inspection, and licensing, prior to the general amendment of this chapter by Pub. L. 106-472. See section 243 of this title.

A prior section 12 of act Aug. 11, 1916, ch. 313, pt. C, was classified to section 253 of this title, prior to the general amendment of this chapter by Pub. L. 106-472.

§252. Suspension or revocation of licenses

(a) In general

After providing notice and an opportunity for a hearing in accordance with this section, the Secretary may suspend or revoke any license issued, or approval for an activity provided, under this chapter—

- (1) for a material violation of, or failure to comply, with any provision of this chapter (including regulations promulgated under this chapter); or

- (2) on the ground that unreasonable or exorbitant charges have been imposed for services rendered.

(b) Temporary suspension

The Secretary may temporarily suspend a license or approval for an activity under this chapter prior to an opportunity for a hearing for any violation of, or failure to comply with, any provision of this chapter (including regulations promulgated under this chapter).

(c) Authority to conduct hearings

The agency within the Department that is responsible for administering regulations promulgated under this chapter shall have exclusive authority to conduct any hearing required under this section.

(d) Judicial review

(1) Jurisdiction

A final administrative determination issued subsequent to a hearing may be reviewable only in a district court of the United States.

(2) Procedure

The review shall be conducted in accordance with the standards set forth in section 706(2) of title 5.

(Aug. 11, 1916, ch. 313, pt. C, §13, as added Pub. L. 106-472, title II, §201, Nov. 9, 2000, 114 Stat. 2067.)

Editorial Notes

PRIOR PROVISIONS

A prior section 252, acts Aug. 11, 1916, ch. 313, pt. C, §11, 39 Stat. 487; Feb. 23, 1923, ch. 106, 42 Stat. 1283; Mar. 2, 1931, ch. 366, §6, 46 Stat. 1464, authorized license to classify, grade, or weigh agricultural products, prior to the general amendment of this chapter by Pub. L. 106-472. See section 242 of this title.

A prior section 13 of act Aug. 11, 1916, ch. 313, pt. C, was classified to section 254 of this title, prior to the general amendment of this chapter by Pub. L. 106-472.

§253. Public information

(a) In general

The Secretary may release to the public the names, addresses, and locations of all persons—

(1) that have been licensed under this chapter or that have been approved to engage in an activity under this chapter; and

(2) with respect to which a license or approval has been suspended or revoked under section 252 of this title, the results of any investigation made or hearing conducted under this chapter, including the reasons for the suspension or revocation.

(b) Confidentiality

Except as otherwise provided by law, an officer, employee, or agent of the Department shall not divulge confidential business information obtained during a warehouse examination or other function performed as part of the duties of the officer, employee, or agent under this chapter.

(Aug. 11, 1916, ch. 313, pt. C, §14, as added Pub. L. 106-472, title II, §201, Nov. 9, 2000, 114 Stat. 2068.)

Editorial Notes

PRIOR PROVISIONS

A prior section 253, acts Aug. 11, 1916, ch. 313, pt. C, §12, 39 Stat. 487; Feb. 23, 1923, ch. 106, 42 Stat. 1283; Mar. 2, 1931, ch. 366, §7, 46 Stat. 1464, related to suspension and revocation of license to classify, grade, or weigh, prior to the general amendment of this chapter by Pub. L. 106-472. See section 252 of this title.

A prior section 14 of act Aug. 11, 1916, ch. 313, pt. C, was classified to section 255 of this title, prior to the general amendment of this chapter by Pub. L. 106-472.

§ 254. Penalties for noncompliance

If a person fails to comply with any requirement of this chapter (including regulations promulgated under this chapter), the Secretary may assess, on the record after an opportunity for a hearing, a civil penalty—

(1) of not more than \$25,000 per violation, if an agricultural product is not involved in the violation; or

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

(Aug. 11, 1916, ch. 313, pt. C, §15, as added Pub. L. 106-472, title II, §201, Nov. 9, 2000, 114 Stat. 2068.)

Editorial Notes

PRIOR PROVISIONS

A prior section 254, act Aug. 11, 1916, ch. 313, pt. C, §13, 39 Stat. 488, prohibited discrimination by warehousemen, prior to the general amendment of this chapter by Pub. L. 106-472. See section 247 of this title.

A prior section 15 of act Aug. 11, 1916, ch. 313, pt. C, was classified to section 256 of this title, prior to the general amendment of this chapter by Pub. L. 106-472.

§ 255. Jurisdiction and arbitration

(a) Federal jurisdiction

A district court of the United States shall have exclusive jurisdiction over any action brought under this chapter without regard to the amount in controversy or the citizenship of the parties.

(b) Arbitration

Nothing in this chapter prevents the enforceability of an agreement to arbitrate that would otherwise be enforceable under chapter 1 of title 9.

(Aug. 11, 1916, ch. 313, pt. C, §16, as added Pub. L. 106-472, title II, §201, Nov. 9, 2000, 114 Stat. 2068.)

Editorial Notes

PRIOR PROVISIONS

A prior section 255, act Aug. 11, 1916, ch. 313, pt. C, §14, 39 Stat. 488, deemed deposit of products in a licensed warehouse as deposit subject to this chapter, prior to the general amendment of this chapter by Pub. L. 106-472.

A prior section 16 of act Aug. 11, 1916, ch. 313, pt. C, was classified to section 258 of this title, prior to the general amendment of this chapter by Pub. L. 106-472.

§ 256. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this chapter.

(Aug. 11, 1916, ch. 313, pt. C, §17, as added Pub. L. 106-472, title II, §201, Nov. 9, 2000, 114 Stat. 2068.)

Editorial Notes

PRIOR PROVISIONS

A prior section 256, acts Aug. 11, 1916, ch. 313, pt. C, §15, 39 Stat. 488; Feb. 23, 1923, ch. 106, 42 Stat. 1283, related to inspection and grading of products stored, prior to the general amendment of this chapter by Pub. L. 106-472.

A prior section 17 of act Aug. 11, 1916, ch. 313, pt. C, was classified to section 259 of this title, prior to the general amendment of this chapter by Pub. L. 106-472.

Prior sections 257 to 273 were omitted in the general amendment of this chapter by Pub. L. 106-472.

Section 257, acts Aug. 11, 1916, ch. 313, pt. C, §19, 39 Stat. 489; Feb. 23, 1923, ch. 106, 42 Stat. 1284, authorized Secretary to promulgate standards for agricultural products. See section 244 of this title.

Section 258, act Aug. 11, 1916, ch. 313, pt. C, §16, 39 Stat. 488, related to mingling of stored products. See section 248 of this title.

Section 259, acts Aug. 11, 1916, ch. 313, pt. C, §17, 39 Stat. 488; Pub. L. 99-260, §14, Mar. 20, 1986, 100 Stat. 54; Pub. L. 101-624, title V, §508(a), Nov. 28, 1990, 104 Stat. 3441; Pub. L. 102-237, title X, §1009, Dec. 13, 1991, 105 Stat. 1898; Pub. L. 102-553, §1, Oct. 28, 1992, 106 Stat. 4140, required issuance of receipts for products stored and set forth provisions relating to central filing system and transfer of stored products. See sections 249 and 250 of this title.

Section 260, acts Aug. 11, 1916, ch. 313, pt. C, §18, 39 Stat. 488; July 24, 1919, ch. 26, 41 Stat. 266; Feb. 23, 1923, ch. 106, 42 Stat. 1284, related to contents of receipts. See section 250 of this title.

Section 261, act Aug. 11, 1916, ch. 313, pt. C, §20, 39 Stat. 489, related to issuance of further receipt with original outstanding. See section 250 of this title.

Section 262, act Aug. 11, 1916, ch. 313, pt. C, §21, 39 Stat. 489, required delivery on demand of products stored and set forth conditions to delivery. See section 251 of this title.

Section 263, act Aug. 11, 1916, ch. 313, pt. C, §22, 39 Stat. 490, related to cancellation of receipt upon delivery of product stored. See section 251 of this title.

Section 264, act Aug. 11, 1916, ch. 313, pt. C, §23, 39 Stat. 490, related to recording and reporting requirements and directed compliance with this chapter and regulations. See section 246 of this title.

Section 265, act Aug. 11, 1916, ch. 313, pt. C, §24, 39 Stat. 490, authorized Secretary to examine stored products and publish findings. See sections 242 and 253 of this title.

Section 266, act Aug. 11, 1916, ch. 313, pt. C, §26, 39 Stat. 490, authorized publication of investigation results, list of terminated licenses, and names and locations of bonded warehouses. See section 253 of this title.