

Packers and Stockyards Act, 1921, which comprises this chapter.

### § 229c. 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.

(Aug. 15, 1921, ch. 64, title IV, §417, formerly §408, 42 Stat. 169; renumbered §411, Pub. L. 94-410, §5, Sept. 13, 1976, 90 Stat. 1250; renumbered §415, Pub. L. 100-173, §9(1), Nov. 23, 1987, 101 Stat. 919; renumbered §416, Pub. L. 106-472, title III, §312(e)(1), Nov. 9, 2000, 114 Stat. 2077; renumbered §417, Pub. L. 110-234, title XI, §11004(a)(1), May 22, 2008, 122 Stat. 1355, and Pub. L. 110-246, §4(a), title XI, §11004(a)(1), June 18, 2008, 122 Stat. 1664, 2117.)

#### Editorial Notes

##### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 both renumbered this section as section 417 of act Aug. 15, 1921. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234.

Section was formerly classified to section 229 of this title.

#### SUBCHAPTER VI—CHARGE FOR INSPECTION

### § 231. Omitted

#### Editorial Notes

##### CODIFICATION

Section, act July 22, 1942, ch. 516, 56 Stat. 689, was from the Department of Agriculture Appropriation Act, 1943, and provided for fees for inspection of brands appearing upon livestock. See section 217a of this title. Similar provisions were contained in the following prior appropriation acts:

July 1, 1941, ch. 267, 55 Stat. 432.  
 June 25, 1940, ch. 421, 54 Stat. 557.  
 June 30, 1939, ch. 253, title I, 53 Stat. 970.  
 June 16, 1938, ch. 464, title I, 52 Stat. 721.  
 June 29, 1937, ch. 404, 50 Stat. 406.  
 June 4, 1936, ch. 489, 49 Stat. 1432.  
 May 17, 1935, ch. 131, title I, 49 Stat. 257.  
 Mar. 26, 1934, ch. 89, 48 Stat. 477.  
 Mar. 3, 1933, ch. 203, 47 Stat. 1441.  
 July 7, 1932, ch. 443, 47 Stat. 620.  
 Feb. 23, 1931, ch. 278, 46 Stat. 1252.  
 May 27, 1930, ch. 341, 46 Stat. 402.  
 Feb. 16, 1929, ch. 227, 45 Stat. 1198.

## CHAPTER 10—WAREHOUSES

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#### Editorial Notes

##### CODIFICATION

The United States Warehouse Act, comprising this chapter, was originally enacted by act Aug. 11, 1916, ch. 313, pt. C, 39 Stat. 486, and amended by July 24, 1919, ch. 26, 41 Stat. 266; Feb. 23, 1923, ch. 106, 42 Stat. 1282; Mar. 2, 1931, ch. 366, 46 Stat. 1463; Pub. L. 97-35, title I, §158(a)(1), (2), Aug. 13, 1981, 95 Stat. 375, 376; Pub. L. 99-260, §14, Mar. 20, 1986, 100 Stat. 54; Pub. L. 101-624, title V, §508(a), (b), Nov. 28, 1990, 104 Stat. 3441, 3443; Pub. L. 102-237, title X, §1009, Dec. 13, 1991, 105 Stat. 1898; Pub. L. 102-553, §1, Oct. 28, 1992, 106 Stat. 4140. Such Act is shown herein, however, as having been added by Pub. L. 106-472, title II, §201, Nov. 9, 2000, 114 Stat. 2061, without reference to such intervening amendments because of the extensive revision of the title's provisions by Pub. L. 106-472.

### § 241. Definitions

In this chapter:

#### (1) Agricultural product

The term “agricultural product” means an agricultural commodity, as determined by the Secretary, including a processed product of an agricultural commodity.

#### (2) Approval

The term “approval” means the consent provided by the Secretary for a person to engage in an activity authorized by this chapter.

#### (3) Department

The term “Department” means the Department of Agriculture.

#### (4) Electronic document

The term “electronic document” means a document that is generated, sent, received, or stored by electronic, optical, or similar means, including electronic data interchange, electronic mail, telegram, telex, or telecopy.

#### (5) Electronic receipt

The term “electronic receipt” means a receipt that is authorized by the Secretary to be issued or transmitted under this chapter in the form of an electronic document.

#### (6) Holder

The term “holder” means a person that has possession in fact or by operation of law of a receipt or any electronic document.

#### (7) Person

The term “person” means—

- (A) a person (as defined in section 1 of title 1);
- (B) a State; and
- (C) a political subdivision of a State.

#### (8) Receipt

The term “receipt” means a warehouse receipt issued in accordance with this chapter, including an electronic receipt.

#### (9) Secretary

The term “Secretary” means the Secretary of Agriculture.

**(10) Warehouse**

The term “warehouse” means a structure or other approved storage facility, as determined by the Secretary, in which any agricultural product may be stored or handled for the purposes of interstate or foreign commerce.

**(11) Warehouse operator**

The term “warehouse operator” means a person that is lawfully engaged in the business of storing or handling agricultural products.

(Aug. 11, 1916, ch. 313, pt. C, § 2, as added Pub. L. 106-472, title II, § 201, Nov. 9, 2000, 114 Stat. 2061.)

**Editorial Notes****CODIFICATION**

This chapter constitutes part C of “An act making appropriations for the Department of Agriculture for the fiscal year ending June 13, 1917, and for other purposes,” approved Aug. 11, 1916. Part A of act of Aug. 11, 1916, ch. 313, containing the “United States Cotton Futures Act” formerly classified to chapter 13 of Title 26, Internal Revenue Code, was repealed by section 4 of act Feb. 10, 1939, ch. 2, 53 Stat. 1. Part B of that act contained the “United States Grain Standards Act” and constitutes section 71 et seq. of this title.

**PRIOR PROVISIONS**

A prior section 241, act Aug. 11, 1916, ch. 313, pt. C, § 1, 39 Stat. 486, set forth short title, prior to the general amendment of this chapter by Pub. L. 106-472.

A prior section 2 of act Aug. 11, 1916, ch. 313, pt. C, was classified to section 242 of this title, prior to the general amendment of this chapter by Pub. L. 106-472.

**Statutory Notes and Related Subsidiaries****SHORT TITLE**

Act Aug. 11, 1916, ch. 313, pt. C, § 1, as added by Pub. L. 106-472, title II, § 201, Nov. 9, 2000, 114 Stat. 2061, provided that: “This Act [enacting this chapter] may be cited as the ‘United States Warehouse Act’.”

**EFFECTIVE DATE; REGULATIONS**

Pub. L. 106-472, title II, § 202, Nov. 9, 2000, 114 Stat. 2068, provided that:

“(a) PROPOSED REGULATIONS.—Not later than 90 days after the date of the enactment of this Act [Nov. 9, 2000], the Secretary of Agriculture shall publish in the Federal Register proposed regulations for carrying out the amendment made by section 201 [enacting this chapter].

“(b) FINAL REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate final regulations for carrying out the amendment made by section 201.

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

“(1) the date on which final regulations are promulgated under subsection (b); or

“(2) August 1, 2001.”

**§ 242. Powers of Secretary****(a) In general**

The Secretary shall have exclusive power, jurisdiction, and authority, to the extent that this chapter applies, with respect to—

(1) each warehouse operator licensed under this chapter;

(2) each person that has obtained an approval to engage in an activity under this chapter; and

(3) each person claiming an interest in an agricultural product by means of a document or receipt subject to this chapter.

**(b) Covered agricultural products**

The Secretary shall specify, after an opportunity for notice and comment, those agricultural products for which a warehouse license may be issued under this chapter.

**(c) Investigations**

The Secretary may investigate the storing, warehousing, classifying according to grade and otherwise, weighing, and certifying of agricultural products.

**(d) Inspections**

The Secretary may inspect or cause to be inspected any person or warehouse licensed under this chapter and any warehouse for which a license is applied for under this chapter.

**(e) Suitability for storage**

The Secretary may determine whether a licensed warehouse, or a warehouse for which a license is applied for under this chapter, is suitable for the proper storage of the agricultural product or products stored or proposed for storage in the warehouse.

**(f) Classification**

The Secretary may classify a licensed warehouse, or a warehouse for which a license is applied for under this chapter, in accordance with the ownership, location, surroundings, capacity, conditions, and other qualities of the warehouse and as to the kinds of licenses issued or that may be issued for the warehouse under this chapter.

**(g) Warehouse operator's duties**

Subject to the other provisions of this chapter, the Secretary may prescribe the duties of a warehouse operator operating a warehouse licensed under this chapter with respect to the warehouse operator's care of and responsibility for agricultural products stored or handled by the warehouse operator.

**(h) Systems for electronic conveyance****(1) Regulations governing electronic systems**

Except as provided in paragraph (2), the Secretary may promulgate regulations governing one or more electronic systems under which electronic receipts may be issued and transferred and other electronic documents relating to the shipment, payment, and financing of the sale of agricultural products may be issued or transferred.

**(2) Limitations**

The Secretary shall not have the authority under this chapter to establish—

(A) one or more central filing systems for the filing of financing statements or the filing of the notice of financing statements; or

(B) rules to determine security interests of persons affected by this chapter.

**(i) Examination and audits**

In addition to the authority provided under subsection (I), on request of the person, State agency, or commodity exchange, the Secretary may conduct an examination, audit, or similar activity with respect to—

(1) any person that is engaged in the business of storing an agricultural product that is subject to this chapter;

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

(3) any commodity exchange with regulatory authority over the storage of agricultural products that are subject to this chapter.

**(j) Licenses for operation of warehouses**

The Secretary may issue to any warehouse operator a license for the operation of a warehouse in accordance with this chapter if—

(1) the Secretary determines that the warehouse is suitable for the proper storage of the agricultural product or products stored or proposed for storage in the warehouse; and

(2) the warehouse operator agrees, as a condition of the license, to comply with this chapter (including regulations promulgated under this chapter).

**(k) Licensing of other persons**

**(1) In general**

On presentation of satisfactory proof of competency to carry out the activities described in this paragraph, the Secretary may issue to any person a Federal license—

(A) to inspect any agricultural product stored or handled in a warehouse subject to this chapter;

(B) to sample such an agricultural product;

(C) to classify such an agricultural product according to condition, grade, or other class and certify the condition, grade, or other class of the agricultural product; or

(D) to weigh such an agricultural product and certify the weight of the agricultural product.

**(2) Condition**

As a condition of a license issued under paragraph (1), the licensee shall agree to comply with this chapter (including regulations promulgated under this chapter).

**(l) Examination of books, records, papers, and accounts**

The Secretary may examine and audit, using designated officers, employees, or agents of the Department, all books, records, papers, and accounts relating to activities subject to this chapter of—

(1) a warehouse operator operating a warehouse licensed under this chapter;

(2) a person operating a system for the electronic recording and transfer of receipts and other documents authorized by the Secretary; or

(3) any other person issuing receipts or electronic documents authorized by the Secretary under this chapter.

**(m) Cooperation with States**

The Secretary may—

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

(2) enter into cooperative agreements with States to perform activities authorized under this chapter.

(Aug. 11, 1916, ch. 313, pt. C, § 3, as added Pub. L. 106-472, title II, § 201, Nov. 9, 2000, 114 Stat. 2062.)

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 242, acts Aug. 11, 1916, ch. 313, pt. C, § 2, 39 Stat. 486; Feb. 23, 1923, ch. 106, 42 Stat. 1282, defined terms, prior to the general amendment of this chapter by Pub. L. 106-472. See section 241 of this title.

A prior section 3 of act Aug. 11, 1916, ch. 313, pt. C, was classified to section 243 of this title, prior to the general amendment of this chapter by Pub. L. 106-472.

**§ 243. Imposition and collection of fees**

**(a) In general**

The Secretary shall assess persons covered by this chapter fees to cover the costs of administering this chapter.

**(b) Rates**

The fees under this section shall be set at a rate determined by the Secretary.

**(c) Treatment of fees**

All fees collected under this section shall be credited to the account that incurs the costs of administering this chapter and shall be available to the Secretary without further appropriation and without fiscal year limitation.

**(d) Interest**

Funds collected under this section may be deposited in an interest-bearing account with a financial institution, and any interest earned on the account shall be credited under subsection (c).

**(e) Efficiencies and cost effectiveness**

**(1) In general**

The Secretary shall seek to minimize the fees established under this section by improving efficiencies and reducing costs, including the efficient use of personnel to the extent practicable and consistent with the effective implementation of this chapter.

**(2) Report**

The Secretary shall publish an annual report on the actions taken by the Secretary to comply with paragraph (1).

(Aug. 11, 1916, ch. 313, pt. C, § 4, as added Pub. L. 106-472, title II, § 201, Nov. 9, 2000, 114 Stat. 2064.)

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 243, act Aug. 11, 1916, ch. 313, pt. C, § 3, 39 Stat. 486, authorized investigation of warehousing, weighing, classifying, and certification of agricultural products, inspection of warehouses, and prescription of duties of warehousemen by Secretary of Agriculture, prior to the general amendment of this chapter by Pub. L. 106-472. See section 242 of this title.

A prior section 4 of act Aug. 11, 1916, ch. 313, pt. C, was classified to section 244 of this title, prior to the general amendment of this chapter by Pub. L. 106-472.

**§ 244. Quality and value standards**

If standards for the evaluation or determination of the quality or value of an agricultural

product are not established under another Federal law, the Secretary may establish standards for the evaluation or determination of the quality or value of the agricultural product under this chapter.

(Aug. 11, 1916, ch. 313, pt. C, § 5, as added Pub. L. 106-472, title II, § 201, Nov. 9, 2000, 114 Stat. 2064.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 244, acts Aug. 11, 1916, ch. 313, pt. C, § 4, 39 Stat. 486; Mar. 2, 1931, ch. 366, § 1, 46 Stat. 1463, authorized licensing of warehousemen, prior to the general amendment of this chapter by Pub. L. 106-472. See section 242 of this title.

A prior section 5 of act Aug. 11, 1916, ch. 313, pt. C, was classified to section 245 of this title, prior to the general amendment of this chapter by Pub. L. 106-472.

### § 245. Bonding and other financial assurance requirements

#### (a) In general

As a condition of receiving a license or approval under this chapter (including regulations promulgated under this chapter), the person applying for the license or approval shall execute and file with the Secretary a bond, or provide such other financial assurance as the Secretary determines appropriate, to secure the person's performance of the activities so licensed or approved.

#### (b) Service of process

To qualify as a suitable bond or other financial assurance under subsection (a), the surety, sureties, or financial institution shall be subject to service of process in suits on the bond or other financial assurance in the State, district, or territory in which the warehouse is located.

#### (c) Additional assurances

If the Secretary determines that a previously approved bond or other financial assurance is insufficient, the Secretary may suspend or revoke the license or approval covered by the bond or other financial assurance if the person that filed the bond or other financial assurance does not provide such additional bond or other financial assurance as the Secretary determines appropriate.

#### (d) Third party actions

Any person injured by the breach of any obligation arising under this chapter for which a bond or other financial assurance has been obtained as required by this section may sue with respect to the bond or other financial assurance in a district court of the United States to recover the damages that the person sustained as a result of the breach.

(Aug. 11, 1916, ch. 313, pt. C, § 6, as added Pub. L. 106-472, title II, § 201, Nov. 9, 2000, 114 Stat. 2064.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 245, acts Aug. 11, 1916, ch. 313, pt. C, § 5, 39 Stat. 486; Feb. 23, 1923, ch. 106, 42 Stat. 1282, related to term and renewal of license, prior to the general amendment of this chapter by Pub. L. 106-472.

A prior section 6 of act Aug. 11, 1916, ch. 313, pt. C, was classified to section 247 of this title, prior to the general amendment of this chapter by Pub. L. 106-472.

### § 246. Maintenance of records

To facilitate the administration of this chapter, the following persons shall maintain such records and make such reports, as the Secretary may by regulation require:

(1) A warehouse operator that is licensed under this chapter.

(2) A person operating a system for the electronic recording and transfer of receipts and other documents that are authorized under this chapter.

(3) Any other person engaged in the issuance of electronic receipts or the transfer of documents under this chapter.

(Aug. 11, 1916, ch. 313, pt. C, § 7, as added Pub. L. 106-472, title II, § 201, Nov. 9, 2000, 114 Stat. 2065.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 246, acts Aug. 11, 1916, ch. 313, pt. C, § 25, 39 Stat. 490; Mar. 2, 1931, ch. 366, § 8, 46 Stat. 1465, related to suspension and revocation of license, prior to the general amendment of this chapter by Pub. L. 106-472. See section 252 of this title.

A prior section 7 of act Aug. 11, 1916, ch. 313, pt. C, was classified to section 249 of this title, prior to the general amendment of this chapter by Pub. L. 106-472.

### § 247. Fair treatment in storage of agricultural products

#### (a) In general

Subject to the capacity of a warehouse, a warehouse operator shall deal, in a fair and reasonable manner, with persons storing, or seeking to store, an agricultural product in the warehouse if the agricultural product—

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

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

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

#### (b) Allocation

Nothing in this section prohibits a warehouse operator from entering into an agreement with a depositor of an agricultural product to allocate available storage space.

(Aug. 11, 1916, ch. 313, pt. C, § 8, as added Pub. L. 106-472, title II, § 201, Nov. 9, 2000, 114 Stat. 2065.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 247, acts Aug. 11, 1916, ch. 313, pt. C, § 6, 39 Stat. 486; July 24, 1919, ch. 26, 41 Stat. 266; Feb. 23, 1923, ch. 106, 42 Stat. 1283; Mar. 2, 1931, ch. 366, § 2, 46 Stat. 1463, required bond as condition to granting of license and additional bonds if first bond determined to become insufficient, prior to the general amendment of this chapter by Pub. L. 106-472. See section 245 of this title.

A prior section 8 of act Aug. 11, 1916, ch. 313, pt. C, was classified to section 250 of this title, prior to the general amendment of this chapter by Pub. L. 106-472.

### § 248. Commingling of agricultural products

#### (a) In general

A warehouse operator may commingle agricultural products in a manner approved by the Secretary.

**(b) Liability**

A warehouse operator shall be severally liable to each depositor or holder for the care and redelivery of the share of the depositor and holder of the commingled agricultural product to the same extent and under the same circumstances as if the agricultural products had been stored separately.

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

**Editorial Notes****PRIOR PROVISIONS**

A prior section 248, acts Aug. 11, 1916, ch. 313, pt. C, § 9, 39 Stat. 487; Mar. 2, 1931, ch. 366, § 4, 46 Stat. 1464, related to issuance of licenses to persons other than warehousemen, prior to the general amendment of this chapter by Pub. L. 106-472. See section 242 of this title.

**§ 249. Transfer of stored agricultural products****(a) In general**

In accordance with regulations promulgated under this chapter, a warehouse operator may transfer a stored agricultural product from one warehouse to another warehouse for continued storage.

**(b) Continued duty**

The warehouse operator from which agricultural products have been transferred under subsection (a) shall deliver to the rightful owner of such products, on request at the original warehouse, such products in the quantity and of the kind, quality, and grade called for by the receipt or other evidence of storage of the owner.

(Aug. 11, 1916, ch. 313, pt. C, § 10, as added Pub. L. 106-472, title II, § 201, Nov. 9, 2000, 114 Stat. 2065.)

**Editorial Notes****PRIOR PROVISIONS**

A prior section 249, act Aug. 11, 1916, ch. 313, pt. C, § 7, 39 Stat. 487, entitled injured persons to bring actions on bonds, prior to the general amendment of this chapter by Pub. L. 106-472. See section 245 of this title.

A prior section 10 of act Aug. 11, 1916, ch. 313, pt. C, was classified to section 251 of this title, prior to the general amendment of this chapter by Pub. L. 106-472.

**§ 250. Warehouse receipts****(a) In general**

At the request of the depositor of an agricultural product stored or handled in a warehouse licensed under this chapter, the warehouse operator shall issue a receipt to the depositor as prescribed by the Secretary.

**(b) Actual storage required**

A receipt may not be issued under this section for an agricultural product unless the agricultural product is actually stored in the warehouse at the time of the issuance of the receipt.

**(c) Contents**

Each receipt issued for an agricultural product stored or handled in a warehouse licensed under this chapter shall contain such information, for each agricultural product covered by the receipt, as the Secretary may require by regulation.

**(d) Prohibition on additional receipts or other documents****(1) Receipts**

While a receipt issued under this chapter is outstanding and uncanceled by the warehouse operator, an additional receipt may not be issued for the same agricultural product (or any portion of the same agricultural product) represented by the outstanding receipt, except as authorized by the Secretary.

**(2) Other documents**

If a document is transferred under this section, no duplicate document in any form may be transferred by any person with respect to the same agricultural product represented by the document, except as authorized by the Secretary.

**(e) Electronic receipts and electronic documents**

Except as provided in section 242(h)(2) of this title, notwithstanding any other provision of Federal or State law:

**(1) In general**

The Secretary may promulgate regulations that authorize the issuance, recording, and transfer of electronic receipts, and the transfer of other electronic documents, in accordance with this subsection.

**(2) Electronic receipt or electronic document systems**

Electronic receipts may be issued, recorded, and transferred, and electronic documents may be transferred, under this subsection with respect to an agricultural product under, a system or systems maintained in one or more locations and approved by the Secretary in accordance with regulations issued under this chapter.

**(3) Treatment of holder**

Any person designated as the holder of an electronic receipt or other electronic document issued or transferred under this chapter shall, for the purpose of perfecting the security interest of the person under Federal or State law and for all other purposes, be considered to be in possession of the receipt or other electronic document.

**(4) Nondiscrimination**

An electronic receipt issued, or other electronic document transferred, in accordance with this chapter shall not be denied legal effect, validity, or enforceability on the ground that the information is generated, sent, received, or stored by electronic or similar means.

**(5) Security interests**

If more than one security interest exists in the agricultural product that is the subject of an electronic receipt or other electronic document under this chapter, the priority of the security interest shall be determined by the applicable Federal or State law.

**(6) No electronic receipt required**

A person shall not be required to issue in electronic form a receipt or document with respect to an agricultural product.

**(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.

Section 267, act Aug. 11, 1916, ch. 313, pt. C, § 27, 39 Stat. 490, authorized examination of books and records of warehousemen. See section 242 of this title.

Section 268, act Aug. 11, 1916, ch. 313, pt. C, § 28, 39 Stat. 490, authorized rules and regulations.

Section 269, acts Aug. 11, 1916, ch. 313, pt. C, § 29, 39 Stat. 490; Feb. 23, 1923, ch. 106, 42 Stat. 1285; Mar. 2, 1931, ch. 366, § 9, 46 Stat. 1465, related to cooperation with States, exclusivity of Secretary's authority, and pre-emption of laws. See section 242 of this title.

Section 270, acts Aug. 11, 1916, ch. 313, pt. C, § 30, 39 Stat. 490; Feb. 23, 1923, ch. 106, 42 Stat. 1285; Mar. 2, 1931, ch. 366, § 10, 46 Stat. 1465; Pub. L. 101-624, title V, § 508(b), Nov. 28, 1990, 104 Stat. 3443, set forth punishment for violations of this chapter. See section 254 of this title.

Section 271, acts Aug. 11, 1916, ch. 313, pt. C, § 31, 39 Stat. 491; Pub. L. 97-35, title I, § 158(a)(2), Aug. 13, 1981, 95 Stat. 376, authorized appropriations and employment of temporary personnel. See section 256 of this title.

Section 272, act Aug. 11, 1916, ch. 313, pt. C, § 32, 39 Stat. 491, related to separability of provisions.

Section 273, act Aug. 11, 1916, ch. 313, pt. C, § 33, 39 Stat. 491, reserved right to amend, alter, or repeal this chapter.

## CHAPTER 11—HONEYBEES

Sec.	
281.	Honeybee importation.
282.	Punishment for unlawful importation.
283.	Propagation of stock and release of germ plasm.
284.	Eradication and control of undesirable species and subspecies.
285.	Uses of funds.
286.	Authorization of appropriations.

### § 281. Honeybee importation

#### (a) In general

The Secretary of Agriculture is authorized to prohibit or restrict the importation or entry of honeybees and honeybee semen into or through the United States in order to prevent the introduction and spread of diseases and parasites harmful to honeybees, the introduction of genetically undesirable germ plasm of honeybees, or the introduction and spread of undesirable species or subspecies of honeybees and the semen of honeybees.

#### (b) Regulations

The Secretary of Agriculture and the Secretary of the Treasury are each authorized to prescribe such regulations as the respective Secretary determines necessary to carry out this section.

#### (c) Enforcement

Honeybees or honeybee semen offered for importation into, intercepted entering, or having entered the United States, other than in accordance with regulations promulgated by the Secretary of Agriculture and the Secretary of the Treasury, shall be destroyed or immediately exported.

#### (d) "Honeybee" defined

As used in this chapter, the term "honeybee" means all life stages and the germ plasm of honeybees of the genus *Apis*, except honeybee semen.

(Aug. 31, 1922, ch. 301, § 1, 42 Stat. 833; Pub. L. 87-539, § 1, July 19, 1962, 76 Stat. 169; Pub. L. 94-319, § 1, June 25, 1976, 90 Stat. 709; Pub. L.

103-182, title III, § 361(d)(2), Dec. 8, 1993, 107 Stat. 2123; Pub. L. 103-465, title IV, § 431(e), Dec. 8, 1994, 108 Stat. 4968.)

## Editorial Notes

### AMENDMENTS

1994—Pub. L. 103-465 amended section generally, substituting present provisions for former subsecs. (a) to (e) restricting importation of honeybees and honeybee semen into United States, providing for promulgation of rules and regulations as to such importation, providing for destruction or immediate exportation of non-accepted honeybees or honeybee semen offered for import or intercepted, and defining "honeybee".

1993—Subsec. (a)(3). Pub. L. 103-182, § 361(d)(2)(A), added par. (3).

Subsec. (b). Pub. L. 103-182, § 361(d)(2)(B), inserted "(1)" after "only from" and added cl. (2).

1976—Pub. L. 94-319 incorporated existing provisions, which related only to honeybees, into subsecs. (a) to (e) relating to honeybees and honeybee semen, making honeybee provisions applicable to all life stages and the germ plasm of honeybees instead of only to honeybees in the adult stage, restating purpose of prohibiting importation of honeybees and restating conditions to be determined by Secretary of Agriculture with respect to countries from which honeybees may be imported.

1962—Pub. L. 87-539 enlarged prohibition against importation of honeybees to include the honeybee of the genus *Apis* instead of only the honeybee *Apis mellifica* and restricted permission to import the honeybee to countries which take adequate precautions to prevent importation of honeybees from countries where dangerous diseases exist.

## Statutory Notes and Related Subsidiaries

### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-465 effective on the date of entry into force of the WTO Agreement with respect to the United States (Jan. 1, 1995), except as otherwise provided, see section 451 of Pub. L. 103-465, set out as an Effective Date note under section 3601 of Title 19, Customs Duties.

### SHORT TITLE

Act Aug. 31, 1922, as amended, which is classified to this chapter, is popularly known as the "Honeybee Act".

### TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this section to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

### § 282. Punishment for unlawful importation

Any person who violates any provision of section 281 of this title or any regulation issued under it is guilty of an offense against the United States and shall, upon conviction, be fined not more than \$1,000, or imprisoned for not more than one year, or both.

(Aug. 31, 1922, ch. 301, § 2, 42 Stat. 834; Pub. L. 94-319, § 2, June 25, 1976, 90 Stat. 709.)

## Editorial Notes

### AMENDMENTS

1976—Pub. L. 94-319 inserted reference to regulations, substituted characterization of violation as offense