

§ 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.)

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 promul-

gated 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.)

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.)

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