

Public Law 95-562
95th Congress

An Act

To amend the Perishable Agricultural Commodities Act.

Nov. 1, 1978

[S. 976]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Effective January 1, 1979, section 1 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a), is amended by—

Perishable
Agricultural
Commodities Act,
amendment.

(1) in subsection (6), striking out "\$100,000" and inserting in lieu thereof "\$200,000"; and

(2) in subsection (7), striking out "\$100,000" and inserting in lieu thereof "\$200,000".

(b) Section 1 of the Perishable Agricultural Commodities Act, 1930, is further amended by inserting in subsection (6) immediately after "(C) no person buying any commodity" the following: "other than potatoes", except that no person buying potatoes for processing solely within the State where grown shall be deemed or considered to be a dealer under subsection (6) of section 1, as amended by this subsection, until January 1, 1982.

Potatoes.
7 USC 499a note.

SEC. 2. Section 3(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499c(b)), is amended by—

Licenses.

(1) inserting immediately before the period at the end of the second sentence the following: "and to be furnished thereafter";

(2) striking out "\$100" in the third sentence and inserting in lieu thereof the following: "\$150, plus \$50 for each branch or additional business facility operated by the applicant in excess of nine such facilities, as determined by the Secretary. Total annual fees for any applicant shall not exceed \$1,000 in the aggregate";

Fees.

(3) inserting immediately after "referred to above:" in the fourth sentence the following: "Provided, That the amount of money accumulated and on hand in the special fund at the end of any fiscal year shall not exceed 25 percent of the projected budget for the next following fiscal year:"; and

(4) inserting "further" immediately after "Provided" in the fourth sentence.

SEC. 3. Section 13 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499m), is amended by renumbering subsections (b) through (e) as subsections (c) through (f) and adding a new subsection (b) as follows:

"(b) The Secretary or the Secretary's duly authorized agents, in order to insure that the prompt payment provision of section 2(4) of this Act is being complied with, shall from time to time inspect the accounts, records, and memoranda of any commission merchant, dealer, or broker determined in a formal disciplinary proceeding under section 6(b) of this Act to have violated such provision. The Secretary may also require that any such commission merchant, dealer, or broker furnish, maintain, and from time to time adjust a surety bond in form and amount satisfactory to the Secretary as assurance that such commission merchant's, dealer's, or broker's business will be conducted in accordance with this Act and that such commission merchant, dealer, or

Inspection of
records.
7 USC 499b.

7 USC 499f.

Suspension of
license.

broker will pay all reparation awards, subject to its right of appeal under section 7(c) of this Act: *Provided*, That if such surety bond is furnished, maintained, and adjusted as required by the Secretary, the Secretary shall not thereafter inspect the accounts, records, and memoranda of such commission merchant, dealer, or broker under this subsection more than once a year. If any such commission merchant, dealer, or broker refuses to permit such inspection or fails or refuses to furnish, maintain, or adjust such surety bond, the Secretary may publish the facts and circumstances and, by order, suspend the license of the offender until permission to make such inspection is given or such surety bond is furnished, maintained, or adjusted.”

SEC. 4. Section 3(b) of the Farm Labor Contractor Registration Act of 1963 (7 U.S.C. 2042(b)) is amended by—

Farm labor
contractor,
exclusion.

(1) striking out “or” at the end of paragraph (8), striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and “or”; and

(2) adding at the end thereof a new paragraph (10) as follows:

“(10) any person who would be required to register solely because the person is engaged in any such activity solely for the purpose of supplying full-time students or other persons whose principal occupation is not farmwork to detassel and rogue hybrid seed corn or sorghum for seed and to engage in other incidental farmwork for a period not to exceed four weeks in any calendar year: *Provided*, That such students or other persons are not required by the circumstances of such activity to be away from their permanent place of residence overnight: *Provided further*, That such students or other persons, if under 18 years of age, are not engaged in providing transportation in vehicles caused to be operated by the contractor.”

Approved November 1, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1620, accompanying H.R. 13845 (Comm. on Agriculture).

SENATE REPORT No. 95-1156 (Comm. on Agriculture, Nutrition, and Forestry).

CONGRESSIONAL RECORD, Vol. 124 (1978):

Sept. 8, considered and passed Senate.

Oct. 3, 4, H.R. 13845 considered and passed House; passage vacated and S. 976, amended, passed in lieu.

Oct. 13, Senate concurred in House amendments with an amendment.

Oct. 13, House concurred in Senate amendment.