

104TH CONGRESS
1ST SESSION

S. 1468

To extend and improve the price support and production adjustment program for peanuts, to establish standards for the inspection, handling, storage, and labeling of all peanuts and peanut products sold in the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 1995

Mr. HEFLIN introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To extend and improve the price support and production adjustment program for peanuts, to establish standards for the inspection, handling, storage, and labeling of all peanuts and peanut products sold in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Peanut Program Improvement Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PEANUT PRICE SUPPORT AND PRODUCTION
ADJUSTMENT PROGRAM

Sec. 101. National poundage quotas and acreage allotments.
 Sec. 102. Sale, lease, or transfer of farm poundage quota.
 Sec. 103. Experimental and research programs.
 Sec. 104. Marketing penalties.
 Sec. 105. Price support program.
 Sec. 106. Reports and records.
 Sec. 107. Suspension of permanent program.
 Sec. 108. Administration.

TITLE II—PEANUT STANDARDS

Sec. 201. Inspection; quality assurance.
 Sec. 202. Handling and storage.
 Sec. 203. Labeling.
 Sec. 204. Inspection and testing.
 Sec. 205. Nutritional labeling.
 Sec. 206. Peanut content.
 Sec. 207. Plant diseases.
 Sec. 208. Administration.
 Sec. 209. Change of venue.

1 **TITLE I—PEANUT PRICE SUP-**
 2 **PORT AND PRODUCTION AD-**
 3 **JUSTMENT PROGRAM**

4 **SEC. 101. NATIONAL POUNDAGE QUOTAS AND ACREAGE AL-**
 5 **LOTMENTS.**

6 (a) IN GENERAL.—The section heading of section
 7 358–1 of the Agricultural Adjustment Act of 1938 (7
 8 U.S.C. 1358–1) is amended by striking “**1991 THROUGH**
 9 **1997 CROPS OF**”.

10 (b) NATIONAL POUNDAGE QUOTAS.—

11 (1) ESTABLISHMENT.—Section 358–1(a)(1) of
 12 the Act is amended—

13 (A) in the first sentence—

1 (i) by striking “of the 1991 through
2 1997 marketing years” and inserting
3 “marketing year”;

4 (ii) by striking “, seed,”; and

5 (iii) by striking the period at the end
6 and inserting “, excluding seed. In making
7 estimates under this paragraph for a mar-
8 keting year, the Secretary shall annually
9 estimate and take into account the quan-
10 tity of peanuts and peanut products to be
11 imported into the United States for the
12 marketing year.”; and

13 (B) by striking the second sentence.

14 (2) APPORTIONMENT.—Section 358–1(a)(3) of
15 the Act is amended by striking “1990” and inserting
16 “1995”.

17 (c) FARM POUNDAGE QUOTA.—

18 (1) ESTABLISHMENT.—Section 358–1(b)(1)(A)
19 of the Act is amended—

20 (A) by striking “of the 1991 through 1997
21 marketing years” and inserting “marketing
22 year”; and

23 (B) in clause (i), by striking “1990” and
24 inserting “1995”.

1 (2) QUANTITY.—Section 358–1(b)(1)(B) of the
2 Act is amended—

3 (A) by striking “of the 1991 through 1997
4 marketing years” and inserting “marketing
5 year”; and

6 (B) by striking “including—” and all that
7 follows through “(ii) any” and inserting “in-
8 cluding any”.

9 (3) ADJUSTMENTS.—Section 358–1(b)(2) of the
10 Act is amended—

11 (A) in subparagraph (A)—

12 (i) by striking “(B) and subject to
13 subparagraph (D)” and inserting “(C)”;
14 and

15 (ii) by striking “of the 1991 through
16 1997 marketing years” and inserting
17 “marketing year”;

18 (B) by striking subparagraph (B);

19 (C) by redesignating subparagraphs (C)
20 and (D) as subparagraphs (B) and (C), respec-
21 tively; and

22 (D) in subparagraph (B) (as so redesign-
23 ated), by striking “of the 1991 through 1997
24 marketing years” and inserting “marketing
25 year”.

1 (4) QUOTA NOT PRODUCED.—Section 358–
2 1(b)(3) of the Act is amended—

3 (A) in subparagraph (A), by striking “of
4 the 1991 through 1997 marketing years” and
5 inserting “marketing year”; and

6 (B) in subparagraph (B), by striking “in-
7 clude—” and all that follows through “(ii) any”
8 and inserting “include any”.

9 (5) QUOTA CONSIDERED PRODUCED.—Section
10 358–1(b)(4) of the Act is amended—

11 (A) in subparagraph (A), by inserting “or”
12 after the semicolon at the end; and

13 (B) by striking subparagraphs (B) and (C)
14 and inserting the following:

15 “(B) the farm poundage quota for the
16 farm was—

17 “(i) released voluntarily under para-
18 graph (7); or

19 “(ii) leased to another owner or opera-
20 tor of a farm within the same county for
21 transfer to the farm;

22 for only 1 of the 3 marketing years immediately
23 preceding the marketing year for which the de-
24 termination is being made.”.

1 (6) ALLOCATION OF QUOTAS REDUCED OR RE-
2 LEASED.—Section 358–1(b)(6) of the Act is amend-
3 ed—

4 (A) in subparagraph (A), by striking “sub-
5 paragraphs (B) and (C), the total quantity of
6 the” and inserting “subparagraph (B),”;

7 (B) in subparagraph (B)—

8 (i) by striking “Not more than 25
9 percent of the” and inserting “The”; and

10 (ii) by adding at the end the follow-
11 ing: “Any farm quota pounds remaining
12 after allocation to farms under this sub-
13 paragraph shall be allocated under sub-
14 paragraph (A).”; and

15 (C) by striking subparagraph (C).

16 (7) TEMPORARY QUOTA ALLOCATION FOR
17 SEED.—Section 358–1(b) of the Act is amended by
18 striking paragraph (8) and inserting the following:

19 “(8) TEMPORARY QUOTA ALLOCATION FOR
20 SEED.—For each marketing year and pursuant to
21 regulation, the Secretary shall make a temporary al-
22 location of poundage quota, for that marketing year
23 only, to each producer of peanuts on a farm, in addi-
24 tion to any farm poundage quota established under

1 paragraph (1), in a quantity equal to the pounds of
2 seed peanuts planted by the producer on the farm.”.

3 (8) TRANSFER OF ADDITIONAL PEANUTS.—Sec-
4 tion 358–1(b) of the Act is amended by striking
5 paragraph (9) and inserting the following:

6 “(9) TRANSFER OF ADDITIONAL PEANUTS.—

7 “(A) IN GENERAL.—Except as provided in
8 subparagraph (B), additional peanuts on a
9 farm from which the quota poundage was not
10 harvested and marketed may be transferred to
11 the quota loan pool for pricing purposes on
12 such basis as the Secretary shall provide by reg-
13 ulation.

14 “(B) LIMITATIONS.—The poundage of pea-
15 nuts transferred under subparagraph (A) shall
16 not exceed 25 percent of the total farm pound-
17 age quota, excluding pounds transferred in the
18 fall.

19 “(C) SUPPORT RATE.—Peanuts trans-
20 ferred under this paragraph shall be supported
21 at a rate of not less than 70 percent of the
22 quota support rate for the marketing years dur-
23 ing which the transfers occur.”.

1 (d) CROPS.—Section 358–1(f) of the Act is amended
2 by striking “1991 through 1997” and inserting “1996
3 through 2002”.

4 **SEC. 102. SALE, LEASE, OR TRANSFER OF FARM POUNDAGE**
5 **QUOTA.**

6 (a) IN GENERAL.—The section heading of section
7 358b of the Agricultural Adjustment Act of 1938 (7
8 U.S.C. 1358b) is amended by striking “**1991 THROUGH**
9 **1995 CROPS OF**”.

10 (b) SALE, LEASE, OR TRANSFER OF FARM POUND-
11 AGE QUOTA.—Section 358b(a) of the Act is amended—

12 (1) by striking “(including any applicable under
13 marketings)” each place it appears;

14 (2) in paragraph (1)—

15 (A) by redesignating subparagraphs (A)
16 and (B) as subparagraphs (B) and (C), respec-
17 tively;

18 (B) by inserting before subparagraph (B)
19 (as so redesignated) the following:

20 “(A) with the owner or operator of another
21 farm located within the same county or located
22 in a different county within the same State;”;

23 (C) in subparagraph (B) (as so redesign-
24 ated), by striking “undermarketings and”; and

1 (D) by adding at the end the following:
2 “Fall transfers of quota pounds shall not affect
3 the farm quota history for the transferring or
4 receiving farm and shall not result in a reduc-
5 tion of the farm poundage quota on the trans-
6 ferring farm.”;

7 (3) in paragraph (2)—

8 (A) in the first sentence—

9 (i) by striking “county or in a county
10 contiguous to the county in the same”; and

11 (ii) by inserting before the period at
12 the end the following: “, if both the trans-
13 ferring and the receiving farms were under
14 the control of the owner or operator for at
15 least 3 crop years prior to the crop year in
16 which the farm poundage quota is trans-
17 ferred”; and

18 (B) in the second sentence, by striking
19 “the transferred quota is produced or consid-
20 ered produced on the receiving farm” and in-
21 sserting “sufficient acreage is planted on the re-
22 ceiving farm to produce the quota pounds
23 transferred”; and

24 (4) by adding at the end the following:

1 “(4) TRANSFERS BY SALE IN STATES WITH
2 LARGE QUOTAS.—

3 “(A) IN GENERAL.—In the case of a State
4 for which the poundage quota allocated to the
5 State was 10,000 tons or greater for the pre-
6 vious year, the owner, or operator with permis-
7 sion of the owner, of a farm located in the
8 State for which a farm poundage quota has
9 been established under section 358–1 may sell
10 all or any part of the farm poundage quota to
11 any other eligible owner or operator of a farm
12 within the same State.

13 “(B) LIMITATIONS.—

14 “(i) 1996.—During calendar year
15 1996, not more than 15 percent of the
16 total poundage quota within a county as of
17 January 1, 1996, may be sold and trans-
18 ferred outside the county under this para-
19 graph.

20 “(ii) SUBSEQUENT YEARS.—During
21 calendar year 1997 and each subsequent
22 calendar year, not more than 5 percent of
23 the total poundage quota within a county
24 as of January 1 of the calendar year may

1 be sold and transferred outside the county
2 under this paragraph.

3 “(iii) AGGREGATE LIMIT.—Not more
4 than an aggregate of 30 percent of the
5 total poundage quota within a county may
6 be sold and transferred outside the county
7 under this paragraph.

8 “(C) SUBSEQUENT LEASE OR SALE.—
9 Quota poundage sold and transferred under this
10 paragraph may not be leased or sold to another
11 farm owner or operator within the same State
12 for a period of 5 years following the original
13 transfer to the farm.”.

14 (e) RECORD.—Section 358b(b)(3) of the Act is
15 amended by striking “committee of the county to which
16 the transfer is made and the committee determines” and
17 inserting “committees of the counties from and to which
18 the transfer is made and the committees determine”.

19 (d) CROPS.—Section 358b(e) of the Act is amended
20 by striking “1991 through 1995” and inserting “1996
21 through 2002”.

22 **SEC. 103. EXPERIMENTAL AND RESEARCH PROGRAMS.**

23 Section 358c(d) of the Agricultural Adjustment Act
24 of 1938 (7 U.S.C. 1358c(d)) is amended by striking

1 “1991 through 1995” and inserting “1996 through
2 2002”.

3 **SEC. 104. MARKETING PENALTIES.**

4 Section 358e of the Agricultural Adjustment Act of
5 1938 (7 U.S.C. 1359a) is amended—

6 (1) in the section heading, by striking “**1991**
7 **THROUGH 1997 CROPS OF**”;

8 (2) in subsection (d)(6)(A), by inserting after
9 “If any additional peanuts” the following: “or pea-
10 nut products made from additional peanuts”; and

11 (3) in subsection (i), by striking “1991 through
12 1997” and inserting “1996 through 2002”.

13 **SEC. 105. PRICE SUPPORT PROGRAM.**

14 (a) IN GENERAL.—The section heading of section
15 108B(a) of the Agricultural Act of 1949 (7 U.S.C. 1445c–
16 3(a)) is amended by striking “**1991 THROUGH 1997**
17 **CROPS OF**”.

18 (b) QUOTA PEANUTS.—Section 108B(a) of the Act
19 is amended—

20 (1) in paragraph (1), by striking “for each of
21 the 1991 through 1997 crops”; and

22 (2) in paragraph (2)—

23 (A) by striking “of the 1991 through 1997
24 crops” and inserting “crop”; and

1 (B) by striking “exceed” and inserting “be
2 increased, or decreased,”.

3 (c) ADDITIONAL PEANUTS.—Section 108B(b)(1) of
4 the Act is amended by striking “for each of the 1991
5 through 1997 crops”.

6 (d) AREA MARKETING ASSOCIATIONS.—Section
7 108B(c)(2)(A) of the Act is amended by inserting after
8 the first sentence the following: “Peanuts physically pro-
9 duced outside the State of New Mexico shall not be eligible
10 for entry into or participation in the New Mexico pools.”.

11 (e) LOSSES.—Section 108B of the Act is amended
12 by striking subsection (d) and inserting the following:

13 “(d) LOSSES.—

14 “(1) OTHER PRODUCERS IN SAME POOL.—
15 Losses in an area quota pool shall be offset by re-
16 ducing the gain of any producer in the pool by the
17 amount of pool gains attributable to the same pro-
18 ducer from the sale of additional peanuts for domes-
19 tic and edible use or export.

20 “(2) QUOTA PEANUTS PLACED UNDER LOAN.—
21 Net gains on additional peanuts within an area
22 (other than net gains on additional peanuts in sepa-
23 rate type pools established under subsection
24 (c)(2)(A) for Valencia peanuts produced in New
25 Mexico) shall be first reduced to the extent of any

1 loss by the Commodity Credit Corporation on quota
2 peanuts placed under loan in the area, in such man-
3 ner as the Secretary shall by regulation prescribe.

4 “(3) QUOTA LOAN POOLS.—

5 “(A) TRANSFERS FROM ADDITIONAL LOAN
6 POOLS.—The proceeds due any producer from
7 any pool shall be reduced by the amount of any
8 loss that is incurred with respect to peanuts
9 transferred from an additional loan pool to a
10 quota loan pool by the producer under section
11 358–1(b)(9) of the Agricultural Adjustment Act
12 of 1938 (7 U.S.C. 1358–1(b)(9)).

13 “(B) USE OF MARKETING ASSESS-
14 MENTS.—The Secretary shall use funds col-
15 lected under subsection (g) to offset further
16 losses in area quota pools. At the end of each
17 year, the Secretary shall transfer to the Treas-
18 ury the funds collected under subsection (g)
19 that the Secretary determines are not required
20 to cover losses in area quota pools.

21 “(C) CROSS COMPLIANCE.—Further losses
22 in area quota pools, other than losses incurred
23 as a result of transfers from additional loan
24 pools to quota loan pools under section 358–
25 1(b)(9) of the Agricultural Adjustment Act of

1 1938, shall be offset by any gains or profits
2 from pools in other production areas (other
3 than separate type pools established under sub-
4 section (c)(2)(A) for Valencia peanuts produced
5 in New Mexico) in such manner as the Sec-
6 retary shall by regulation prescribe.

7 “(D) INCREASED ASSESSMENTS.—If ac-
8 tions taken under subparagraphs (A) through
9 (C) are not sufficient to cover losses in area
10 pools, the Secretary shall increase the market-
11 ing assessment established under subsection (g)
12 by such amount as the Secretary considers nec-
13 essary to cover the losses. Amounts collected
14 under subsection (g) as a result of the in-
15 creased assessment shall be retained by the Sec-
16 retary to cover losses in the pool.”

17 (f) EXPORTS AND OTHER PEANUTS.—Section
18 108B(f) of the Act is amended by striking paragraph (2)
19 and inserting the following:

20 “(2) EXPORTS AND OTHER PEANUTS.—

21 “(A) IN GENERAL.—The Secretary shall
22 require that all peanuts, including peanuts im-
23 ported into the United States, meet all United
24 States quality standards under Marketing
25 Agreement No. 146, regulating the quality of

1 domestically produced peanuts (under the Agri-
2 cultural Adjustment Act (7 U.S.C. 601 et seq.),
3 reenacted with amendments by the Agricultural
4 Marketing Agreement Act of 1937), and that
5 importers of the peanuts fully comply with in-
6 spection, handling, storage, and processing re-
7 quirements implemented under Marketing
8 Agreement No. 146.

9 “(B) EXPORTED PEANUTS.—The Sec-
10 retary shall ensure that peanuts produced for
11 the export market meet quality, inspection, han-
12 dling, storage, and processing requirements
13 under Marketing Agreement No. 146.”.

14 (g) MARKETING ASSESSMENT.—Section 108B(g) of
15 the Act is amended—

16 (1) by striking paragraphs (1) and (2) and in-
17 serting the following:

18 “(1) IN GENERAL.—The Secretary shall pro-
19 vide, by regulation, for a nonrefundable marketing
20 assessment equal to 1.2 percent of the national aver-
21 age quota or additional peanut support rate per
22 pound, as applicable, on all peanuts sold in the
23 United States during each of the 1996 through 2002
24 marketing years.

1 “(2) TREATMENT OF IMPORTED PEANUTS.—

2 For the purposes of determining the applicable as-
3 sessment rate under this section, imported peanuts
4 shall be treated as additional peanuts.

5 “(3) FIRST PURCHASERS.—

6 “(A) DEFINITION OF FIRST PURCHASER.—

7 In this paragraph, the term ‘first purchaser’
8 means a person acquiring peanuts from a pro-
9 ducer, or a person that imports peanuts, except
10 that in the case of peanuts forfeited by a pro-
11 ducer to the Commodity Credit Corporation, the
12 term means the person acquiring the peanuts
13 from the Commodity Credit Corporation.

14 “(B) ADMINISTRATION.—Except as pro-
15 vided in subparagraph (C) and paragraphs (3)
16 and (4), the first purchaser shall—

17 “(i) collect from the producer a mar-
18 keting assessment equal to the quantity of
19 peanuts acquired multiplied by .6 percent
20 of the applicable national average support
21 rate;

22 “(ii) pay, in addition to the amount
23 collected under clause (i), a marketing as-
24 sessment in an amount equal to the quan-
25 tity of peanuts acquired multiplied by .6

1 percent of the applicable national average
2 support rate; and

3 “(iii) remit the amounts required
4 under clauses (i) and (ii) to the Commod-
5 ity Credit Corporation in a manner speci-
6 fied by the Secretary.

7 “(C) IMPORTED PEANUTS.—In the case of
8 imported peanuts, the first purchaser shall pay
9 to the Commodity Credit Corporation, in a
10 manner specified by the Secretary, a marketing
11 assessment in an amount equal to the quantity
12 of peanuts acquired multiplied by 1.2 percent of
13 the national average support rate for additional
14 peanuts.”; and

15 (2) by adding at the end the following:

16 “(7) USE OF FUNDS.—Funds collected under
17 this subsection shall be used by the Secretary to off-
18 set the costs of operating the peanut price support
19 program.”.

20 (h) CROPS.—Section 108B(h) of the Act is amend-
21 ed—

22 (1) by striking “Notwithstanding” and insert-
23 ing “Except as provided in subsection (g) and not-
24 withstanding”; and

1 (2) by striking “1991 through 1997” and in-
2 serting “1996 through 2002”.

3 **SEC. 106. REPORTS AND RECORDS.**

4 Effective only for the 1996 through 2002 crops of
5 peanuts, the first sentence of section 373(a) of the Agri-
6 cultural Adjustment Act of 1938 (7 U.S.C. 1373(a)) is
7 amended by inserting before “all brokers and dealers in
8 peanuts” the following: “all producers engaged in the pro-
9 duction of peanuts,”.

10 **SEC. 107. SUSPENSION OF PERMANENT PROGRAM.**

11 (a) **MARKETING QUOTAS AND ACREAGE ALLOT-**
12 **MENTS.**—The following provisions of the Agricultural Ad-
13 **justment Act of 1938 shall not be applicable to the 1996**
14 **through 2002 crops of peanuts:**

15 (1) Subsections (a) through (j) of section 358
16 (7 U.S.C. 1358).

17 (2) Subsections (a) through (h) of section 358a
18 (7 U.S.C. 1358a).

19 (3) Subsections (a), (b), (d), and (e) of section
20 359 (7 U.S.C. 1359).

21 (4) Part I of subtitle C of title III (7 U.S.C.
22 1361 et seq.).

23 (5) Section 371 (7 U.S.C. 1371).

1 (b) PRICE SUPPORT.—Section 101 of the Agricul-
 2 tural Act of 1949 (7 U.S.C. 1441) shall not be applicable
 3 to the 1996 through 2002 crops of peanuts.

4 **SEC. 108. ADMINISTRATION.**

5 The first paragraph of section 32 of the Act entitled
 6 “An Act to amend the Agricultural Adjustment Act, and
 7 for other purposes”, approved August 24, 1935 (7 U.S.C.
 8 612c), is amended—

9 (1) in the first sentence, by striking “30 per
 10 centum” and inserting “30 percent (or, in the case
 11 of duties collected with respect to an import that is
 12 subject to a tariff-rate quota, 100 percent)”; and

13 (2) in the second sentence—

14 (A) by striking “and (3)” and inserting
 15 “(3)”; and

16 (B) by inserting before the period at the
 17 end the following: “; and (4) offset the costs of
 18 operating a program to provide price support
 19 for domestically produced peanuts”.

20 **TITLE II—PEANUT STANDARDS**

21 **SEC. 201. INSPECTION; QUALITY ASSURANCE.**

22 (a) INITIAL ENTRY.—The Secretary of Agriculture
 23 (referred to in this title as the “Secretary”) shall require
 24 all peanuts and peanut products sold in the United States
 25 to be initially placed in a bonded, licensed warehouse ap-

1 proved by the Secretary for the purpose of inspection and
2 grading by the Secretary, the Commissioner of the Food
3 and Drug Administration, and the heads of other appro-
4 priate agencies of the United States.

5 (b) PRELIMINARY INSPECTION.—Peanuts and peanut
6 products shall be held in the warehouse until inspected
7 by the Secretary, the Commissioner of the Food and Drug
8 Administration, or the head of another appropriate agency
9 of the United States, for chemical residues, general clean-
10 liness, disease, size, aflatoxin, stripe virus, and other
11 harmful conditions, and an assurance of compliance with
12 all grade and quality standards specified under Marketing
13 Agreement No. 146, regulating the quality of domestically
14 produced peanuts (under the Agricultural Adjustment Act
15 (7 U.S.C. 601 et seq.), reenacted with amendments by the
16 Agricultural Marketing Agreement Act of 1937).

17 (c) SEPARATION OF LOTS.—All imported peanuts
18 shall be maintained separately from, and shall not be com-
19 mingled with, domestically produced peanuts in the ware-
20 house.

21 (d) ORIGIN OF PEANUT PRODUCTS.—

22 (1) LABELING.—A peanut product shall be la-
23 beled with a label that indicates the origin of the
24 peanuts contained in the product.

1 (2) SOURCE.—No peanut product may contain
2 both imported and domestically produced peanuts.

3 (3) IMPORTED PEANUT PRODUCTS.—The first
4 seller of an imported peanut product shall certify
5 that the product is made from raw peanuts that
6 meet the same quality and grade standards that
7 apply to domestically produced peanuts.

8 (e) DOCUMENTATION.—No peanuts or peanut prod-
9 ucts may be transferred, shipped, or otherwise released
10 from a warehouse described in subsection (a) unless ac-
11 companied by a United States Government inspection cer-
12 tificate that certifies compliance with this section.

13 **SEC. 202. HANDLING AND STORAGE.**

14 (a) TEMPERATURE AND HUMIDITY.—The Secretary
15 shall require all shelled peanuts sold in the United States
16 to be maintained at a temperature of not more than 37
17 degrees Fahrenheit and a humidity range of 60 to 68 per-
18 cent at all times during handling and storage prior to sale
19 and shipment.

20 (b) CONTAINERS.—The peanuts shall be shipped in
21 a container that provides the maximum practicable protec-
22 tion against moisture and insect infestation.

23 (c) IN-SHELL PEANUTS.—The Secretary shall re-
24 quire that all in-shell peanuts be reduced to a moisture
25 level not exceeding 10 percent immediately on being har-

1 vested and be stored in a facility that will ensure quality
2 maintenance and will provide proper ventilation at all
3 times prior to sale and shipment.

4 **SEC. 203. LABELING.**

5 The Secretary shall require that all peanuts and pea-
6 nut products sold in the United States contain labeling
7 that lists the country or countries in which the peanuts,
8 including all peanuts used to manufacture the peanut
9 products, were produced.

10 **SEC. 204. INSPECTION AND TESTING.**

11 (a) IN GENERAL.—All peanuts and peanut products
12 sold in the United States shall be inspected and tested
13 for grade and quality.

14 (b) CERTIFICATION.—All peanuts or peanut products
15 offered for sale in, or imported into, the United States
16 shall be accompanied by a certification by the first seller
17 or importer that the peanuts or peanut products do not
18 contain residues of any pesticide not approved for use in,
19 or importation into, the United States.

20 **SEC. 205. NUTRITIONAL LABELING.**

21 The Secretary shall require all peanuts and peanut
22 products sold in the United States to contain complete nu-
23 tritional labeling information as required under the Fed-
24 eral Food, Drug, and Cosmetic Act (21 U.S.C. 321 et
25 seq.).

1 **SEC. 206. PEANUT CONTENT.**

2 (a) OFFSET AGAINST HTS QUANTITY.—The actual
3 quantity of peanuts, by weight, used to manufacture, and
4 ultimately contained in, peanut products imported into the
5 United States shall be accounted for and offset against
6 the total quantity of peanut imports allowed under the in-
7 quota quantity of the tariff-rate quota established for pea-
8 nuts under the Harmonized Tariff Schedule of the United
9 States.

10 (b) VERIFICATION.—The Secretary shall establish
11 standards and procedures for the purpose of verifying the
12 actual peanut content of peanut products imported into
13 the United States.

14 **SEC. 207. PLANT DISEASES.**

15 The Secretary, in consultation with the heads of other
16 appropriate agencies of the United States, shall ensure
17 that all peanuts in the domestic edible market are in-
18 spected and tested to ensure that they are free of all plant
19 diseases.

20 **SEC. 208. ADMINISTRATION.**

21 (a) FEES.—The Secretary shall by regulation fix and
22 collect fees and charges to cover the costs of any inspec-
23 tion or testing performed under this title.

24 (b) CERTIFICATION.—

1 (1) IN GENERAL.—The Secretary may require
2 the first seller of peanuts sold in the United States
3 to certify that the peanuts comply with this title.

4 (2) FRAUD AND FALSE STATEMENTS.—Section
5 1001 of title 18, United States Code, shall apply to
6 a certification made under this title.

7 (c) STANDARDS AND PROCEDURES.—In consultation
8 with the heads of other appropriate agencies of the United
9 States, the Secretary shall establish standards and proce-
10 dures to provide for the enforcement of, and ensure com-
11 pliance with, this title.

12 (d) FAILURE TO MEET STANDARDS.—Peanuts or
13 peanut products that fail to meet standards established
14 under this title shall be returned to the seller and exported
15 or crushed pursuant to section 358e(d) of the Agricultural
16 Adjustment Act of 1938 (7 U.S.C. 1359a(d)).

17 **SEC. 209. CHANGE OF VENUE.**

18 In any case in which an area pool or a marketing
19 association brings, joins, or seeks to join a civil action in
20 a United States district court to enforce this title, the dis-
21 trict court may not transfer the action to any other district
22 or division over the objection of the pool or marketing as-
23 sociation.

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S 1468 IS1S—3