

Federal Trade Commission of such determination, the reasons therefor, and the acts or transactions involved, and shall not exercise power or jurisdiction with respect to acts or transactions involving oleomargarine or retail sales of meat, meat food products, livestock products in unmanufactured form, or poultry products if the Commission within ten days from the date of receipt of such notice notifies the Secretary that there is pending in the Commission an investigation of, or proceeding for the prevention of, an alleged violation of any Act administered by the Commission involving the same subject matter.

(d) The Secretary of Agriculture and the Federal Trade Commission shall include in their respective annual reports information with respect to the administration of subsections (a) and (c) of this section. (Aug. 15, 1921, ch. 64, § 406 (b-e), 42 Stat. 169; Sept. 2, 1958, Pub. L. 85-909, § 1 (2), 72 Stat. 1749.)

CODIFICATION

Subsecs. (a)-(d) of this section are comprised of subsecs. (b)-(e) of section 406 of act Aug. 15, 1921, as amended by Act. Sept. 2, 1958, Pub. L. 85-909. Subsec. (a) of section 406 is set out as section 226 of this title.

AMENDMENTS

1958—Pub. L. 85-909 added the provisions of subsecs. (a)-(d). Provisions of former section 227, providing that the Federal Trade Commission shall have no power or jurisdiction over matters within the jurisdiction of the Secretary of Agriculture except when the Secretary requests the Commission to make investigations and reports in any case, were incorporated in subsecs. (a) (1) and (b) of this section.

TRANSFER OF FUNCTIONS

All executive and administrative functions of the Federal Trade Commission were, with certain reservations, transferred to the Chairman of such Commission by 1950 Reorg. Plan No. 8, § 1, eff. May 24, 1950, 15 F. R. 3175, 64 Stat. 1264, set out in note under section 41 of Title 15, Commerce and Trade.

§ 228. Authority of Secretary as to rules, regulations, and expenditures; appropriations; enforcement; deductions from proceeds for financing promotion and research activities.

(a) The Secretary may make such rules, regulations, and orders as may be necessary to carry out the provisions of this chapter and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, telegrams, telephones, law books, books of reference, periodicals, furniture, stationery, office equipment, travel, and other supplies and expenses as shall be necessary to the administration of this chapter in the District of Columbia and elsewhere, and as may be appropriated for by Congress, and there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for such purpose.

(b) The Secretary shall maintain within the Department of Agriculture a separate enforcement unit to administer and enforce sections 191-195 of this title.

(c) Notwithstanding any other provision of law, the authority of the Secretary under this chapter shall not apply to deductions made from sales proceeds for the purpose of financing promotion and research activities, including educational activities relating to livestock, meat, and other products covered by the chapter. (Aug. 15, 1921, ch. 64, § 407, 42 Stat. 169; Sept. 2, 1958, Pub. L. 85-909, § 4, 72 Stat. 1750; July 8, 1963, Pub. L. 88-61, 77 Stat. 79.)

AMENDMENTS

1963—Subsec. (c). Pub. L. 88-61 added subsec. (c).
1958—Pub. L. 85-909 designated existing provisions as subsec. (a) and added subsec. (b).

§ 228a. Inspection of livestock, hides, animal products, etc.; place; charges; disposal of funds.

CODIFICATION

Section has been transferred to section 396 of this title.

§ 229. Separability of provisions.

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, § 408, 42 Stat. 169.)

CHARGE FOR INSPECTION

§ 231. Fee for inspection of brands appearing upon livestock.

CODIFICATION

Section, act July 22, 1942, ch. 516, § 1, 56 Stat. 689, was from the Department of Agriculture Appropriation Act, 1943, and is now covered by section 217a of this title.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

- 1941—July 1, 1941, ch. 267, § 1, 55 Stat. 432.
- 1940—June 25, 1940, ch. 421, § 1, 54 Stat. 557.
- 1939—June 30, 1939, ch. 253, title I, § 101, 53 Stat. 970.
- 1938—June 16, 1938, ch. 464, title I, § 101, 52 Stat. 721.
- 1937—June 29, 1937, ch. 404, 50 Stat. 406.
- 1936—June 4, 1936, ch. 489, 49 Stat. 1432.
- 1935—May 17, 1935, ch. 131, title I, § 1, 49 Stat. 257.
- 1934—Mar. 26, 1934, ch. 89, 48 Stat. 477.
- 1933—Mar. 3, 1933, ch. 203, 47 Stat. 1441.
- 1932—July 7, 1932, ch. 443, 47 Stat. 620.
- 1931—Feb. 23, 1931, ch. 278, 46 Stat. 1252.
- 1930—May 27, 1930, ch. 341, 46 Stat. 402.
- 1929—Feb. 16, 1929, ch. 227, 45 Stat. 1198.

Chapter 10.—WAREHOUSES

- Sec. 241. Short title.
- 242. Definitions.
- 243. Investigation of warehousing, weighing, classifying, and certification of agricultural products; inspection of warehouses; prescribing duties of warehousemen.
- 244. Licensing warehouseman.
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- 253. Suspension and revocation of license to classify, grade, or weigh.
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255. Deposits of products deemed subject to chapter.
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264. Records; reports to Secretary of Agriculture; compliance with provisions of chapter, rules, and regulations.
265. Examination of stored products; publication of findings.
266. Publication of investigation of warehousing, names and locations of bonded warehouses, and revocation of licenses.
267. Examination of books, records, etc., of warehousemen.
268. Rules and regulations.
269. Cooperation with State authorities; authority of Secretary; operation of existing laws.
270. Punishment for violations; reimbursement of owner of products converted.
271. Employment of temporary personnel.
272. Separability of provisions.
273. Rights reserved.

§ 241. Short title.

This chapter shall be known by the short title of "United States Warehouse Act." (Aug. 11, 1916, ch. 313, part C, § 1, 39 Stat. 486.)

CODIFICATION

This chapter constitutes part C of "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 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, was repealed by section 4 of Act Feb. 10, 1939, ch. 2, 53 Stat. 1. See section 4851 et seq. of Title 26, Internal Revenue Code, 1954. Part B of that act contained the "United States Grain Standards Act" and constitutes chapter 3 of this title.

CROSS REFERENCES

Warehouse receipts as satisfaction of futures contract, see section 7a of this title.

§ 242. Definitions.

The term "warehouse" as used in this chapter shall be deemed to mean every building, structure, or other protected inclosure in which any agricultural product is or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which any agricultural product is or may be stored. As used in this chapter, "person" includes a corporation or partnership or two or more persons having a joint or common interest; "warehouseman" means a person lawfully engaged in the business of storing agricultural products; and "receipt" means a warehouse receipt. (Aug. 11, 1916, ch. 313, part C, § 2, 39 Stat. 486; Feb. 23, 1923, ch. 106, 42 Stat. 1282.)

CODIFICATION

Act Feb. 23, 1923, omitted the second sentence defining "agricultural product."

§ 243. Investigation of warehousing, weighing, classifying, and certification of agricultural products; inspection of warehouses; prescribing duties of warehousemen.

The Secretary of Agriculture is authorized to investigate the storage, warehousing, classifying

according to grade and otherwise, weighing, and certification of agricultural products; upon application to him by any person applying for license to conduct a warehouse under this chapter, to inspect such warehouse or cause it to be inspected; at any time, with or without application to him, to inspect or cause to be inspected all warehouses licensed under this chapter; to determine whether warehouses for which licenses are applied for or have been issued under this chapter are suitable for the proper storage of any agricultural product or products; to classify warehouses licensed or applying for a license in accordance with their ownership, location, surroundings, capacity, conditions, and other qualities, and as to the kinds of licenses issued or that may be issued for them pursuant to this chapter; and to prescribe, within the limitations of this chapter, the duties of the warehousemen conducting warehouses licensed under this chapter with respect to their care of and responsibility for agricultural products stored therein. (Aug. 11, 1916, ch. 313, part C, § 3, 39 Stat. 486.)

CROSS REFERENCES

Publication of general investigation of warehousing under this section, see section 266 of this title.

§ 244. Licensing warehouseman.

The Secretary of Agriculture, or his designated representative, is authorized, upon application to him, to issue to any warehouseman a license for the conduct of a warehouse or warehouses in accordance with this chapter and such rules and regulations as may be made hereunder: *Provided*, That each such warehouse be found suitable for the proper storage of the particular agricultural product or products for which a license is applied for, and that such warehouseman agree, as a condition to the granting of the license, to comply with and abide by all the terms of this chapter and the rules and regulations prescribed hereunder. (Aug. 11, 1916, ch. 313, part C, § 4, 39 Stat. 486; Mar. 2, 1931, ch. 366, § 1, 46 Stat. 1463.)

AMENDMENTS

1931—Act Mar. 2, 1931 inserted "or his designated representative" after "The Secretary of Agriculture" in first clause of this section.

§ 245. Term of license; renewal.

Each license issued under sections 244 and 248 of this title shall terminate as therein provided, or in accordance with the terms of this chapter and the regulations thereunder, and may from time to time be modified or extended by written instrument. (Aug. 11, 1916, ch. 313, part C, § 5, 39 Stat. 486; Feb. 23, 1923, ch. 106, 42 Stat. 1282.)

CODIFICATION

Act Feb. 23, 1923 substituted provisions for termination of the license in accordance with the terms of the license or this chapter, and regulations thereunder for provision for license period.

§ 246. Suspension and revocation of license.

The Secretary of Agriculture, or his designated representative, may, after opportunity for hearing has been afforded to the licensee concerned, suspend or revoke any license to any warehouseman conducting a warehouse under this chapter, for any violation of or failure to comply with any provision of this

chapter or of the rules and regulations made hereunder, or upon the ground that unreasonable or exorbitant charges have been made for services rendered. Pending investigation, the Secretary of Agriculture, or his designated representative, whenever he deems necessary, may suspend a license temporarily without hearing. (Aug. 11, 1916, ch. 313, part C, § 25, 39 Stat. 490; Mar. 2, 1931, ch. 366, § 8, 46 Stat. 1465.)

AMENDMENTS

1931—Act. Mar. 2, 1931, inserted "or his designated representative" after "Secretary of Agriculture" in first clause of section.

§ 247. Bond of applicant for warehouse license; additional bond.

Each warehouseman applying for a license to conduct a warehouse in accordance with this chapter shall, as a condition to the granting thereof, execute and file with the Secretary of Agriculture a good and sufficient bond to the United States to secure the faithful performance of his obligations as a warehouseman under the terms of this chapter and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, subject to service of process in suits on the bond within the State, District, or Territory in which the warehouse is located, and shall contain such terms and conditions as the Secretary of Agriculture may prescribe to carry out the purposes of this chapter, and may, in the discretion of the Secretary of Agriculture, include the requirements of fire and/or other insurance. Whenever the Secretary of Agriculture, or his designated representative, shall determine that a previously approved bond is, or for any cause has become, insufficient, he may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked. (Aug. 11, 1916, ch. 313, part 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.)

CODIFICATION

Act Feb. 23, 1923, inserted provision permitting the Secretary of Agriculture, in his discretion, to include the requirements of fire insurance among the terms and conditions of the bond.

Act July 24, 1919, struck out the words "other than personal security" following "good and sufficient bond" from the first sentence and the words "including the requirements of fire insurance" at the end of the second sentence.

AMENDMENTS

1931—Act Mar. 2, 1931, omitted "under the laws of the State, District, or Territory in which he is conducting such warehouse, as well as" in the first sentence, and inserted "or his designated representative" after "Secretary of Agriculture" in the last sentence.

CROSS REFERENCES

Action on bond by person injured, see section 249 of this title.

Designation as bonded warehouse, filing of bond such as is provided in this section as prerequisite to, see section 250 of this title.

§ 248. License to person not warehouseman; bond; duties of licensee.

The Secretary of Agriculture, or his designated representative, may, under such rules and regulations as he shall prescribe, issue a license to any person not a warehouseman to accept the custody of agricultural products and to store the same in a warehouse or warehouses owned, operated, or leased by any State, upon condition that such person agree to comply with and abide by the terms of this chapter and the rules and regulations prescribed hereunder. Each person so licensed shall issue receipts for the agricultural products placed in his custody, and shall give bond, in accordance with the provisions of this chapter, and the rules and regulations hereunder affecting warehousemen licensed under this chapter, and shall otherwise be subject to this chapter, and such rules and regulations, to the same extent as is provided for warehousemen licensed hereunder. (Aug. 11, 1916, ch. 313, part C, § 9, 39 Stat. 487; Mar. 2, 1931, ch. 366, § 4, 46 Stat. 1464.)

AMENDMENTS

1931—Act. Mar. 2, 1931, inserted "or his designated representative" after "Secretary of Agriculture" in first clause of section.

CROSS REFERENCES

Action on bond by person injured, see section 249 of this title.

§ 249. Action on bond by person injured.

Any person injured by the breach of any obligation to secure which a bond is given, under the provisions of sections 247 or 248 of this title, shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach. (Aug. 11, 1916, ch. 313, part C, § 7, 39 Stat. 487.)

§ 250. Designation as bonded warehouse.

Upon the filing with and approval by the Secretary of Agriculture, or his designated representative, of a bond, in compliance with this chapter, for the conduct of a warehouse, such warehouse may be designated as bonded hereunder; but no warehouse shall be designated as bonded under this chapter, and no name or description conveying the impression that it is so bonded, shall be used, until a bond, such as provided for in section 247 of this title, has been filed with and approved by the Secretary of Agriculture, or his designated representative, nor unless the license issued under this chapter for the conduct of such warehouse remains unsuspended and unrevoked. (Aug. 11, 1916, ch. 313, part C, § 8, 39 Stat. 487; Mar. 2, 1931, ch. 366, § 3, 46 Stat. 1463.)

AMENDMENTS

1931—Act Mar. 2, 1931, substituted "may" for "shall" before "be designated" in first clause, and inserted "or his designated representative" after "Secretary of Agriculture" throughout.

CROSS REFERENCES

Punishment for violating the provisions of this section, see section 270 of this title.

§ 251. Fee for warehouse inspection or license; disposition of moneys.

The Secretary of Agriculture, or his designated representative, may charge, assess, and cause to be collected a reasonable fee for every examination or inspection of a warehouse under this chapter when

such examination or inspection is made upon application of a warehouseman, and for each license issued to a warehouseman or to any person to classify, inspect, grade, sample, and/or weigh agricultural products stored or to be stored under the provisions of this chapter, the Secretary of Agriculture, or his designated representative, may charge, assess, and cause to be collected a reasonable fee. All such fees shall be deposited and covered into the Treasury as miscellaneous receipts. (Aug. 11, 1916, ch. 313, part C, § 10, 39 Stat. 487; Mar. 2, 1931, ch. 366, § 5, 46 Stat. 1464.)

AMENDMENTS

1931—Act Mar. 2, 1931, inserted "or his designated representative" after "Secretary of Agriculture," substituted "may" for "shall" where appearing for first time and substituted provision authorizing a reasonable fee to be charged for license issued to warehouseman or other person to classify etc., agricultural products for former provision requiring a fee of \$2 per annum for each license or renewal thereof issued to a warehouseman, all in first sentence.

§ 252. License to classify, grade, or weigh agricultural products.

The Secretary of Agriculture, or his designated representative, may upon presentation of satisfactory proof of competency, issue to any person a license to inspect, sample, or classify any agricultural product or products, stored or to be stored in a warehouse licensed under this chapter, according to condition, grade, or otherwise and to certificate the condition, grade, or other class thereof, or to weigh the same and certificate the weight thereof, or both to inspect, sample, or classify and weigh the same and to certificate the condition, grade, or other class and the weight thereof, upon condition that such person agree to comply with and abide by the terms of this chapter and of the rules and regulations prescribed hereunder so far as the same relate to him. (Aug. 11, 1916, ch. 313, part C, § 11, 39 Stat. 487; Feb. 23, 1923, ch. 106, 42 Stat. 1283; Mar. 2, 1931, ch. 366, § 6, 46 Stat. 1464.)

CODIFICATION

Act Feb. 23, 1923, inserted the words "inspect, sample or" preceding "classify" and "condition" preceding "grade" wherever appearing in this section.

AMENDMENTS

1931—Act Mar. 2, 1931, inserted "or his designated representative" after "Secretary of Agriculture" in first clause of section.

§ 253. Suspension and revocation of license to classify, grade, or weigh.

Any license issued to any person to inspect, sample, or classify, or to weigh any agricultural product or products under this chapter may be suspended or revoked by the Secretary of Agriculture, or his designated representative, whenever he is satisfied, after opportunity afforded to the licensee concerned for a hearing, that such licensee has failed to inspect, sample, or classify, or to weigh any agricultural product or products correctly, or has violated any of the provisions of this chapter or of the rules and regulations prescribed hereunder, so far as the same may relate to him, or that he has used his license or allowed it to be used for any improper purpose whatever. Pending investigation, the Secretary of Agriculture, or his designated representative, whenever he deems necessary, may suspend a license tempo-

rarily without hearing. (Aug. 11, 1916, ch. 313, part C, § 12, 39 Stat. 487; Feb. 23, 1923, ch. 106, 42 Stat. 1283; Mar. 2, 1931, ch. 366, § 7, 46 Stat. 1464.)

CODIFICATION

Act Feb. 23, 1923, inserted the words "inspect, sample or" preceding "classify" wherever appearing.

AMENDMENTS

1931—Act Mar. 2, 1931, inserted "or his designated representative" after "Secretary of Agriculture" throughout.

§ 254. Discrimination by warehouseman prohibited.

Every warehouseman conducting a warehouse licensed under this chapter shall receive for storage therein, so far as its capacity permits, any agricultural product of the kind customarily stored therein by him which may be tendered to him in a suitable condition for warehousing, in the usual manner in the ordinary and usual course of business, without making any discrimination between persons desiring to avail themselves of warehouse facilities. (Aug. 11, 1916, ch. 313, part C, § 13, 39 Stat. 488.)

§ 255. Deposits of products deemed subject to chapter.

Any person who deposits agricultural products for storage in a warehouse licensed under this chapter shall be deemed to have deposited the same subject to the terms of this chapter and the rules and regulations prescribed thereunder. (Aug. 11, 1916, ch. 313, part C, § 14, 39 Stat. 488.)

§ 256. Inspection and grading of products stored.

Any fungible agricultural product stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this chapter, shall be inspected and graded by a person duly licensed to grade the same under this chapter. (Aug. 11, 1916, ch. 313, part C, § 15, 39 Stat. 488; Feb. 23, 1923, ch. 106, 42 Stat. 1283.)

CODIFICATION

Act Feb. 23, 1923, eliminated words "That grain, flaxseed or".

§ 257. Standards for agricultural products.

The Secretary of Agriculture is authorized, from time to time, to establish and promulgate standards for agricultural products by which their quality or value may be judged or determined: *Provided*, That the standards for any agricultural products which have been, or which in future may be, established by or under authority or any other Act of Congress shall be, and are, adopted for the purposes of this chapter as the official standards of the United States for the agricultural products to which they relate. (Aug. 11, 1916, ch. 313, part C, § 19, 39 Stat. 489; Feb. 23, 1923, ch. 106, 42 Stat. 1284.)

CODIFICATION

Act Feb. 23, 1923, omitted from the first sentence after the word "products", the phrase "in this chapter defined."

§ 258. Mingling products stored.

Every warehouseman conducting a warehouse licensed under this chapter shall keep the agricultural products therein of one depositor so far separate from agricultural products of other depositors, and from other agricultural products of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and

redelivery of the agricultural products deposited; but if authorized by agreement or by custom, a warehouseman may mingle fungible agricultural products with other agricultural products of the same kind and grade, and shall be severally liable to each depositor for the care and redelivery of his share of such mass, to the same extent and under the same circumstances as if the agricultural products had been kept separate, but he shall at no time while they are in his custody mix fungible agricultural products of different grades. (Aug. 11, 1916, ch. 313, part C, § 16, 39 Stat. 488.)

§ 259. Receipts for products stored.

For all agricultural products stored for interstate or foreign commerce, or in any place under the exclusive jurisdiction of the United States, in a warehouse licensed under this chapter original receipts shall be issued by the warehouseman conducting the same, but no receipts shall be issued except for agricultural products actually stored in the warehouse at the time of the issuance thereof. (Aug. 11, 1916, ch. 313, part C, § 17, 39 Stat. 488.)

§ 260. Contents of receipts.

Every receipt issued for agricultural products stored in a warehouse licensed under this chapter shall embody within its written or printed terms (a) the location of the warehouse in which the agricultural products are stored; (b) the date of issue of the receipt; (c) the consecutive number of the receipt; (d) a statement whether the agricultural products received will be delivered to the bearer, to a specified person, or to a specified person or his order; (e) the rate of storage charges; (f) a description of the agricultural products received, showing the quantity thereof, or, in case of agricultural products customarily put up in bales or packages, a description of such bales or packages by marks, numbers, or other means of identification and the weight of such bales or packages; (g) the grade or other class of the agricultural products received and the standard or description in accordance with which such classification has been made: *Provided*, That such grade or other class shall be stated according to the official standard of the United States applicable to such agricultural products as the same may be fixed and promulgated under authority of law: *Provided further*, That until such official standards of the United States for any agricultural product or products have been fixed and promulgated, the grade or other class thereof may be stated in accordance with any recognized standard or in accordance with such rules and regulations not inconsistent herewith as may be prescribed by the Secretary of Agriculture; (h) a statement that the receipt is issued subject to this chapter and the rules and regulations prescribed thereunder; (i) if the receipt be issued for agricultural products of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; (j) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien: *Provided*, That if the precise amount of such advances made or of such liabilities incurred be at the time of the issue of the receipt unknown to the warehouseman or his agent who issues it, a

statement of the fact that advances have been made or liabilities incurred and the purpose thereof shall be sufficient; (k) such other terms and conditions within the limitations of this chapter as may be required by the Secretary of Agriculture; and (l) the signature of the warehouseman, which may be made by his authorized agent: *Provided*, That unless otherwise required by the law of the State in which the warehouse is located, when requested by the depositor of other than fungible agricultural products, a receipt omitting compliance with subdivision (g) of this section may be issued: *Provided, however*, That the Secretary of Agriculture may in his discretion require that such receipt have plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable. (Aug. 11, 1916, ch. 313, part C, § 18, 39 Stat. 488; July 24, 1919, ch. 26, 41 Stat. 266; Feb. 23, 1923, ch. 106, 42 Stat. 1284.)

CODIFICATION

Act Feb. 23, 1923, added the last proviso in clause (l).

Act July 24, 1919, struck out from provisions in clause (l) following "may be issued," "If it has plainly and conspicuously embodied in its written or printed terms a provision that such receipt is not negotiable".

§ 261. Issuance of further receipt with original outstanding.

While an original receipt issued under this chapter is outstanding and uncanceled by the warehouseman issuing the same no other or further receipt shall be issued for the agricultural product covered thereby or for any part thereof, except that in the case of a lost or destroyed receipt a new receipt, upon the same terms and subject to the same conditions and bearing on its face the number and date of the receipt in lieu of which it is issued, may be issued upon compliance with the statutes of the United States applicable thereto in places under the exclusive jurisdiction of the United States or upon compliance with the laws of any State applicable thereto in any place not under the exclusive jurisdiction of the United States: *Provided*, That if there be in such case no statute of the United States or law of a State applicable thereto such new receipts may be issued upon the giving of satisfactory security in compliance with the rules and regulations made pursuant to this chapter. (Aug. 11, 1916, ch. 313, part C, § 20, 39 Stat. 489.)

§ 262. Delivery of products stored on demand; conditions to delivery.

A warehouseman conducting a warehouse licensed under this chapter, in the absence of some lawful excuse, shall, without unnecessary delay, deliver the agricultural products stored therein upon a demand made either by the holder of a receipt for such agricultural products or by the depositor thereof if such demand be accompanied with (a) an offer to satisfy the warehouseman's lien; (b) an offer to surrender the receipt, if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and (c) a readiness and willingness to sign, when the products are delivered, an acknowledgment that they have been delivered if such signature is requested by the warehouseman. (Aug. 11, 1916, ch. 313, part C, § 21, 39 Stat. 489.)

§ 263. Cancellation of receipt on delivery of product stored.

A warehouseman conducting a warehouse licensed under this chapter shall plainly cancel upon the face thereof each receipt returned to him upon the delivery by him of the agricultural products for which the receipt was issued. (Aug. 11, 1916, ch. 313, part C, § 22, 39 Stat. 490.)

§ 264. Records; reports to Secretary of Agriculture; compliance with provisions of chapter, rules, and regulations.

Every warehouseman conducting a warehouse licensed under this chapter shall keep in a place of safety complete and correct records of all agricultural products stored therein and withdrawn therefrom, of all warehouse receipts issued by him, and of the receipts returned to and canceled by him, shall make reports to the Secretary of Agriculture concerning such warehouse and the condition, contents, operation, and business thereof in such form and at such times as he may require, and shall conduct said warehouse in all other respects in compliance with this chapter and the rules and regulations made thereunder. (Aug. 11, 1916, ch. 313, part C, § 23, 39 Stat. 490.)

§ 265. Examination of stored products; publication of findings.

The Secretary of Agriculture is authorized to cause examination to be made of any agricultural products stored in any warehouse licensed under this chapter. Whenever, after opportunity for hearing is given to the warehouseman conducting such warehouse, it is determined that he is not performing fully the duties imposed on him by this chapter and the rules and regulations made thereunder, the Secretary may publish his findings. (Aug. 11, 1916, ch. 313, part C, § 24, 39 Stat. 490.)

§ 266. Publication of investigation of warehousing, names and locations of bonded warehouses, and revocation of licenses.

The Secretary of Agriculture from time to time may publish the results of any investigations made under section 243 of this title; and he shall publish the names and locations of warehouses licensed and bonded and the names and addresses of persons licensed under this chapter and list of all licenses terminated under this chapter and the causes therefor. (Aug. 11, 1916, ch. 313, part C, § 26, 39 Stat. 490.)

§ 267. Examination of books, records, etc., of warehousemen.

The Secretary of Agriculture is authorized through officials, employees, or agents of the Department of Agriculture designated by him to examine all books, records, papers, and accounts of warehouses licensed under this chapter and of the warehousemen conducting such warehouses relating thereto. (Aug. 11, 1916, ch. 313, part C, § 27, 39 Stat. 490.)

TRANSFER OF FUNCTIONS

All functions of all officers, agencies and employees of the Department of Agriculture were transferred, with certain exceptions, to the Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F. R. 3219, 67

Stat. 633, set out as a note under section 511 of Title 5, Executive Departments and Government Officers and Employees.

§ 268. Rules and regulations.

The Secretary of Agriculture shall from time to time make such rules and regulations as he may deem necessary for the efficient execution of the provisions of this chapter. (Aug. 11, 1916, ch. 313, part C, § 28, 39 Stat. 490.)

§ 269. Cooperation with State authorities; authority of Secretary; operation of existing laws.

In the discretion of the Secretary of Agriculture he is authorized to cooperate with State officials charged with the enforcement of State laws relating to warehouses, warehousemen, weighers, graders, inspectors, samplers, or classifiers; but the power, jurisdiction, and authority conferred upon the Secretary of Agriculture under this chapter shall be exclusive with respect to all persons securing a license hereunder so long as said license remains in effect. This chapter shall not be construed so as to limit the operation of any statute of the United States relating to warehouses or to warehousemen, weighers, graders, inspectors, samplers, or classifiers now in force in the District of Columbia or in any Territory or other place under the exclusive jurisdiction of the United States. (Aug. 11, 1916, ch. 313, part C, § 29, 39 Stat. 490; Feb. 23, 1923, ch. 106 42 Stat. 1285; Mar. 2, 1931, ch. 366, § 9, 46 Stat. 1465.)

CODIFICATION

Act of Feb. 23, 1923 included among the objects to which the section applied, "inspectors, and samplers," as well as warehouses, warehousemen, weighers, graders and classifiers as originally specified.

AMENDMENTS

1931—Act Mar. 2, 1931, omitted first clause which provided: "Nothing in this chapter shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, weighers, graders, inspectors, samplers, or classifiers;" inserted "In the discretion of the Secretary of Agriculture" in first clause of first sentence and "but the power, jurisdiction, and authority conferred upon the Secretary of Agriculture under this chapter shall be exclusive with respect to all persons securing a license hereunder so long as said license remains in effect" in second clause of first section.

§ 270. Punishment for violations; reimbursement of owner of products converted.

Every person who shall forge, alter, counterfeit, simulate, or falsely represent, or shall without proper authority use, any license issued by the Secretary of Agriculture, or his designated representative, under this chapter, or who shall violate or fail to comply with any provision of section 250 of this title, or who shall issue or utter a false or fraudulent receipt or certificate, or change in any manner an original receipt or certificate subsequently to issuance by a licensee, or any person who, without lawful authority, shall convert to his own use, or use for purposes of securing a loan, or remove from a licensed warehouse contrary to this chapter or the regulations promulgated thereunder, any agricultural products stored or to be stored in such warehouse, and for which licensed receipts have been or are to be issued, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$10,000,

or double the value of the products involved if such double value exceeds \$10,000, or imprisoned not more than ten years, or both, in the discretion of the court, and the owner of the agricultural products so converted, used, or removed may, in the discretion of the Secretary of Agriculture, be reimbursed for the value thereof out of any fine collected hereunder, by check drawn on the Treasury at the direction of the Secretary of Agriculture for the value of such products to the extent that such owner has not otherwise been reimbursed. Any person who shall draw with intent to deceive, a false sample of, or who shall willfully mutilate or falsely represent a sample drawn under this chapter, or who shall classify, grade, or weigh fraudulently, any agricultural products stored or to be stored under the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof fined not more than \$500, or imprisoned for not more than six months, or both, in the discretion of the court. (Aug. 11, 1916, ch. 313, part C, § 30, 39 Stat. 490; Feb. 23, 1923, ch. 106, 42 Stat. 1285; Mar. 2, 1931, ch. 366, § 10, 46 Stat. 1465.)

CODIFICATION

Act Feb. 23, 1923 amended section generally.

AMENDMENTS

1931—Act Mar. 2, 1931 inserted "or his designated representative" after "Secretary of Agriculture"; inserted, "or change in any manner an original receipt or certificate subsequently to issuance by licensee" after "certificate"; and substituted "ten" for "one", all in first sentence.

CROSS REFERENCES

Misdemeanor defined, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 271. Employment of temporary personnel.

The Secretary of Agriculture is authorized, in his discretion, to employ qualified persons not regularly in the service of the United States for temporary assistance in carrying out the purposes of this chapter. (Aug. 11, 1916, ch. 313, part C, § 31, 39 Stat. 491.)

§ 272. Separability of provisions.

If any clause, sentence, paragraph, or part of this chapter shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered. (Aug. 11, 1916, ch. 313, part C, § 32, 39 Stat. 491.)

§ 273. Rights reserved.

The right to amend, alter or repeal this chapter is expressly reserved. (Aug. 11, 1916, ch. 313, part C, § 33, 39 Stat. 491.)

Chapter 11.—HONEYBEES

Sec

- 281. Importation of honeybees prohibited; exceptions.
- 282. Punishment for unlawful importation.
- 283. Propagation of bee-breeding stock.

§ 281. Importation of honeybees prohibited; exceptions.

In order to prevent the introduction and spread of diseases dangerous to the adult honeybee, the importation into the United States of all honeybees of the genus *Apis* in the adult stage is prohibited, and

all adult honeybees offered for import into the United States shall be destroyed if not immediately exported: *Provided*, That such adult honeybees may be imported into the United States by the United States Department of Agriculture for experimental or scientific purposes: *Provided further*, That such adult honeybees may be imported into the United States from countries in which the Secretary of Agriculture shall determine that no diseases dangerous to adult honeybees exist and that adequate precautions have been taken by such countries to prevent the importation of honeybees from countries where such dangerous diseases exist, under rules and regulations prescribed by the Secretary of the Treasury and the Secretary of Agriculture. (Aug. 31, 1922, ch. 301, § 1, 42 Stat. 833; July 19, 1962, Pub. L. 87-539, § 1, 76 Stat. 169.)

AMENDMENTS

1962—Pub. L. 87-539 enlarged the prohibition against the 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 the importation of honeybees from countries where dangerous diseases exist.

SHORT TITLE

Act Aug. 31, 1922, which is classified to this section and section 282 of this title, is popularly known as the "Honeybee Act".

TRANSFER OF FUNCTIONS

All functions of all officers, agencies and employees of the Department of Agriculture were transferred, with certain exceptions, to the Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F. R. 3219, 67 Stat. 633, set out as a note under section 511 of Title 5, Executive Departments and Government Officers and Employees.

§ 282. Punishment for unlawful importation.

Any person who shall violate any of the provisions of section 281 of this title shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court. (Aug. 31, 1922, ch. 301, § 2, 42 Stat. 834.)

CROSS REFERENCES

Misdemeanor defined, see section 1 of Title 18, Crimes and Criminal Procedure.

§ 283. Propagation of bee-breeding stock.

The Secretary of Agriculture may propagate bee-breeding stock. (Sept. 21, 1944, ch. 412, title I, § 103, 58 Stat. 735; Oct. 31, 1951, ch. 654, § 3 (1), 65 Stat. 708.)

AMENDMENTS

1951—Act Oct. 31, 1951, struck out provisions relating to sale of surplus bee-breeding stock, and the fixing of rates and disposition of proceeds in connection therewith.

SIMILAR PROVISIONS

Provisions similar to this section were contained in the following prior Department of Agriculture Appropriation Acts:

- 1944—June 28, 1944, ch. 296, § 1, 58 Stat. 430.
- 1943—July 12, 1943, ch. 215, § 1, 57 Stat. 407.

Chapter 12.—ASSOCIATIONS OF AGRICULTURAL PRODUCTS PRODUCERS

Sec

- 291. Authorization of associations; powers.
- 292. Monopolizing or restraining trade and unduly enhancing prices prohibited; remedy and procedure.