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AUTHORITY: 7 U.S.C. 241 *et seq.*

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## DEFINITIONS

## § 735.1 Meaning of words.

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

## § 735.2 Terms defined.

For the purpose of this part, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

- (a) *The act*. The United States Warehouse Act, approved August 11, 1916 (39 Stat. 486; 7 U.S.C. 241-273), as amended.
- (b) *Person*. An individual, corporation, partnership, or two or more persons having a joint or common interest.
- (c) *Secretary*. The Secretary of Agriculture of the United States or any of-

ficer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) *Administrator*. The Administrator of the Service or any other officer or employee of the Service to whom authority has heretofore lawfully been delegated, or may hereafter lawfully be delegated, to act in his stead.

(e) *Designated representative*. The Administrator.

(f) *Regulations*. Rules and regulations made under the act by the Secretary.

(g) *Department*. The United States Department of Agriculture.

(h) *Service*. The Farm Service Agency of the U.S. Department of Agriculture.

(i) *Linters*. As far as applicable the regulations in this part shall include linters.

(j) *Warehouse*. Any building, structure, or other protected inclosure in which cotton 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 cotton is or may be stored.

(k) *Warehouseman*. A person lawfully engaged in the business of storing cotton.

(l) *License*. A license issued under the act by the Secretary.

(m) *Licensed warehouseman*. A warehouseman licensed as such under the act.

(n) *Licensed warehouse*. A warehouse for the conduct of which a license has been issued.

(o) *Licensed warehouseman's bond*. A bond required to be given under the act by a licensed warehouseman.

(p) *Licensed classifier*. A person licensed under the act to classify according to grade or otherwise and certificate the grade or other class of cotton.

(q) *Licensed weigher*. A person licensed under the act to weigh and certificate the weight of cotton.

(r) *Cotton examiner*. An officer of the Department of Agriculture designated by the Administrator for the purpose of hearing cotton appeals under §§ 735.75 through 735.85.

(s) *Receipt*. A warehouse receipt.

(t) *Bale*. A bale or other package.

(u) *State*. A State, Territory, or district of the United States.

(v) *Licensed sampler*. A person, employed by a licensed warehouseman, licensed under the act to draw samples from cotton stored in the licensed warehouse at which such person is employed.

(w) *Board of cotton examiners*. A board of cotton examiners properly qualified and designated as such under the regulations (part 28 of this chapter) under the United States Cotton Standards Act.

(x) *Net assets*. The difference remaining when liabilities are subtracted from allowable assets. In determining allowable assets, credit may be given for appraisal of real property less improvements and for the appraisal of insurable property such as buildings, machinery, equipment, and merchandise inventory only to the extent that such property is protected by insurance against loss or damage by fire, lightning, and tornado. Such insurance must be in the form of lawful insurance policies issued by insurance companies authorized to do such business and subject to service of process in the State in which the warehouse is located. The Secretary shall, at his discretion, determine what assets are allowable and under what conditions appraisals may be used.

(y) *Warehouse capacity*. Warehouse capacity is the maximum number of bales of cotton that the warehouse will accommodate when stored in the manner customary to the warehouse and as required by the Secretary.

(z) *Current assets*. Assets, including cash, that are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business or within one year if the operating cycle is shorter than one year.

(aa) *Current liabilities*. Those financial obligations which are expected to be satisfied during the normal operating cycle of the business or within one year if the operating cycle is shorter than one year.

(bb) *Access*. The ability when authorized, to read, change, and transfer warehouse receipt information retained in the central filing system.

(cc) *Central filing system (CFS)*. An electronic computer system operated and maintained by an approved provider where the information relating to warehouse receipts is recorded.

(dd) *Electronic warehouse receipt (EWR)*. An electronic file in the CFS that contains at the least information required to be included in a warehouse receipt by section 18 of the Act, and § 735.16, regarding a bale of cotton and has been identified to a holder.

(ee) *Holder*. An individual or entity in possession, in fact, or by operation of law, of a receipt and by extension, of the cotton represented thereby.

(ff) *Issue*. EWRs are considered issued when a licensed warehouseman has transmitted all necessary information to an approved provider, and when such information is entered into the provider's CFS.

(gg) *Provider*. An individual or entity that maintains EWRs in a CFS, meets the requirements of this part, and has a Provider Agreement with the Service.

(hh) *Provider Agreement*. An agreement entered into between the Secretary and a provider that delineates the provider's responsibilities and defines the relationship between the provider and the Service regarding the provider's maintenance and security of EWRs in the CFS and other requirements of this part.

(ii) *User*. An individual or entity that uses the provider's CFS but shall not include the Service in its regulatory capacity.

[29 FR 15720, Nov. 24, 1964. Redesignated and amended at 50 FR 1814, Jan. 14, 1985; Amdt. 2, 53 FR 27148, July 19, 1988; 59 FR 15038, Mar. 31, 1994; 62 FR 33540, June 20, 1997]

#### WAREHOUSE LICENSES

##### § 735.3 Application forms.

Applications for licenses under sections 4 and 9 of the act and for amendments of licenses under section 5 of the act shall be made to the Secretary upon forms prescribed for the purpose and furnished by the Service, shall be in English, shall truly state the information therein contained, and shall be signed by the applicant. The applicant shall at any time furnish such additional information as the Secretary or