

under: *Provided further*, That this section shall not preclude a State from enforcing State law or regulations with respect to any packer not subject to this chapter or section 204 of this title.

(Aug. 15, 1921, ch. 64, title IV, §414, formerly §410, as added Sept. 13, 1976, Pub. L. 94-410, §9, 90 Stat. 1252; renumbered §414, Nov. 23, 1987, Pub. L. 100-173, §9(1), 101 Stat. 919.)

§ 229. Separability

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, title IV, §415, formerly §408, 42 Stat. 169; renumbered §411, Sept. 13, 1976, Pub. L. 94-410, §5, 90 Stat. 1250; renumbered §415, Nov. 23, 1987, Pub. L. 100-173, §9(1), 101 Stat. 919.)

SUBCHAPTER VI—CHARGE FOR INSPECTION

§ 231. Omitted

CODIFICATION

Section, act July 22, 1942, ch. 516, 56 Stat. 689, was from the Department of Agriculture Appropriation Act, 1943, and provided for fees for inspection of brands appearing upon livestock. See section 217a of this title. Similar provisions were contained in the following prior appropriation acts:

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

CHAPTER 10—WAREHOUSES

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 7a, 61a, 79a, 420 of this title.

§ 241. Short title

This chapter shall be known by the short title of "United States Warehouse Act."

(Aug. 11, 1916, ch. 313, pt. 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 13, 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 Code, was repealed by section 4 of act Feb. 10, 1939, ch. 2, 53 Stat. 1. Part B of that act contained the "United States Grain Standards Act" and constitutes section 71 et seq. 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, struc-

ture, 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, pt. C, § 2, 39 Stat. 486; Feb. 23, 1923, ch. 106, 42 Stat. 1282.)

AMENDMENTS

1923—Act Feb. 23, 1923, struck out 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, pt. C, § 3, 39 Stat. 486.)

CROSS REFERENCES

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

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in 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, pt. 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 "Secretary of Agriculture".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 245 of this title.

§ 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, pt. C, § 5, 39 Stat. 486; Feb. 23, 1923, ch. 106, 42 Stat. 1282.)

AMENDMENTS

1923—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, pt. 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