

(2) after the expiration of the time allowed for applying for a writ of certiorari, if such order, or such order as modified, has been sustained by the court of appeals and no such writ has been applied for within such time; or  
 (3) after such order, or such order as modified, has been sustained by the courts as provided in section 228b-3 of this title;

shall on conviction be fined not less than \$1,000 nor more than \$20,000. Each day during which such failure continues shall be deemed a separate offense.

(Aug. 15, 1921, ch. 64, title IV, §413, as added Pub. L. 100-173, §9(2), Nov. 23, 1987, 101 Stat. 922.)

EFFECTIVE DATE

Section effective 90 days after Nov. 23, 1987, see section 12 of Pub. L. 100-173, set out as an Effective Date of 1987 Amendment note under section 182 of this title.

**§ 228c. Federal preemption of State and local requirements**

No requirement of any State or territory of the United States, or any subdivision thereof, or the District of Columbia, with respect to bonding of packers or prompt payment by packers for livestock purchases may be enforced upon any packer operating in compliance with the bonding provisions under section 204 of this title, and prompt payment provisions of section 228b of this title, respectively: *Provided*, That this section shall not preclude a State from enforcing a requirement, with respect to payment for livestock purchased by a packer at a stockyard subject to this chapter, which is not in conflict with this chapter or regulations thereunder: *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 Pub. L. 94-410, §9, Sept. 13, 1976, 90 Stat. 1252; renumbered §414, Pub. L. 100-173, §9(1), Nov. 23, 1987, 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, Pub. L. 94-410, §5, Sept. 13, 1976, 90 Stat. 1250; renumbered §415, Pub. L. 100-173, §9(1), Nov. 23, 1987, 101 Stat. 919.)

**§ 229a. Mandatory domestic reporting pilot investigation**

**(1) In general**

The Secretary of Agriculture shall conduct a twelve month pilot investigation, beginning upon the date of implementation of such pilot, under which the Secretary shall require any person or class of persons engaged in the business of buying, selling, or marketing domestic or imported cattle for immediate slaughter and fresh

muscle cuts of beef, or domestic or imported sheep and fresh or frozen muscle cuts of lamb, to report to the Secretary, in the least intrusive manner possible, information relating to prices for the procurement of these items.

**(2) Application**

This section shall only apply to a person that is engaged in the business of buying, selling, or marketing a significant share of the national market, as determined by the Secretary, of the total volume of domestic or imported cattle for immediate slaughter and fresh muscle cuts of beef, or domestic or imported sheep and fresh or frozen muscle cuts of lamb, bought, sold, or marketed in the United States.

**(3) Report**

Not later than six months after the conclusion of the mandatory domestic reporting pilot investigation, the Secretary of Agriculture shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the effectiveness of the pilot investigation. No information collected under the pilot investigation may be disclosed until the report is submitted.

(Aug. 15, 1921, ch. 64, title IV, §416, as added Pub. L. 105-277, div. A, title I, §101(a) [title XI, §1127(a)], Oct. 21, 1998, 112 Stat. 2681, 2681-46.)

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**

- 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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- 246. Suspension and revocation of license.
- 247. Bond of applicant for warehouse license; additional bond.
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- 249. Action on bond by person injured.
- 250. Designation as bonded warehouse.

- Sec.  
251. Fee for warehouse examination, inspection, and licensing; amount; disposition of moneys.
252. License to classify, grade, or weigh agricultural products.
253. Suspension and revocation of license to classify, grade, or weigh.
254. Discrimination by warehouseman prohibited.
255. Deposits of products deemed subject to chapter.
256. Inspection and grading of products stored.
257. Standards for agricultural products.
258. Mingling products stored.
259. Security interests.
- (a) Receipts for products stored.
- (b) Transfer of agricultural products stored in warehouses.
- (c) Central filing system records in lieu of receipts for cotton stored; delivery of cotton; electronic transmission facilities between warehouses and systems; system records equivalent to receipts and ownership interests; recordation and enforcement of liens in central filing system; warehousemen's liens unaffected; conditions for delivery on demand of cotton stored.
- (d) Administration of central filing system or systems; imposition and collection of fees; fund as depository for fees, late payment penalties, and investments; fund monies available for expenses.
260. Contents of receipts.
261. Issuance of further receipt with original outstanding.
262. Delivery of products stored on demand; conditions to delivery.
263. Cancellation of receipt on delivery of product stored.
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. Authorization of appropriations; employment of temporary personnel.
272. Separability.
273. Rights reserved.

## 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, 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, 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 ap-