

Agricultural Marketing Service, USDA

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producer and resident of such state, an officer or member of the Board of Directors of such organization, and duly and unqualifiedly authorized in writing by such organization to make nominations on its behalf. The representative of an importer organization shall be an importer of cotton and/or products containing cotton, an officer or member of the Board of Directors of such organization, and duly and unqualifiedly authorized in writing by such organization to make nominations on its behalf. The representative of the Director designated to attend the caucus meeting of cotton producer organizations in each state and of cotton importer organizations will ascertain the qualifications and eligibility of each representative of a cotton producer organization or cotton importer organization to participate in said meeting and to make nominations.

(b) Each caucus will be conducted as follows:

(1) The representative from the Cotton Division will act as temporary chairperson and will explain the procedure for nominations and the duties of the Cotton Board;

(2) The representatives in attendance from the certified organizations will then select a chairperson and secretary;

(3) At each caucus there will be presented for nomination and there will be nominated not less than the number of nominees required under the provisions of §§ 1205.322, 1205.324, and 1205.402.

[56 FR 65981, Dec. 20, 1991]

Subpart—Cotton Board Rules and Regulations

SOURCE: 42 FR 35974, July 13, 1977, unless otherwise noted.

DEFINITIONS

§ 1205.500 Terms defined.

As used throughout this subpart, unless the context otherwise requires, the following terms shall mean:

(a) *ASCS* means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

(b) *Cotton Board* means the administrative body established pursuant to

the Cotton Research and Promotion Order.

(c) *CCC* means the Commodity Credit Corporation.

(d) *Current value of Cotton* means the gross price per pound of lint cotton received by the producer for cotton as shown on the producers' settlement document before deductions are made for weight penalties, buyer's commission or brokerage fees, marketing fees, the \$1 per bale cotton research and promotion assessment, picking charges, ginning charges, warehouse receiving charges, warehouse storage charges, transportation charges or any other charges, plus any amount received by a producer in the form of a loan deficiency payment with respect to such cotton.

(e) *Form A* means Cotton Producer's Note, Form CCC Cotton A.

(f) *Gin code number* means the identification number assigned to each cotton gin by the Cotton Division, Agricultural Marketing Service, U.S. Department of Agriculture.

(g) *Handle* means to harvest, gin, warehouse, compress, purchase, market, transport, or otherwise acquire ownership or control of cotton.

(h) *Handler* means any person who handles cotton, including CCC.

(i) *Marketing* means any sale of cotton, or the pledging of cotton to CCC as collateral for a price support loan.

(j) *Marketing year* means a consecutive 12-month period ending on July 31.

(k) *Person* means any individual, partnership, corporation, association, or any other entity, whether governmental or private.

(l) *Producer* means any person who owns or shares in a cotton crop (or in the proceeds thereof) as landowner, landlord, tenant, or sharecropper.

(m) *Secretary* means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

(n) *Loan deficiency payment* means any payment on Upland cotton made by the Commodity Credit Corporation to a producer in accordance with 7 CFR 713.55.

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(o) *Importer* means any person who enters, or withdraws from warehouse, cotton for consumption in the customs territory of the United States and *import* means any such entry.

(p) *Customs Service* means the United States Customs Service of the United States Department of Treasury.

(q) *Cotton* means:

(1) All Upland cotton harvested in the United States, and, except as used in section 7(e) of the Act, includes cottonseed of such cotton and the products derived from such cotton and its seed, and

(2) Imports of Upland cotton, including the Upland cotton content of the products derived thereof. The term *cotton* shall not, however, include:

(i) Any entry of imported cotton by an importer which has a value or weight less than a de minimis amount established in regulations issued by the Secretary and

(ii) Industrial products as that term is defined by regulation.

(r) *Industrial products* means cotton-containing products which are classified in the Harmonized Tariff Schedule of the United States under classifications other than textile classifications. Certain cotton-containing textile products under textile classifications shall also be considered to be industrial products, and are therefore not included in the table appearing in these regulations as products subject to assessment. Such products include, but are not limited to textile fabrics coated, impregnated, covered, or laminated, with other materials, textile piping and tubing, and belting materials.

[42 FR 35974, July 13, 1977, as amended at 50 FR 10932, Mar. 19, 1985; 51 FR 6098, Feb. 20, 1986; 51 FR 37705, Oct. 24, 1986; 57 FR 29185, July 1, 1992]

GENERAL

§ 1205.505 Communication.

All reports, requests, applications for reimbursements, and communications in connection with the Cotton Research and Promotion Order shall be addressed as follows: Cotton Board, Post Office Box 2121, Memphis, Tennessee, 38101-2121.

[57 FR 29186, July 1, 1992]

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ASSESSMENTS

§ 1205.510 Levy of assessments.

(a) *Producer assessments.* An assessment of \$1 per bale for cotton research and promotion is hereby levied on each bale of Upland cotton that is produced from cotton harvested and ginned except cotton consumed by any governmental agency from its own production. Such assessment shall be payable and collected only once on each bale.

(1) A supplemental assessment for cotton research and promotion in addition to the \$1 per bale assessment provided for in paragraph (a) of this section, is hereby levied on each bale of Upland cotton harvested and ginned except cotton consumed by any governmental agency from its own production. The supplemental assessment rate shall be levied at the rate of five-tenths of one percent of:

(i) The current value of the cotton multiplied by the number of pounds of lint cotton or;

(ii) The current value of the cotton converted to a fixed amount per bale as reflected in the following assessment chart:

ASSESSMENT CHART ¹

Current value (cents per pound)	Supplemental Assessment, dollars per bale
.00 to 9.99	0.15
10.00 to 19.9940
20.00 to 29.9965
30.00 to 39.9990
40.00 to 49.99	1.15
50.00 to 59.99	1.40
60.00 to 69.99	1.65
70.00 to 79.99	1.90
80.00 to 89.99	2.15
90.00 to 99.99	2.40
100.00 to 109.99	2.65
110.00 to 119.99	2.90

¹ Assessment is calculated on 5/10 of 1 percent of the midpoint of each 10¢ increment, based on a 500 lb. bale and converted to a fixed amount per bale.

(2) Each marketing year the collecting handler must select one of the two options for collecting the supplemental assessment as provided in paragraph (a)(1) of this section. The handler shall notify the Cotton Board as to the method selected at the time the handler files the first handler report each marketing year.

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(b) *Importer assessment.* An assessment for cotton research and promotion of \$1 per bale is hereby levied on each bale of cotton, or the bale equivalent thereof for cotton in cotton-containing products identified in the HTS conversion factor table in paragraph (b)(3) of this section and imported into the United States on or after July 31, 1992. The \$1 per bale assessment shall be converted to a fixed amount per kilogram to facilitate the U.S. Customs Service in collecting this assessment.

(1) A supplemental assessment for cotton research and promotion in addition to the \$1 per bale assessment provided for in paragraph (b) of this section is hereby levied on each bale of cotton or bale equivalent of cotton in cotton-containing products, identified in this subpart, imported into the United States on or after July 31, 1992. The supplemental assessment shall be levied at the rate of five-tenths of one percent of the historical value of cotton as determined by the Secretary and expressed in paragraph (b)(2) of this section. The rate of the supplemental assessment on imported cotton will be the same as that levied on cotton produced within the United States. The supplemental assessment will be calculated as a fixed amount per kilogram and added to the \$1 per bale or bale equivalent assessment to facilitate the Customs Service in collecting assessments.

(2) The 12-month average of monthly weighted average prices received by U.S. farmers will be calculated annually. Such weighted average will be used as the value of imported cotton for the purpose of levying the supplemental assessment on imported cotton and will be expressed in kilograms. The value of imported cotton for the purpose of levying this supplemental assessment is \$0.862 per kilogram.

(3) The following table contains Harmonized Tariff Schedule (HTS) classification numbers and corresponding conversion factors and assessments. The left column of the following table indicates the HTS classifications of imported cotton and cotton-containing products subject to assessment. The center column indicates the conversion factor for determining the raw fiber

content for each kilogram of the HTS. HTS numbers for raw cotton have no conversion factor in the table. The right column indicates the total assessment per kilogram of the article assessed.

(i) Any line item entry of cotton appearing on Customs entry documentation in which the value of the cotton contained therein results in the calculation of an assessment of two dollars (\$2.00) or less will not be subject to assessments as described in this section.

(ii) In the event that any HTS number subject to assessment is changed and such change is merely a replacement of a previous number and has no impact on the physical properties, description, or cotton content of the product involved, assessments will continue to be collected based on the new number.

IMPORT ASSESSMENT TABLE
[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
5201000500	0	0.8620
5201001200	0	0.8620
5201001400	0	0.8620
5201001800	0	0.8620
5201002200	0	0.8620
5201002400	0	0.8620
5201002800	0	0.8620
5201003400	0	0.8620
5201003800	0	0.8620
5204110000	1.1111	0.9578
5204200000	1.1111	0.9578
5205111000	1.1111	0.9578
5205112000	1.1111	0.9578
5205121000	1.1111	0.9578
5205122000	1.1111	0.9578
5205131000	1.1111	0.9578
5205132000	1.1111	0.9578
5205141000	1.1111	0.9578
5205210020	1.1111	0.9578
5205210090	1.1111	0.9578
5205220020	1.1111	0.9578
5205220090	1.1111	0.9578
5205230020	1.1111	0.9578
5205230090	1.1111	0.9578
5205240020	1.1111	0.9578
5205240090	1.1111	0.9578
5205310000	1.1111	0.9578
5205320000	1.1111	0.9578
5205330000	1.1111	0.9578
5205340000	1.1111	0.9578
5205410020	1.1111	0.9578
5205410090	1.1111	0.9578
5205420020	1.1111	0.9578
5205420090	1.1111	0.9578
5205440020	1.1111	0.9578
5205440090	1.1111	0.9578
5206120000	0.5556	0.4789
5206130000	0.5556	0.4789
5206140000	0.5556	0.4789
5206220000	0.5556	0.4789

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IMPORT ASSESSMENT TABLE—Continued

IMPORT ASSESSMENT TABLE—Continued

[Raw Cotton Fiber]

[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
5206230000	0.5556	0.4789
5206240000	0.5556	0.4789
5206310000	0.5556	0.4789
5207100000	1.1111	0.9578
5207900000	0.5556	0.4789
5208112020	1.1455	0.9874
5208112040	1.1455	0.9874
5208112090	1.1455	0.9874
5208114020	1.1455	0.9874
5208114060	1.1455	0.9874
5208114090	1.1455	0.9874
5208118090	1.1455	0.9874
5208124020	1.1455	0.9874
5208124040	1.1455	0.9874
5208124090	1.1455	0.9874
5208126020	1.1455	0.9874
5208126040	1.1455	0.9874
5208126060	1.1455	0.9874
5208126090	1.1455	0.9874
5208128020	1.1455	0.9874
5208128090	1.1455	0.9874
5208130000	1.1455	0.9874
5208192020	1.1455	0.9874
5208192090	1.1455	0.9874
5208194020	1.1455	0.9874
5208194090	1.1455	0.9874
5208196020	1.1455	0.9874
5208196090	1.1455	0.9874
5208224040	1.1455	0.9874
5208224090	1.1455	0.9874
5208226020	1.1455	0.9874
5208226060	1.1455	0.9874
5208228020	1.1455	0.9874
5208230000	1.1455	0.9874
5208292020	1.1455	0.9874
5208292090	1.1455	0.9874
5208294090	1.1455	0.9874
5208296090	1.1455	0.9874
5208298020	1.1455	0.9874
5208312000	1.1455	0.9874
5208321000	1.1455	0.9874
5208323020	1.1455	0.9874
5208323040	1.1455	0.9874
5208323090	1.1455	0.9874
5208324020	1.1455	0.9874
5208324040	1.1455	0.9874
5208325020	1.1455	0.9874
5208330000	1.1455	0.9874
5208392020	1.1455	0.9874
5208392090	1.1455	0.9874
5208394090	1.1455	0.9874
5208396090	1.1455	0.9874
5208398020	1.1455	0.9874
5208412000	1.1455	0.9874
5208416000	1.1455	0.9874
5208418000	1.1455	0.9874
5208421000	1.1455	0.9874
5208423000	1.1455	0.9874
5208424000	1.1455	0.9874
5208425000	1.1455	0.9874
5208430000	1.1455	0.9874
5208492000	1.1455	0.9874
5208494020	1.1455	0.9874
5208494090	1.1455	0.9874
5208496010	1.1455	0.9874
5208496090	1.1455	0.9874
5208498090	1.1455	0.9874
5208512000	1.1455	0.9874
5208516060	1.1455	0.9874
5208518090	1.1455	0.9874
5208523020	1.1455	0.9874

HTS No.	Conv. fact.	Cents/kg.
5208523045	1.1455	0.9874
5208523090	1.1455	0.9874
5208524020	1.1455	0.9874
5208524045	1.1455	0.9874
5208524065	1.1455	0.9874
5208525020	1.1455	0.9874
5208530000	1.1455	0.9874
5208592025	1.1455	0.9874
5208592095	1.1455	0.9874
5208594090	1.1455	0.9874
5208596090	1.1455	0.9874
5209110020	1.1455	0.9874
5209110035	1.1455	0.9874
5209110090	1.1455	0.9874
5209120020	1.1455	0.9874
5209120040	1.1455	0.9874
5209190020	1.1455	0.9874
5209190040	1.1455	0.9874
5209190060	1.1455	0.9874
5209190090	1.1455	0.9874
5209210090	1.1455	0.9874
5209220020	1.1455	0.9874
5209220040	1.1455	0.9874
5209290040	1.1455	0.9874
5209290090	1.1455	0.9874
5209313000	1.1455	0.9874
5209316020	1.1455	0.9874
5209316035	1.1455	0.9874
5209316050	1.1455	0.9874
5209316090	1.1455	0.9874
5209320020	1.1455	0.9874
5209320040	1.1455	0.9874
5209390020	1.1455	0.9874
5209390040	1.1455	0.9874
5209390060	1.1455	0.9874
5209390080	1.1455	0.9874
5209390090	1.1455	0.9874
5209413000	1.1455	0.9874
5209416020	1.1455	0.9874
5209416040	1.1455	0.9874
5209420020	1.0309	0.8886
5209420040	1.0309	0.8886
5209430030	1.1455	0.9874
5209430050	1.1455	0.9874
5209490020	1.1455	0.9874
5209490090	1.1455	0.9874
5209516035	1.1455	0.9874
5209516050	1.1455	0.9874
5209520020	1.1455	0.9874
5209590025	1.1455	0.9874
5209590040	1.1455	0.9874
5209590090	1.1455	0.9874
5210114020	0.6873	0.5925
5210114040	0.6873	0.5925
5210116020	0.6873	0.5925
5210116040	0.6873	0.5925
5210116060	0.6873	0.5925
5210118020	0.6873	0.5925
5210120000	0.6873	0.5925
5210192090	0.6873	0.5925
5210214040	0.6873	0.5925
5210216020	0.6873	0.5925
5210216060	0.6873	0.5925
5210218020	0.6873	0.5925
5210314020	0.6873	0.5925
5210314040	0.6873	0.5925
5210316020	0.6873	0.5925
5210318020	0.6873	0.5925
5210414000	0.6873	0.5925
5210416000	0.6873	0.5925
5210418000	0.6873	0.5925

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IMPORT ASSESSMENT TABLE—Continued
[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
5210498090	0.6873	0.5925
5210514040	0.6873	0.5925
5210516020	0.6873	0.5925
5210516040	0.6873	0.5925
5210516060	0.6873	0.5925
5211110090	0.6873	0.5925
5211120020	0.6873	0.5925
5211190020	0.6873	0.5925
5211190060	0.6873	0.5925
5211210025	0.6873	0.5925
5211210035	0.4165	0.3590
5211210050	0.6873	0.5925
5211290090	0.6873	0.5925
5211320020	0.6873	0.5925
5211390040	0.6873	0.5925
5211390060	0.6873	0.5925
5211490020	0.6873	0.5925
5211490090	0.6873	0.5925
5211590025	0.6873	0.5925
5212146090	0.9164	0.7899
5212156020	0.9164	0.7899
5212216090	0.9164	0.7899
5509530030	0.5556	0.4789
5509530060	0.5556	0.4789
5513110020	0.4009	0.3456
5513110040	0.4009	0.3456
5513110060	0.4009	0.3456
5513110090	0.4009	0.3456
5513120000	0.4009	0.3456
5513130020	0.4009	0.3456
5513210020	0.4009	0.3456
5513310000	0.4009	0.3456
5514120020	0.4009	0.3456
5516420060	0.4009	0.3456
5516910060	0.4009	0.3456
5516930090	0.4009	0.3456
5601210010	1.1455	0.9874
5601210090	1.1455	0.9874
5601300000	1.1455	0.9874
5602109090	0.5727	0.4937
5602290000	1.1455	0.9874
5602906000	0.526	0.4534
5604900000	0.5556	0.4789
5607909000	0.8889	0.7662
5608901000	1.1111	0.9578
5608902300	1.1111	0.9578
5609001000	1.1111	0.9578
5609004000	0.5556	0.4789
5701104000	0.0556	0.0479
5701109000	0.1111	0.0958
5701901010	1.0444	0.9003
5702109020	1.1	0.9482
5702312000	0.0778	0.0671
5702411000	0.0722	0.0622
5702412000	0.0778	0.0671
5702421000	0.0778	0.0671
5702913000	0.0889	0.0766
5702991010	1.1111	0.9578
5702991090	1.1111	0.9578
5703900000	0.4489	0.3870
5801210000	1.1455	0.9874
5801230000	1.1455	0.9874
5801250010	1.1455	0.9874
5801250020	1.1455	0.9874
5801260020	1.1455	0.9874
5802190000	1.1455	0.9874
5802300030	0.5727	0.4937
5804291000	1.1455	0.9874
5806200010	0.3534	0.3046
5806200090	0.3534	0.3046
5806310000	1.1455	0.9874

IMPORT ASSESSMENT TABLE—Continued
[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
5806400000	0.4296	0.3703
5808107000	0.5727	0.4937
5808900010	0.5727	0.4937
5811002000	1.1455	0.9874
6001106000	1.1455	0.9874
6001210000	0.8591	0.7405
6001220000	0.2864	0.2469
6001910010	0.8591	0.7405
6001910020	0.8591	0.7405
6001920020	0.2864	0.2469
6001920030	0.2864	0.2469
6001920040	0.2864	0.2469
6003203000	0.8681	0.7483
6003306000	0.2894	0.2495
6003406000	0.2894	0.2495
6005210000	0.8681	0.7483
6005220000	0.8681	0.7483
6005230000	0.8681	0.7483
6005240000	0.8681	0.7483
6005310010	0.2894	0.2495
6005320010	0.2894	0.2495
6005330010	0.2894	0.2495
6005340010	0.2894	0.2495
6005410010	0.2894	0.2495
6005420010	0.2894	0.2495
6005430010	0.2894	0.2495
6005440010	0.2894	0.2495
6005310080	0.2894	0.2495
6005320080	0.2894	0.2495
6005330080	0.2894	0.2495
6005340080	0.2894	0.2495
6005410080	0.2894	0.2495
6005420080	0.2894	0.2495
6005430080	0.2894	0.2495
6005440080	0.2894	0.2495
6006211000	1.1574	0.9977
6006221000	1.1574	0.9977
6006231000	1.1574	0.9977
6006241000	1.1574	0.9977
6006310040	0.1157	0.0997
6006320040	0.1157	0.0997
6006330040	0.1157	0.0997
6006340040	0.1157	0.0997
6006310080	0.1157	0.0997
6006320080	0.1157	0.0997
6006330080	0.1157	0.0997
6006340080	0.1157	0.0997
6006410085	0.1157	0.0997
6006420085	0.1157	0.0997
6006430085	0.1157	0.0997
6006440085	0.1157	0.0997
6101200010	1.0094	0.8701
6101200020	1.0094	0.8701
6102200010	1.0094	0.8701
6102200020	1.0094	0.8701
6103421020	0.8806	0.7591
6103421040	0.8806	0.7591
6103421050	0.8806	0.7591
6103421070	0.8806	0.7591
6103431520	0.2516	0.2169
6103431540	0.2516	0.2169
6103431550	0.2516	0.2169
6103431570	0.2516	0.2169
6104220040	0.9002	0.7760
6104220060	0.9002	0.7760
6104320000	0.9207	0.7936
6104420010	0.9002	0.7760
6104420020	0.9002	0.7760
6104520010	0.9312	0.8027
6104520020	0.9312	0.8027
6104622006	0.8806	0.7591

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IMPORT ASSESSMENT TABLE—Continued

IMPORT ASSESSMENT TABLE—Continued

[Raw Cotton Fiber]		
HTS No.	Conv. fact.	Cents/kg.
6104622011	0.8806	0.7591
6104622016	0.8806	0.7591
6104622021	0.8806	0.7591
6104622026	0.8806	0.7591
6104622028	0.8806	0.7591
6104622030	0.8806	0.7591
6104622060	0.8806	0.7591
6104632006	0.3774	0.3253
6104632011	0.3774	0.3253
6104632026	0.3774	0.3253
6104632028	0.3774	0.3253
6104632030	0.3774	0.3253
6104632060	0.3774	0.3253
6104692030	0.3858	0.3326
6105100010	0.985	0.8491
6105100020	0.985	0.8491
6105100030	0.985	0.8491
6105202010	0.3078	0.2653
6105202030	0.3078	0.2653
6106100010	0.985	0.8491
6106100020	0.985	0.8491
6106100030	0.985	0.8491
6106202010	0.3078	0.2653
6106202030	0.3078	0.2653
6107110010	1.1322	0.9760
6107110020	1.1322	0.9760
6107120010	0.5032	0.4338
6107210010	0.8806	0.7591
6107220015	0.3774	0.3253
6107220025	0.3774	0.3253
6107910040	1.2581	1.0845
6108210010	1.2445	1.0728
6108210020	1.2445	1.0728
6108310010	1.1201	0.9655
6108310020	1.1201	0.9655
6108320010	0.2489	0.2146
6108320015	0.2489	0.2146
6108320025	0.2489	0.2146
6108910005	1.2445	1.0728
6108910015	1.2445	1.0728
6108910025	1.2445	1.0728
6108910030	1.2445	1.0728
6108920030	0.2489	0.2146
6109100005	0.9956	0.8582
6109100007	0.9956	0.8582
6109100009	0.9956	0.8582
6109100012	0.9956	0.8582
6109100014	0.9956	0.8582
6109100018	0.9956	0.8582
6109100023	0.9956	0.8582
6109100027	0.9956	0.8582
6109100037	0.9956	0.8582
6109100040	0.9956	0.8582
6109100045	0.9956	0.8582
6109100060	0.9956	0.8582
6109100065	0.9956	0.8582
6109100070	0.9956	0.8582
6109901007	0.3111	0.2682
6109901009	0.3111	0.2682
6109901049	0.3111	0.2682
6109901050	0.3111	0.2682
6109901060	0.3111	0.2682
6109901065	0.3111	0.2682
6109901090	0.3111	0.2682
6110202005	1.1837	1.0203
6110202010	1.1837	1.0203
6110202015	1.1837	1.0203
6110202020	1.1837	1.0203
6110202025	1.1837	1.0203
6110202030	1.1837	1.0203
6110202035	1.1837	1.0203

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HTS No.	Conv. fact.	Cents/kg.
6110202040	1.1574	0.9977
6110202045	1.1574	0.9977
6110202065	1.1574	0.9977
6110202075	1.1574	0.9977
6110909022	0.263	0.2267
6110909024	0.263	0.2267
6110909030	0.3946	0.3401
6110909040	0.263	0.2267
6110909042	0.263	0.2267
6111201000	1.2581	1.0845
6111202000	1.2581	1.0845
6111203000	1.0064	0.8675
6111205000	1.0064	0.8675
6111206010	1.0064	0.8675
6111206020	1.0064	0.8675
6111206030	1.0064	0.8675
6111206040	1.0064	0.8675
6111305020	0.2516	0.2169
6111305040	0.2516	0.2169
6112110050	0.7548	0.6506
6112120010	0.2516	0.2169
6112120030	0.2516	0.2169
6112120040	0.2516	0.2169
6112120050	0.2516	0.2169
6112120060	0.2516	0.2169
6112390010	1.1322	0.9760
6112490010	0.9435	0.8133
6114200005	0.9002	0.7760
6114200010	0.9002	0.7760
6114200015	0.9002	0.7760
6114200020	1.286	1.1085
6114200040	0.9002	0.7760
6114200046	0.9002	0.7760
6114200052	0.9002	0.7760
6114200060	0.9002	0.7760
6114301010	0.2572	0.2217
6114301020	0.2572	0.2217
6114303030	0.2572	0.2217
6115198010	1.0417	0.8979
6115929000	1.0417	0.8979
6115936020	0.2315	0.1996
6116101300	0.3655	0.3151
6116101720	0.8528	0.7351
6116926420	1.0965	0.9452
6116926430	1.2183	1.0502
6116926440	1.0965	0.9452
6116928800	1.0965	0.9452
6117809510	0.9747	0.8402
6117809540	0.3655	0.3151
6201121000	0.948	0.8172
6201122010	0.8953	0.7717
6201122050	0.6847	0.5902
6201122060	0.6847	0.5902
6201134030	0.2633	0.2270
6201921000	0.9267	0.7988
6201921500	1.1583	0.9985
6201922010	1.0296	0.8875
6201922021	1.2871	1.1095
6201922031	1.2871	1.1095
6201922041	1.2871	1.1095
6201922051	1.0296	0.8875
6201922061	1.0296	0.8875
6201931000	0.3089	0.2663
6201933511	0.2574	0.2219
6201933521	0.2574	0.2219
6201999060	0.2574	0.2219
6202121000	0.9372	0.8079
6202122010	1.1064	0.9537
6202122025	1.3017	1.1221
6202122050	0.8461	0.7293
6202122060	0.8461	0.7293

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IMPORT ASSESSMENT TABLE—Continued
[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
6202134005	0.2664	0.2296
6202134020	0.333	0.2870
6202921000	1.0413	0.8976
6202921500	1.0413	0.8976
6202922026	1.3017	1.1221
6202922061	1.0413	0.8976
6202922071	1.0413	0.8976
6202931000	0.3124	0.2693
6202935011	0.2603	0.2244
6202935021	0.2603	0.2244
6203122010	0.1302	0.1122
6203221000	1.3017	1.1221
6203322010	1.2366	1.0659
6203322040	1.2366	1.0659
6203332010	1.1715	1.0098
6203332010	1.1715	1.0098
620339060	0.2603	0.2244
6203422010	0.9961	0.8586
6203422025	0.9961	0.8586
6203422050	0.9961	0.8586
6203422090	0.9961	0.8586
6203424005	1.2451	1.0733
6203424010	1.2451	1.0733
6203424015	0.9961	0.8586
6203424020	1.2451	1.0733
6203424025	1.2451	1.0733
6203424030	1.2451	1.0733
6203424035	1.2451	1.0733
6203424040	0.9961	0.8586
6203424045	0.9961	0.8586
6203424050	0.9238	0.7963
6203424055	0.9238	0.7963
6203424060	0.9238	0.7963
6203431500	0.1245	0.1073
6203434010	0.1232	0.1062
6203434020	0.1232	0.1062
6203434030	0.1232	0.1062
6203434040	0.1232	0.1062
6203498045	0.249	0.2146
6204132010	0.1302	0.1122
6204192000	0.1302	0.1122
6204198090	0.2603	0.2244
6204221000	1.3017	1.1221
6204223030	1.0413	0.8976
6204223040	1.0413	0.8976
6204223050	1.0413	0.8976
6204223060	1.0413	0.8976
6204223065	1.0413	0.8976
6204292040	0.3254	0.2805
6204322010	1.2366	1.0659
6204322030	1.0413	0.8976
6204322040	1.0413	0.8976
6204423010	1.2728	1.0972
6204423030	0.9546	0.8229
6204423040	0.9546	0.8229
6204423050	0.9546	0.8229
6204423060	0.9546	0.8229
6204522010	1.2654	1.0908
6204522030	1.2654	1.0908
6204522040	1.2654	1.0908
6204522070	1.0656	0.9185
6204522080	1.0656	0.9185
6204533010	0.2664	0.2296
6204594060	0.2664	0.2296
6204622010	0.9961	0.8586
6204622025	0.9961	0.8586
6204622050	0.9961	0.8586
6204624005	1.2451	1.0733
6204624010	1.2451	1.0733
6204624020	0.9961	0.8586
6204624025	1.2451	1.0733

IMPORT ASSESSMENT TABLE—Continued
[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
6204624030	1.2451	1.0733
6204624035	1.2451	1.0733
6204624040	1.2451	1.0733
6204624045	0.9961	0.8586
6204624050	0.9961	0.8586
6204624055	0.9854	0.8494
6204624060	0.9854	0.8494
6204624065	0.9854	0.8494
6204633510	0.2546	0.2195
6204633530	0.2546	0.2195
6204633532	0.2437	0.2101
6204633540	0.2437	0.2101
6204692510	0.249	0.2146
6204692540	0.2437	0.2101
6204699044	0.249	0.2146
6204699046	0.249	0.2146
6204699050	0.249	0.2146
6205202015	0.9961	0.8586
6205202020	0.9961	0.8586
6205202025	0.9961	0.8586
6205202030	0.9961	0.8586
6205202035	1.1206	0.9660
6205202046	0.9961	0.8586
6205202050	0.9961	0.8586
6205202060	0.9961	0.8586
6205202065	0.9961	0.8586
6205202070	0.9961	0.8586
6205202075	0.9961	0.8586
6205302010	0.3113	0.2683
6205302030	0.3113	0.2683
6205302040	0.3113	0.2683
6205302050	0.3113	0.2683
6205302070	0.3113	0.2683
6205302080	0.3113	0.2683
6206100040	0.1245	0.1073
6206303010	0.9961	0.8586
6206303020	0.9961	0.8586
6206303030	0.9961	0.8586
6206303040	0.9961	0.8586
6206303050	0.9961	0.8586
6206303060	0.9961	0.8586
6206403010	0.3113	0.2683
6206403030	0.3113	0.2683
6206900040	0.249	0.2146
6207110000	1.0852	0.9354
6207199010	0.3617	0.3118
6207210030	1.1085	0.9555
6207220000	0.3695	0.3185
6207911000	1.1455	0.9874
6207913010	1.1455	0.9874
6207913020	1.1455	0.9874
6208210010	1.0583	0.9123
6208210020	1.0583	0.9123
6208220000	0.1245	0.1073
6208911010	1.1455	0.9874
6208911020	1.1455	0.9874
6208913010	1.1455	0.9874
6209201000	1.1577	0.9979
6209203000	0.9749	0.8404
6209205030	0.9749	0.8404
6209205035	0.9749	0.8404
6209205040	1.2186	1.0504
6209205045	0.9749	0.8404
6209205050	0.9749	0.8404
6209303020	0.2463	0.2123
6209303040	0.2463	0.2123
6210109010	0.2291	0.1975
6210403000	0.0391	0.0337
6210405020	0.4556	0.3927
6211111010	0.1273	0.1097
6211111020	0.1273	0.1097

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IMPORT ASSESSMENT TABLE—Continued
[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
6211118010	1.1455	0.9874
6211118020	1.1455	0.9874
6211320007	0.8461	0.7293
6211320010	1.0413	0.8976
6211320015	1.0413	0.8976
6211320030	0.9763	0.8416
6211320060	0.9763	0.8416
6211320070	0.9763	0.8416
6211330010	0.3254	0.2805
6211330030	0.3905	0.3366
6211330035	0.3905	0.3366
6211330040	0.3905	0.3366
6211420010	1.0413	0.8976
6211420020	1.0413	0.8976
6211420025	1.1715	1.0098
6211420060	1.0413	0.8976
6211420070	1.1715	1.0098
6211430010	0.2603	0.2244
6211430030	0.2603	0.2244
6211430040	0.2603	0.2244
6211430050	0.2603	0.2244
6211430060	0.2603	0.2244
6211430066	0.2603	0.2244
6212105020	0.2412	0.2079
6212109010	0.9646	0.8315
6212109020	0.2412	0.2079
6212200020	0.3014	0.2598
6212900030	0.1929	0.1663
6213201000	1.1809	1.0179
6213202000	1.0628	0.9161
6213901000	0.4724	0.4072
6214900010	0.9043	0.7795
6216000800	0.2351	0.2027
6216001720	0.6752	0.5820
6216003800	1.2058	1.0394
6216004100	1.2058	1.0394
6217109510	1.0182	0.8777
6217109530	0.2546	0.2195
6301300010	0.8766	0.7556
6301300020	0.8766	0.7556
6302100005	1.1689	1.0076
6302100008	1.1689	1.0076
6302100015	1.1689	1.0076
6302215010	0.8182	0.7053
6302215020	0.8182	0.7053
6302217010	1.1689	1.0076
6302217020	1.1689	1.0076
6302217050	1.1689	1.0076
6302219010	0.8182	0.7053
6302219020	0.8182	0.7053
6302219050	0.8182	0.7053
6302222010	0.4091	0.3526
6302222020	0.4091	0.3526
6302313010	0.8182	0.7053
6302313050	1.1689	1.0076
6302315050	0.8182	0.7053
6302317010	1.1689	1.0076
6302317020	1.1689	1.0076
6302317040	1.1689	1.0076
6302317050	1.1689	1.0076
6302319010	0.8182	0.7053
6302319040	0.8182	0.7053
6302319050	0.8182	0.7053
6302322020	0.4091	0.3526
6302322040	0.4091	0.3526
6302402010	0.9935	0.8564
6302511000	0.5844	0.5038
6302512000	0.8766	0.7556
6302513000	0.5844	0.5038
6302514000	0.8182	0.7053
6302600010	1.1689	1.0076

IMPORT ASSESSMENT TABLE—Continued
[Raw Cotton Fiber]

HTS No.	Conv. fact.	Cents/kg.
6302600020	1.052	0.9068
6302600030	1.052	0.9068
6302910005	1.052	0.9068
6302910015	1.1689	1.0076
6302910025	1.052	0.9068
6302910035	1.052	0.9068
6302910045	1.052	0.9068
6302910050	1.052	0.9068
6302910060	1.052	0.9068
6303110000	0.9448	0.8144
6303910010	0.6429	0.5542
6303910020	0.6429	0.5542
6304111000	1.0629	0.9162
6304190500	1.052	0.9068
6304191000	1.1689	1.0076
6304191500	0.4091	0.3526
6304192000	0.4091	0.3526
6304910020	0.9351	0.8061
6304920000	0.9351	0.8061
6505901540	0.181	0.1560
6505902060	0.9935	0.8564
6505902545	0.5844	0.5038

(4) Any entry of cotton that qualifies for informal entry according to regulations issued by the Customs Service will not be subject to the assessment.

(5) Imported textile and apparel articles assembled of components formed from cotton produced in the United States and identified by HTS numbers 9819.11.03, 9819.11.06, 9820.11.03, 9820.11.06, 9820.11.09, 9820.11.12, 9820.11.18, 9820.11.21, 9802.00.8015, 9802.00.9000, 9802.00.8044, or 9802.00.8046 shall not be subject to assessment.

(6) Imported cotton and products may be exempted by the Cotton Board from assessment under this paragraph. Such imported cotton and products may include, but are not limited to cotton and the cotton content of products which is U.S. produced cotton, or cotton other than Upland cotton.

(i) A request for such exemption must be submitted to the Cotton Board by the importer, prior to the importation of the cotton product. The Cotton Board will then issue, if deemed appropriate, a numbered exemption certificate valid for 1 year from the date of issue. The exemption number should be entered by the importer on the Customs entry documentation in the appropriate location as determined by the U.S. Customs Service.

(ii) The request for exemption should include:

(A) the name, address, and importer identification number for the importer;

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(B) the HTS classification of the imported product;

(C) weight of the product for which the exemption is sought;

(D) estimated date of entry;

(E) commercial invoices of other such documentation indicating the origin or production or type of the cotton fiber used to produce the imported product;

(F) manufacture's description of the imported product.

(7) The exemption number "999999999" shall be entered on the Customs entry summary document, in the appropriate location as determined by the U.S. Customs Service, by the importer when, based on the importer's own determination, the imported product is identified by a Harmonized Tariff Schedule classification number which is subject to assessment but the particular article contains no cotton.

(8) Articles imported into the United States temporarily and under bond which are classified by the Harmonized Tariff Schedule heading which begins with "9813" shall not be subject to assessment.

(9) Articles imported into the U.S. after being exported from the U.S. for alterations and which are classified by the Harmonized Tariff Schedule subheadings 9802.00.40 and 9802.00.50 shall not be subject to assessment.

[57 FR 29432, July 2, 1992, as amended at 58 FR 52216, Oct. 7, 1993; 59 FR 59111, Nov. 16, 1994; 60 FR 36034, July 13, 1995; 61 FR 31819, 31822, June 21, 1996; 62 FR 22878, Apr. 28, 1997; 62 FR 46414, Sept. 2, 1997; 62 FR 50244, Sept. 25, 1997; 63 FR 27819, May 21, 1998; 64 FR 30238, June 7, 1999; 65 FR 25237, May 1, 2000; 65 FR 70644, Nov. 27, 2000; 66 FR 58052, Nov. 20, 2001; 67 FR 36795, May 28, 2002]

§ 1205.511 Payment and collection.

(a) The \$1 per bale assessment shall be paid by:

(1) The producer of the cotton to the collecting handler designated in § 1205.512, and

(2) The importer of cotton to the Customs Service as provided in § 1205.514.

(b) The supplemental assessment shall be paid by:

(1) The producer of the cotton to the collecting handler designated in § 1205.513, and

(2) The importer of cotton to the Customs Service as described in § 1205.515.

(c) If more than one person subject to assessment shares in the proceeds received from a bale or bale equivalent, each such person is obligated to pay that portion of the assessment that is equivalent to that person's proportionate share of the proceeds.

(d) Failure of the handler to collect the assessments on each bale shall not relieve the handler of the handler's obligation to remit the assessments to the Cotton Board as required in §§ 1205.512, 1205.513 and 1205.516.

[57 FR 29190, July 1, 1992]

§ 1205.512 Collecting handlers and time of collection of \$1 per bale assessment.

Collecting handlers and the time of collecting the \$1 per bale assessment shall be as follows:

(a) Except as provided in paragraph (b) of this section, any person who purchases a bale of cotton from the producer of the cotton shall be the collecting handler for such cotton. The handler shall collect the assessment at the time the handler first makes any payment or any credit to the producer's account for the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(b) Any cooperative marketing association or other person that accepts a bale of cotton from the producer of the cotton under an oral or written contract or agreement providing for the marketing of the cotton shall be the collecting handler for such cotton. Such association or person shall collect the assessment regardless of whether the cotton is marketed or tendered to CCC for price support loan. The handler shall collect the assessment at the time the handler first makes any cash advance, any payment, or any credit to the producer's account for the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(c) For bales of cotton tendered to CCC for Form A loan, except bales tendered pursuant to paragraph (b) of this section:

(1) The ASCS County Office shall be the collecting handler except as provided in paragraph (c)(2) of this section. The ASCS County Office shall

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collect the assessment when it makes disbursement based on the Form A loan documents. The producer's copy of the Cotton Producer's Note (Form CCC Cotton A) shall show payment of the assessment and shall constitute the producer's receipt for payment of the assessment.

(2) Any person (other than an ASCS County Office) who advances to the producer the loan value of the cotton as shown on a Cotton Producer's Note (Form CCC Cotton A) shall be the collecting handler for such cotton. The handler shall collect the \$1 per bale assessment at the time the handler makes any advance to the producer on the loan value of the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(d) Any person who purchases cotton in the cotton field where produced or who purchases seed cotton or unbaled lint cotton from the producer of the cotton shall be the collecting handler. The handler shall collect the assessment at the time such cotton is ginned and shall give the producer a receipt indicating payment of the assessment. When a bale is ginned that contains any such cotton purchased from more than one producer, the handler shall collect each producer's proportionate share of the assessment and shall give each producer a receipt indicating the producer's proportionate share of the assessment payment.

(e) Any person who purchases cotton from a producer whereby the producer agrees to deliver a certain quantity of cotton but retains the right to establish the price at some future date shall be the collecting handler for such cotton. The handler shall collect the \$1 per bale assessment at the time final settlement is made on the cotton. The handler shall give the producer a receipt indicating payment of the \$1 per bale assessment.

(f) Any person who consumes domestically or exports cotton of that person's own production shall be the collecting handler for such cotton. Such handler shall pay the assessment to the Cotton Board at the time the cotton is consumed or exported.

(g) Any person who obtains ownership of a bale of cotton from the producer of the cotton by transfer of any

kind or by any means, under conditions other than those described in paragraph (a), (b), (c), (d) or (e) of this section shall be the collecting handler for such cotton. Such handler shall collect the assessment at the time such handler takes ownership of the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(h) In the event of a producer's death, bankruptcy, receivership, or incapacity to act, the representative of such producer, or the producer's estate, or the person acting on behalf of creditors, shall be considered the producer for the purposes of this section.

[42 FR 35974, July 31, 1977, as amended at 50 FR 10932, Mar. 19, 1985; 57 FR 29190, July 1, 1992]

§ 1205.513 Collecting handlers and time of collection of the supplemental assessment.

Collecting handlers and the time of collecting the supplemental assessment shall be as follows:

(a) Except as provided in paragraph (b) of this section, any person who purchases a bale of cotton from the producer of the cotton shall be the collecting handler for such cotton. The handler shall collect the supplemental assessment at the time the handler first makes any payment or any credit to the producer's account for the cotton. The handler shall give the producer a receipt indicating payment of the supplemental assessment.

(b) Any cooperative marketing association or other person that accepts a bale of cotton from the producer of the cotton under an oral or written contract or agreement providing for the marketing of the cotton shall be the collecting handler for such cotton. Such association or person shall collect the supplemental assessment regardless of whether the cotton is marketed or tendered to CCC for price support loan. The handler shall collect the supplemental assessment at the time the handler first makes any cash advance, any payment, or any credit to the producer's account for the cotton. Supplemental assessments due on any subsequent cash advances, payments, or credits to the producer's account shall be collected by the handler at the time

final settlement is made on the cotton. The handler shall give the producer a receipt each time a supplemental assessment is collected.

(c) For bales of cotton tendered to CCC for Form A loan, except bales tendered pursuant to paragraph (b) of this section:

(1) The ASCS County Office shall be the collecting handler except as provided in paragraph (c)(2) of this section. The ASCS County Office shall collect the supplemental assessment when it makes disbursement based on the Form A loan value of cotton. The producer's copy of the Cotton Producer's Note (Form CCC Cotton A) shall show payment of the supplemental assessment and shall constitute the producer's receipt for payment of the supplemental assessment.

(2) Any person (other than an ASCS County Office) who advances to the producer the loan value of the cotton as shown on a Cotton Producer's Note (Form CCC Cotton A) shall be the collecting handler for such cotton. The handler shall collect the supplemental assessment at the time the handler makes any advance to the producer on the loan value of the cotton. The handler shall give the producer a receipt indicating payment of the supplemental assessment.

(d) With respect to any Upland cotton on which the producer or a cooperative marketing association acting on behalf of a producer receives a loan deficiency payment, the ASCS County Office or the cooperative marketing association shall be the collecting handler of the supplemental assessment on the value of the cotton represented by the loan deficiency payment at the time such payment is made to the producer or the cooperative marketing association. A copy of a document reflecting this transaction issued by the ASCS County Office or cooperative marketing association shall show the amount collected as the supplemental assessment and shall constitute the producer's receipt for payment of the supplemental assessment.

(e) Any person who (1) purchases a producer's equity in cotton tendered to CCC for Form A loan or (2) purchases cotton that a producer has redeemed from the Form A loan, shall be the col-

lecting handler for the portion of the total supplemental assessment not collected under paragraph (c) of this section. The handler shall give the producer a receipt indicating payment of that portion of the supplemental assessment.

(f) Any person who purchases cotton in the cotton field where produced or who purchases seed cotton or unbaled lint cotton from the producer of the cotton shall be the collecting handler. The handler shall collect the supplemental assessment at the time such cotton is ginned and shall give the producer a receipt indicating payment of the supplemental assessment. When a bale is ginned and baled that contains any such cotton purchased from more than one producer, the handler shall collect each producer's proportionate share of the supplemental assessment and shall give each producer a receipt indicating the producer's proportionate share of the supplemental assessment payment.

(g) Any person who purchases cotton from a producer whereby the producer agrees to deliver a certain quantity of cotton but retains the right to establish the price at some future date shall be the collecting handler for such cotton. The handler shall collect the supplemental assessment at the time final settlement is made on the cotton. The handler shall give the producer a receipt indicating payment of the supplemental assessment.

(h) Any person who consumes domestically cotton of that person's own production shall be the collecting handler for such cotton. The handler shall pay the supplemental assessment at the time of consumption on the basis of a market value determined in consultation with the Cotton Board.

(i) Any person who exports cotton of that person's own production shall be the collecting handler for such cotton. Such handler shall pay the supplemental assessment on the basis of the current value of cotton as reflected on the export settlement document.

(j) Any person who obtains ownership of a bale of cotton from the producer of the cotton by transfer of any kind or by any means, under conditions other than those described in paragraph (a), (b), (c), (d), (e), or (f) of this section

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shall be the collecting handler for such cotton. Such handler shall collect the supplemental assessment at the time the handler takes ownership of the cotton. The handler shall give the producer a receipt indicating payment of the supplemental assessment.

(k) In the event of a producer's death, bankruptcy, receivership, or incapacity to act, the representative of such producer or the producer's estate, or the person acting on behalf of creditors, shall be considered the producer for the purposes of this section.

[42 FR 35974, July 31, 1977, as amended at 50 FR 10932, Mar. 19, 1985; 51 FR 37705, Oct. 24, 1986; 57 FR 29190, July 1, 1992]

§ 1205.514 Customs Service and the Collection of the \$1 per bale assessment.

The Collection of the \$1 per bale assessment by the Customs Service shall be as follows:

(a) The Customs Service will collect the assessment from the importer or from any person acting as principal, agent, broker or consignee for cotton or cotton-containing products produced outside the United States and imported into the United States. The Customs Service will collect the assessment on cotton and cotton-containing products identified by Harmonized Tariff Schedule heading numbers in § 1205.510(b)(2) at the time of importation and forward such assessment as per the agreement between the United States Customs Service and the U.S. Department of Agriculture.

(b) In the event of an importer's death, bankruptcy, receivership, or incapacity to act, the representative of such importer, or the importer's estate, or the person acting on behalf of creditors, shall be considered the importer for the purposes of this section.

[57 FR 29191, July 1, 1992]

§ 1205.515 Customs Service and the collection of the supplemental assessment.

The collection of the supplemental assessment by the Customs Service shall be as follows:

(a) The Customs Service will collect the supplemental assessment from any person acting as principal, agent, broker or consignee for cotton or cot-

ton-containing products produced outside the United States and imported into the United States. Customs Service will collect the assessment on all cotton and cotton-containing products identified by Harmonized Tariff Schedule heading numbers in § 1205.510(b)(2) at the time of importation and forward such assessment as per the agreement between the United States Customs Service and the U.S. Department of Agriculture.

(b) In the event of an importer's death, bankruptcy, receivership, or incapacity to act, the representative of such importer, or the importer's estate, or the person acting on behalf of creditors, shall be considered the importer for the purposes of this section.

[57 FR 29191, July 1, 1992]

§ 1205.516 Reports and remittance to the Cotton Board.

(a) *Handler reports and remittances.* Each collecting handler shall transmit assessments to the Cotton Board as follows:

(1) *Reporting periods.* Each calendar month shall be a reporting period and the period shall end on the close of business on the last day of the month.

(2) *Reports.* Each collecting handler shall make reports on forms made available or approved by the Cotton Board. Each report shall be mailed to the Cotton Board and postmarked within ten days after the close of the reporting period.

(i) *Collecting handler report.* Each collecting handler shall prepare a separate report form each reporting period for each gin from which such handler handles cotton on which the handler is required to collect the assessments during the reporting period. Each report shall be mailed in duplicate to the Cotton Board and shall contain the following information:

- (A) Date of report;
- (B) Reporting period covered by report;
- (C) Gin code number;
- (D) Name and address of handler;
- (E) Listing of all producers from whom the handler was required to collect the assessments, their addresses, total number of bales, and total assessment collected and remitted for each producer;

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(F) Date of last report remitting assessments to the Cotton Board.

(ii) *No cotton purchased report.* Each collecting handler shall submit a no cotton purchased report form for each reporting period in which no cotton was handled for which the handler is required to collect assessments during the reporting period. A collecting handler who handles cotton only during certain months shall file a final no cotton purchased report at the conclusion of such handlers marketing season. If a collecting handler handles cotton during any month following submission of the final report for the handlers marketing season, such handler shall send a collecting handler report and remittance to the Cotton Board by the 10th day of the month following the month in which cotton was handled. The no cotton purchased report shall be signed and dated by the handler of the handler's agent.

(3) *Remittances.* The collecting handler shall remit all assessments to the Cotton Board with the report required in paragraph (a)(2) of this section. All remittances sent to the Cotton Board by collecting handlers shall be made by check, draft, or money order payable to the order of the "Cotton Board". All remittances shall be received subject to collection and payment at par.

(4) *Interest and late payment charges.*
(i) There shall be an interest charge, at rates prescribed by the Cotton Board with the approval of the Secretary, on any handler who is sent a second certified mail notice of past-due assessments from the Cotton Board in any one marketing year (August 1–July 31).

(ii) In addition to the interest charge specified in paragraph (a)(4)(i) of this section, there shall be a late payment charge on any handler whose remittance is not received by the Cotton Board within 10 days after the close of the reporting period in which interest charges were first accrued. The late payment charge shall be 5 percent of the unpaid balance before interest charges have accrued.

(iii) The interest and late payment charges on the unremitted assessments for a particular reporting period will be applied from the first working day on or following the 20th day of the month in which the assessments were due.

(b) *Importer reports and remittance.* The United States Customs Service will transmit reports and assessments collected on imported cotton to the Agricultural Marketing Service according to the agreement between the Customs Service and the Agricultural Marketing Service. Upon the request of the Cotton Board, an importer shall file with the Board a report, for a period of time specified in the request, that includes the following information:

(1) The importer's name and address;

(2) The quantity of cotton and cotton products imported;

(3) The amount of the assessment paid on imported cotton and cotton products;

(4) The amount of imported cotton and cotton products on which the assessment was not paid to the Customs Service.

[57 FR 29190, July 1, 1992]

§ 1205.517 Failure to report and remit.

(a) Any collecting handler who fails to submit reports and remittances according to reporting periods and time schedules required in § 1205.516 shall be subject to appropriate action by the Cotton Board which may include one or more of the following actions:

(1) Audits of the collecting handler's books and records to determine the amount owed the Cotton Board;

(2) Requirement that an escrow account for the deposit of assessments collected be established. Frequency and schedule of deposits and withdrawals from the escrow account shall be determined by the Cotton Board with the Approval of the Secretary;

(3) Referral to the Secretary for appropriate enforcement action;

(4) Publication of a collecting handler's name in accordance with the following provisions:

(i) The name of any collecting handler will be subject to publication if the collecting handler:

(A) is sent two certified mail notices of past due assessments and/or collecting handler reports from the Cotton Board in any one marketing year (August 1–July 31), or

(B) is required by the Cotton Board to establish an escrow account for depositing assessments, in accordance with paragraph (a)(2) of this section,

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and does not comply with the deposit procedures established by the Cotton Board with approval of the Secretary.

(ii) The name of any collecting handler who is subject to publication will be published by the Cotton Board with the approval of the Secretary in a monthly listing during the primary cotton marketing season (September through March) and a bi-monthly listing during the remainder of the year. The published listing will be distributed by the Cotton Board.

(iii) The Cotton Board, with approval of the Secretary, may notify individual producers that the assessments collected by such producer's collecting handler, whose name is subject to publication in accordance with the provisions of paragraph (a)(4)(i) of this section, have not been remitted to the Cotton Board as required.

(b) Any importer who fails to submit reports to the Cotton Board pursuant to request made according to §1205.516 or assessments to the Customs Service, shall be subject to one or more of the following actions:

(1) Audits of the importer's books and records to determine the amount owed the Cotton Board.

(2) A deduction for the amount of any unpaid assessment by the Customs Service from the importers surety bond.

(3) Referral to the Secretary for appropriate enforcement action.

[57 FR 29191, July 1, 1992]

§ 1205.518 Receipts for payment of assessments.

Each collecting handler who is required by §1205.512 and §1205.513 to give the producer a receipt showing payment of cotton research and promotion assessments shall provide the producer with an invoice or settlement sheet for the cotton. Such document shall serve as a receipt shall contain the following information:

(a) Name and address of collecting handler.

(b) Gin code number of gin at which cotton was ginned.

(c) Name and address of producer who paid assessment.

(d) Number of bales on which assessment was paid.

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(e) Gross price per pound received by the producer.

(f) Total assessments paid by the producer.

(g) Date on which assessment was paid by producer.

(Approved by the Office of Management and Budget under control number 0581-0115)

[42 FR 35974, July 13, 1977, as amended at 49 FR 8420, Mar. 7, 1984. Redesignated and amended at 51 FR 6099, Feb. 20, 1986. Further redesignated at 57 FR 29190, July 1, 1992]

REIMBURSEMENTS

§ 1205.520 Procedure for obtaining reimbursement.

Each importer against whose imports of cotton or cotton-containing products any assessments are made and collected may obtain a reimbursement on that portion of the assessment that was collected on cotton produced in the United States or cotton other than Upland cotton by following the procedures prescribed in this section.

(a) *Application form.* An importer shall obtain a reimbursement application form from the Cotton Board. Such form may be obtained by written request to the Cotton Board and the request shall bear the importer's signature or the importer's properly-witnessed mark.

(b) *Submission of reimbursement application to Cotton Board.* Any importer requesting a reimbursement shall mail the application on the prescribed form to the Cotton Board. The application shall be postmarked within 180 days from the date the assessments were paid on the cotton by such importer. The reimbursement application shall show:

(1) The importer's name, address, phone number and Customs Service identification number;

(2) Weight of the cotton in each HTS category for which the reimbursement is requested;

(3) Subtotal amounts to be reimbursed for each HTS number and grand total to be reimbursed;

(4) Date or inclusive dates on which the assessments were paid;

(5) The name of the port of entry; and

(6) Certification by the importer that the cotton was grown in the U.S. or is other than Upland cotton.

(c) Where more than one importer shared in the assessment payment on cotton, joint or separate reimbursement application forms may be filed. In any such case, the reimbursement application shall show the names, addresses and proportionate shares of assessments paid by all importers. The reimbursement application shall bear the signature of each importer seeking reimbursement.

(d) *Proof of payment of the assessment on U.S. produced or other than Upland cotton.* A copy of the Customs entry form and the commercial invoice filed with the Customs Service shall accompany the importer's reimbursement application. Within 60 days from the date the properly executed application for reimbursement is received by the Cotton Board, the Cotton Board shall make reimbursement to the importer. For joint applications, the reimbursement shall be made payable to all eligible importers signing the reimbursement application. Documentation submitted with reimbursement applications shall not be returned to the importer.

[57 FR 29192, July 1, 1992, as amended at 62 FR 22879, Apr. 28, 1997]

WAREHOUSE RECEIPTS

§ 1205.525 Entry of gin code number.

The warehouse that first receives a bale for storage after ginning shall enter the gin code number of the gin at which the bale was ginned on the warehouse receipt issued for the bale.

[57 FR 29192, July 1, 1992]

REPORTS AND RECORDS

§ 1205.530 Gin reports and reporting schedule.

(a) *Gin reports.* Each year each cotton gin in the United States shall submit reports to the Cotton Board on forms or certificates made available or approved by the Cotton Board as follows:

(1) *End-of-season report.* Except as provided in paragraph (a)(2) of this section, each gin shall report to the Cotton Board an alphabetical listing of producer names, their addresses, and the number of bales ginned for each such producer during its ginning season.

(2) *Certificate in Lieu of End-of-Season Report.* If a gin is the collecting handler on every bale ginned at such gin and collecting handler reports and remittances of assessments have been made in accordance with § 1205.516, a certification to that effect may be made to the Cotton Board in lieu of an end-of-season report.

(b) *Reporting schedule.* The schedule for submitting gin reports is as follows:

(1) Each gin that completes ginning operations prior to January 16 shall make a report to the Cotton Board within 10 days after completion of ginning.

(2) Each gin that operates on or after January 16 will make a report to the Cotton Board not later than January 25 covering bales ginned through January 15.

(3) Each gin that operates after January 15 shall make a supplemental report to the Cotton Board within 10 days after the close of ginning operations covering bales ginned after January 15.

[42 FR 35974, July 13, 1977, as amended at 57 FR 29192, July 1, 1992]

§ 1205.531 Records.

Each handler or importer required to make reports pursuant to this subpart shall maintain such books and records as are necessary to verify the reports.

[57 FR 29192, July 1, 1992]

§ 1205.532 Retention period for reports and records.

Each handler and importer required to make reports pursuant to this subpart shall retain for at least 2 years beyond the marketing year of their applicability:

(a) One copy of the report made to the Cotton Board; and

(b) Such books and records as are necessary to verify such reports.

[57 FR 29192, July 1, 1992]

§ 1205.533 Availability of reports and records.

Each handler and importer required to make reports pursuant to this subpart shall make available for inspection by the Cotton Board, including its

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designated employees, and the Secretary any reports, books, or records required under this subpart.

[57 FR 29192, July 1, 1992]

CONFIDENTIAL INFORMATION

§ 1205.540 Confidential books, records, and reports.

All information obtained from the books, records, and reports of handlers and importers shall be kept confidential in the manner and to the extent provided for in § 1205.340.

[57 FR 29192, July 1, 1992]

§ 1205.541 OMB control numbers.

The control number assigned to the information collection requirements by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, Public Law 96-511, is OMB number 0581-0093, except Board member nominee information sheets are assigned OMB number 0505-0001.

[57 FR 29192, July 1, 1992]

Subpart—Fiscal Period [Reserved]

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

Subpart—Potato Research and Promotion Plan

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AUTHORITY: 7 U.S.C. 2611-2627.