

- Sec. (e) Collection and disposition of civil penalties.
87. Conflicts of interest.
- (a) Prohibition with respect to persons licensed or authorized by Secretary to perform official functions.
- (b) Prohibition with respect to personnel of official or State agencies and business or governmental entities related to such agencies; substantial stock holder; use of official inspection service; authority delegation; report to Congressional committees.
- (c) Official agencies or State agencies not prevented from engaging in business of weighing grain.
- 87a. Records.
- (a) Samples of grain.
- (b) Period of maintenance.
- (c) Access to records; audits.
- (d) Maintenance of records by persons or entities receiving official inspection or weighing services; access to records and facilities.
- 87b. Prohibited acts.
- 87c. Criminal penalties.
- 87d. Responsibility for acts of others.
- 87e. General authorities.
- (a) Authority of Secretary.
- (b) Investigation of reports or complaints of discrepancies and abuses in official inspection or weighing of grain.
- (c) Monitoring of United States grain upon its entry into foreign nations.
- (d) Authority of Office of Investigation of Department of Agriculture.
- (e) Research program to develop methods of improving accuracy and uniformity in grading grain.
- (f) Adequate personnel to meet inspection and weighing requirements.
- (g) Testing of certain weighing equipment.
- (h) Testing of grain inspection instruments.
- (i) Additional for fee services.
- (j) Deposit of fees.
- (k) Official courtesies.
- 87e-1. Repealed.
- 87f. Enforcement provisions.
- (a) Subpena power.
- (b) Disobedience of subpena.
- (c) Court order requiring attendance and testimony of witnesses.
- (d) Fees and mileage costs of witnesses.
- (e) Violation of subpena as misdemeanor.
- (f), (g) Repealed.
- (h) District court jurisdiction.
- 87f-1. Registration requirements.
- (a) General requirement.
- (b) Required information.
- (c) Certificate of registration.
- (d) Suspension or registration of certificate of registration.
- (e) Fees.
- 87f-2. Reporting requirements.
- (a) General requirements; annual report to Congressional committees.
- (b) Notification of Congressional committees of complaints regarding faulty grain deliveries and cancellation of export contracts.
- (c) Submission to Congressional committees of annual summary of complaints from foreign purchasers and prospective purchasers of grain.
- 87g. Relation to State and local laws; separability.

- Sec. Appropriations.
- 87h. Omitted.
- 87i. Advisory committee.
- (a) Establishment; number and terms of members.
- (b) Federal Advisory Committee Act as governing.
- (c) Clerical assistance and staff personnel.
- (d) Compensation and travel expenses.
- (e) Expiration of Secretary's authority.
- 87k. Standardizing commercial inspections.
- (a) Testing equipment.
- (b) General inspection procedures.
- (c) Inspection services and information.
- (d) Standardized aflatoxin equipment and procedures.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 420 of this title.

§ 71. Short title

This chapter may be cited as the "United States Grain Standards Act."

(Aug. 11, 1916, ch. 313, pt. B, § 1, 39 Stat. 482; Pub. L. 90-487, § 1, Aug. 15, 1968, 82 Stat. 761.)

CODIFICATION

This chapter constitutes part B 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, containing the "United States Cotton Futures Act," was repealed by section 4 of act Feb. 10, 1939, ch. 2, 53 Stat. 1. Part C of that act contained the "United States Warehouse Act," and is incorporated, as amended, as section 241 et seq. of this title.

Section is comprised of part of section 1 of part B of act Aug. 11, 1916. Other provisions contained in section 1 were classified to former sections 72 and 73 of this title.

AMENDMENTS

1968—Pub. L. 90-487 substituted "may be cited as" for "shall be known by the short title of".

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-487 effective 180 days after Aug. 15, 1968, see section 2 of Pub. L. 90-487, set out as a note under section 78 of this title.

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-472, §1(a), Nov. 9, 2000, 114 Stat. 2058, provided that: "This Act [enacting sections 228d, 241 to 256, 918a, and 1726b of this title and section 1012 of Title 16, Conservation, amending sections 15b, 77, 79, 79a, 79b, 79d, 84, 87b, 87h, 87j, 229, 1622, 1736a, 1926, 2009d, 5101, 5102, and 5106 of this title and sections 1766 and 1786 of Title 42, The Public Health and Welfare, repealing section 87e-1 of this title, enacting provisions set out as notes under sections 79, 181, 241, and 1314e of this title and section 1786 of Title 42, amending provisions set out as notes under sections 74, 612c, and 1421 of this title, and repealing provisions set out as notes under sections 75a, 76, and 79 of this title] may be cited as the 'Grain Standards and Warehouse Improvement Act of 2000'."

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-156, §1(a), Nov. 24, 1993, 107 Stat. 1525, provided that: "This Act [amending sections 75 to 77, 79 to 79b, 79d, 84 to 87e, 87f, 87f-1, 87h, 87j, and 87k of this title, enacting provisions set out as a note under section 75 of this title, and repealing provisions set out as a note under section 79 of this title] may be cited as the 'United States Grain Standards Act Amendments of 1993'."

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-624, title XX, §2001, Nov. 28, 1990, 104 Stat. 3928, provided that: "This title [enacting sections 75b, 87k, 1427-1, 1593a, and 1622a of this title, amending sections 74, 76, 77, 87b, 1423, and 1445e of this title, and enacting provisions set out as a note under section 76 of this title] may be cited as the 'Grain Quality Incentives Act of 1990'."

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-518, §1, Oct. 24, 1988, 102 Stat. 2584, provided that: "This Act [enacting sections 79d and 87j of this title, amending sections 55, 79, 79a, and 87h of this title, and enacting provisions set out as notes under sections 79 and 1421 of this title] may be cited as the 'United States Grain Standards Act Amendments of 1988'."

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-641, title III, §301, Nov. 10, 1986, 100 Stat. 3564, provided that: "This title [amending sections 74 and 87b of this title and enacting provisions set out as notes under sections 76 and 87b of this title] may be cited as the 'Grain Quality Improvement Act of 1986'."

SHORT TITLE OF 1976 AMENDMENT

Section 1 of Pub. L. 94-582, Oct. 21, 1976, 90 Stat. 2867, provided: "That this Act [enacting sections 75a, 79a, 79b, 87e-1, 87f-1, and 87f-2 of this title, amending sections 74, 75, 76, 77, 78, 79, 84, 85, 86, 87, 87a, 87b, 87c, 87e, 87f, 87g, and 87h of this title, section 5316 of Title 5, Government Organization and Employees, and section 1114 of Title 18, Crimes and Criminal Procedure, and enacting provisions set out as notes under sections 74, 75a, 76, and 79 of this title] may be cited as the 'United States Grain Standards Act of 1976'."

§§ 72, 73. Omitted

CODIFICATION

Sections were omitted in the general reorganization of this chapter by Pub. L. 90-487, §1, Aug. 15, 1968, 82 Stat. 761.

Section 72, act Aug. 11, 1916, ch. 313, pt. B, §1 (part), 39 Stat. 482, defined the words "person" and "in interstate or foreign commerce". See section 75 of this title.

Section 73, act Aug. 11, 1916, ch. 313, pt. B, §1 (part), 39 Stat. 482, made associations, partnerships, and corporations liable for the acts of their agents within the scope of their employment or office. See section 87d of this title.

§ 74. Congressional findings and declaration of policy

(a) Grain is an essential source of the world's total supply of human food and animal feed and is merchandised in interstate and foreign commerce. It is declared to be the policy of the Congress, for the promotion and protection of such commerce in the interests of producers, merchandisers, warehousemen, processors, and consumers of grain, and the general welfare of the people of the United States, to provide for the establishment of official United States standards for grain, to promote the uniform application thereof by official inspection personnel, to provide for an official inspection system for grain, and to regulate the weighing and the certification of the weight of grain shipped in interstate or foreign commerce in the manner hereinafter provided; with the objectives that grain may be marketed in an orderly and timely manner and that trading in grain may be facilitated. It is hereby found that all grain and other articles and transactions in grain regulated under

this chapter are either in interstate or foreign commerce or substantially affect such commerce and that regulation thereof as provided in this chapter is necessary to prevent or eliminate burdens on such commerce and to regulate effectively such commerce.

(b) It is also declared to be the policy of Congress—

(1) to promote the marketing of grain of high quality to both domestic and foreign buyers;

(2) that the primary objective of the official United States standards for grain is to certify the quality of grain as accurately as practicable; and

(3) that official United States standards for grain shall—

(A) define uniform and accepted descriptive terms to facilitate trade in grain;

(B) provide information to aid in determining grain storability;

(C) offer users of such standards the best possible information from which to determine end-product yield and quality of grain;

(D) provide the framework necessary for markets to establish grain quality improvement incentives;

(E) reflect the economic value-based characteristics in the end uses of grain; and

(F) accommodate scientific advances in testing and new knowledge concerning factors related to, or highly correlated with, the end use performance of grain.

(Aug. 11, 1916, ch. 313, pt. B, §2, 39 Stat. 482; July 18, 1940, ch. 636, 54 Stat. 765; Pub. L. 90-487, §1, Aug. 15, 1968, 82 Stat. 761; Pub. L. 94-582, §2, Oct. 21, 1976, 90 Stat. 2867; Pub. L. 99-641, title III, §302, Nov. 10, 1986, 100 Stat. 3564; Pub. L. 101-624, title XX, §2004, Nov. 28, 1990, 104 Stat. 3929.)

AMENDMENTS

1990—Subsec. (b)(3)(E), (F). Pub. L. 101-624 added subpars. (E) and (F).

1986—Pub. L. 99-641 designated existing provisions as subsec. (a) and added subsec. (b).

1976—Pub. L. 94-582 expressed the policy of Congress to regulate the weighing and the certification of the weight of grain shipped in interstate or foreign commerce and the finding of Congress of the necessity to regulate grain transactions to prevent or eliminate burdens on commerce and to regulate effectively such interstate or foreign commerce, and provided that the grain be marketed in a timely manner.

1968—Pub. L. 90-487 substituted a declaration of policy by the Congress for provisions authorizing promulgation and establishment of grain standards by Secretary of Agriculture.

1940—Act July 18, 1940, inserted "soybeans," after "flaxseed,".

EFFECTIVE DATE OF 1976 AMENDMENT

Section 27 of Pub. L. 94-582, as amended by Pub. L. 95-113, title XVI, §§1602(d), 1605(b), 1607(b), 1608, Sept. 29, 1977, 91 Stat. 1025, 1030, 1031; Pub. L. 106-472, title I, §110(c), Nov. 9, 2000, 114 Stat. 2061, provided that: "This Act [see Short Title of 1976 Amendment note set out under section 71 of this title] shall become effective thirty days after enactment hereof [Oct. 21, 1976]."

EFFECTIVE DATE OF 1968 AMENDMENT

For effective date of amendment by Pub. L. 90-487, see section 2 of Pub. L. 90-487, set out as a note under section 78 of this title.