

an Effective Date; Savings Provision note under section 6001 of Title 18, Crimes and Criminal Procedure.

#### EFFECTIVE DATE

For effective date of section, see section 2 of Pub. L. 90-487, set out as an Effective Date of 1968 Amendment note under section 78 of this title.

### § 87f-1. Registration requirements

#### (a) General requirement

The Secretary shall provide, by regulation, for the registration of all persons engaged in the business of buying grain for sale in foreign commerce, and in the business of handling, weighing, or transporting of grain for sale in foreign commerce. This section shall not apply to—

(1) any person who only incidentally or occasionally buys for sale, or handles, weighs, or transports grain for sale and is not engaged in the regular business of buying grain for sale, or handling, weighing, or transporting grain for sale;

(2) any producer of grain who only incidentally or occasionally sells or transports grain which the producer has purchased;

(3) any person who transports grain for hire and does not own a financial interest in such grain; or

(4) any person who buys grain for feeding or processing and not for the purpose of reselling and only incidentally or occasionally sells such grain as grain.

#### (b) Required information

(1) All persons required to register under this chapter shall submit the following information to the Secretary:

(A) the name and principal address of the business,

(B) the names of all directors of such business,

(C) the names of the principal officers of such business,

(D) the names of all persons in a control relationship with respect to such business,

(E) a list of locations where the business conducts substantial operations, and

(F) such other information as the Secretary deems necessary to carry out the purposes of this chapter.

Persons required to register under this section shall also submit to the Secretary the information specified in clauses (A) through (F) of this paragraph with respect to any business engaged in the business of buying grain for sale in interstate commerce, and in the business of handling, weighing, or transporting of grain for sale in interstate commerce, if, with respect to such business, the person otherwise required to register under this section is in a control relationship.

(2) For the purposes of this section, a person shall be deemed to be in a "control relationship" with respect to a business required to register under subsection (a) of this section and with respect to applicable interstate businesses if—

(A) such person has an ownership interest of 10 per centum or more in such business, or

(B) a business or group of business entities, with respect to which such person is in a con-

trol relationship, has an ownership interest of 10 per centum or more in such business.

(3) For purposes of clauses (A) and (B) of paragraph (2) of this subsection, a person shall be considered to own the ownership interest which is owned by his or her spouse, minor children, and relatives living in the same household.

#### (c) Certificate of registration

The Secretary shall issue a certificate of registration to persons who comply with the provisions of this section. The certificate of registration issued in accordance with this section shall be renewed annually. If there has been any change in the information required under subsection (b) of this section, the person holding such certificate shall, within thirty days of the discovery of such change, notify the Secretary of such change. No person shall engage in the business of buying grain for sale in foreign commerce, and in the business of handling, weighing, or transporting of grain in foreign commerce unless the person has registered with the Secretary as required by this chapter and has an unsuspended and unrevoked certificate of registration.

#### (d) Suspension or registration of certificate of registration

The Secretary may suspend or revoke any certificate of registration issued under this section whenever, after the person holding such certificate has been afforded an opportunity for a hearing in accordance with sections 554, 556, and 557 of title 5, the Secretary shall determine that such person has violated any provision of this chapter or of the regulations promulgated thereunder, or has been convicted of any violation involving the handling, weighing, or inspection of grain under title 18.

#### (e) Fees

The Secretary shall charge and collect fees from any person registered under this section. The amount of such fees shall be determined on the basis of the costs of the Secretary in administering the registration required by this section. Such fees shall be deposited in, and used as part of, the fund described in section 79(j) of this title.

(Aug. 11, 1916, ch. 313, pt. B, §17A, as added Pub. L. 94-582, §22, Oct. 21, 1976, 90 Stat. 2886; amended Pub. L. 95-113, title XVI, §1604(l), Sept. 29, 1977, 91 Stat. 1029; Pub. L. 103-156, §12(p), Nov. 24, 1993, 107 Stat. 1529; Pub. L. 103-354, title II, §293(a)(7), Oct. 13, 1994, 108 Stat. 3237.)

#### AMENDMENTS

1994—Subsecs. (a), (b)(1), (c) to (e). Pub. L. 103-354 substituted "Secretary" for "Administrator" wherever appearing.

1993—Pub. L. 103-156, §12(p), which directed amendment of "Section 17A", without specifying the name of the Act being amended, was executed to this section, which is section 17A of the United States Grain Standards Act, to reflect the probable intent of Congress.

Subsec. (a)(2). Pub. L. 103-156, §12(p)(1), substituted "the producer" for "he".

Subsec. (c). Pub. L. 103-156, §12(p)(2), substituted "the person" for "he" in last sentence.

1977—Subsec. (b)(1). Pub. L. 95-113 substituted "All persons required to register" for "All persons registered" in provisions preceding subpar. (A).

## EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of this title.

## EFFECTIVE DATE

Section effective 30 days after Oct. 21, 1976, see section 27 of Pub. L. 94-582, as amended, set out as an Effective Date of 1976 Amendment note under section 74 of this title.

**§ 87f-2. Reporting requirements****(a) General requirements; annual report to Congressional committees**

On December 1 of each year, the Secretary 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 regarding the effectiveness of the official inspection and weighing system under this chapter for the prior fiscal year, with recommendations for any legislative changes necessary to accomplish the objectives stated in section 74 of this title.

**(b) Notification of Congressional committees of complaints regarding faulty grain deliveries and cancellation of export contracts**

The Secretary shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate (1) of any complaint regarding faulty grain delivery made to the Department of Agriculture by a foreign purchaser of United States grain, within thirty days after a determination by the Secretary that there is reasonable cause to believe that the grain delivery was in fact faulty, and (2) notwithstanding the provisions of section 612c-3<sup>1</sup> of this title, within thirty days after receipt by the Secretary or the Secretary<sup>2</sup> of notice of the cancellation of any contract for the export of more than one hundred thousand metric tons of grain.

**(c) Submission to Congressional committees of annual summary of complaints from foreign purchasers and prospective purchasers of grain**

On December 1 of each year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a summary of all other complaints received by the Department of Agriculture during the prior fiscal year from foreign purchasers and prospective purchasers of United States grain and other foreign purchasers interested in the trade of grain, and the resolution thereof: *Provided*, That the summary shall not include a complaint unless reasonable cause exists to believe that the complaint is valid, as determined by the Secretary.

(Aug. 11, 1916, ch. 313, pt. B, § 17B, as added Pub. L. 94-582, § 22, Oct. 21, 1976, 90 Stat. 2888; amended Pub. L. 95-113, title XVI, §§ 1604(m), 1606(i), (j), Sept. 29, 1977, 91 Stat. 1029, 1030; Pub. L. 102-237, title X, § 1007(3), Dec. 13, 1991, 105 Stat. 1897; Pub.

L. 103-354, title II, § 293(a)(7), Oct. 13, 1994, 108 Stat. 3237.)

## REFERENCES IN TEXT

Section 612c-3 of this title, referred to in subsec. (b), was repealed by Pub. L. 101-624, title XV, § 1578, Nov. 28, 1990, 104 Stat. 3702.

## AMENDMENTS

1994—Pub. L. 103-354 substituted “Secretary” for “Administrator” wherever appearing.

1991—Subsec. (a). Pub. L. 102-237 substituted “On December 1 of each year, the” for “The” and “Committee on Agriculture” for “committee on Agriculture” before “of the House” and struck out “one year after the effective date of the United States Grain Standards Act of 1976 setting forth the actions taken by him in implementing the provisions of that Act; and, on December 1 of each year thereafter, the Administrator shall report to such committees” before “regarding”.

1977—Subsec. (a). Pub. L. 95-113, § 1606(i), (j), substituted “Committee on Agriculture, Nutrition, and Forestry” for “Committee on Agriculture and Forestry” and “inspection and weighing” for “inspection”.

Subsec. (b). Pub. L. 95-113, §§ 1604(m), 1606(i), substituted “Committee on Agriculture, Nutrition, and Forestry” for “Committee on Agriculture and Forestry” in provisions preceding cl. (1) and, in cl. (2) substituted “notwithstanding the provisions of section 612c-3 of this title, within thirty days after receipt by the Administrator or the Secretary of notice of the cancellation” for “within thirty days after receipt by the Administrator or the Secretary of the cancellation”.

Subsec. (c). Pub. L. 95-113, § 1606(i), substituted “Committee on Agriculture, Nutrition, and Forestry” for “Committee on Agriculture and Forestry”.

## EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of this title.

## EFFECTIVE DATE

Section effective 30 days after Oct. 21, 1976, see section 27 of Pub. L. 94-582, as amended, set out as an Effective Date of 1976 Amendment note under section 74 of this title.

**§ 87g. Relation to State and local laws; separability**

(a) No State or subdivision thereof may require the inspection or description in accordance with any standards of kind, class, quality, condition, or other characteristics of grain as a condition of shipment, or sale, of such grain in interstate or foreign commerce, or require any license for, or impose any other restrictions upon the performance of any official inspection or weighing function under this chapter by official inspection personnel. Otherwise nothing in this chapter shall invalidate any law or other provision of any State or subdivision thereof in the absence of a conflict with this chapter.

(b) 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. 11, 1916, ch. 313, pt. B, § 18, as added Pub. L. 90-487, § 1, Aug. 15, 1968, 82 Stat. 769; amended Pub. L. 94-582, § 20, Oct. 21, 1976, 90 Stat. 2886.)

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. The words “or the Secretary” probably should not appear.