

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-3¹ of this title, within thirty days after receipt by the Secretary or the Secretary² 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.

(d) Enhancement of current reporting

(1) Increased frequency of inspection program data reporting

(A) In general

Beginning not later than 1 year after December 11, 2020, the Secretary shall publish quarterly reports describing data from the tests and inspections for intrinsic quality factors (including protein, oil, and starch) and food safety factors, as reported, in the aggregate, for fiscal years 2014 through 2018 in the tables in section V (relating to providing official grain inspection and weighing services) of the 2016 through 2018 annual reports to Congress by the Federal Grain Inspection Service.

(B) Delineation

The data from the tests and inspections under subparagraph (A) shall be delineated to reflect whether the tests and inspections were requested of or performed by—

- (i) the Secretary; or
- (ii) a State agency delegated authority under section 79 or 79a of this title or an official agency.

(2) Exceptions and waivers

Beginning not later than 1 year after December 11, 2020, the Secretary shall publish quarterly reports describing—

- (A) the number of exceptions requested under section 79(f)(2)(B) of this title;
- (B) the number of exceptions granted under section 79(f)(2)(B) of this title;
- (C) the number of waivers requested under section 77(a)(1) of this title; and
- (D) the number of waivers granted under section 77(a)(1) of this title.

(e) Additional reporting; consultation

The Secretary may, to the extent determined appropriate by the Secretary, in consultation with State agencies delegated authority under sections 79 and 79a of this title, official agencies, and the grain industries described in the second sentence of section 87j(a) of this title, publish—

- (1) data relating to testing for other intrinsic quality or food safety factors; and
- (2) other data collected from inspection and weighing activities conducted under this chapter.

¹ See References in Text note below.

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

(f) Protection of confidential business information

Any trade secrets or information described in section 552(b)(4) of title 5 that is provided to or collected by the Secretary in carrying out subsection (d) or (e) shall not be included in a report under subsection (d) or (e) or otherwise publicly disclosed.

(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; Pub. L. 116-216, §5, Dec. 11, 2020, 134 Stat. 1048.)

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

2020—Subsecs. (d) to (f). Pub. L. 116-216 added subsecs. (d) to (f).

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.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-582 substituted in first sentence “official inspection or weighing function” for “official inspection function”.

EFFECTIVE DATE OF 1976 AMENDMENT

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

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.

§ 87h. Funding**(a) Authorization of appropriations**

There are authorized to be appropriated \$23,000,000 for standardization and compliance activities, monitoring in foreign ports grain officially inspected and weighed under this chapter, and any other expenses necessary to carry out the provisions of this chapter for each of the fiscal years 2021 through 2025, to the extent that financing is not obtained from fees and sales of samples as provided for in sections 79, 79a, 79b, 87e, and 87f-1 of this title.

(b) Limitations on uses of user fees**(1) Definitions**

In this subsection:

(A) Official inspection or weighing service

The term “official inspection or weighing service” means official inspection, official weighing, supervision of weighing, supervision of agency personnel, supervision of the field office personnel of the Secretary, testing of equipment or instruments, other services, or registration, the cost to the Secretary of which is authorized to be covered by the collection of a user fee pursuant to section 79, 79a, 79b, 87e, or 87f-1 of this title, as applicable.

(B) User fee

The term “user fee” means a fee collected by the Secretary under section 79, 79a, 79b, 87e, or 87f-1 of this title.

(2) Requirement

A user fee—

(A) shall be used solely to cover—

(i) the cost to the Secretary for carrying out official inspection or weighing services; and