

**(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 (b), was repealed by Pub.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

(ii) administrative costs to the Secretary directly relating to official inspection or weighing services; and

(B) shall not be used for—

(i) activities relating to the development or maintenance of grain standards; or

(ii) any other activity that is not directly related to the performance of official inspection or weighing services.

(Aug. 11, 1916, ch. 313, pt. B, §19, as added Pub. L. 90-487, §1, Aug. 15, 1968, 82 Stat. 769; amended Pub. L. 94-582, §21, Oct. 21, 1976, 90 Stat. 2886; Pub. L. 95-113, title XVI, §§1602(c), 1604(n), Sept. 29, 1977, 91 Stat. 1025, 1029; Pub. L. 97-35, title I, §155(4), Aug. 13, 1981, 95 Stat. 372; Pub. L. 98-469, §2(3), Oct. 11, 1984, 98 Stat. 1832; Pub. L. 100-518, §2(4), Oct. 24, 1988, 102 Stat. 2586; Pub. L. 103-156, §3, Nov. 24, 1993, 107 Stat. 1525; Pub. L. 106-472, title I, §108, Nov. 9, 2000, 114 Stat. 2060; Pub. L. 109-83, §1(a), Sept. 30, 2005, 119 Stat. 2053; Pub. L. 114-54, title III, §301(f), Sept. 30, 2015, 129 Stat. 520; Pub. L. 116-216, §6, Dec. 11, 2020, 134 Stat. 1049.)

#### AMENDMENTS

2020—Pub. L. 116-216, §6(1), substituted “Funding” for “Appropriations” in section catchline.

Subsec. (a). Pub. L. 116-216, §6(1), (2), designated existing provisions as subsec. (a), inserted heading, and substituted “There are authorized” for “There are hereby authorized”, “\$23,000,000” for “such sums as are necessary”, and “2021 through 2025” for “1988 through 2020”.

Subsec. (b). Pub. L. 116-216, §6(3), added subsec. (b).

2015—Pub. L. 114-54 substituted “2020” for “2015”.

2005—Pub. L. 109-83 substituted “2015” for “2005”.

2000—Pub. L. 106-472 substituted “2005” for “2000”.

1993—Pub. L. 103-156 substituted “1988 through 2000” for “during the period beginning October 1, 1988, and ending September 30, 1993” and inserted references to sections 79b and 87e of this title.

1988—Pub. L. 100-518 amended section generally, substituting “1988” for “1981” and “1993” for “1984”.

1984—Pub. L. 98-469 temporarily substituted “September 30, 1988” for “September 30, 1984”. See Effective and Termination Dates of 1984 Amendment note below.

1981—Pub. L. 97-35 temporarily amended section, substantially revising enumerated activities for which appropriations are authorized and limiting such authorization for each of the fiscal years during the period beginning Oct. 1, 1981, and ending Sept. 30, 1984. See Effective and Termination Dates of 1981 Amendment note below.

1977—Pub. L. 95-113 substituted “Federal administrative and supervisory costs related to the official inspection or the provision of weighing services for grain” for “those Federal administrative and supervisory costs incurred within the Service’s Washington office or not directly related to the official inspection or the provision of weighing services for grain” and renumbered this section as section 19 of the United States Grain Standards Act, thereby correcting an error in the 1976 amendment of this section by Pub. L. 94-582 under which this section had inadvertently been renumbered from section 19 of the United States Grain Standards Act to section 21 thereof.

1976—Pub. L. 94-582 enumerated specific items for which appropriations are authorized and provided for financing obtained from fees and sales of samples as provided in sections 79a and 87f-1 of this title.

#### EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-472 effective as if enacted Sept. 30, 2000, see section 111 of Pub. L. 106-472, set out as a note under section 79 of this title.

#### EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-156 effective as of Sept. 30, 1993, see section 16(b) of Pub. L. 103-156, set out as a note under section 75 of this title.

#### EFFECTIVE AND TERMINATION DATES OF 1988 AMENDMENT

That part of section 2 of Pub. L. 100-518 which provided that amendment made by Pub. L. 100-518 was effective for the period Oct. 1, 1988, through Sept. 30, 1993, inclusive, was repealed, effective Sept. 30, 1993, by Pub. L. 103-156, §§13(a), 16(b), Nov. 24, 1993, 107 Stat. 1529, 1530.

#### EFFECTIVE AND TERMINATION DATES OF 1984 AMENDMENT

Pub. L. 98-469, §2, Oct. 11, 1984, 98 Stat. 1831, provided that the amendment made by Pub. L. 98-469 is effective for period beginning Oct. 11, 1984, and ending Sept. 30, 1988.

#### EFFECTIVE AND TERMINATION DATES OF 1981 AMENDMENT

Pub. L. 97-35, title I, §155, Aug. 13, 1981, 95 Stat. 371, as amended by Pub. L. 98-469, §1, Oct. 11, 1984, 98 Stat. 1831, provided that the amendment made by Pub. L. 97-35 is effective for period beginning Oct. 1, 1981, and ending Sept. 30, 1988.

#### 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 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.

### § 87i. Omitted

#### CODIFICATION

Section, act Aug. 11, 1916, ch. 313, pt. B, §20, as added Aug. 13, 1981, Pub. L. 97-35, title I, §155(5), 95 Stat. 372, which established an advisory committee, was effective for the period Oct. 1, 1981, through Sept. 30, 1988, pursuant to section 155 of Pub. L. 97-35, as amended. See section 87j of this title.

### § 87j. Advisory committee

#### (a) Establishment; number and terms of members

Not later than ninety days after October 24, 1988, the Secretary shall establish an advisory committee to provide advice to the Secretary with respect to implementation of this chapter consistent with the declarations of policy in section 74 of this title. The advisory committee shall consist of fifteen members, appointed by the Secretary, who represent the interests of all segments of the grain producing, processing, storing, merchandising, consuming, and exporting industries, including grain inspection and weighing agencies and scientists with expertise in research related to the policies established in section 74 of this title. Members of the advisory committee shall be appointed to three-year terms, except that of the initial fifteen members of the advisory committee first appointed fol-