(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 Part A of act of Aug. 11, 1916, containing the ''United States Cotton Futures Act,'' was repealed by section 4 of act Feb. 10, 1939, ch. 2, 53 Stat. 1.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 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, 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]; and thereafter no State or other agency or person shall provide official inspection or official weighing or supervision of weighing under the United States Grain Standards Act as amended by this Act [this chapter], at an export port location without a delegation of authority or other authorization under such amended Act, and no agency or person shall provide official inspection service or official weighing or supervision of weighing under such amended Act in any other area without a designation or other authorization under such amended Act, except that any agency or person then providing such service in any area may continue to operate in that area without a delegation or designation or other authorization under such Act but shall be subject to all provisions of the United States Grain Standards Act and regulations thereunder in effect immediately prior to the effective date of this Act, until whichever of the following events occurs first:

''(1) a delegation or designation of such agency or person to perform such services is granted or denied by the Administrator of the Federal Grain Inspection Service pursuant to the United States Grain Standards Act, as amended by this Act; or

''(2) such agency or person, or two or more members or employees thereof, have been or are convicted of a violation of any provision of the United States Grain Standards Act in effect immediately prior to the effective date of this Act; or convicted of any offense proscribed by other Federal law involving the handling, weighing, or official inspection of grain: *Provided*, That the Administrator may allow such affected agency or person to continue to operate in that area if the Administrator determines that such continued operations are necessary or desirable in carrying out the requirements of this Act: *Provided further*, That the Administrator shall, within 30 days after making such determination, submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate detailing the factual bases for such determination; or

''(3) with respect to export port locations, the expiration of a period determined by the Administrator of not more than eighteen months following the effective date hereof; or

''(4) with respect to any other area, the expiration of a period as determined by the Administrator of not more than two years following the effective date hereof:

Provided, That the Administrator is authorized and directed to cause official inspection and official weighing of grain pursuant to the provisions of the United States Grain Standards Act, as amended by this Act, to be performed by authorized employees of the United States Department of Agriculture or the Service, to begin at any time immediately thereafter the date of enactment of this Act [Oct. 21, 1976], at those export port locations and export elevators located at export port locations at which the Administrator determines that such performance by such authorized employees is necessary to effectuate the provisions of section 2 of the United States Grain Standards Act, as amended [this section].''

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 79, 79a, 86, 87e, 87f–2, 87j of this title.

§ 75. Definitions

When used in this chapter, except where the context requires otherwise—

(a) the term ''Secretary'' means the Secretary of Agriculture of the United States or delegates of the Secretary;

(b) the term ''Department of Agriculture'' means the United States Department of Agriculture;

(c) the term ''person'' means any individual, partnership, corporation, association, or other business entity;

(d) the term ''United States'' means the States (including Puerto Rico) and the territories and possessions of the United States (including the District of Columbia);

(e) the term ''State'' means any one of the States (including Puerto Rico) or territories or possessions of the United States (including the District of Columbia);

(f) the term ''interstate or foreign commerce'' means commerce from any State to or through any other State, or to or through any foreign country;

(g) the term ''grain'' means corn, wheat, rye, oats, barley, flaxseed, sorghum, soybeans, mixed grain, and any other food grains, feed grains, and oilseeds for which standards are established under section 76 of this title;

(h) the term ''export grain'' means grain for shipment from the United States to any place outside thereof;

(i) the term ''official inspection'' means the determination (by original inspection, and when requested, reinspection and appeal inspection) and the certification, by official inspection personnel of the kind, class, quality, or condition of grain, under standards provided for in this chapter, or the condition of vessels and other carriers or receptacles for the transportation of grain insofar as it may affect the quality or condition of such grain; or other facts relating to grain under other criteria approved by the Secretary under this chapter (the term ''officially inspected'' shall be construed accordingly);

(j) the term ''official inspection personnel'' means persons licensed or otherwise authorized by the Secretary pursuant to section 84 of this title to perform all or specified functions involved in official inspection, official weigh-