

Suspend the Rules and Pass the Bill, H.R. 2088, With An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

114TH CONGRESS
1ST SESSION

H. R. 2088

To amend the United States Grain Standards Act to improve inspection services performed at export elevators at export port locations, to reauthorize certain authorities of the Secretary of Agriculture under such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2015

Mr. CONAWAY (for himself, Mr. PETERSON, Mr. CRAWFORD, and Mr. WALZ) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the United States Grain Standards Act to improve inspection services performed at export elevators at export port locations, to reauthorize certain authorities of the Secretary of Agriculture under such Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “United States Grain
3 Standards Act Reauthorization Act of 2015”.

4 **SEC. 2. REAUTHORIZATION OF UNITED STATES GRAIN**
5 **STANDARDS ACT.**

6 (a) **POLICY AND PURPOSE OF ACT.**—Section 2(b) of
7 the United States Grain Standards Act (7 U.S.C. 74(b))
8 is amended—

9 (1) in paragraph (1), by striking “to both do-
10 mestic and foreign buyers” and inserting “respon-
11 sive to the purchase specifications of domestic and
12 foreign buyers”;

13 (2) by striking “and” at the end of paragraph
14 (2);

15 (3) by striking the period at the end of para-
16 graph (3) and inserting “; and”; and

17 (4) by adding at the end the following new
18 paragraph:

19 “(4) to provide an accurate, reliable, consist-
20 ently available, and cost-effective official grain in-
21 spection and weighing system.”.

22 (b) **DEFINITIONS.**—

23 (1) **MAJOR DISASTER DEFINED.**—Section 3 of
24 the United States Grain Standards Act (7 U.S.C.
25 75) is amended by adding at the end the following
26 new paragraph:

1 “(aa) The term ‘major disaster’ has the mean-
2 ing given that term in section 102(2) of the Robert
3 T. Stafford Disaster Relief and Emergency Assist-
4 ance Act (42 U.S.C. 5122(2)), except that the term
5 includes a severe weather incident causing a region-
6 wide interruption of government services.”.

7 (2) CONFORMING AMENDMENTS.—Section 3 of
8 the United States Grain Standards Act (7 U.S.C.
9 75) is further amended—

10 (A) in the matter preceding paragraph (a),
11 by striking “otherwise—” and inserting “other-
12 wise:”;

13 (B) by striking “the term” at the begin-
14 ning of each paragraph (other than paragraphs
15 (n) and (t)) and inserting “The term”;

16 (C) in paragraph (i)—

17 (i) by striking “Act (the term” and
18 inserting “Act. The term”;

19 (ii) by striking “);” and inserting a
20 period;

21 (D) in paragraphs (n) and (t), by striking
22 “the terms” and inserting “The terms”;

23 (E) in paragraph (o)—

24 (i) by striking “personnel (the term”
25 and inserting “personnel. The term”;

1 (ii) by striking “);” and inserting a
2 period;

3 (F) in paragraph (s), by striking “the
4 verb” and inserting “The verb”;

5 (G) in paragraph (x)—

6 (i) by striking “conveyance (the
7 terms” and inserting “conveyance. The
8 terms”; and

9 (ii) by striking “accordingly;” and in-
10 sserting “accordingly.”;

11 (H) by striking the semicolon at the end of
12 each paragraph (other than paragraphs (i), (o),
13 (x), and (y)) and inserting a period; and

14 (I) in paragraph (y), by striking “; and”
15 and inserting a period.

16 (c) OFFICIAL INSPECTION AND WEIGHING REQUIRE-
17 MENTS.—

18 (1) DISCRETIONARY WAIVER AUTHORITY.—Sec-
19 tion 5(a)(1) of the United States Grain Standards
20 Act (7 U.S.C. 77(a)(1)) is amended in the first pro-
21 viso by striking “may waive the foregoing require-
22 ment in emergency” and inserting “shall promptly
23 waive the foregoing requirement in the event of an
24 emergency, a major disaster,”.

1 (2) WEIGHING REQUIREMENTS AT EXPORT
2 ELEVATORS.—Section 5(a)(2) of the United States
3 Grain Standards Act (7 U.S.C. 77(a)(2)) is amend-
4 ed by striking “intracompany shipments of grain
5 into an export elevator by any mode of transpor-
6 tation, grain transferred into an export elevator by
7 transportation modes other than barge,” and insert-
8 ing “shipments of grain into an export elevator by
9 any mode of transportation”.

10 (d) DELEGATION OF OFFICIAL INSPECTION AUTHOR-
11 ITY.—

12 (1) AUTHORIZED INSPECTION PERSONNEL AT
13 EXPORT ELEVATORS AT EXPORT PORT LOCA-
14 TIONS.—Paragraph (1) of section 7(e) of the United
15 States Grain Standards Act (7 U.S.C. 79(e)) is
16 amended to read as follows:

17 “(1) Except as otherwise provided in paragraphs (3)
18 and (4) of this subsection, the Secretary shall cause offi-
19 cial inspection at export elevators at export port locations,
20 for all grain required or authorized to be inspected by this
21 Act, to be performed—

22 “(A) by official inspection personnel employed
23 by the Secretary; or

24 “(B) by other persons under contract with the
25 Secretary as provided in section 8 of this Act.”.

1 (2) DELEGATION TO STATE AGENCIES.—Sec-
2 tion 7(e) of the United States Grain Standards Act
3 (7 U.S.C. 79(e)) is amended—

4 (A) in paragraph (2)—

5 (i) by striking “, meets the criteria”
6 and all that follows through “the Secretary
7 may delegate” and inserting “and meets
8 the criteria specified in subsection
9 (f)(1)(A) of this section, the Secretary may
10 delegate”;

11 (ii) by striking “at export port loca-
12 tions within the State, including export
13 port locations” and inserting “at export
14 elevators at export port locations within
15 the State, including at export elevators at
16 export port locations”; and

17 (iii) in the last sentence, by striking
18 “Any such delegation” and inserting “The
19 delegation under this paragraph of author-
20 ity to conduct official inspection services
21 shall be for a term not to exceed five years,
22 and may be renewed thereafter in accord-
23 ance with this subsection, except that any
24 such delegation”;

1 (B) by transferring paragraph (4) to the
2 end of subsection (f), redesignating such para-
3 graph as paragraph (5), and, in such para-
4 graph, by striking “or subsection (f)” and in-
5 serting “or subsection (e)”; and

6 (C) by striking paragraph (3) and insert-
7 ing the following new paragraphs:

8 “(3) Prior to delegating authority to a State agency
9 for the performance of official inspection services at export
10 elevators at export port locations pursuant to paragraph
11 (2) of this subsection, the Secretary shall comply with the
12 following:

13 “(A) Upon receipt of an application from a
14 State agency requesting the delegation of authority
15 to perform official inspection services on behalf of
16 the Secretary, publish notice of the application in
17 the Federal Register and provide a minimum 30-day
18 comment period on the application.

19 “(B) Evaluate the comments received under
20 subparagraph (A) with respect to an application and
21 conduct an investigation to determine whether the
22 State agency that submitted the application and its
23 personnel are qualified to perform official inspection
24 services on behalf of the Secretary. In conducting
25 the investigation, the Secretary shall consult with,

1 and review the available files of the Department of
2 Justice, the Office of Inspector General of the De-
3 partment of Agriculture, and the Government Ac-
4 countability Office.

5 “(C) Make findings based on the results of the
6 investigation and consideration of public comments
7 received.

8 “(D) Publish a notice in the Federal Register
9 announcing whether the State agency has been dele-
10 gated the authority to perform official inspection
11 services at export elevators at export port locations
12 on behalf of the Secretary, and the basis upon which
13 the Secretary has made the decision.

14 “(4)(A) Except in the case of a major disaster, if a
15 State agency that has been delegated the authority to per-
16 form official inspection services at export elevators at ex-
17 port port locations on behalf of the Secretary fails to per-
18 form such official services, the Secretary shall submit to
19 Congress, within 90 days after the first day on which in-
20 spection services were not performed by the delegated
21 State agency, a report containing—

22 “(i) the reasons for the State agency’s failure;
23 and

1 “(ii) the rationale as to whether or not the Sec-
2 retary will permit the State agency to retain its dele-
3 gated authority.

4 “(B) A State agency may request that the delegation
5 of inspection authority to the agency be canceled by pro-
6 viding written notice to the Secretary at least 90 days in
7 advance of the requested cancellation date.

8 “(C) If a State agency that has been delegated the
9 authority under paragraph (2) of this subsection to per-
10 form official inspection services at an export elevator at
11 an export port location on behalf of the Secretary intends
12 to temporarily discontinue such official inspection services
13 or weighing services for any reason, except in the case of
14 a major disaster, the State agency shall notify the Sec-
15 retary in writing of its intention to do so at least 72 hours
16 in advance of the discontinuation date. The receipt of such
17 prior notice shall be considered by the Secretary as a miti-
18 gating factor in determining whether to maintain or re-
19 voke the delegation of authority to the State agency.”.

20 (3) CONFORMING AMENDMENTS.—(A) Section
21 7(f)(1) of the United States Grain Standards Act (7
22 U.S.C. 79(f)(1)) is amended by striking “other than
23 at export port locations” and inserting “(other than
24 at an export elevator at an export port location)”.

1 (B) Section 16(d) of the United States Grain
2 Standards Act (7 U.S.C. 87e(d)) is amended by
3 striking “The Office of Investigation of the Depart-
4 ment of Agriculture (or such other organization or
5 agency within the Department of Agriculture which
6 may be delegated the authority, in lieu thereof, to
7 conduct investigations on behalf of the Department
8 of Agriculture)” and inserting “The Office of In-
9 spector General of the Department of Agriculture”.

10 (4) EVALUATION OF CURRENT DELEGATIONS.—
11 Not later than two years after the date of the enact-
12 ment of this Act, the Secretary of Agriculture shall
13 complete a review of each State agency that, as of
14 the date of the enactment of this Act, has been dele-
15 gated inspection authority under section 7(e) of the
16 United States Grain Standards Act (7 U.S.C. 79(e))
17 and determine if the State agency is qualified to
18 continue to perform official inspection services at ex-
19 port elevators at export port locations on behalf of
20 the Secretary under such section, as amended by
21 this subsection. The Secretary shall conduct the re-
22 view subject to the requirements of section 7(e) of
23 the United States Grain Standards Act (7 U.S.C.
24 79(e)), as amended by this subsection, and a State
25 agency determined to be qualified to continue to per-

1 form such official inspection services shall be subject
2 thereafter to such requirements.

3 (e) CONTINUITY OF OPERATIONS.—Section 7(e) of
4 the United States Grain Standards Act (7 U.S.C. 79(e))
5 is further amended by inserting after paragraph (4), as
6 added by subsection (d), the following new paragraphs:

7 “(5) Except in the case of a major disaster, the Sec-
8 retary shall cause official inspections at an export elevator
9 at an export port location—

10 “(A) to be performed without interruption by
11 official inspection personnel employed by the Sec-
12 retary or by a State agency delegated such authority
13 under paragraph (2) of this subsection; or

14 “(B) if interrupted, to be resumed at the export
15 elevator by utilizing official inspection personnel em-
16 ployed by the Secretary or by another delegated
17 State agency as provided under paragraph (2) of
18 this subsection as follows:

19 “(i) Within six hours after the interrup-
20 tion, if the interruption is caused by a State
21 agency delegated such authority under this sub-
22 section and the Secretary received advance no-
23 tice of the interruption pursuant to paragraph
24 (4)(C) of this subsection.

1 “(ii) Within 12 hours after the interrup-
2 tion, if the State agency failed to provide the
3 required advance notice of the interruption.

4 “(6)(A) If the Secretary is unable to restore official
5 inspection services within the applicable time period re-
6 quired by paragraph (5)(B) of this subsection, the inter-
7 ested person requesting such services at the export eleva-
8 tor at an export port location shall be authorized to utilize
9 official inspection personnel, as provided under section 8
10 of the Act, employed by another State agency delegated
11 authority under paragraph (2) of this subsection or des-
12 ignated under subsection (f)(1) of this section.

13 “(B) A delegated or designated State agency pro-
14 viding inspection services under subparagraph (A) may,
15 at its discretion, provide such services for a period of up
16 to 90 days from the date on which the services are initi-
17 ated, after which time the Secretary may restore official
18 inspection services using official inspection personnel em-
19 ployed by the Secretary or a State agency delegated such
20 authority under this subsection, if available. The State
21 agency shall notify the Secretary in writing of its intention
22 to discontinue inspection services under subparagraph (A)
23 at least 72 hours in advance of the discontinuation date.

24 “(7) Not later than 60 days after the date of the en-
25 actment of this paragraph, the Secretary shall make avail-

1 able to the public, including pursuant to a website main-
2 tained by the Secretary, a list of all delegated States and
3 all official agencies authorized to perform official inspec-
4 tions on behalf of the Secretary. This list shall include
5 the name, contact information, and category of authority
6 granted. The Secretary shall update the list at least semi-
7 annually.”.

8 (f) GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGEN-
9 CIES.—

10 (1) OFFICIAL INSPECTION AUTHORITY.—Sec-
11 tion 7(f)(2) of the United States Grain Standards
12 Act (7 U.S.C. 79(f)(2)) is amended by striking “the
13 Secretary may” and all that follows through the end
14 of the paragraph and inserting the following: “the
15 Secretary shall allow a designated official agency to
16 cross boundary lines to carry out inspections in an-
17 other geographic area if—

18 “(A) the current designated official agency
19 for that geographic area is unable to provide in-
20 spection services in a timely manner;

21 “(B) a person requesting inspection serv-
22 ices in that geographic area requests a probe
23 inspection on a barge-lot basis; or

24 “(C) the current official agency for that
25 geographic area agrees in writing with the adja-

1 cent official agency to waive the current geo-
2 graphic area restriction at the request of the
3 applicant for service.”.

4 (2) WEIGHING AUTHORITY.—Section 7A(i)(2)
5 of the United States Grain Standards Act (7 U.S.C.
6 79a(i)(2)) is amended by striking “the Secretary
7 may” and all that follows through the end of the
8 paragraph and inserting the following: “the Sec-
9 retary shall allow a designated official agency to
10 cross boundary lines to carry out weighing in an-
11 other geographic area if—

12 “(A) the current designated official agency
13 for that geographic area is unable to provide
14 weighing services in a timely manner; or

15 “(B) the current official agency for that
16 geographic area agrees in writing with the adja-
17 cent official agency to waive the current geo-
18 graphic area restriction at the request of the
19 applicant for service.”.

20 (g) DURATION OF DESIGNATIONS OF OFFICIAL
21 AGENCIES.—Section 7(g)(1) of the United States Grain
22 Standards Act (7 U.S.C. 79(g)(1)) is amended by striking
23 “triennially” and inserting “every five years”.

24 (h) INSPECTION FEES.—

1 (1) COLLECTION AND AMOUNTS.—Section
2 7(j)(1) of the United States Grain Standards Act (7
3 U.S.C. 79(j)(1)) is amended—

4 (A) by inserting “(A)” after “(1)”;

5 (B) by adding at the end the following new
6 subparagraph:

7 “(B) For official inspections and weighing at an ex-
8 port elevator at an export port location performed by the
9 Secretary, performed by a State agency delegated the au-
10 thority to perform official inspection services at the export
11 elevator on behalf of the Secretary, or performed by a
12 State agency utilized as authorized by subsection
13 (e)(6)(A), the portion of the fees based upon export ton-
14 nage shall be based upon a rolling five-year average of ex-
15 port tonnage volumes. In order to maintain an operating
16 reserve of between three to six months, the Secretary shall
17 adjust such fees at least annually.”.

18 (2) DURATION OF AUTHORITY.—Section 7(j)(4)
19 of the United States Grain Standards Act (7 U.S.C.
20 79(j)(4)) is amended by striking “September 30,
21 2015” and inserting “September 30, 2020”.

22 (i) OFFICIAL WEIGHING OR SUPERVISION AT LOCA-
23 TIONS WHERE OFFICIAL INSPECTION IS PROVIDED
24 OTHER THAN BY THE SECRETARY.—Section 7A(c)(2) of

1 the United States Grain Standards Act (7 U.S.C.
2 79a(e)(2)) is amended—

3 (1) in the first sentence, by striking “with re-
4 spect to export port locations” and inserting “with
5 respect to an export elevator at an export port loca-
6 tion”; and

7 (2) in the last sentence by striking “subsection
8 (g) of section 7” and inserting “subsection (e) and
9 (g) of section 7”.

10 (j) COLLECTION OF FEES FOR WEIGHING SERV-
11 ICES.—Section 7A(l)(3) of the United States Grain Stand-
12 ards Act (7 U.S.C. 79a(l)(2)) is amended by striking
13 “September 30, 2015” and inserting “September 30,
14 2020”.

15 (k) LIMITATION AND ADMINISTRATIVE AND SUPER-
16 VISORY COSTS.—Section 7D of the United States Grain
17 Standards Act (7 U.S.C. 79d) is amended by striking
18 “2015” and inserting “2020”.

19 (l) ISSUANCE OF AUTHORIZATIONS.—

20 (1) DURATION.—Section 8(b) of the United
21 States Grain Standards Act (7 U.S.C. 84(b)) is
22 amended by striking “triennially” and inserting
23 “every five years”.

24 (2) PERSONS WHO MAY BE HIRED AS OFFICIAL
25 INSPECTION PERSONNEL.—Section 8(e) of the

1 United States Grain Standards Act (7 U.S.C. 84(e))
2 is amended—

3 (A) by striking “(on the date of enactment
4 of the United States Grain Standards Act of
5 1976)”;

6 (B) by striking “the United States Grain
7 Standards Act” and inserting “this Act”; and

8 (C) by striking “, on the date of enactment
9 of the United States Grain Standards Act of
10 1976, was performing” and inserting “per-
11 forms”.

12 (m) AUTHORIZATION OF APPROPRIATIONS.—Section
13 19 of the United States Grain Standards Act (7 U.S.C.
14 87h) is amended by striking “2015” and inserting
15 “2020”.

16 (n) EXPIRATION OF ADVISORY COMMITTEE.—Sec-
17 tion 21(e) of the United States Grain Standards Act (7
18 U.S.C. 87j(e)) is amended by striking “September 30,
19 2015” and inserting “September 30, 2020”.

20 (o) TECHNICAL CORRECTIONS.—Section 17B(b) of
21 the United States Grain Standards Act (7 U.S.C. 87f-
22 2(b)) is amended—

23 (1) by striking “notwithstanding the provisions
24 of section 812 of the Agricultural Act of 1970, as
25 added by the Agriculture and Consumer Protection

1 Act of 1973 (7 U.S.C. 612c-3)” and inserting “not-
2 withstanding section 602 of the Agricultural Trade
3 Act of 1978 (7 U.S.C. 5712)”); and
4 (2) by striking “or the Secretary”.