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(Original Signature of Member)

114TH CONGRESS  
1ST SESSION

**H. R.**

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.

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IN THE HOUSE OF REPRESENTATIVES

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

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**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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. REAUTHORIZATION OF UNITED STATES GRAIN**  
2 **STANDARDS ACT.**

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

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

10 (2) by striking “and” at the end of paragraph  
11 (2);

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

14 (4) by adding at the end the following new  
15 paragraph:

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

19 (b) **DEFINITIONS.**—

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

24 “(aa) The term ‘major disaster’ has the mean-  
25 ing given that term in section 102(2) of the Robert  
26 T. Stafford Disaster Relief and Emergency Assist-

1       ance Act (42 U.S.C. 5122(2)), except that the term  
2       includes a severe weather incident causing a region-  
3       wide interruption of government services.”.

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

7               (A) in the matter preceding paragraph (a),  
8       by striking “otherwise—” and inserting “other-  
9       wise.”;

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

13              (C) in paragraphs (n) and (t), by striking  
14       “the terms” and inserting “The terms”;

15              (D) in paragraph (s), by striking “the  
16       verb” and inserting “The verb”;

17              (E) in paragraph (x)—

18               (i) by striking “conveyance (the  
19       terms” and inserting “conveyance. The  
20       terms”; and

21               (ii) by striking “accordingly);” and in-  
22       serting “accordingly.”;

23              (F) by striking the semicolon at the end of  
24       each paragraph (other than paragraphs (x) and  
25       (y)) and inserting a period; and

1 (G) in paragraph (y), by striking “; and”  
2 and inserting a period.

3 (c) OFFICIAL INSPECTION AND WEIGHING REQUIRE-  
4 MENTS.—

5 (1) DISCRETIONARY WAIVER AUTHORITY.—Sec-  
6 tion 5(a)(1) of the United States Grain Standards  
7 Act (7 U.S.C. 77(a)(1)) is amended by striking  
8 “may waive” and inserting “shall promptly waive”.

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

18 (d) DELEGATION OF OFFICIAL INSPECTION AUTHOR-  
19 ITY.—

20 (1) AUTHORIZED INSPECTION PERSONNEL AT  
21 EXPORT ELEVATORS AT EXPORT PORT LOCA-  
22 TIONS.—Paragraph (1) of section 7(e) of the United  
23 States Grain Standards Act (7 U.S.C. 79(e)) is  
24 amended to read as follows:

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

6           “(A) by official inspection personnel employed  
7 by the Secretary; or

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

10       (2) DELEGATION TO STATE AGENCIES.—Sec-  
11 tion 7(e) of the United States Grain Standards Act  
12 (7 U.S.C. 79(e)) is amended—

13           (A) in paragraph (2)—

14               (i) by striking “, meets the criteria”  
15 and all that follows through “the Secretary  
16 may delegate” and inserting “and meets  
17 the criteria specified in subsection  
18 (f)(1)(A) of this section, the Secretary may  
19 delegate”;

20               (ii) by striking “at export port loca-  
21 tions within the State, including export  
22 port locations” and inserting “at export  
23 elevators at export port locations within  
24 the State, including at export elevators at  
25 export port locations”; and

1 (iii) in the last sentence, by striking  
2 “Any such delegation” and inserting “The  
3 delegation under this paragraph of author-  
4 ity to conduct official inspection services  
5 shall be for a term not to exceed five years,  
6 and may be renewed thereafter in accord-  
7 ance with this subsection, except that any  
8 such delegation”;

9 (B) by transferring paragraph (4) to the  
10 end of subsection (f), redesignating such para-  
11 graph as paragraph (5), and, in such para-  
12 graph, by striking “or subsection (f)” and in-  
13 serting “or subsection (e)”; and

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

16 “(3) Prior to delegating authority to a State agency  
17 for the performance of official inspection services at export  
18 elevators at export port locations pursuant to paragraph  
19 (2) of this subsection, the Secretary shall comply with the  
20 following:

21 “(A) Upon receipt of an application from a  
22 State agency requesting the delegation of authority  
23 to perform official inspection services on behalf of  
24 the Secretary, publish notice of the application in

1 the Federal Register and provide a minimum 30-day  
2 comment period on the application.

3 “(B) Evaluate the comments received under  
4 subparagraph (A) with respect to an application and  
5 conduct an investigation to determine whether the  
6 State agency that submitted the application and its  
7 personnel are qualified to perform official inspection  
8 services on behalf of the Secretary. In conducting  
9 the investigation, the Secretary shall consult with,  
10 and review the available files of the Department of  
11 Justice, the Office of Inspector General of the De-  
12 partment of Agriculture, and the Government Ac-  
13 countability Office.

14 “(C) Make findings based on the results of the  
15 investigation and consideration of public comments  
16 received.

17 “(D) Publish a notice in the Federal Register  
18 announcing whether the State agency has been dele-  
19 gated the authority to perform official inspection  
20 services at export elevators at export port locations  
21 on behalf of the Secretary, and the basis upon which  
22 the Secretary has made the decision.

23 “(4)(A) Except in the case of a major disaster, if a  
24 State agency that has been delegated the authority to per-  
25 form official inspection services at export elevators at ex-

1 port port locations on behalf of the Secretary fails to per-  
2 form such official services, the Secretary shall submit to  
3 Congress, within 90 days after the first day on which in-  
4 spection services were not performed by the delegated  
5 State agency, a report containing—

6                   “(i) the reasons for the State agency’s fail-  
7                   ure; and

8                   “(ii) the rationale as to whether or not the  
9                   Secretary will permit the State agency to retain  
10                  its delegated authority.

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

15           “(C) If a State agency that has been delegated the  
16 authority under paragraph (2) of this subsection to per-  
17 form official inspection services at an export elevator at  
18 an export port location on behalf of the Secretary intends  
19 to temporarily discontinue such official inspection services  
20 or weighing services for any reason, except in the case of  
21 a major disaster, the State agency shall notify the Sec-  
22 retary in writing of its intention to do so at least 72 hours  
23 in advance of the discontinuation date. The receipt of such  
24 prior notice shall be considered by the Secretary as a miti-

1 gating factor in determining whether to maintain or re-  
2 voke the delegation of authority to the State agency.”.

3 (3) CONFORMING AMENDMENTS.—(A) Section  
4 7(f)(1) of the United States Grain Standards Act (7  
5 U.S.C. 79(f)(1)) is amended by striking “other than  
6 at export port locations” and inserting “(other than  
7 at an export elevator at an export port location)”.

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

17 (4) EVALUATION OF CURRENT DELEGATIONS.—  
18 Not later than two years after the date of the enact-  
19 ment of this Act, the Secretary of Agriculture shall  
20 complete a review of each State agency that, as of  
21 the date of the enactment of this Act, has been dele-  
22 gated inspection authority under section 7(e) of the  
23 United States Grain Standards Act (7 U.S.C. 79(e))  
24 and determine if the State agency is qualified to  
25 continue to perform official inspection services at ex-

1 port elevators at export port locations on behalf of  
2 the Secretary under such section, as amended by  
3 this subsection. The Secretary shall conduct the re-  
4 view subject to the requirements of section 7(e) of  
5 the United States Grain Standards Act (7 U.S.C.  
6 79(e)), as amended by this subsection, and a State  
7 agency determined to be qualified to continue to per-  
8 form such official inspection services shall be subject  
9 thereafter to such requirements.

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

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

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

21 “(B) if interrupted, to be resumed at the export  
22 elevator by utilizing official inspection personnel em-  
23 ployed by the Secretary or by another delegated  
24 State agency as provided under paragraph (2) of  
25 this subsection as follows:

1           “(i) Within six hours after the interrup-  
2           tion, if the interruption is caused by a State  
3           agency delegated such authority under this sub-  
4           section and the Secretary received advance no-  
5           tice of the interruption pursuant to paragraph  
6           (4)(C) of this subsection.

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

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

19          “(B) A delegated or designated State agency pro-  
20          viding inspection services under subparagraph (A) may,  
21          at its discretion, provide such services for a period of up  
22          to 90 days from the date on which the services are initi-  
23          ated, after which time the Secretary may restore official  
24          inspection services using official inspection personnel em-  
25          ployed by the Secretary or a State agency delegated such

1 authority under this subsection, if available. The State  
2 agency shall notify the Secretary in writing of its intention  
3 to discontinue inspection services under subparagraph (A)  
4 at least 72 hours in advance of the discontinuation date.

5 “(7) Not later than 60 days after the date of the en-  
6 actment of this paragraph, the Secretary shall make avail-  
7 able to the public, including pursuant to a website main-  
8 tained by the Secretary, a list of all delegated States and  
9 all official agencies authorized to perform official inspec-  
10 tions on behalf of the Secretary. This list shall include  
11 the name, contact information, and category of authority  
12 granted. The Secretary shall update the list at least semi-  
13 annually.”.

14 (f) GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGEN-  
15 CIES.—

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

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

4           “(B) a person requesting inspection serv-  
5           ices in that geographic area requests a probe  
6           inspection on a barge-lot basis; or

7           “(C) the current official agency for that  
8           geographic area agrees in writing with the adja-  
9           cent official agency to waive the current geo-  
10          graphic area restriction at the request of the  
11          applicant for service.”.

12          (2) WEIGHING AUTHORITY.—Section 7A(i)(2)  
13          of the United States Grain Standards Act (7 U.S.C.  
14          79a(i)(2)) is amended by striking “the Secretary  
15          may” and all that follows through the end of the  
16          paragraph and inserting the following: “the Sec-  
17          retary shall allow a designated official agency to  
18          cross boundary lines to carry out weighing in an-  
19          other geographic area if—

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

23                 “(B) the current official agency for that  
24                 geographic area agrees in writing with the adja-  
25                 cent official agency to waive the current geo-

1 graphic area restriction at the request of the  
2 applicant for service.”.

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

7 (h) INSPECTION FEES.—

8 (1) COLLECTION AND AMOUNTS.—Section  
9 7(j)(1) of the United States Grain Standards Act (7  
10 U.S.C. 79(j)(1)) is amended—

11 (A) by inserting “(A)” after “(1)”;

12 (B) by adding at the end the following new  
13 subparagraph:

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

1           (2) DURATION OF AUTHORITY.—Section 7(j)(4)  
2           of the United States Grain Standards Act (7 U.S.C.  
3           79(j)(4)) is amended by striking “September 30,  
4           2015” and inserting “September 30, 2020”.

5           (i) OFFICIAL WEIGHING OR SUPERVISION AT LOCA-  
6           TIONS WHERE OFFICIAL INSPECTION IS PROVIDED  
7           OTHER THAN BY THE SECRETARY.—Section 7A(c)(2) of  
8           the United States Grain Standards Act (7 U.S.C.  
9           79a(c)(2)) is amended—

10           (1) in the first sentence, by striking “with re-  
11           spect to export port locations” and inserting “with  
12           respect to an export elevator at an export port loca-  
13           tion”; and

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

17           (j) COLLECTION OF FEES FOR WEIGHING SERV-  
18           ICES.—Section 7A(l)(3) of the United States Grain Stand-  
19           ards Act (7 U.S.C. 79a(l)(2)) is amended by striking  
20           “September 30, 2015” and inserting “September 30,  
21           2020”.

22           (k) LIMITATION AND ADMINISTRATIVE AND SUPER-  
23           VISORY COSTS.—Section 7D of the United States Grain  
24           Standards Act (7 U.S.C. 79d) is amended by striking  
25           “2015” and inserting “2020”.

1 (l) ISSUANCE OF AUTHORIZATIONS.—

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

6 (2) PERSONS WHO MAY BE HIRED AS OFFICIAL  
7 INSPECTION PERSONNEL.—Section 8(e) of the  
8 United States Grain Standards Act (7 U.S.C. 84(e))  
9 is amended—

10 (A) by striking “(on the date of enactment  
11 of the United States Grain Standards Act of  
12 1976)”;

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

15 (C) by striking “, on the date of enactment  
16 of the United States Grain Standards Act of  
17 1976, was performing” and inserting “per-  
18 forms”.

19 (m) AUTHORIZATION OF APPROPRIATIONS.—Section  
20 19 of the United States Grain Standards Act (7 U.S.C.  
21 87h) is amended by striking “2015” and inserting  
22 “2020”.

23 (n) EXPIRATION OF ADVISORY COMMITTEE.—Sec-  
24 tion 21(e) of the United States Grain Standards Act (7

1 U.S.C. 87j(e)) is amended by striking “September 30,  
2 2015” and inserting “September 30, 2020”.