

UNITED STATES GRAIN STANDARDS REAUTHORIZATION  
ACT OF 2025

SEPTEMBER 3, 2025.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

Mr. THOMPSON of Pennsylvania, from the Committee on  
Agriculture, submitted the following

R E P O R T

[To accompany H.R. 4550]

The Committee on Agriculture, to whom was referred the bill (H.R. 4550) to reauthorize the United States Grain Standards Act, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

BRIEF EXPLANATION

The United States Grain Standards Act Reauthorization Act of 2025, H.R. 4550, reauthorizes provisions of the United States Grain Standards Act (USGSA) until September 30, 2030, and provides a safeguard mechanism in the event of an interruption of official inspection services. In addition, H.R. 4550 revises the process for the delegation and designation of authority by the Secretary to provide official inspection services and allows for the review of current delegations. Finally, the legislation amends the USGSA to provide a basis for fees based on export tonnage and for the adjustment of those fees.

PURPOSE AND NEEDS

Witnesses testifying before the subcommittee, as well as producer organizations submitting statements for the hearing record, affirmed that it remains the Federal Grain Inspection Service's (FGIS) ultimate responsibility to provide accurate, reliable, consistently available, and cost-effective grain inspection and weighing services. Though proposals varied, each organization underscored the importance of technology and continuity of service in ensuring the integrity of the United States grain inspection system. The

Committee therefore updated the Act’s declaration of policy, adopted an additional reporting requirement focusing on technology, added technology development to a list of activities exempted from an administrative and supervisory spending cap, and gave the Secretary the authority to cooperate with official agencies for researching methods to improve accuracy and uniformity in grading grain. To address continuity of service concerns The Act allows for the use of official agencies for domestic movements at Export Port Locations as needed. Finally, to reaffirm Committee intent, the Act clarifies that services performed under the Agricultural Marketing Act of 1946 are intended to be excluded from the \$55 million annual cap on FGIS obligations funded through user fees, as established in appropriations acts. This ensures that the appropriations limit applies only to inspection and weighing services conducted under the USGSA.

#### *Extension of Operations*

Under the USGSA of 1916, the Federal Government is authorized to establish official marketing standards for grains and oilseeds, and to provide procedures for grain inspection and weighing. Most of the Act is permanently authorized, including mandatory inspection and weighing of exported grain, as well as authority to amend grain standards of quality. However, several provisions expire on September 30, 2025. A lapse in authorization could disrupt the current grain inspection and weighing program.

The provisions expiring on September 30, 2025, are:

- Authority for appropriations (7 U.S.C. 87h)
- FGIS authority for charging fees required for Federal supervision of State agencies’ export inspections and weighing (7 U.S.C. 79(j)(5) and 7 U.S.C.79a(i)(4))
- Administrative/supervisory cost cap of 30% (7 U.S.C. 79d)
- Authority for an advisory committee (7 U.S.C. 87j(e))

#### *Safeguard Against Interruption of Official Inspection Services*

Section 5(a)(1) of the USGSA (7 U.S.C. 77(a)(1)) authorizes the Secretary to waive official inspection and weighing services if an “emergency” exists, the waiver will not impair the objectives of the Act, and both the buyer and seller agree to forego official inspection. When a waiver is granted, the Secretary must submit a report describing the disruption to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry. While the term “emergency” is not defined in statute, it is addressed in regulation; however, the Act does not specify the duration for which a waiver may remain in effect.

The Committee expects USDA to use its existing statutory and regulatory authority to develop and implement a contingency plan to restore official grain inspection and weighing services in the event of future interruptions or disruptions. This plan should provide clearer operational guidance for applying the regulatory definition of “emergency” and ensure timely waiver decisions. The Committee further expects FGIS to carefully consider stakeholder recommendations, including those from export elevators and Officially Designated and Delegated Agencies, in formulating and executing the plan.

## SECTION-BY-SECTION ANALYSIS OF LEGISLATION

*Section 1. Short title*

Section 1 provides that this Act may be cited as the “United States Grain Standards Reauthorization Act of 2025”.

*Section 2. Declaration of policy*

Section 2 amends section 2(b) of the United States Grain Standards Act to update the declaration of policy of Congress to include the view that the Secretary of Agriculture shall prioritize the adoption of improved grain grading technology to provide for efficient, accurate, and consistent grading of grain.

*Section 3. Official inspection authority and funding*

Section 3 amends section 7 of the United States Grain Standards Act to establish continuity planning to allow the use of official agencies for domestic movements at Export Port Locations as needed. Section 3 also changes the user fee deposit fund into a trust fund. The Department of Treasury’s classification of Federal Grain Inspection Service (FGIS) user fee accounts has created ambiguity in implementing fund investments and reclassifying the fund as a trust fund will end any ambiguity. Finally, section 3 reauthorizes the inspection duties imposed on designated official agencies and State agencies and the trust fund investment authority through September 30, 2030.

*Section 4. Weighing authority*

Section 4 amends section 7A of the United States Grain Standards Act to conform with the continuity planning established under section 3 and updates the reference to the user fee fund created under section 7A(1) as a trust fund. Additionally, section 4 reauthorizes FGIS’ fee collection authority through September 30, 2030.

*Section 5. Testing of equipment*

Section 5 amends section 7B(a) of the United States Grain Standards Act to update the reference to the user fee fund created under section 7A(1) as a trust fund.

*Section 6. Limitation on administrative and supervisory costs*

Section 6 amends section 7D(a) of the United States Grain Standards Act to exclude costs associated with equipment and the development of technology from the existing 30 percent cap placed upon administrative and supervisory costs which may be incurred under the United States Grain Standards Act for services performed. Additionally, section 6 extends authorization for the cap, as amended, through 2030.

*Section 7. General authorities*

Section 7 amends section 16 of the United States Grain Standards Act to allow the Secretary to cooperate with official agencies in conducting a continuing research program for the purpose of developing methods to improve accuracy and uniformity in grading grain. Section 7 also updates the reference to the user fee fund created under section 7A(1) as a trust fund.

*Section 8. Registration requirements*

Section 8 amends section 17A(e) of the United States Grain Standards Act to update the reference to the user fee fund created under section 7A(l) as a trust fund.

*Section 9. Reporting requirements*

Section 9 amends existing discretionary reporting requirements in section 17B(e) of the United States Grain Standards Act (data relating to testing for other intrinsic quality or food safety factors and other data collected from inspection and weighing) to (1) make such reporting requirements mandatory, (2) require that report publication occur on December 1 of each year, and (3) add additional reporting requirements for the publication of an analysis of any and all existing deficiencies in the technology evaluation process and recommendations to advance the efficiency, accuracy, and consistency of grain grading and minimize costs imposed on the federal government and the grain export industry.

*Section 10. Funding*

Section 10 amends section 19 of the United States Grain Standards Act to reauthorize the \$23,000,000 annual authorization of appropriations 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 the United States Grain Standards Act for an additional five years through fiscal year 2030. Section 10 also clarifies that the term “official inspection or weighing service,” which 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, and other services, excludes grading services performed under the Agricultural Marketing Act of 1946.

*Section 11. Advisory committee*

Section 11 amends section 21 of the United States Grain Standards Act to reauthorize the authority of the advisory committee for U.S. grain standards through September 30, 2030, and provides that if the Secretary does not appoint a new advisory member upon the completion of a term of an existing member (including such existing member’s second successive term), then the existing member shall continue to serve until a new member is appointed by the Secretary.

## COMMITTEE CONSIDERATION

### I. HEARINGS

On June 26, 2025, the Subcommittee on General Farm Commodities, Risk Management, and Credit held a public hearing to review reauthorization of the United States Grains Standards Act.

Members of the Subcommittee heard testimony and discussed reauthorization of the United States Grains Standards Act. First enacted in 1916, the Act has been the cornerstone of the grain trade both for domestically and internationally. This law is relied upon not only by exporters and domestic shippers, but the whole United States agricultural sector. It established official marketing stand-

ards and procedures for the inspection and weighing of grains and oilseeds, providing a critical service to the grain marketplace. During the hearing, the following witnesses testified on matters included in H.R. 4550:

- Mr. Nick Friant, Chair, National Grain and Feed Association, Minneapolis, Minnesota
- Mrs. Kia Mikesh, President, American Association of Grain Inspection and Weighing Agencies, Walcott, North Dakota
- Mr. Dave Walton, Secretary, American Soybean Association, Wilton, Iowa
- Dr. Kevin Donnelly, Professor Emeritus, Department of Grain Science and Industry, Kansas State University, Manhattan, Kansas

## II. FULL COMMITTEE

The Committee on Agriculture met, pursuant to notice, with a quorum present, on July 22, 2025, to consider H.R. 4550, United States Grains Standards Act Reauthorization Act of 2025.

H.R. 4550 was placed before the Committee for consideration. Without objection, a first reading of the bill was waived and it was open for amendment at any point.

Chairman Glenn ‘GT’ Thompson and Ranking Member Angie Craig were recognized for statements. There being no amendments, Ranking Member Craig was recognized to offer a motion that the bill H.R. 4550 be reported favorably to the House with the recommendation that it do pass. The motion was subsequently approved by voice vote.

At the conclusion of the meeting, Chairman Thompson advised Members that pursuant to the rules of the House of Representatives Members had until July 25, 2025, to file any supplemental, minority, additional, or dissenting views with the Committee.

Without objection, staff was given permission to make any necessary clerical, technical or conforming changes to reflect the intent of the Committee. Chairman Thompson thanked all the Members and adjourned the meeting.

## COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the House of Representatives, H.R. 4550 was reported favorably by voice vote with a majority quorum present. There was no request for a recorded vote.

## COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Agriculture’s oversight findings and recommendations are reflected in the body of this report.

### NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee states that the bill involves no new or increased budget authority.

## COMMITTEE ESTIMATE OF BUDGETARY EFFECTS

There was no estimate and comparison from the Director of the Congressional Budget Office under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and sections 402 and 423 of the Congressional Budget Act of 1974 at the time of the filing of this report.

## EARMARK STATEMENT

H.R. 4550 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI of the Rules of the House Representatives.

## PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are 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.

## ADVISORY COMMITTEE STATEMENT

No advisory committee within the meaning of section 5(b) of the Federal Advisory Committee Act was created by this legislation.

## APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

## FEDERAL MANDATES STATEMENT

The Committee adopted as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104-4).

## DUPLICATION OF FEDERAL PROGRAMS

This bill does not establish or reauthorize a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**UNITED STATES GRAIN STANDARDS ACT**

\* \* \* \* \*

DECLARATION OF POLICY

SEC. 2. (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 Act are either in interstate or foreign commerce or substantially affect such commerce and that regulation thereof as provided in this Act 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**[.]**; *and*

(4) *that the Secretary shall prioritize the adoption of improved grain grading technology to provide for efficient, accurate, and consistent grading of grain.*

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OFFICIAL INSPECTION AUTHORITY AND FUNDING

SEC. 7. (a) The Secretary is authorized to cause official inspection under the standards provided for in section 4 of this Act to be made of all grain required to be officially inspected as provided in section

5 of this Act, in accordance with such regulations as the Secretary may prescribe.

(b) The Secretary is further authorized, upon request of any interested person, and under such regulations as the Secretary may prescribe, to cause official inspection to be made with respect to any grain whether by official sample, submitted sample, or otherwise within the United States under standards provided for in section 4 of this Act, or, upon request of the interested person, under other criteria approved by the Secretary for determining the kind, class, quality, or condition of grain, or other facts relating to grain, whenever in the judgment of the Secretary providing such service will effectuate any of the objectives stated in section 2 of this Act.

(c) The regulations prescribed by the Secretary under this Act shall include provisions for reinspections and appeal inspections; cancellation and surrender of certificates superseded by reinspections and appeal inspections; and the use of standards forms for official certificates. The Secretary may provide by regulation that samples obtained by or for employees of the Secretary for purposes of official inspection shall become the property of the United States, and such samples may be disposed of without regard to the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.).

(d) Official certificates setting out the results of official inspection issued and not canceled under this Act shall be received by all officers and all courts of the United States as prima facie evidence of the truth of the facts stated therein.

(e)(1) Except as otherwise provided in paragraph (2) of this subsection, the Secretary shall cause official inspection at export port locations, for all grain required or authorized to be inspected by this Act, to be performed by official inspection personnel employed by the Secretary or other persons under contract with the Secretary as provided in section 8 of this Act.

(2) DELEGATION OF AUTHORITY TO STATE AGENCIES.—

(A) IN GENERAL.—If the Secretary determines, pursuant to paragraph (3) of this subsection, that a State agency is qualified to perform official inspection, meets the criteria in subsection (f)(1)(A) of this section, and (i) was performing official inspection at an export port location under this Act on July 1, 1976, or (ii)(I) performed official inspection at an export port location at any time prior to July 1, 1976, (II) was designated under subsection (f) of this section on the date of enactment of the Agriculture and Food Act of 1981 to perform official inspections at locations other than export port locations, and (III) operates in a State from which total annual exports of grain do not exceed, as determined by the Secretary, 5 per centum of the total amount of grain exported from the United States annually, the Secretary may delegate authority to the State agency to perform all or specified functions involved in official inspection (other than appeal inspection) at export port locations within the State, including export port locations which may in the future be established, subject to such rules, regulations, instructions, and oversight as the Secretary may prescribe, and any such official inspection shall continue to be the direct responsibility of the Sec-

retary. Any such delegation may be revoked by the Secretary, at the discretion of the Secretary, at any time upon notice to the State agency without opportunity for a hearing.

(B) CERTIFICATION.—

(i) IN GENERAL.—Every 5 years, the Secretary shall certify that each State agency with a delegation of authority is meeting the criteria described in subsection (f)(1)(A).

(ii) PROCESS.—Not later than 1 year after the date of enactment of the Agriculture Reauthorizations Act of 2015, the Secretary shall establish a process for certification under which the Secretary shall—

(I) publish in the Federal Register notice of intent to certify a State agency and provide a 30-day period for public comment;

(II) evaluate the public comments received and, in accordance with paragraph (3), conduct an investigation to determine whether the State agency is qualified;

(III) make findings based on the public comments received and investigation conducted; and

(IV) publish in the Federal Register a notice announcing whether the certification has been granted and describing the basis on which the Secretary made the decision.

(C) STATE AGENCY REQUIREMENTS.—

(i) IN GENERAL.—If a State agency that has been delegated authority under this paragraph intends to temporarily discontinue official inspection or weighing services for any reason, except in the case of a major disaster, the State agency shall notify the Secretary and affected customers or applicants for service of official inspection or weighing services provided by the State agency in writing of the intention of the State agency to do so at least 72 hours in advance of the discontinuation date.

(ii) SECRETARIAL CONSIDERATION.—The Secretary shall consider receipt of a notice described in clause (i) as a factor in administering the delegation of authority under this paragraph.

(3) Prior to delegating authority to a State agency for the performance of official inspection at export port locations pursuant to paragraph (2) of this subsection, the Secretary shall (A) conduct an investigation to determine whether such agency is qualified, and (B) make findings based on such investigation. In conducting the investigation, the Secretary shall consult with, and review the available files of the Department of Justice, the Office of Investigation of the Department of Agriculture (or such other organization or agency within the Department of Agriculture which may be delegated the authority, in lieu thereof, to conduct investigations on behalf of the Department of Agriculture), and the General Accounting Office.

(4) The Secretary may provide that grain loaded at an interior point in the United States into a rail car, barge, or other container

as the final carrier in which it is to be transported from the United States shall be inspected in the manner provided in this subsection or subsection (f) of this section, as the Secretary determines will best meet the objectives of this Act.

*(5) The Secretary may provide that domestic non-export grain loaded or unloaded into or out of a rail car, barge, truck, or other container, at an export port location, shall be inspected in the manner provided in this subsection or subsection (f), as the Secretary determines will best meet the objectives of this Act.*

(f)(1) With respect to official inspections other than at export port locations, the Secretary is authorized, upon application by any State or local governmental agency, or any person, to designate such agency or person as an official agency for the conduct of all or specified functions involved in official inspection (other than appeal inspection) at locations where the Secretary determines official inspection is needed, if—

(A) the agency or person shows to the satisfaction of the Secretary that such agency or person—

(i) has adequate facilities and qualified personnel for the performance of such official inspection functions;

(ii) will provide for the periodic rotation of official inspection personnel among the grain elevators, warehouses, or other storage or handling facilities at which the State or person provides official inspection, as is necessary to preserve the integrity of the official inspection service;

(iii) will meet training requirements and personnel standards established by the Secretary under section 8(g) of this Act;

(iv) will otherwise conduct such training and provide such supervision of its personnel as are necessary to assure that they will provide official inspection in accordance with this Act and the regulations and instructions thereunder;

(v) will not charge official inspection fees that are discriminatory or unreasonable;

(vi) if a State or local governmental agency, will not use any moneys collected pursuant to the charging of fees for any purpose other than the maintenance of the official inspection operation of the State or local governmental agency;

(vii) and any related entities do not have a conflict of interest prohibited by section 11 of this Act;

(viii) will maintain complete and accurate records of its organization, staffing, official activities, and fiscal operations, and such other records as the Secretary may require by regulation;

(ix) if a State or local governmental agency, will employ personnel on the basis of job qualifications rather than political affiliations;

(x) will comply with all provisions of this Act and the regulations and instructions thereunder; and

(xi) meets other criteria established in regulations issued under this Act relating to official functions under this Act;

(B) the Secretary determines that the applicant is better able than any other applicant to provide official inspection service; and

(C) the Secretary—

(i) periodically conducts a consultation with the customers of the applicant, in a manner that provides opportunity for protection of the identity of the customer if desired by the customer, to review the performance of the applicant with regard to the provision of official inspection services and other requirements of this Act; and

(ii) works with the applicant to address any concerns identified during the consultation process.

(2) GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.—

(A) IN GENERAL.—Subject to subparagraph (B), not more than one official agency designated under paragraph (1) or State delegated authority under subsection (e)(2) to carry out the inspection provisions of this Act shall be operative at the same time in any geographic area defined by the Secretary.

(B) EXCEPTIONS.—Subject to subsection (g)(4)(A), if the Secretary determines that the presence of more than one designated official agency in the same geographic area will not undermine the policy stated in section 2, the Secretary shall allow a designated official agency to cross boundary lines to carry out inspections in another geographic area if—

(i) the current designated official agency for that geographic area is unable to provide inspection services in a timely manner;

(ii) a person requesting inspection services in that geographic area has not been receiving official inspection services from the current designated official agency for that geographic area;

(iii) a person requesting inspection services in that geographic area requests a probe inspection on a barge-lot basis; or

(iv) the current official agency for that geographic area agrees in writing with the adjacent official agency to waive the current geographic area restriction at the request of the applicant for service.

(C) TERMINATION OF NONUSE OF SERVICE EXCEPTION.—The exception under subparagraph (B)(ii) may only be terminated if all parties to that exception jointly agree on the termination, unless terminated according to subsection (g)(4)(A).

(D) RESTORATION OF CERTAIN EXCEPTIONS.—

(i) DEFINITION OF ELIGIBLE GRAIN HANDLING FACILITY.—In this subparagraph, the term “eligible grain handling facility” means a grain handling facility that—

(I) was granted an exception under the final rule entitled “Exceptions to Geographic Areas for Official Agencies Under the USGSA” (68 Fed. Reg. 19137 (April 18, 2003)); and

(II) had that exception revoked between September 30, 2015, and the date of enactment of the Agriculture Improvement Act of 2018.

(ii) RESTORATION OF EXCEPTIONS.—Within 90 days of notification from an eligible grain handling facility, the Secretary shall restore an exception described in clause (i)(I) with an official agency if—

(I) the eligible grain handling facility and the former excepted official agency agree to restore that exception; and

(II) the eligible grain handling facility notifies the Secretary of the preferred date for restoration of the exception within 90 days of enactment of the Agriculture Improvement Act of 2018.

(3) Except as authorized by the Secretary, no official agency or State delegated authority pursuant to subsection (e)(2) of this section shall officially inspect under this Act any official or other sample drawn from a lot of grain and submitted for inspection unless such lot of grain is physically located within the geographic area assigned to the agency by the Secretary at the time such sample is drawn.

(4) No State or local governmental agency or person shall provide any official inspection for the purposes of this Act except pursuant to an unsuspended and unrevoked delegation of authority or designation by the Secretary, as provided in this section, or as provided in section 8(a) of this Act.

(g)(1) Designations of official agencies shall terminate at such time as specified by the Secretary but not later than every 5 years and may be renewed in accordance with the criteria and procedure prescribed in subsection (f) of this section.

(2) A designation of an official agency may be amended at any time upon application by the official agency if the Secretary determines that the amendment will be consistent with the provisions and objectives of this Act; and a designation will be cancelled upon request by the official agency with ninety days written notice to the Secretary. A fee as prescribed by regulations of the Secretary shall be paid by the official agency to the Secretary for each such amendment, to cover the costs incurred by the Secretary in connection therewith, and it shall be deposited in the **fund created** *trust fund created* in subsection (j) of this section.

(3) The Secretary may revoke a designation of an official agency whenever, after opportunity for hearing is afforded the agency, the Secretary determines that the agency has failed to meet one or more of the criteria specified in subsection (f) of this section or the regulations under this Act for the performance of official functions, or otherwise has not complied with any provision of this Act or any regulation prescribed or instruction issued to such agency under this Act, or has been convicted of any violation of other Federal law involving the handling or official inspection of grain: *Provided*, That the Secretary may, without first affording the official agency an opportunity for a hearing, suspend any designation pending final determination of the proceeding whenever the Secretary has reason to believe there is cause for revocation of the designation and considers such action to be in the best interest of the official inspection system under this Act. The Secretary shall afford any

such agency an opportunity for a hearing within thirty days after temporarily suspending such designation.

(4) EFFECT ON EXCEPTIONS.—

(A) IN GENERAL.—The exceptions under clauses (ii) and (iv) of subsection (f)(2)(B) shall not apply if the designation of an official agency is terminated, pursuant to paragraph (1).

(B) DESIGNATION RENEWED OR RESTORED.—If the designation of an official agency is renewed or restored after being terminated under paragraph (1), the Secretary may renew or restore the exceptions under subsection (f)(2)(B) in accordance with that subsection.

(h) If the Secretary determines that official inspection by an official agency designated under subsection (f) of this section is not available on a regular basis at any location (other than at an export port location) where the Secretary determines such inspection is needed to effectuate the objectives stated in section 2 of this Act, and that no official agency within reasonable proximity to such location is willing to provide or has or can acquire adequate personnel and facilities for providing such service on an interim basis, official inspection shall be provided by authorized employees of the Secretary, and other persons licensed by the Secretary to perform official inspection functions, as provided in section 8 of this Act, until such time as the service can be provided on a regular basis by an official agency.

(i) The Secretary is authorized to cause official inspection under this Act to be made, as provided in subsection (a) of section 5 of this Act, in Canadian ports of United States export grain transhipped through Canadian ports, and pursuant thereto the Secretary is authorized to enter into an agreement with the Canadian Government for such inspection. All or specified functions of such inspection shall be performed by official inspection personnel employed by the Secretary or, except for appeals, by persons operating under a contract with the Secretary or as otherwise provided by agreement with the Canadian Government.

(j) FEES.—

(1) INSPECTION FEES.—

(A) IN GENERAL.—The Secretary shall, under such regulations as the Secretary may prescribe, charge and collect reasonable inspection fees to cover the estimated cost to the Secretary incident to the performance of official inspection except when the official inspection is performed by a designated official agency or by a State under a delegation of authority.

(B) AMOUNT OF FEES.—The fees authorized by this subsection shall, as nearly as practicable and after taking into consideration any proceeds from the sale of samples, cover the costs of the Secretary incident to its performance of official inspection services in the United States and on United States grain in Canadian ports, including administrative and supervisory costs related to such official inspection of grain.

(C) USE OF FEES.—Fees described in this paragraph, and the proceeds from the sale of samples obtained for purposes of official inspection which become the property of

the United States, shall be deposited into a **fund which** *trust fund which* shall be available without fiscal year limitation for the expenses of the Secretary incident to providing services under this Act.

(D) EXPORT TONNAGE FEES.—For an official inspection at an export facility performed by the Secretary, the portion of the fees based on export tonnage shall be based on the rolling 5-year average of export tonnage volumes.

(2) Each designated official agency and each State agency to which authority has been delegated under subsection (e) of this section shall pay to the Secretary fees in such amount as the Secretary determines fair and reasonable and as will cover the estimated costs incurred by the Secretary relating to supervision of official agency personnel and supervision by the Secretary of the Secretary's field office personnel, except costs incurred under paragraph (3) of subsection (g) of this section and sections 9, 10, and 14 of this Act. The fees shall be payable after the services are performed at such times as specified by the Secretary and shall be deposited in the fund created in paragraph (1) of this subsection. Failure to pay the fee within thirty days after it is due shall result in automatic termination of the delegation or designation, which shall be reinstated upon payment, within such period as specified by the Secretary, of the fee currently due plus interest and any further expenses incurred by the Secretary because of such termination. The interest rate on overdue fees shall be as prescribed by the Secretary, but not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturity, plus an additional charge of not to exceed 1 per centum per annum as determined by the Secretary and adjusted to the nearest one-eighth of 1 per centum.

(3) Any sums collected or received by the Secretary under this Act and deposited to the **fund created** *trust fund created* in paragraph (1) of this subsection and any late payment penalties collected by the Secretary and credited to such fund may be invested by the Secretary in insured or fully collateralized, interest-bearing accounts or, at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments. The interest earned on such sums and any late payment penalties collected by the Secretary shall be **credited to the fund** *credited to the trust fund account* and shall be available without fiscal year limitation for the expenses of the Secretary incident to providing services under this Act.

(4) ADJUSTMENT OF FEES.—In order to maintain an operating reserve of not less than 3 and not more than 6 months, the Secretary shall adjust the fees described in paragraphs (1) and (2) not less frequently than annually.

(5) The duties imposed by paragraph (2) on designated official agencies and State agencies described in such paragraph and the investment authority provided by paragraph (3) shall expire on September 30, **2025** 2030. After that date, the fees established by the Secretary pursuant to paragraph (1) shall not cover administrative and supervisory costs related to the official inspection of grain.

## WEIGHING AUTHORITY

SEC. 7A. (a) The Secretary shall cause official weighing under standards or procedures provided for in section 4 of this Act to be made of all grain required to be officially weighed as provided in section 5 of this Act, in accordance with such regulations as the Secretary may prescribe.

(b) The Secretary is authorized to cause official weighing or supervision of weighing under standards or procedures provided in section 4 of this Act to be performed at any grain elevator, warehouse, or other storage or handling facility located other than at export elevators at export port locations at which official inspection is provided pursuant to the provisions of this Act, in such manner as the Secretary deems appropriate and under such regulations as the Secretary may provide.

(c)(1) With respect to official weighing or supervision of weighing for locations at which official inspection is provided by the Secretary, the Secretary shall cause such official weighing or supervision of weighing to be performed by official inspection personnel employed by the Secretary.

(2) With respect to official weighing or supervision of weighing for any location at which official inspection is provided other than by the Secretary, the Secretary is authorized, with respect to export port locations, to delegate authority to perform official weighing or supervision of weighing to the **[State agency]** *State agency or official agency* providing official inspection service at such location, and with respect to any other location, to designate the agency or person providing official inspection service at such location to perform official weighing or supervision of weighing, if such agency or person qualifies for a delegation of authority or designation under section 7 of this Act, except that where the term "official inspection" is used in such section it shall be deemed to refer to "official weighing" or "supervision of weighing" under this section. If such agency or person is not available to perform such weighing services, or the Secretary determines that such agency or person is not qualified to perform such weighing services, then (A) at export port locations official weighing or supervision of weighing shall be performed by official inspection personnel employed by the Secretary, and (B) at any other location, the Secretary is authorized to cause official weighing or supervision of weighing to be performed by official inspection personnel employed by the Secretary or designate any State or local governmental agency, or any person to perform official weighing or supervision of weighing, if such agency, or person meets the same criteria that agencies must meet to be designated to perform official inspection as set out in section 7 of this Act, except that where the term "official inspection" is used in such section it shall be deemed to refer to "official weighing" or "supervision of weighing" under this section. Delegations and designations made pursuant to this subsection shall be subject to the same provisions for delegations and designations set forth in subsections (e) and (g) of section 7 of this Act.

(d) The Secretary is authorized to cause official weighing under this Act to be made, as provided in subsection (a) of section 5 of this Act, in Canadian ports of United States export grain transhipped through Canada; and pursuant thereto the Secretary is au-

thorized to enter into an agreement with the Canadian Government for such official weighing. All or specified functions of such weighing shall be performed by official inspection personnel employed by the Secretary or, except for appeals, by persons operating under a contract with the Secretary or as otherwise provided by agreement with the Canadian Government.

(e) The Secretary is further authorized to cause official weighing or supervision of weighing under standards or procedures provided for in section 4 of this Act to be made at grain elevators, warehouses, or other storage or handling facilities not subject to subsection (a) or (b) of this section, upon request of the operator of such grain elevator, warehouse, or other storage or handling facility and in accordance with such regulations as the Secretary may prescribe.

(f) No official weighing or supervision of weighing shall be provided for the purposes of this act at any grain elevator, warehouse, or other storage or handling facility until such time as the operator of the facility has demonstrated to the satisfaction of the Secretary that the operator (1) has and will maintain, in good order, suitable grain-handling equipment and accurate scales for all weighing of grain at the facility, in accordance with the regulations of the Secretary; (2) will permit only competent persons with a reputation for honesty and integrity and who are approved by the Secretary to operate the scales and to handle grain in connection with weighing of the grain, in accordance with this Act; (3) when weighing is to be done by persons other than official inspection personnel, will require such persons to operate the scales in accordance with the regulations of the Secretary and to require that each lot of grain for delivery from any railroad car, truck, barge, vessel, or other means of conveyance at the facility is entirely removed from such means of conveyance and delivered to the scales without avoidable waste or loss, and each lot of grain weighed at the elevator for shipment from the facility is entirely delivered to the means of conveyance for which intended, and without avoidable waste or loss, in accordance with the regulations of the Secretary; (4) will provide all assistance needed by the Secretary for making any inspection or examination and carrying out other functions at the facility pursuant to this Act; and (5) will comply with all other requirements of this Act and the regulations hereunder.

(g) Official certificates setting out the results of official weighing or supervision of weighing, issued and not cancelled under this Act, shall be received by all officers and all courts of the United States as prima facie evidence of the truth of the facts stated herein.

(h) No State or local governmental agency or person shall weigh or state in any document the weight of grain determined at a location where official weighing is required to be performed as provided for in this section except in accordance with the procedures prescribed pursuant to this section.

(i) UNAUTHORIZED WEIGHING PROHIBITED.—

(1) IN GENERAL.—No State or local governmental agency or person other than an authorized employee of the Secretary shall perform official weighing or supervision of weighing for the purposes of this Act except in accordance with the provisions of an unsuspended and unrevoked delegation of authority

or designation by the Secretary as provided in this section or as otherwise provided in section 7(i) and subsection (d).

(2) GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.—

(A) IN GENERAL.—Subject to subparagraph (B), not more than one designated official agency referred to in paragraph (1) or State agency delegated authority pursuant to subsection (c)(2) to carry out the weighing provisions of this Act shall be operative at the same time in any geographic area defined by the Secretary.

(B) EXCEPTIONS.—If the Secretary determines that the presence of more than one designated official agency in the same geographic area will not undermine the policy stated in section 2, the Secretary shall allow a designated official agency to cross boundary lines to carry out weighing in another geographic area if—

(i) the current designated official agency for that geographic area is unable to provide weighing services in a timely manner;

(ii) a person requesting weighing services in that geographic area has not been receiving official weighing services from the current designated official agency for that geographic area; or

(iii) the current official agency for that geographic area agrees in writing with the adjacent official agency to waive the current geographic area restriction at the request of the applicant for service.

(C) RESTORATION OF CERTAIN EXCEPTIONS.—

(i) DEFINITION OF ELIGIBLE GRAIN HANDLING FACILITY.—In this subparagraph, the term “eligible grain handling facility” means a grain handling facility that—

(I) was granted an exception under the final rule entitled “Exceptions to Geographic Areas for Official Agencies Under the USGSA” (68 Fed. Reg. 19137 (April 18, 2003)); and

(II) had that exception revoked between September 30, 2015 and the date of enactment of the Agriculture Improvement Act of 2018.

(ii) RESTORATION OF EXCEPTIONS.—Within 90 days of notification from an eligible grain handling facility, the Secretary shall restore an exception described in clause (i)(I) with an official agency if—

(I) the eligible grain handling facility and the former excepted official agency agree to restore that exception; and

(II) the eligible grain handling facility notifies the Secretary of the preferred date for restoration of the exception within 90 days of enactment of the Agriculture Improvement Act of 2018.

(j) The provisions of this section shall not limit any authority vested in the Secretary under the United States Warehouse Act (39 Stat. 486, as amended; 7 U.S.C. 241 et seq.).

(k) The representatives of the Secretary shall be afforded access to any elevator, warehouse, or other storage or handling facility from which grain is delivered for shipment in interstate or foreign

commerce or to which grain is delivered from shipment in interstate or foreign commerce and all facilities therein for weighing grain.

(1) FEES.—

(1) WEIGHING FEES.—

(A) IN GENERAL.—The Secretary shall, under such regulations as the Secretary may prescribe, charge and collect reasonable fees to cover the estimated costs to the Secretary incident to the performance of the functions provided for under this section except as otherwise provided in paragraph (2) of this subsection.

(B) AMOUNT OF FEES.—The fees authorized by this paragraph shall, as nearly as practicable, cover the costs of the Secretary incident to performance of its functions related to weighing, including administrative and supervisory costs directly related thereto.

(C) USE OF FEES.—Fees described in this paragraph shall be deposited into the **fund created** *trust fund created* in section 7(j) of this Act.

(D) EXPORT TONNAGE FEES.—For an official weighing at an export facility performed by the Secretary, the portion of the fees based on export tonnage shall be based on the rolling 5-year average of export tonnage volumes.

(2) Each agency to which authority has been delegated under this section and each agency or other person which has been designated to perform functions related to weighing under this section shall pay to the Secretary fees in such amount as the Secretary determines fair and reasonable and as will cover the costs incurred by the Secretary relating to supervision of the agency personnel and supervision by the Secretary of the Secretary's field office personnel incurred as a result of the functions performed by such agencies, except costs incurred under sections 7(g)(3), 9, 10, and 14 of this Act. The fees shall be payable after the services are performed at such times as specified by the Secretary and shall be deposited in the **fund created** *trust fund created* in section 7(j) of this Act. Failure to pay the fee within thirty days after it is due shall result in automatic termination of the delegation or designation, which shall be reinstated upon payment, within such period as specified by the Secretary, of the fee currently due plus interest and any further expenses incurred by the Secretary because of such termination. The interest rate on overdue fees shall be as prescribed by the Secretary, but not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturity, plus an additional charge of not to exceed 1 per centum per annum as determined by the Secretary, and adjusted to the nearest one-eighth of 1 per centum.

(3) ADJUSTMENT OF FEES.—In order to maintain an operating reserve of not less than 3 and not more than 6 months, the Secretary shall adjust the fees described in paragraphs (1) and (2) not less frequently than annually.

(4) The authority provided to the Secretary by paragraph (1) and the duties imposed by paragraph (2) on agencies and other persons described in such paragraph shall expire on September 30, **2025** 2030. After that date, the Secretary shall, under such regulations as the Secretary may prescribe, charge and collect reasonable fees

to cover the estimated costs of official weighing and supervision of weighing except when the official weighing or supervision of weighing is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this paragraph shall, as nearly as practicable, cover the costs of the Secretary incident to its performance of official weighing and supervision of weighing services in the United States and on United States grain in Canadian ports, excluding administrative and supervisory costs. The fees authorized by this paragraph shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Secretary incident to providing services under this Act.

TESTING OF EQUIPMENT

SEC. 7B. (a) The Secretary shall provide for the testing of all equipment used in the sampling, grading, inspection, and weighing for the purpose of official inspection, official weighing, or supervision of weighing of grain located at all grain elevators, warehouses, or other storage or handling facilities at which officials inspection or weighing services are provided under this Act, to be made on a random and periodic basis, under such regulations as the Secretary may prescribe, as the Secretary deems necessary to assure the accuracy and integrity of such equipment. Such regulations shall provide for the charging and collection of reasonable fees to cover the estimated costs to the Secretary incident to the performance of such testing by employees of the Secretary. Such fees shall be deposited into the **[fund created]** *trust fund created* by section 7(j) of this Act.

(b) The Secretary is authorized to cause such testing provided for in subsection (a) to be performed (1) by personnel employed by the Secretary, or (2) by States, political subdivisions thereof, or persons under the supervision of the Secretary, under such regulations as the Secretary may prescribe.

(c) Notwithstanding any other provision of law, no person shall use for the purposes of this Act any such equipment not approved by the Secretary.

LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS

SEC. 7D. The total administrative and supervisory costs which may be incurred under this Act for services performed (excluding standardization, compliance, and foreign monitoring **[activities]** *activities, equipment, and development of technology*) for each of the fiscal years 1989 through **[2025]** 2030 shall not exceed 30 per centum of the total costs for such activities carried out by the Secretary for such year.

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GENERAL AUTHORITIES

SEC. 16. (a) The Secretary is authorized to conduct such investigations; hold such hearings; require such reports from any official agency, any State agency delegated authority under this Act, license, or other person; and prescribe such rules, regulations, and instructions, as the Secretary deems necessary to effectuate the

purposes or provisions of this Act. Such regulations may require, as a condition for official inspection or official weighing or supervision of weighing, among other things, (1) that there be installed specified sampling, handling, weighing, and monitoring equipment in grain elevators, warehouses, and other grain storage or handling facilities, (2) that approval of the Secretary be obtained as to the condition of vessels and other carriers or receptacles for the transporting or storing of grain, and (3) that persons having a financial interest in the grain which is to be inspected (or their agents) shall be afforded an opportunity to observe the weighing, loading, and official inspection thereof, under conditions prescribed by the Secretary. Whether any certificate, other form, representation, designation, or other description is false, incorrect, or misleading within the meaning of this Act shall be determined by tests made in accordance with such procedures as the Secretary may adopt to effectuate the objectives of this Act, if the relevant facts are determinable by such tests. Proceedings under section 9 of this Act for refusal to renew, or for suspension or revocation of, a license shall not, unless requested by the respondent, be subject to the administrative procedure provisions in sections 554, 556, and 557 of title 5 of the United States Code.

(b) The Secretary is authorized to investigate reports or complaints of discrepancies and abuses in the official inspection and weighing of grain under this Act. The Secretary shall prescribe by regulation procedures for (1) promptly investigating (A) complaints of foreign grain purchasers regarding the official inspection or official weighing of grain shipped from the United States, (B) the cancellation of contracts for the export sale of grain required to be inspected or weighed under this Act, and (C) any complaint regarding the operation or administration of this Act or any official transaction with which this Act is concerned; and (2) taking appropriate action on the basis of the findings of any investigation of such complaints.

(c) The Secretary is authorized to cause official inspection personnel to monitor in foreign nations which are substantial importers of grain from the United States, grain imported from the United States upon its entry into the foreign nation, to determine whether such grain is of a comparable kind, class, quality, and condition after considering the handling methods and conveyance utilized at the time of loading, and the same quantity that it was certified to be upon official inspection and official weighing in the United States.

(d) The Office of Investigation of the Department of Agriculture (or such other organization or agency within the Department of Agriculture which may be delegated the authority, in lieu thereof, to conduct investigations on behalf of the Department of Agriculture) shall conduct such investigations regarding the operation or administration of this Act or any official transaction with which this Act is concerned, as the Director thereof deems necessary to assure the integrity of official inspection and weighing under this Act.

(e) The Secretary is authorized to conduct, in cooperation with other agencies within the [Department of Agriculture] *Department of Agriculture and official agencies*, a continuing research program for the purpose of developing methods to improve accuracy and uniformity in grading grain.

(f) To assure the normal movement of grain at all inspection points in a timely manner consistent with the policy expressed in section 2 of this Act, the Secretary shall, notwithstanding any other provision of law, provide adequate personnel to meet the inspection and weighing requirements of this Act.

(g) TESTING OF CERTAIN WEIGHING EQUIPMENT.—(1) Subject to paragraph (2), the Secretary may provide for the testing of weighing equipment used for purposes other than weighing grain. The testing shall be performed—

(A) in accordance with such regulations as the Secretary may prescribe; and

(B) for a reasonable fee established by regulation or contractual agreement and sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

(2) Testing performed under paragraph (1) may not conflict with or impede the objectives specified in section 2.

(h) TESTING OF GRAIN INSPECTION INSTRUMENTS.—(1) Subject to paragraph (2), the Secretary may provide for the testing of grain inspection instruments used for commercial inspection. The testing shall be performed—

(A) in accordance with such regulations as the Secretary may prescribe; and

(B) for a reasonable fee established by regulation or contractual agreement and sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

(2) Testing performed under paragraph (1) may not conflict with or impede the objectives specified in section 2.

(i) ADDITIONAL FOR FEE SERVICES.—(1) In accordance with such regulations as the Secretary may provide, the Secretary may perform such other services as the Secretary considers to be appropriate.

(2) In addition to the fees authorized by sections 7, 7A, 7B, 17A, and this section, the Secretary shall collect reasonable fees to cover the estimated costs of services performed under paragraph (1) other than standardization and foreign monitoring activities.

(3) To the extent practicable, the fees collected under paragraph (2), together with any proceeds from the sale of any samples, shall cover the costs, including administrative and supervisory costs, of services performed under paragraph (1).

(j) DEPOSIT OF FEES.—Fees collected under subsections (g), (h), and (i) shall be deposited into the **fund created** *trust fund created* under section 7(j).

(k) OFFICIAL COURTESIES.—The Secretary may extend appropriate courtesies to official representatives of foreign countries in order to establish and maintain relationships to carry out the policy stated in section 2. No gift offered or accepted pursuant to this subsection shall exceed \$20 in value.

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#### REGISTRATION REQUIREMENTS

SEC. 17A. (a) The Secretary shall provide, by regulation, for the registration of all persons engaged in the business of buying grain for sale in foreign commerce, and in the business of handling,

weighing, or transporting of grain for sale in foreign commerce. This section shall not apply to—

(1) any person who only incidentally or occasionally buys for sale, or handles, weighs, or transports grain for sale and is not engaged in the regular business of buying grain for sale, or handling, weighing, or transporting grain for sale;

(2) any producer of grain who only incidentally or occasionally sells or transports grain which the producer has purchased;

(3) any person who transports grain for hire and does not own a financial interest in such grain; or

(4) any person who buys grain for feeding or processing and not for the purpose of reselling and only incidentally or occasionally sells such grain as grain.

(b)(1) All persons required to register under this Act shall submit the following information to the Secretary:

(A) the name and principal address of the business,

(B) the names of all directors of such business,

(C) the names of the principal officers of such business,

(D) the names of all persons in a control relationship with respect to such business,

(E) a list of locations where the business conducts substantial operations, and

(F) such other information as the Secretary deems necessary to carry out the purposes of this Act.

Persons required to register under this section shall also submit to the Secretary the information specified in clauses (A) through (F) of this paragraph with respect to any business engaged in the business of buying grain for sale in interstate commerce, and in the business of handling, weighing, or transporting of grain for sale in interstate commerce, if, with respect to such business, the person otherwise required to register under this section is in a control relationship.

(2) For the purposes of this section, a person shall be deemed to be in a “control relationship” with respect to a business required to register under subsection (a) and with respect to applicable interstate business if—

(A) such person has an ownership interest of 10 per centum or more in such business, or

(B) a business or group of business entities, with respect to which such person is in a control relationship, has an ownership interest of 10 per centum or more in such business.

(3) For purposes of clauses (A) and (B) of paragraph (2) of this subsection, a person shall be considered to own the ownership interest which is owned by his or her spouse, minor children, and relatives living in the same household.

(c) The Secretary shall issue a certificate of registration to persons who comply with the provisions of this section. The certificate or registration issued in accordance with this section shall be renewed annually. If there has been any change in the information required under subsection (b), the person holding such certificate shall, within thirty days of the discovery of such change, notify the Secretary of such change. No person shall engage in the business of buying grain for sale in foreign commerce, and in the business commerce unless the person has registered with the Secretary as

required by this Act and has an unsuspended and unrevoked certificate of registration.

(d) The Secretary may suspend or revoke any certificate of registration issued under this section whenever, after the person holding such certificate has been afforded an opportunity for a hearing in accordance with sections 554, 556, and 557 of title 5 of the United States Code, the Secretary shall determine that such person has violated any provision of this Act or of the regulations promulgated thereunder, or has been convicted of any violation involving the handling, weighing, or inspection of grain under title 18 of the United States Code.

(e) The Secretary shall charge and collect fees from any person registered under this section. The amount of such fees shall be determined on the basis of the costs of the Secretary in administering the registering required by this section. Such fees shall be deposited in, and used as part of, the [fund described] *trust fund described* in section 7(j) of this Act.

#### REPORTING REQUIREMENTS

SEC. 17B. (a) 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 Act for the prior fiscal year, with recommendations for any legislative changes necessary to accomplish the objectives stated in section 2 of this Act.

(b) 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 812 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c-3), within thirty days after receipt by the Secretary or the Secretary of notice of the cancellation of any contract for the export of more than one hundred thousand metric tons of grain.

(c) 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 the date of enactment of this subsection, 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 7 or 7A or an official agency.

(2) EXCEPTIONS AND WAIVERS.—Beginning not later than 1 year after the date of enactment of this subsection, the Secretary shall publish quarterly reports describing—

(A) the number of exceptions requested under section 7(f)(2)(B);

(B) the number of exceptions granted under section 7(f)(2)(B);

(C) the number of waivers requested under section 5(a)(1); and

(D) the number of waivers granted under section 5(a)(1).

(e) ADDITIONAL REPORTING; CONSULTATION.—~~【The Secretary may, to the extent determined appropriate by the Secretary】~~ *On December 1 of each year, the Secretary shall, in consultation with State agencies delegated authority under sections 7 and 7A, official agencies, and the grain industries described in the second sentence of section 21(a), publish—*

(1) data relating to testing for other intrinsic quality or food safety factors; ~~【and】~~

*(2) an analysis of any and all existing deficiencies in the technology evaluation process and recommendations to advance the efficiency, accuracy, and consistency of grain grading and minimize costs imposed on the Federal Government and the grain export industry; and*

~~【(2)】~~ (3) other data collected from inspection and weighing activities conducted under this Act.

(f) PROTECTION OF CONFIDENTIAL BUSINESS INFORMATION.—Any trade secrets or information described in section 552(b)(4) of title 5, United States Code, 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.

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#### SEC. 19. 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 Act, and any other expenses necessary to carry out the provisions of this Act for each of the fiscal years ~~【2021 through 2025】~~ *2026 through 2030*, to the extent that financing is not obtained from fees and sales of samples as provided for in sections 7, 7A, 7B, 16, and 17A.

## (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] *other services (excluding grading services performed under the Agricultural Marketing Act of 1946)*, or registration, the cost to the Secretary of which is authorized to be covered by the collection of a user fee pursuant to section 7, 7A, 7B, 16, or 17A, as applicable.

(B) USER FEE.—The term “user fee” means a fee collected by the Secretary under section 7, 7A, 7B, 16, or 17A.

## (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.

## ADVISORY COMMITTEE

SEC. 21. (a) Not later than ninety days after the date of enactment of this section, the Secretary shall establish an advisory committee to provide advice to the Secretary with respect to implementation of this Act consistent with the declarations of policy in section 2 of this Act. 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 2 of this Act. 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 following the enactment of this section, five shall be appointed for terms of one year and five shall be appointed for terms of two years. No member of the advisory committee may serve successively for more than 2 terms. *Notwithstanding the previous sentence, if the Secretary does not make a new appointment upon the completion of a term of an existing member (including such existing member's second successive term), then such existing member shall continue to serve until such appointment is made.*

(b) The advisory committee shall be governed by the provisions of chapter 10 of title 5, United States Code.

(c) The Secretary shall provide the advisory committee with necessary clerical assistance and staff personnel.

(d) Members of the advisory committee shall serve without compensation, if not otherwise officers or employees of the United States, except that members shall, while away from their homes or regular places of business in the performance of services under this Act, be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of title 5, United States Code.

(e) The authority provided to the Secretary for the establishment and maintenance of an advisory committee under this section shall expire on September 30, ~~2025~~ 2030.

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