

Union Calendar No. 147

103D CONGRESS
1ST SESSION

H. R. 2689

[Report No. 103-2651]

A BILL

To amend Public Law 100-518 and the United States Grain Standards Act to extend through September 30, 1998, the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, and for other purposes.

SEPTEMBER 28, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JULY 21, 1993

Mr. DE LA GARZA (by request) (Mr. ROBERTS, Mr. JOHNSON of South Dakota, Mr. PENNY, Mr. EMERSON, and Mr. ALLARD) introduced the following bill; which was referred to the Committee on Agriculture

SEPTEMBER 28, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 21, 1993]

A BILL

To amend Public Law 100-518 and the United States Grain Standards Act to extend through September 30, 1998, the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, 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 AND TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“United States Grain Standards Act Amendments of*
 6 *1993”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 8 *this Act is as follows:*

- Sec. 1. Short title and table of contents.*
- Sec. 2. Limitation on administrative and supervisory costs.*
- Sec. 3. Authorization of appropriations.*
- Sec. 4. Inspection and weighing fees; inspection and weighing in Canadian ports.*
- Sec. 5. Inspection and weighing pilot program.*
- Sec. 6. Licensing of inspectors.*
- Sec. 7. Prohibited acts.*
- Sec. 8. Criminal penalties.*
- Sec. 9. Equipment testing and other services.*
- Sec. 10. Violation of subpoena.*
- Sec. 11. Standardizing commercial inspections.*
- Sec. 12. Elimination of gender references.*
- Sec. 13. Repeal of temporary amendment language; technical amendments.*
- Sec. 14. Authority to collect fees; termination of advisory committee.*
- Sec. 15. Effective dates.*

9 **SEC. 2. LIMITATION ON ADMINISTRATIVE AND SUPER-**
 10 **VISORY COSTS.**

11 *Section 7D of the United States Grain Standards Act*
 12 *(7 U.S.C. 79d) is amended—*

13 (1) *by striking “inspection and weighing” and*
 14 *inserting “services performed”; and*

15 (2) *by striking “1993” and inserting “1998”.*

16 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) *REAUTHORIZATION.*—*Section 19 of the United*
 18 *States Grain Standards Act (7 U.S.C. 87h) is amended by*

1 *striking “during the period beginning October 1, 1988, and*
2 *ending September 30, 1993” and inserting “1988 through*
3 *1998”.*

4 *(b) LIMITATION.—Such section is further amended by*
5 *striking “and 17A of this Act” and inserting “7B, 16, and*
6 *17A”.*

7 **SEC. 4. INSPECTION AND WEIGHING FEES; INSPECTION**
8 **AND WEIGHING IN CANADIAN PORTS.**

9 *(a) INSPECTION AUTHORITY.—Section 7 of the United*
10 *States Grain Standards Act (7 U.S.C. 79) is amended—*

11 *(1) in subsection (f)(1)(A)(vi), by striking “or*
12 *other agricultural programs operated by” and insert-*
13 *ing “of”; and*

14 *(2) in the second sentence of subsection (i), by*
15 *inserting before the period at the end “or as otherwise*
16 *provided by agreement with the Canadian Govern-*
17 *ment”.*

18 *(b) WEIGHING AUTHORITY.—Section 7A of such Act*
19 *(7 U.S.C. 79a) is amended—*

20 *(1) in the second sentence of subsection (c)(2), by*
21 *inserting after “shall be deemed to refer to” the fol-*
22 *lowing: “‘official weighing’ or”;*

23 *(2) in the second sentence of subsection (d), by*
24 *inserting before the period at the end “or as otherwise*

1 *provided by agreement with the Canadian Govern-*
2 *ment”*; and

3 (3) *in the first sentence of subsection (i), by in-*
4 *serting before the period at the end “or as otherwise*
5 *provided in section 7(i) and subsection (d)”*.

6 **SEC. 5. INSPECTION AND WEIGHING PILOT PROGRAM.**

7 (a) *INSPECTION AUTHORITY.*—Section 7(f)(2) of the
8 *United States Grain Standards Act (7 U.S.C. 79(f)(2)) is*
9 *amended by inserting before the period at the end the follow-*
10 *ing: “, except that the Administrator may conduct pilot*
11 *programs to allow more than one official agency to carry*
12 *out inspections within a single geographical area without*
13 *undermining such objectives”*.

14 (b) *WEIGHING AUTHORITY.*—The second sentence of
15 *section 7A(i) of such Act (7 U.S.C. 79a(i)) is amended by*
16 *inserting before the period at the end the following: “, except*
17 *that the Administrator may conduct pilot programs to*
18 *allow more than one official agency to carry out the weigh-*
19 *ing provisions within a single geographic area without un-*
20 *dermining such objectives”*.

21 **SEC. 6. LICENSING OF INSPECTORS.**

22 Section 8 of the United States Grain Standards Act
23 *(7 U.S.C. 84) is amended—*

24 (1) *in subsection (a)—*

1 (A) in paragraph (1) of the first sentence,
2 by inserting after “and is employed” the follow-
3 ing: “(or is supervised under a contractual ar-
4 rangement)”; and

5 (B) in the second sentence, by striking “No
6 person” and inserting “Except as otherwise pro-
7 vided in sections 7(i) and 7A(d), no person”;

8 (2) in the first proviso of subsection (b), by strik-
9 ing “independently under the terms of a contract for
10 the conduct of any functions involved in official in-
11 spection” and inserting “under the terms of a con-
12 tract for the conduct of any functions”; and

13 (3) in subsection (d)—

14 (A) by inserting after “Persons employed”
15 the following: “or supervised under a contractual
16 arrangement”; and

17 (B) by inserting after “including persons
18 employed” the following: “or supervised under a
19 contractual arrangement”.

20 **SEC. 7. PROHIBITED ACTS.**

21 Section 13(a)(11) of the United States Grain Stand-
22 ards Act (7 U.S.C. 87b(a)) is amended to read as follows:

23 “(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12, 16,
24 or 17A;”.

1 **SEC. 8. CRIMINAL PENALTIES.**

2 *Section 14(a) of the United States Grain Standards*
3 *Act (7 U.S.C. 87c(a)) is amended by striking “shall be*
4 *guilty of a misdemeanor and shall, on conviction thereof,*
5 *be subject to imprisonment for not more than twelve*
6 *months, or a fine of not more than \$10,000, or both such*
7 *imprisonment and fine; but, for each subsequent offense sub-*
8 *ject to this subsection, such person”.*

9 **SEC. 9. EQUIPMENT TESTING AND OTHER SERVICES.**

10 *Section 16 of the United States Grain Standards Act*
11 *(7 U.S.C. 87e) is amended—*

12 *(1) in subsection (b), by striking the third sen-*
13 *tence; and*

14 *(2) by adding at the end the following new sub-*
15 *sections:*

16 *“(g) TESTING OF CERTAIN WEIGHING EQUIPMENT.—*

17 *(1) Subject to paragraph (2), the Administrator may pro-*
18 *vide for the testing of weighing equipment used for purposes*
19 *other than weighing grain. The testing shall be performed—*

20 *“(A) in accordance with such regulations as the*
21 *Administrator may prescribe; and*

22 *“(B) for a reasonable fee established by regula-*
23 *tion or contractual agreement and sufficient to cover,*
24 *as nearly as practicable, the estimated costs of the*
25 *testing performed.*

1 “(2) Testing performed under paragraph (1) may not
2 conflict with or impede the objectives specified in section
3 2.

4 “(h) TESTING OF GRAIN INSPECTION INSTRUMENTS.—
5 (1) Subject to paragraph (2), the Administrator may pro-
6 vide for the testing of grain inspection instruments used
7 for commercial inspection. The testing shall be performed—

8 “(A) in accordance with such regulations as the
9 Administrator may prescribe; and

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

14 “(2) Testing performed under paragraph (1) may not
15 conflict with or impede the objectives specified in section
16 2.

17 “(i) ADDITIONAL FOR FEE SERVICES.—(1) In accord-
18 ance with such regulations as the Administrator may pro-
19 vide, the Administrator may perform such other services as
20 the Administrator considers to be appropriate.

21 “(2) In addition to the fees authorized by sections 7,
22 7A, 7B, 17A, and this section, the Administrator shall col-
23 lect reasonable fees to cover the estimated costs of services
24 performed under paragraph (1) other than standardization,
25 compliance, and foreign monitoring activities.

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

6 “(j) DEPOSIT OF FEES.—Fees collected under sub-
7 sections (g), (h), and (i) shall be deposited into the fund
8 created under section 7(j).

9 “(k) OFFICIAL COURTESIES.—The Administrator may
10 extend appropriate courtesies to official representatives of
11 foreign countries in order to establish and maintain rela-
12 tionships to carry out the policy stated in section 2. No
13 gift offered pursuant to this subsection shall exceed 20 dol-
14 lars in value.”.

15 **SEC. 10. VIOLATION OF SUBPOENA.**

16 Section 17(e) of the United States Grain Standards
17 Act (7 U.S.C. 87f(e)) is amended by striking “the penalties
18 set forth in subsection (a) of section 14 of this Act” and
19 inserting “imprisonment for not more than 1 year or a fine
20 of not more than \$10,000 or both the imprisonment and
21 fine”.

22 **SEC. 11. STANDARDIZING COMMERCIAL INSPECTIONS.**

23 Section 22(a) of the United States Grain Standards
24 Act (7 U.S.C. 87k(a)) is amended by striking “and the Na-
25 tional Conference on Weights and Measures” and inserting

1 “, the National Conference on Weights and Measures, or
2 other appropriate governmental, scientific, or technical or-
3 ganizations”.

4 **SEC. 12. ELIMINATION OF GENDER REFERENCES.**

5 (a) REFERENCES TO HIS.—(1) Section 3 of the United
6 States Grain Standards Act (7 U.S.C. 75) is amended—

7 (A) in subsection (a), by striking “his delegates”
8 and inserting “a delegate of the Secretary”; and

9 (B) in subsection (z), by striking “his delegates”
10 and inserting “a delegate of the Administrator”.

11 (2) Sections 4(a), 7(b), 7(e)(2), 12(b), and 13(a)(2) of
12 such Act (7 U.S.C. 76(a), 79(b), 79(e)(2), 87a(b), and
13 87b(a)(2)) are each amended by striking “his” and insert-
14 ing “the Administrator’s”.

15 (3) Section 5(a)(1) of such Act (7 U.S.C. 77(a)(1)) is
16 amended by striking “his agent” and inserting “the ship-
17 per’s agent”.

18 (4) Section 9 of such Act (7 U.S.C. 85) is amended
19 in the first sentence by striking “his license” and inserting
20 “the license”.

21 (5) Sections 13(a)(7), 15, and 17(e) of such Act (7
22 U.S.C. 87b(a)(7), 87d, and 87f(e)) are each amended by
23 striking “his” and inserting “the person’s”.

1 (6) Section 13(a)(8) of such Act (7 U.S.C. 87b(a)(8))
2 is amended by striking “his duties” and inserting “the du-
3 ties of the officer, employee, or inspection personnel”.

4 (b) REFERENCES TO HIM.—(1) Section 8(a) of such
5 Act (7 U.S.C. 84(a)) is amended in the first sentence by
6 striking “him” and inserting “the Administrator”.

7 (2) Section 9 of such Act (7 U.S.C. 85) is amended
8 by striking “him” and inserting “the licensee”.

9 (c) REFERENCES TO HE.—(1) Sections 5(b), 7(a),
10 7(b), 7(e)(2), 7A(e), 7B(a), 8(c), 8(f), 10(a), 11(a), 11(b)(5),
11 12(c), and 14(b) of such Act (7 U.S.C. 77(b), 79(a), 79(b),
12 79(e)(2), 79a(e), 79b(a), 84(c), 84(f), 86(a), 87(a), 87(b)(5),
13 87a(c), and 87c(b)), are each amended by striking “he” each
14 place it appears and inserting “the Administrator”.

15 (2) Sections 10(b), 13(a)(9), 14(a), and 17A(c) of such
16 Act (7 U.S.C. 86(b), 87b(a)(9), 87c(a), and 87f–1(c)) are
17 each amended by striking “he” and inserting “the person”.

18 (3) Sections 11(B)(1) and 17A(a)(2) of such Act (7
19 U.S.C. 87(b)(1) and 87f–1(a)(2)) are each amended by
20 striking “he” and inserting “the producer”.

21 **SEC. 13. REPEAL OF TEMPORARY AMENDMENT LANGUAGE;**

22 **TECHNICAL AMENDMENTS.**

23 (a) REPEAL.—Section 2 of the United States Grain
24 Standards Act Amendments of 1988 (Public Law 100–518;
25 102 Stat. 2584) is amended, in the matter preceding para-

1 *graph (1), by striking “Effective for the period October 1,*
2 *1988, through September 30, 1993, inclusive, the” and in-*
3 *serting “The”.*

4 (b) *TECHNICAL AMENDMENTS.—(1) Section 21(a) of*
5 *the United States Grain Standards Act (7 U.S.C. 87j(a))*
6 *is amended—*

7 (A) *by striking “(1)”;* and

8 (B) *by striking paragraph (2).*

9 (2) *Section 22(c) of such Act (7 U.S.C. 87k(c)), is*
10 *amended by striking “subsection (a) and (b)” and inserting*
11 *“subsections (a) and (b)”.*

12 **SEC. 14. AUTHORITY TO COLLECT FEES; TERMINATION OF**
13 **ADVISORY COMMITTEE.**

14 (a) *INSPECTION AND SUPERVISORY FEES.—Section*
15 *7(j) of the United States Grain Standards Act (7 U.S.C.*
16 *79(l)) is amended by adding at the end the following new*
17 *paragraph:*

18 “(4) *The duties imposed by paragraph (2) on des-*
19 *ignated official agencies and State agencies described in*
20 *such paragraph and the investment authority provided by*
21 *paragraph (3) shall expire on September 30, 1998. After*
22 *that date, the fees established by the Administrator pursu-*
23 *ant to paragraph (1) shall not cover administrative and*
24 *supervisory costs related to the official inspection of grain.”.*

1 (b) *WEIGHING AND SUPERVISORY FEES.*—Section
2 7A(l) of such Act (7 U.S.C. 79a(l)) is amended by adding
3 at the end the following new paragraph:

4 “(3) The authority provided to the Administrator by
5 paragraph (1) and the duties imposed by paragraph (2)
6 on agencies and other persons described in such paragraph
7 shall expire on September 30, 1998. After that date, the Ad-
8 ministrator shall, under such regulations as the Adminis-
9 trator may prescribe, charge and collect reasonable fees to
10 cover the estimated costs of official weighing and super-
11 vision of weighing except when the official weighing or su-
12 pervision of weighing is performed by a designated official
13 agency or by a State under a delegation of authority. The
14 fees authorized by this paragraph shall, as nearly as prac-
15 ticable, cover the costs of the Service incident to its perform-
16 ance of official weighing and supervision of weighing serv-
17 ices in the United States and on United States grain in
18 Canadian ports, excluding administrative and supervisory
19 costs. The fees authorized by this paragraph shall be depos-
20 ited into a fund which shall be available without fiscal year
21 limitation for the expenses of the Service incident to provid-
22 ing services under this Act.”

23 (c) *TERMINATION OF ADVISORY COMMITTEE.*—Section
24 21 of such Act (7 U.S.C. 87j) is amended by adding at the
25 end the following new subsection:

1 “(e) *TERMINATION.*—*The advisory committee shall ter-*
2 *minate on September 30, 1998.*”.

3 **SEC. 15. EFFECTIVE DATES.**

4 (a) *IN GENERAL.*—*Except as provided in subsection*
5 *(b), the amendments made by this Act shall take effect on*
6 *the date of the enactment of this Act.*

7 (b) *SPECIAL EFFECTIVE DATE FOR CERTAIN PROVI-*
8 *SIONS.*—*The amendments made by sections 2, 3, and 13(a)*
9 *shall take effect as of the earlier of—*

10 (1) *September 30, 1993; or*

11 (2) *the date of the enactment of this Act.*

Amend the title so as to read: “A bill to amend the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such Act, and to improve administration of such Act, and for other purposes.”.