

103D CONGRESS
1ST SESSION

S. 1490

AMENDMENTS

In the House of Representatives, U. S.,

November 4, 1993.

Resolved, That the bill from the Senate (S. 1490) entitled “An Act to amend Public Law 100–518 and 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, and for other purposes”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.***

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

5 (b) *TABLE OF CONTENTS.*—*The table of contents for*
6 *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. Pilot program for performing inspection and weighing at interior loca-
tions.

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-based references.

Sec. 13. Repeal of temporary amendment language; technical amendments.

Sec. 14. Authority to collect fees; termination of advisory committee.

Sec. 15. Comprehensive cost containment plan.

Sec. 16. Effective dates.

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

3 *Section 7D of the United States Grain Standards Act*
4 *(7 U.S.C. 79d) is amended—*

5 *(1) by striking “inspection and weighing” and*
6 *inserting “services performed”; and*

7 *(2) by striking “1993” and inserting “2000”.*

8 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

9 *(a) REAUTHORIZATION.—Section 19 of the United*
10 *States Grain Standards Act (7 U.S.C. 87h) is amended by*
11 *striking “during the period beginning October 1, 1988, and*
12 *ending September 30, 1993” and inserting “1988 through*
13 *2000”.*

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

17 **SEC. 4. INSPECTION AND WEIGHING FEES; INSPECTION**
18 **AND WEIGHING IN CANADIAN PORTS.**

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

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

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

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

3 (b) *WEIGHING AUTHORITY.*—*Section 7A of such Act*
 4 *(7 U.S.C. 79a) is amended—*

5 (1) *in the second sentence of subsection (c)(2), by*
 6 *inserting after “shall be deemed to refer to” the words*
 7 *“‘official weighing’ or”;*

8 (2) *in the second sentence of subsection (d), by*
 9 *inserting before the period at the end “or as otherwise*
 10 *provided by agreement with the Canadian Govern-*
 11 *ment”;* *and*

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

15 ***SEC. 5. PILOT PROGRAM FOR PERFORMING INSPECTION***
 16 ***AND WEIGHING AT INTERIOR LOCATIONS.***

17 (a) *INSPECTION AUTHORITY.*—*Section 7(f)(2) of the*
 18 *United States Grain Standards Act (7 U.S.C. 79(f)(2)) is*
 19 *amended by inserting before the period at the end “, except*
 20 *that the Administrator may conduct pilot programs to*
 21 *allow more than 1 official agency to carry out inspections*
 22 *within a single geographical area without undermining the*
 23 *policy stated in section 2”.*

24 (b) *WEIGHING AUTHORITY.*—*The second sentence of*
 25 *section 7A(i) of such Act (7 U.S.C. 79a(i)) is amended by*

1 *inserting before the period at the end “, except that the Ad-*
 2 *ministrator may conduct pilot programs to allow more than*
 3 *1 official agency to carry out the weighing provisions with-*
 4 *in a single geographic area without undermining the policy*
 5 *stated in section 2”.*

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

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

9 *(1) in subsection (a)—*

10 *(A) in paragraph (1) of the first sentence,*
 11 *by inserting after “and is employed” the phrase*
 12 *“(or is supervised under a contractual arrange-*
 13 *ment)”;* and

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

17 *(2) in the first proviso of subsection (b), by strik-*
 18 *ing “independently under the terms of a contract for*
 19 *the conduct of any functions involved in official in-*
 20 *spection” and inserting “under the terms of a con-*
 21 *tract for the conduct of any functions”;* and

22 *(3) in subsection (d)—*

23 *(A) by inserting after “Persons employed”*
 24 *the words “or supervised under a contractual ar-*
 25 *rangement”;* and

1 (B) by inserting after “including persons
2 employed” the words “or supervised under a con-
3 tractual arrangement”.

4 **SEC. 7. PROHIBITED ACTS.**

5 Paragraph (11) of section 13(a) of the United States
6 Grain Standards Act (7 U.S.C. 87b(a)(11)) is amended to
7 read as follows:

8 “(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12,
9 16, or 17A;”.

10 **SEC. 8. CRIMINAL PENALTIES.**

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

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

19 Section 16 of the United States Grain Standards Act
20 (7 U.S.C. 87e) is amended—

21 (1) in subsection (b), by striking the third sen-
22 tence; and

23 (2) by adding at the end the following new sub-
24 sections:

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

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

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

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

11 “(2) *Testing performed under paragraph (1) may not*
12 *conflict with or impede the objectives specified in sec-*
13 *tion 2.*

14 “(h) *TESTING OF GRAIN INSPECTION INSTRUMENTS.*—

15 (1) *Subject to paragraph (2), the Administrator may pro-*
16 *vide for the testing of grain inspection instruments used*
17 *for commercial inspection. The testing shall be performed—*

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

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

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

4 “(i) *ADDITIONAL FOR FEE SERVICES.*—(1) In accord-
5 ance with such regulations as the Administrator may pro-
6 vide, the Administrator may perform such other services as
7 the Administrator considers to be appropriate.

8 “(2) In addition to the fees authorized by sections 7,
9 7A, 7B, 17A, and this section, the Administrator shall col-
10 lect reasonable fees to cover the estimated costs of services
11 performed under paragraph (1) other than standardization
12 and foreign monitoring activities.

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

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

21 “(k) *OFFICIAL COURTESIES.*—The Administrator may
22 extend appropriate courtesies to official representatives of
23 foreign countries in order to establish and maintain rela-
24 tionships to carry out the policy stated in section 2. No

1 *gift offered or accepted pursuant to this subsection shall ex-*
 2 *ceed \$20 in value.”.*

3 **SEC. 10. VIOLATION OF SUBPOENA.**

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

10 **SEC. 11. STANDARDIZING COMMERCIAL INSPECTIONS.**

11 *Section 22(a) of the United States Grain Standards*
 12 *Act (7 U.S.C. 87k(a)) is amended by striking “and the Na-*
 13 *tional Conference on Weights and Measures” and inserting*
 14 *“, the National Conference on Weights and Measures, or*
 15 *other appropriate governmental, scientific, or technical or-*
 16 *ganizations”.*

17 **SEC. 12. ELIMINATION OF GENDER-BASED REFERENCES.**

18 *(a) Section 3 (7 U.S.C. 75) is amended—*

19 *(1) in subsection (a), by striking “his delegates”*
 20 *and inserting “delegates of the Secretary”; and*

21 *(2) in subsection (z), by striking “his delegates”*
 22 *and inserting “delegates of the Administrator”.*

23 *(b) Section 4(a)(1) (7 U.S.C. 76(a)(1)) is amended by*
 24 *striking “his judgment” and inserting “the judgment of the*
 25 *Administrator”.*

1 (c) Section 5 (7 U.S.C. 77) is amended—

2 (1) in subsection (a)(1), by striking “his agent”
3 and inserting “the agent of the shipper”; and

4 (2) in subsection (b), by striking “he” and in-
5 serting “the Administrator”.

6 (d) Section 7 (7 U.S.C. 79) is amended—

7 (1) in subsection (a), by striking “he” and in-
8 serting “the Administrator”;

9 (2) in subsection (b)—

10 (A) by striking “he” and inserting “the Ad-
11 ministrators”; and

12 (B) by striking “his judgment” and insert-
13 ing “the judgment of the Administrator”; and

14 (3) in subsection (e)(2)—

15 (A) by striking “he” and inserting “the Ad-
16 ministrators”; and

17 (B) by striking “his discretion” and insert-
18 ing “the discretion of the Administrator”.

19 (e) Section 7A(e) (7 U.S.C. 79a(e)) is amended by
20 striking “he” and inserting “the Administrator”.

21 (f) Section 7B(a) (7 U.S.C. 79b(a)) is amended by
22 striking “he” and inserting “the Administrator”.

23 (g) Section 8 (7 U.S.C. 84) is amended—

24 (1) in subsection (a), by striking “him” and in-
25 serting “the Administrator”; and

1 (2) in subsections (c) and (f), by striking “he”
2 each place it appears and inserting “the Adminis-
3 trator”.

4 (h) Section 9 (7 U.S.C. 85) is amended—

5 (1) by striking “him” and inserting “the li-
6 censee”; and

7 (2) by striking “his license” and inserting “the
8 license”.

9 (i) Section 10 (7 U.S.C. 86) is amended—

10 (1) in subsection (a), by striking “he” each place
11 it appears and inserting “the Administrator”; and

12 (2) in subsection (b), by striking “he” and in-
13 serting “the person”.

14 (j) Section 11 (7 U.S.C. 87) is amended—

15 (1) in subsection (a), by striking “he” and in-
16 serting “the Administrator”; and

17 (2) in subsection (b)—

18 (A) in paragraph (1), by striking “he” and
19 inserting “the producer”; and

20 (B) in paragraph (5), by striking “he” each
21 place it appears and inserting “the Adminis-
22 trator”.

23 (k) Section 12 (7 U.S.C. 87a) is amended—

1 (1) in subsection (b), by striking “his judgment”
2 and inserting “the judgment of the Administrator”;
3 and

4 (2) in subsection (c), by striking “he” and in-
5 serting “the Administrator”.

6 (l) Section 13(a) (7 U.S.C. 87b(a)) is amended—

7 (1) in paragraph (2), by striking “his represent-
8 ative” and inserting “the representative of the Ad-
9 ministrators”;

10 (2) in paragraphs (7) and (8), by striking “his
11 duties” each place it appears and inserting “the du-
12 ties of the officer, employee, or other person”; and

13 (3) in paragraph (9), by striking “he” and in-
14 serting “the person”.

15 (m) Section 14 (7 U.S.C. 87c) is amended—

16 (1) in subsection (a), by striking “he” and in-
17 serting “the person”; and

18 (2) in subsection (b), by striking “he” each place
19 it appears and inserting “the Administrator”.

20 (n) Section 15 (7 U.S.C. 87d) is amended by striking
21 “his employment or office” and inserting “the employment
22 or office of the official, agent, or other person”.

23 (o) Section 17(e) (7 U.S.C. 87f(e)) is amended by strik-
24 ing “his power” and inserting “the power of the person”.

25 (p) Section 17A (7 U.S.C. 87f-1) is amended—

1 (1) in subsection (a)(2), by striking “he” and in-
 2 serting “the producer”; and

3 (2) in subsection (c), by striking “he” and in-
 4 serting “the person”.

5 **SEC. 13. REPEAL OF TEMPORARY AMENDMENT LANGUAGE;**
 6 **TECHNICAL AMENDMENTS.**

7 (a) *REPEAL*.—Section 2 of the United States Grain
 8 Standards Act Amendments of 1988 (Public Law 100–518;
 9 102 Stat. 2584) is amended, in the matter preceding para-
 10 graph (1), by striking “Effective for the period October 1,
 11 1988, through September 30, 1993, inclusive, the” and in-
 12 serting “The”.

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

16 (A) by striking “(1)”; and

17 (B) by striking paragraph (2).

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

21 **SEC. 14. AUTHORITY TO COLLECT FEES; TERMINATION OF**
 22 **ADVISORY COMMITTEE.**

23 (a) *INSPECTION AND SUPERVISORY FEES*.—Section
 24 7(j) of the United States Grain Standards Act (7 U.S.C.

1 79(j)) is amended by adding at the end the following new
2 paragraph:

3 “(4) The duties imposed by paragraph (2) on des-
4 ignated official agencies and State agencies described in
5 such paragraph and the investment authority provided by
6 paragraph (3) shall expire on September 30, 2000. After
7 that date, the fees established by the Administrator pursu-
8 ant to paragraph (1) shall not cover administrative and
9 supervisory costs related to the official inspection of grain.”.

10 (b) *WEIGHING AND SUPERVISORY FEES.*—Section
11 7A(l) of such Act (7 U.S.C. 79a(l)) is amended by adding
12 at the end the following new paragraph:

13 “(3) The authority provided to the Administrator by
14 paragraph (1) and the duties imposed by paragraph (2)
15 on agencies and other persons described in such paragraph
16 shall expire on September 30, 2000. After that date, the Ad-
17 ministrator shall, under such regulations as the Adminis-
18 trator may prescribe, charge and collect reasonable fees to
19 cover the estimated costs of official weighing and super-
20 vision of weighing except when the official weighing or su-
21 pervision of weighing is performed by a designated official
22 agency or by a State under a delegation of authority. The
23 fees authorized by this paragraph shall, as nearly as prac-
24 ticable, cover the costs of the Service incident to its perform-
25 ance of official weighing and supervision of weighing serv-

1 *ices in the United States and on United States grain in*
 2 *Canadian ports, excluding administrative and supervisory*
 3 *costs. The fees authorized by this paragraph shall be depos-*
 4 *ited into a fund which shall be available without fiscal year*
 5 *limitation for the expenses of the Service incident to provid-*
 6 *ing services under this Act.”.*

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

10 *“(e) The authority provided to the Secretary for the*
 11 *establishment and maintenance of an advisory committee*
 12 *under this section shall expire on September 30, 2000.”.*

13 ***SEC. 15. COMPREHENSIVE COST CONTAINMENT PLAN.***

14 *Section 3A (7 U.S.C. 75a) is amended—*

15 *(1) by striking “There is created” and inserting*

16 *“(a) ESTABLISHMENT.—There is created”; and*

17 *(2) by adding at the end the following new sub-*
 18 *section:*

19 *“(b) COST CONTAINMENT PLAN.—(1) The Adminis-*
 20 *trator shall develop and carry out a comprehensive cost con-*
 21 *tainment plan to streamline and maximize the efficiency*
 22 *of the operations of the Service, including standardization*
 23 *activities, in order to minimize taxpayer expenditures and*
 24 *user fees and encourage the maximum use of official inspec-*
 25 *tion and weighing services at domestic and export locations.*

1 “(2) Not later than 180 days after the date of enact-
 2 ment of this subsection, the Administrator shall submit a
 3 report that describes actions taken to carry out paragraph
 4 (1) to the Committee on Agriculture of the House of Rep-
 5 resentatives and the Committee on Agriculture, Nutrition,
 6 and Forestry of the Senate.”.

7 **SEC. 16. EFFECTIVE DATES.**

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

11 (b) *SPECIAL EFFECTIVE DATE FOR CERTAIN PROVI-*
 12 *SIONS.*—The amendments made by sections 2, 3, and 13(a)
 13 shall take effect as of September 30, 1993.

Amend the title so as to read: “An Act 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.”.

Attest:

Clerk.