

Calendar No. 211

103D CONGRESS
1ST SESSION

S. 1490

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 23 (legislative day, SEPTEMBER 7), 1993

Ordered placed on the calendar

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23 (legislative day, SEPTEMBER 7), 1993

Mr. DASCHLE (for himself, Mr. LEAHY, and Mr. CRAIG) introduced the following bill; which was read twice and ordered placed on the calendar

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,*

1 **SECTION 1. SHORT TITLE; REFERENCES.**

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

5 (b) REFERENCES TO UNITED STATES GRAIN STAND-
6 ARDS ACT.—Except as otherwise expressly provided,
7 whenever in this Act an amendment or repeal is expressed
8 in terms of an amendment to, or repeal of, a section or
9 other provision, the reference shall be considered to be
10 made to a section or other provision of the United States
11 Grain Standards Act (7 U.S.C. 71 et seq.).

12 **SEC. 2. EXTENSION OF AUTHORITY TO COLLECT FEES TO**
13 **COVER ADMINISTRATIVE AND SUPERVISORY**
14 **COSTS.**

15 (a) IN GENERAL.—Section 2 of the United States
16 Grain Standards Act Amendments of 1988 (Public Law
17 100–518; 7 U.S.C. 79 note) is amended by striking
18 “1993” and inserting “2003”.

19 (b) LIMITATION ON ADMINISTRATIVE AND SUPER-
20 VISORY COSTS.—Section 7D (7 U.S.C 79d) is amended—

21 (1) by striking “inspection and weighing” and
22 inserting “services performed”; and

23 (2) by striking “1993” and inserting “2003”.

24 (c) REAUTHORIZATION OF APPROPRIATIONS.—Sec-
25 tion 19 (7 U.S.C. 87h) is amended by striking “1993”
26 and inserting “2003”.

1 **SEC. 3. COMPREHENSIVE COST CONTAINMENT PLAN.**

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

3 (1) by redesignating the first through fourth
4 sentences as subsections (a) through (d), respec-
5 tively; and

6 (2) by adding at the end the following new sub-
7 section:

8 “(e)(1) The Administrator shall develop and carry
9 out a comprehensive cost containment plan to streamline
10 and maximize the efficiency of the operations of the Serv-
11 ice, including standardization of fees, in order to minimize
12 taxpayer expenditures and user fees and encourage the
13 maximum use of official inspection and weighing services
14 at domestic and export locations.

15 “(2) Not later than 180 days after the date of enact-
16 ment of this subsection, the Administrator shall submit
17 a report that describes actions taken to carry out para-
18 graph (1) to the Committee on Agriculture of the House
19 of Representatives and the Committee on Agriculture, Nu-
20 trition, and Forestry of the Senate.”.

21 **SEC. 4. USE OF INSPECTION AND WEIGHING FEES, AND OF-**
22 **FICIAL INSPECTION AND WEIGHING IN CANA-**
23 **DIAN PORTS.**

24 (a) INSPECTION AUTHORITY.—Section 7 (7 U.S.C.
25 79) is amended—

1 (1) in subsection (f)(1)(A)(vi), by striking “or
2 other agricultural programs”; and

3 (2) in the second sentence of subsection (i), by
4 inserting before the period at the end the following:
5 “or as otherwise provided by agreement with the Ca-
6 nadian Government”.

7 (b) **WEIGHING AUTHORITY.**—Section 7A (7 U.S.C.
8 79a) is amended—

9 (1) in the second sentence of subsection (c)(2),
10 by inserting after “shall be deemed to refer to” the
11 following: “ ‘official weighing’ or”;

12 (2) in the second sentence of subsection (d), by
13 inserting before the period at the end the following:
14 “or as otherwise provided by agreement with the Ca-
15 nadian Government”; and

16 (3) in the first sentence of subsection (i), by in-
17 serting before the period at the end the following:
18 “or as otherwise provided in section 7(i) and sub-
19 section (d)”.

20 **SEC. 5. PILOT PROGRAM FOR PERFORMING INSPECTION**
21 **AND WEIGHING AT INTERIOR LOCATIONS.**

22 (a) **INSPECTION AUTHORITY.**—Section 7(f)(2) (7
23 U.S.C. 79(f)(2)) is amended by inserting before the period
24 at the end the following: “, except that the Administrator
25 may conduct pilot programs to allow more than 1 official

1 agency to carry out inspections within a single geographi-
 2 cal area without undermining the policy stated in section
 3 2”.

4 (b) **WEIGHING AUTHORITY.**—The second sentence of
 5 section 7A(i) (7 U.S.C. 79a(i)) is amended by inserting
 6 before the period at the end the following: “, except that
 7 the Administrator may conduct pilot programs to allow
 8 more than 1 official agency to carry out the weighing pro-
 9 visions within a single geographic area without undermin-
 10 ing the policy stated in section 2”.

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

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

13 (1) in subsection (a)—

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

18 (B) in the second sentence, by striking
 19 “No person” and inserting “Except as other-
 20 wise provided in sections 7(i) and 7A(d), no
 21 person”;

22 (2) in the first proviso of subsection (b), by
 23 striking “independently under the terms of a con-
 24 tract for the conduct of any functions involved in of-

1 ficial inspection” and inserting “under the terms of
2 a contract for the conduct of any functions”; and

3 (3) in subsection (d)—

4 (A) by inserting after “Persons employed”
5 the following: “or supervised under a contrac-
6 tual arrangement”; and

7 (B) by inserting after “including persons
8 employed” the following: “or supervised under a
9 contractual arrangement”.

10 **SEC. 7. PROHIBITED ACTS.**

11 (a) IN GENERAL.—Section 13(a) (7 U.S.C. 87b(a))
12 is amended by striking paragraph (11) and inserting the
13 following new paragraph:

14 “(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12,
15 16, or 17A;”.

16 (b) ADDING WATER TO GRAIN.—Section 13(d) is
17 amended by adding at the end the following new para-
18 graph:

19 “(4)(A) Except as provided in subparagraph (B), no
20 person shall add water to grain for purposes other than
21 milling, malting, or other processing or pest control oper-
22 ations.

23 “(B)(i) Subject to clause (ii), the Administrator shall
24 allow, through the issuance of permits, the addition of
25 water to grain to suppress grain dust unless the Adminis-

1 trator determines that the addition of water materially re-
 2 duces the quality of the grain or impedes the objectives
 3 of this Act.

4 “(ii) The Administrator may charge a reasonable fee
 5 for the issuance of a permit under clause (i). Fees col-
 6 lected under this subparagraph shall be deposited into the
 7 fund created by section 7(j).”.

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

9 Section 14(a) (7 U.S.C. 87c(a)) is amended by strik-
 10 ing “shall be guilty of a misdemeanor and shall, on convic-
 11 tion thereof, be subject to imprisonment for not more than
 12 twelve months, or a fine of not more than \$10,000, or
 13 both such imprisonment and fine; but, for subsequent of-
 14 fense subject to this subsection, such person”.

15 **SEC. 9. REPORTS, TESTING OF INSPECTION AND WEIGHING**
 16 **EQUIPMENT, OTHER SERVICES, AND APPRO-**
 17 **PRIATE COURTESIES TO REPRESENTATIVES**
 18 **OF FOREIGN COUNTRIES.**

19 Section 16 (7 U.S.C. 87e) is amended—

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

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

24 “(g)(1) Subject to paragraphs (2) and (3), the Ad-
 25 ministrator may provide for the testing of weighing equip-

1 ment used for purposes other than weighing grain in ac-
2 cordance with such regulations as the Administrator may
3 prescribe, at a fee established by regulation or contractual
4 agreement.

5 “(2) Testing performed under paragraph (1) may not
6 conflict with or impede the objectives of this Act.

7 “(3) Fees collected under paragraph (1) shall be rea-
8 sonable and shall cover, as nearly as practicable, the esti-
9 mated costs of the testing. The fees shall be deposited into
10 the fund created by section 7(j).

11 “(h)(1) Subject to paragraphs (2) and (3), the Ad-
12 ministrator may provide for the testing of grain inspection
13 instruments used for commercial inspections in accordance
14 with such regulations as the Administrator may prescribe,
15 at a fee established by regulation or contractual agree-
16 ment.

17 “(2) Testing performed under paragraph (1) may not
18 conflict with or impede with objectives of this Act.

19 “(3) Fees collected under paragraph (1) shall be rea-
20 sonable and shall cover, as nearly as practicable, the esti-
21 mated costs of the testing. The fees shall be deposited into
22 the fund created by section 7(j).

23 “(i)(1) The Administrator may perform such other
24 services as the Administrator considers appropriate in ac-

1 cordance with such regulations as the Administrator may
2 prescribe.

3 “(2) In addition to the fees authorized by sections
4 7, 7A, 7B, and 17A, and this section, the Administrator
5 shall collect reasonable fees to cover the estimated costs
6 of services performed under paragraph (1) other than
7 standardization, compliance, and foreign monitoring ac-
8 tivities.

9 “(3) To the extent practicable, the fees collected
10 under paragraph (2), together with the proceeds from the
11 sale of any samples, shall cover the costs, including admin-
12 istrative and supervisory costs, of services performed
13 under paragraph (1).

14 “(4) Funds described in paragraph (3) shall be de-
15 posited into the fund created by section 7(j).

16 “(j) The Administrator may extend appropriate cour-
17 tesies to official representatives of foreign countries in
18 order to establish and maintain relationships to carry out
19 the policy stated in section 2.”.

20 **SEC. 10. VIOLATION OF SUBPOENA.**

21 Section 17(e) (7 U.S.C. 87f(e)) is amended by strik-
22 ing “the penalties set forth in subsection (a) of section
23 14 of this Act” and inserting “imprisonment for not more
24 than 1 year or a fine of not more than \$10,000 or both
25 the imprisonment and fine”.

1 **SEC. 11. LIMITATION OF APPROPRIATIONS.**

2 Section 19 (7 U.S.C. 87h) is amended by striking
3 “sections 7, 7A, and 17A of this Act” and inserting “sec-
4 tions 7, 7A, 7B, 16, and 17A”.

5 **SEC. 12. STANDARDIZING COMMERCIAL INSPECTIONS.**

6 Section 22(a) (7 U.S.C. 87k(a)) is amended by strik-
7 ing “and the National Conference on Weights and Meas-
8 ures” and inserting “, the National Conference on
9 Weights and Measures, or other appropriate govern-
10 mental, scientific, or technical organizations”.

11 **SEC. 13. ELIMINATION OF GENDER-BASED REFERENCES.**

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

13 (1) in subsection (a), by striking “his dele-
14 gates” and inserting “delegates of the Secretary”;
15 and

16 (2) in subsection (z), by striking “his dele-
17 gates” and inserting “delegates of the Adminis-
18 trator”.

19 (b) Section 4(a)(1) (7 U.S.C. 76(a)(1)) is amended
20 by striking “his judgment” and inserting “the judgment
21 of the Administrator”.

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

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

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

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

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

4 (2) in subsection (b)—

5 (A) by striking “he” and inserting “the
6 Administrator”; and

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

9 (3) in subsection (e)(2)—

10 (A) by striking “he” and inserting “the
11 Administrator”; and

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

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

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

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

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

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

24 (h) Section 9 (7 U.S.C. 85) is amended by striking
25 “him” and inserting “the licensee”.

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

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

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

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

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

10 (2) in subsection (b)—

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

13 (B) in paragraph (5), by striking “he”
14 each place it appears and inserting “the Admin-
15 istrator”.

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

17 (1) in subsection (b), by striking “his judg-
18 ment” and inserting “the judgment of the Adminis-
19 trator”; and

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

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

23 (1) in paragraph (2), by striking “his rep-
24 resentative” and inserting “the representative of the
25 Administrator”;

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

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

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

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

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

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

14 (o) Section 17(e) (7 U.S.C. 87f(e)) is amended by
15 striking “his power” and inserting “the power of the per-
16 son”.

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

18 (1) in subsection (a)(2), by striking “he” and
19 inserting “the producer”; and

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