

114TH CONGRESS
1ST SESSION

H. R. 2088

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2015

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

A BILL

To amend the United States Grain Standards Act to improve inspection services performed at export elevators at export port locations, to reauthorize certain authorities of the Secretary of Agriculture under such Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

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

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

19 (b) **DEFINITIONS.**—

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

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

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

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

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

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

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

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

17 (E) in paragraph (x)—

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (A) in paragraph (2)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (h) INSPECTION FEES.—

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

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

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

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

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

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

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

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

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

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

1 (l) ISSUANCE OF AUTHORIZATIONS.—

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

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

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

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

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

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

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

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

○