

## Union Calendar No. 96

114<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2088

[Report No. 114-133]

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.

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### 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

MAY 29, 2015

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

# **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”.

6 **SEC. 2. REAUTHORIZATION OF UNITED STATES GRAIN**  
7 **STANDARDS ACT.**

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

11            (1) in paragraph (1), by striking “to both do-  
12 mestic and foreign buyers” and inserting “respon-  
13 sive to the purchase specifications of domestic and  
14 foreign buyers”;

15            (2) by striking “and” at the end of paragraph  
16 (2);

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

19            (4) by adding at the end the following new  
20 paragraph:

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

24        (b) **DEFINITIONS.**—

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

5           “(aa) The term ‘major disaster’ has the mean-  
6 ing given that term in section 102(2) of the Robert  
7 T. Stafford Disaster Relief and Emergency Assist-  
8 ance Act (42 U.S.C. 5122(2)), except that the term  
9 includes a severe weather incident causing a region-  
10 wide interruption of government services.”.

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

14           (A) in the matter preceding paragraph (a),  
15 by striking “otherwise—” and inserting “other-  
16 wise:”;

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

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

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

24           (E) in paragraph (x)—

1 (i) by striking “conveyance (the  
2 terms” and inserting “conveyance. The  
3 terms”; and

4 (ii) by striking “accordingly;” and in-  
5 serting “accordingly.”;

6 (F) by striking the semicolon at the end of  
7 each paragraph (other than paragraphs (x) and  
8 (y)) and inserting a period; and

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

11 (c) OFFICIAL INSPECTION AND WEIGHING REQUIRE-  
12 MENTS.—

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

17 (2) WEIGHING REQUIREMENTS AT EXPORT  
18 ELEVATORS.—Section 5(a)(2) of the United States  
19 Grain Standards Act (7 U.S.C. 77(a)(2)) is amend-  
20 ed by striking “intracompany shipments of grain  
21 into an export elevator by any mode of transpor-  
22 tation, grain transferred into an export elevator by  
23 transportation modes other than barge,” and insert-  
24 ing “shipments of grain into an export elevator by  
25 any mode of transportation”.

1 (d) DELEGATION OF OFFICIAL INSPECTION AUTHOR-  
2 ITY.—

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

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

13 “(A) by official inspection personnel employed  
14 by the Secretary; or

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

17 (2) DELEGATION TO STATE AGENCIES.—Sec-  
18 tion 7(e) of the United States Grain Standards Act  
19 (7 U.S.C. 79(e)) is amended—

20 (A) in paragraph (2)—

21 (i) by striking “, meets the criteria”  
22 and all that follows through “the Secretary  
23 may delegate” and inserting “and meets  
24 the criteria specified in subsection

1 (f)(1)(A) of this section, the Secretary may  
2 delegate”;

3 (ii) by striking “at export port loca-  
4 tions within the State, including export  
5 port locations” and inserting “at export  
6 elevators at export port locations within  
7 the State, including at export elevators at  
8 export port locations”; and

9 (iii) in the last sentence, by striking  
10 “Any such delegation” and inserting “The  
11 delegation under this paragraph of author-  
12 ity to conduct official inspection services  
13 shall be for a term not to exceed five years,  
14 and may be renewed thereafter in accord-  
15 ance with this subsection, except that any  
16 such delegation”;

17 (B) by transferring paragraph (4) to the  
18 end of subsection (f), redesignating such para-  
19 graph as paragraph (5), and, in such para-  
20 graph, by striking “or subsection (f)” and in-  
21 serting “or subsection (e)”; and

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

24 “(3) Prior to delegating authority to a State agency  
25 for the performance of official inspection services at export

1 elevators at export port locations pursuant to paragraph  
2 (2) of this subsection, the Secretary shall comply with the  
3 following:

4           “(A) Upon receipt of an application from a  
5 State agency requesting the delegation of authority  
6 to perform official inspection services on behalf of  
7 the Secretary, publish notice of the application in  
8 the Federal Register and provide a minimum 30-day  
9 comment period on the application.

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

21           “(C) Make findings based on the results of the  
22 investigation and consideration of public comments  
23 received.

24           “(D) Publish a notice in the Federal Register  
25 announcing whether the State agency has been dele-



1       gated the authority to perform official inspection  
2       services at export elevators at export port locations  
3       on behalf of the Secretary, and the basis upon which  
4       the Secretary has made the decision.

5       “(4)(A) Except in the case of a major disaster, if a  
6       State agency that has been delegated the authority to per-  
7       form official inspection services at export elevators at ex-  
8       port port locations on behalf of the Secretary fails to per-  
9       form such official services, the Secretary shall submit to  
10      Congress, within 90 days after the first day on which in-  
11      spection services were not performed by the delegated  
12      State agency, a report containing—

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

15                   “(ii) the rationale as to whether or not the  
16                   Secretary will permit the State agency to retain  
17                   its delegated authority.

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

22       “(C) If a State agency that has been delegated the  
23      authority under paragraph (2) of this subsection to per-  
24      form official inspection services at an export elevator at  
25      an export port location on behalf of the Secretary intends

1 to temporarily discontinue such official inspection services  
2 or weighing services for any reason, except in the case of  
3 a major disaster, the State agency shall notify the Sec-  
4 retary in writing of its intention to do so at least 72 hours  
5 in advance of the discontinuation date. The receipt of such  
6 prior notice shall be considered by the Secretary as a miti-  
7 gating factor in determining whether to maintain or re-  
8 voke the delegation of authority to the State agency.”.

9           (3) CONFORMING AMENDMENTS.—(A) Section  
10       7(f)(1) of the United States Grain Standards Act (7  
11       U.S.C. 79(f)(1)) is amended by striking “other than  
12       at export port locations” and inserting “(other than  
13       at an export elevator at an export port location)”.

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

23           (4) EVALUATION OF CURRENT DELEGATIONS.—  
24       Not later than two years after the date of the enact-  
25       ment of this Act, the Secretary of Agriculture shall

1 complete a review of each State agency that, as of  
2 the date of the enactment of this Act, has been dele-  
3 gated inspection authority under section 7(e) of the  
4 United States Grain Standards Act (7 U.S.C. 79(e))  
5 and determine if the State agency is qualified to  
6 continue to perform official inspection services at ex-  
7 port elevators at export port locations on behalf of  
8 the Secretary under such section, as amended by  
9 this subsection. The Secretary shall conduct the re-  
10 view subject to the requirements of section 7(e) of  
11 the United States Grain Standards Act (7 U.S.C.  
12 79(e)), as amended by this subsection, and a State  
13 agency determined to be qualified to continue to per-  
14 form such official inspection services shall be subject  
15 thereafter to such requirements.

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

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

23 “(A) to be performed without interruption by  
24 official inspection personnel employed by the Sec-

1       retary or by a State agency delegated such authority  
2       under paragraph (2) of this subsection; or

3               “(B) if interrupted, to be resumed at the export  
4       elevator by utilizing official inspection personnel em-  
5       ployed by the Secretary or by another delegated  
6       State agency as provided under paragraph (2) of  
7       this subsection as follows:

8               “(i) Within six hours after the interrup-  
9       tion, if the interruption is caused by a State  
10      agency delegated such authority under this sub-  
11      section and the Secretary received advance no-  
12      tice of the interruption pursuant to paragraph  
13      (4)(C) of this subsection.

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

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

1       “(B) A delegated or designated State agency pro-  
2 viding inspection services under subparagraph (A) may,  
3 at its discretion, provide such services for a period of up  
4 to 90 days from the date on which the services are initi-  
5 ated, after which time the Secretary may restore official  
6 inspection services using official inspection personnel em-  
7 ployed by the Secretary or a State agency delegated such  
8 authority under this subsection, if available. The State  
9 agency shall notify the Secretary in writing of its intention  
10 to discontinue inspection services under subparagraph (A)  
11 at least 72 hours in advance of the discontinuation date.

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

21       (f) GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGEN-  
22 CIES.—

23           (1) OFFICIAL INSPECTION AUTHORITY.—Sec-  
24 tion 7(f)(2) of the United States Grain Standards  
25 Act (7 U.S.C. 79(f)(2)) is amended by striking “the

1 Secretary may” and all that follows through the end  
2 of the paragraph and inserting the following: “the  
3 Secretary shall allow a designated official agency to  
4 cross boundary lines to carry out inspections in an-  
5 other geographic area if—

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

9 “(B) a person requesting inspection serv-  
10 ices in that geographic area requests a probe  
11 inspection on a barge-lot basis; or

12 “(C) the current official agency for that  
13 geographic area agrees in writing with the adja-  
14 cent official agency to waive the current geo-  
15 graphic area restriction at the request of the  
16 applicant for service.”.

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

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

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

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

13          (h) INSPECTION FEES.—

14                 (1) COLLECTION AND AMOUNTS.—Section  
15          7(j)(1) of the United States Grain Standards Act (7  
16          U.S.C. 79(j)(1)) is amended—

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

18                         (B) by adding at the end the following new  
19          subparagraph:

20           “(B) For official inspections and weighing at an ex-  
21          port elevator at an export port location performed by the  
22          Secretary, performed by a State agency delegated the au-  
23          thority to perform official inspection services at the export  
24          elevator on behalf of the Secretary, or performed by a  
25          State agency utilized as authorized by subsection

1 (e)(6)(A), the portion of the fees based upon export ton-  
2 nage shall be based upon a rolling five-year average of ex-  
3 port tonnage volumes. In order to maintain an operating  
4 reserve of between three to six months, the Secretary shall  
5 adjust such fees at least annually.”.

6 (2) DURATION OF AUTHORITY.—Section 7(j)(4)  
7 of the United States Grain Standards Act (7 U.S.C.  
8 79(j)(4)) is amended by striking “September 30,  
9 2015” and inserting “September 30, 2020”.

10 (i) OFFICIAL WEIGHING OR SUPERVISION AT LOCA-  
11 TIONS WHERE OFFICIAL INSPECTION IS PROVIDED  
12 OTHER THAN BY THE SECRETARY.—Section 7A(e)(2) of  
13 the United States Grain Standards Act (7 U.S.C.  
14 79a(e)(2)) is amended—

15 (1) in the first sentence, by striking “with re-  
16 spect to export port locations” and inserting “with  
17 respect to an export elevator at an export port loca-  
18 tion”; and

19 (2) in the last sentence by striking “subsection  
20 (g) of section 7” and inserting “subsection (e) and  
21 (g) of section 7”.

22 (j) COLLECTION OF FEES FOR WEIGHING SERV-  
23 ICES.—Section 7A(l)(3) of the United States Grain Stand-  
24 ards Act (7 U.S.C. 79a(l)(2)) is amended by striking



1 “September 30, 2015” and inserting “September 30,  
2 2020”.

3 (k) LIMITATION AND ADMINISTRATIVE AND SUPER-  
4 VISORY COSTS.—Section 7D of the United States Grain  
5 Standards Act (7 U.S.C. 79d) is amended by striking  
6 “2015” and inserting “2020”.

7 (l) ISSUANCE OF AUTHORIZATIONS.—

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

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

16 (A) by striking “(on the date of enactment  
17 of the United States Grain Standards Act of  
18 1976)”;

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

21 (C) by striking “, on the date of enactment  
22 of the United States Grain Standards Act of  
23 1976, was performing” and inserting “per-  
24 forms”.

1 (m) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 19 of the United States Grain Standards Act (7 U.S.C.  
3 87h) is amended by striking “2015” and inserting  
4 “2020”.

5 (n) EXPIRATION OF ADVISORY COMMITTEE.—Sec-  
6 tion 21(e) of the United States Grain Standards Act (7  
7 U.S.C. 87j(e)) is amended by striking “September 30,  
8 2015” and inserting “September 30, 2020”.



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MAY 29, 2015

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed