

Calendar No. 90

114TH CONGRESS
1ST SESSION**S. 1417**

To reauthorize the United States Grain Standards Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 1, 2015

Mr. ROBERTS, from the Committee on Agriculture, Nutrition, and Forestry, reported the following original bill; which was read twice and placed on the calendar

A BILL

To reauthorize the United States Grain Standards 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) OFFICIAL INSPECTION AND WEIGHING REQUIRE-
4 MENTS.—

5 (1) WEIGHING REQUIREMENTS AT EXPORT
6 ELEVATORS.—Section 5(a)(2) of the United States
7 Grain Standards Act (7 U.S.C. 77(a)(2)) is amend-
8 ed in the proviso by striking “intracompany ship-
9 ments of grain into an export elevator by any mode
10 of transportation, grain transferred into an export
11 elevator by transportation modes other than barge,”
12 and inserting “shipments of grain into an export ele-
13 vator by any mode of transportation”.

14 (2) DISRUPTION IN GRAIN INSPECTION OR
15 WEIGHING.—Section 5 of the United States Grain
16 Standards Act (7 U.S.C. 77) is amended by adding
17 at the end the following:

18 “(d) DISRUPTION IN GRAIN INSPECTION OR WEIGH-
19 ING.—In the case of a disruption in official grain inspec-
20 tions or weighings, including if the Secretary waives the
21 requirement for official inspection due to an emergency
22 under subsection (a)(1), the Secretary shall—

23 “(1) immediately take such actions as are nec-
24 essary to address the disruption and resume inspec-
25 tions or weighings;

“(2) not later than 24 hours after the start of the disruption in inspection or weighing, submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

“(A) the disruption; and

“(B) any actions necessary to address the concerns of the Secretary relating to the disruption so that inspections or weighings may resume; and

“(3) once the initial report in paragraph (2) has been made, provide daily updates until official inspection or weighing services at the site of disruption have resumed.”.

(b) OFFICIAL INSPECTION AUTHORITY AND FUNDING.—

(1) DELEGATION OF OFFICIAL INSPECTION AUTHORITY.—Section 7(e)(2) of the United States Grain Standards Act (7 U.S.C. 79(e)(2)) is amended—

(A) by striking “(2) If the Secretary” and inserting the following:

“(2) DELEGATION OF AUTHORITY TO STATE AGENCIES.—

- 1 “(A) IN GENERAL.—If the Secretary”;
 2 (B) in the first sentence—
 3 (i) by striking “and (A)” and insert-
 4 ing “and (i)”;
 5 (ii) by striking “or (B)(i)” and insert-
 6 ing “or (ii)(I)”;
 7 (iii) by striking “(ii)” and inserting
 8 “(II)”;
 9 (iv) by striking “(iii)” and inserting
 10 “(III)”;
 11 (C) by adding at the end the following:
 12 “(B) CERTIFICATION.—
 13 “(i) IN GENERAL.—Every 5 years, the
 14 Secretary shall certify that each State
 15 agency with a delegation of authority is
 16 meeting the criteria described in subsection
 17 (f)(1)(A).
 18 “(ii) PROCESS.—Not later than 1 year
 19 after the date of enactment of the United
 20 States Grain Standards Act Reauthoriza-
 21 tion Act of 2015, the Secretary shall estab-
 22 lish a process for certification under which
 23 the Secretary shall—
 24 “(I) publish in the Federal Reg-
 25 ister notice of intent to certify a State

1 agency and provide a 30-day period
2 for public comment;

3 “(II) evaluate the public com-
4 ments received and, in accordance
5 with paragraph (3), conduct an inves-
6 tigation to determine whether the
7 State agency is qualified;

8 “(III) make findings based on
9 the public comments received and in-
10 vestigation conducted; and

11 “(IV) publish in the Federal Reg-
12 ister a notice announcing whether the
13 certification has been granted and de-
14 scribing the basis on which the Sec-
15 retary made the decision.

16 “(C) STATE AGENCY REQUIREMENTS.—

17 “(i) IN GENERAL.—If a State agency
18 that has been delegated authority under
19 this paragraph intends to temporarily dis-
20 continue official inspection or weighing
21 services for any reason, except in the case
22 of a major disaster, the State agency shall
23 notify the Secretary in writing of the in-
24 tention of the State agency to do so at

1 least 72 hours in advance of the dis-
 2 continuation date.

3 “(ii) SECRETARIAL CONSIDER-
 4 ATION.—The Secretary shall consider re-
 5 ceipt of a notice described in clause (i) as
 6 a factor in administering the delegation of
 7 authority under this paragraph.”.

8 (2) CONSULTATION.—Section 7(f)(1) of the
 9 United States Grain Standards Act (7 U.S.C.
 10 79(f)(1)) is amended—

11 (A) in subparagraph (A)(xi), by striking
 12 “and” at the end;

13 (B) in subparagraph (B), by striking the
 14 period at the end and inserting “; and”; and

15 (C) by adding at the end the following:

16 “(C) the Secretary—

17 “(i) periodically conducts a consulta-
 18 tion with the customers of the applicant, in
 19 a manner that provides opportunity for
 20 protection of the identity of the customer
 21 if desired by the customer, to review the
 22 performance of the applicant with regard
 23 to the provision of official inspection serv-
 24 ices and other requirements of this Act;
 25 and

1 “(ii) works with the applicant to ad-
 2 dress any concerns identified during the
 3 consultation process.”.

4 (3) DURATION OF DESIGNATION AUTHORITY.—
 5 Section 7(g)(1) of the United States Grain Stand-
 6 ards Act (7 U.S.C. 79(g)(1)) is amended by striking
 7 “triennially” and inserting “every 5 years”.

8 (4) FEES.—Section 7(j) of the United States
 9 Grain Standards Act (7 U.S.C. 79(j)(1)) is amend-
 10 ed—

11 (A) by striking “(j)(1) The Secretary” and
 12 inserting the following:

13 “(j) FEES.—

14 “(1) INSPECTION FEES.—

15 “(A) IN GENERAL.—The Secretary”;

16 (B) in paragraph (1)—

17 (i) the second sentence, by striking
 18 “The fees” and inserting the following:

19 “(B) AMOUNT OF FEES.—The fees”;

20 (ii) in the third sentence, by striking
 21 “Such fees” and inserting the following:

22 “(C) USE OF FEES.—Fees described in
 23 this paragraph”; and

24 (iii) by adding at the end the fol-
 25 lowing:

1 “(D) EXPORT TONNAGE FEES.—For an of-
 2 ficial inspection at an export facility performed
 3 by the Secretary, the portion of the fees based
 4 on export tonnage shall be based on the rolling
 5 5-year average of export tonnage volumes.”;

6 (C) by redesignating paragraph (4) as
 7 paragraph (5);

8 (D) by inserting after paragraph (3) the
 9 following:

10 “(4) ADJUSTMENT OF FEES.—In order to
 11 maintain an operating reserve of not less than 3 and
 12 not more than 6 months, the Secretary shall adjust
 13 the fees described in paragraphs (1) and (2) not less
 14 frequently than annually.”; and

15 (E) in paragraph (5) (as redesignated by
 16 subparagraph (C)), in the first sentence, by
 17 striking “2015” and inserting “2020”.

18 (c) WEIGHING AUTHORITY.—Section 7A of the
 19 United States Grain Standards Act (7 U.S.C. 79a) is
 20 amended—

21 (1) in subsection (c)(2), in the last sentence, by
 22 striking “subsection (g) of section 7” and inserting
 23 “subsections (e) and (g) of section 7”; and

24 (2) in subsection (l)—

1 (A) by striking “(l)(1) The Secretary” and
2 inserting the following:

3 “(l) FEES.—

4 “(1) WEIGHING FEES.—

5 “(A) IN GENERAL.—The Secretary”;

6 (B) in paragraph (1)—

7 (i) the second sentence, by striking

8 “The fees” and inserting the following:

9 “(B) AMOUNT OF FEES.—The fees”;

10 (ii) in the third sentence, by striking

11 “Such fees” and inserting the following:

12 “(C) USE OF FEES.—Fees described in
13 this paragraph”; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(D) EXPORT TONNAGE FEES.—For an of-
17 ficial weighing at an export facility performed
18 by the Secretary, the portion of the fees based
19 on export tonnage shall be based on the rolling
20 5-year average of export tonnage volumes.”;

21 (C) by redesignating paragraph (3) as
22 paragraph (4);

23 (D) by inserting after paragraph (2) the
24 following:

1 “(3) ADJUSTMENT OF FEES.—In order to
2 maintain an operating reserve of not less than 3 and
3 not more than 6 months, the Secretary shall adjust
4 the fees described in paragraphs (1) and (2) not less
5 frequently than annually.”; and

6 (E) in paragraph (4) (as redesignated by
7 subparagraph (C)), in the first sentence, by
8 striking “2015” and inserting “2020”.

9 (d) LIMITATION AND ADMINISTRATIVE AND SUPER-
10 VISORY COSTS.—Section 7D of the United States Grain
11 Standards Act (7 U.S.C. 79d) is amended by striking
12 “2015” and inserting “2020”.

13 (e) ISSUANCE OF AUTHORIZATION.—Section 8(b) of
14 the United States Grain Standards Act (7 U.S.C. 84(b))
15 is amended by striking “triennially” and inserting “every
16 5 years”.

17 (f) APPROPRIATIONS.—Section 19 of the United
18 States Grain Standards Act (7 U.S.C. 87h) is amended
19 by striking “2015” and inserting “2020”.

20 (g) ADVISORY COMMITTEE.—Section 21(e) of the
21 United States Grain Standards Act (7 U.S.C. 87j(e)) is
22 amended by striking “2015” and inserting “2020”.

1 **SEC. 3. REPORT ON DISRUPTION IN FEDERAL INSPECTION**
2 **OF GRAIN EXPORTS.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Secretary of Agriculture shall submit to
5 the Committee on Agriculture, Nutrition, and Forestry of
6 the Senate, the Committee on Agriculture of the House
7 of Representatives, the Subcommittee on Agriculture,
8 Rural Development, Food and Drug Administration, and
9 Related Agencies of the Committee on Appropriations of
10 the Senate, and the Subcommittee on Agriculture, Rural
11 Development, Food and Drug Administration, and Re-
12 lated Agencies of the Committee on Appropriations of the
13 House of Representatives a report that describes—

14 (1) the specific factors that led to disruption in
15 Federal inspection of grain exports at the Port of
16 Vancouver in the summer of 2014;

17 (2) any factors that contributed to the disrup-
18 tion referred to in paragraph (1) that were unique
19 to the Port of Vancouver, including a description of
20 the port facility, security needs and available re-
21 sources for that purpose, and any other significant
22 factors as determined by the Secretary; and

23 (3) any changes in policy that the Secretary has
24 implemented to ensure that a similar disruption in
25 Federal inspection of grain exports at the Port of

1 Vancouver or any other location does not occur in
2 the future.

3 **SEC. 4. REPORT ON POLICY BARRIERS TO GRAIN PRO-**
4 **DUCERS.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Secretary of Agriculture, in consultation
7 with the United States Trade Representative, shall submit
8 to the Committee on Agriculture, Nutrition, and Forestry
9 of the Senate and the Committee on Agriculture of the
10 House of Representatives a report that describes—

11 (1) the policy barriers to United States grain
12 producers in countries the grain of which receives of-
13 ficial grading in the United States but which do not
14 offer official grading for United States grain or pro-
15 vide only the lowest designation for United States
16 grain, including an analysis of possible inconsis-
17 tencies with trade obligations; and

18 (2) any actions the Executive Branch is taking
19 to remedy the policy barriers so as to put United
20 States grain producers on equal footing with grain
21 producers in countries imposing the barriers.

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