

Public Law 116–216
116th Congress

An Act

Dec. 11, 2020
[S. 4054]

United States
Grain Standards
Reauthorization
Act of 2020.
7 USC 71 note.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “United States Grain Standards Reauthorization Act of 2020”.

SEC. 2. NOTIFICATION OF DISCONTINUANCE OF SERVICES BY STATE AGENCIES.

Section 7 of the United States Grain Standards Act (7 U.S.C. 79) is amended—

(1) in subsection (e)(2)(C)(i), by inserting “and affected customers or applicants for service of official inspection or weighing services provided by the State agency” after “notify the Secretary”; and

(2) in subsection (j)(5), in the first sentence, by striking “2020” and inserting “2025”.

SEC. 3. WEIGHING AUTHORITY.

Section 7A(l)(4) of the United States Grain Standards Act (7 U.S.C. 79a(l)(4)) is amended in the first sentence by striking “2020” and inserting “2025”.

SEC. 4. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.

Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended by striking “2020” and inserting “2025”.

SEC. 5. REPORTING REQUIREMENTS.

Section 17B of the United States Grain Standards Act (7 U.S.C. 87f–2) is amended by adding at the end the following:

“(d) ENHANCEMENT OF CURRENT REPORTING.—

“(1) INCREASED FREQUENCY OF INSPECTION PROGRAM DATA REPORTING.—

Publication.

“(A) IN GENERAL.—Beginning not later than 1 year after the date of enactment of this subsection, the Secretary shall publish quarterly reports describing data from the tests and inspections for intrinsic quality factors (including protein, oil, and starch) and food safety factors, as reported, in the aggregate, for fiscal years 2014 through 2018 in the tables in section V (relating to providing official grain inspection and weighing services) of the 2016 through 2018 annual reports to Congress by the Federal Grain Inspection Service.

“(B) DELINEATION.—The data from the tests and inspections under subparagraph (A) shall be delineated to reflect whether the tests and inspections were requested of or performed by—

“(i) the Secretary; or

“(ii) a State agency delegated authority under section 7 or 7A or an official agency.

“(2) EXCEPTIONS AND WAIVERS.—Beginning not later than 1 year after the date of enactment of this subsection, the Secretary shall publish quarterly reports describing—

“(A) the number of exceptions requested under section 7(f)(2)(B);

“(B) the number of exceptions granted under section 7(f)(2)(B);

“(C) the number of waivers requested under section 5(a)(1); and

“(D) the number of waivers granted under section 5(a)(1).

“(e) ADDITIONAL REPORTING; CONSULTATION.—The Secretary may, to the extent determined appropriate by the Secretary, in consultation with State agencies delegated authority under sections 7 and 7A, official agencies, and the grain industries described in the second sentence of section 21(a), publish—

“(1) data relating to testing for other intrinsic quality or food safety factors; and

“(2) other data collected from inspection and weighing activities conducted under this Act.

“(f) PROTECTION OF CONFIDENTIAL BUSINESS INFORMATION.—Any trade secrets or information described in section 552(b)(4) of title 5, United States Code, that is provided to or collected by the Secretary in carrying out subsection (d) or (e) shall not be included in a report under subsection (d) or (e) or otherwise publicly disclosed.”.

SEC. 6. APPROPRIATIONS.

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

(1) by striking the section heading and designation and all that follows through “There are hereby” and inserting the following:

“SEC. 19. FUNDING.

“(a) AUTHORIZATION OF APPROPRIATIONS.—There are”;

(2) in subsection (a) (as so designated)—

(A) by striking “such sums as are necessary” and inserting “\$23,000,000”; and

(B) by striking “1988 through 2020” and inserting “2021 through 2025”; and

(3) by adding at the end the following:

“(b) LIMITATIONS ON USES OF USER FEES.—

“(1) DEFINITIONS.—In this subsection:

“(A) OFFICIAL INSPECTION OR WEIGHING SERVICE.—The term ‘official inspection or weighing service’ means official inspection, official weighing, supervision of weighing, supervision of agency personnel, supervision of the field office personnel of the Secretary, testing of equipment or instruments, other services, or registration, the cost to the Secretary of which is authorized to be covered by the

collection of a user fee pursuant to section 7, 7A, 7B, 16, or 17A, as applicable.

“(B) USER FEE.—The term ‘user fee’ means a fee collected by the Secretary under section 7, 7A, 7B, 16, or 17A.

“(2) REQUIREMENT.—A user fee—

“(A) shall be used solely to cover—

“(i) the cost to the Secretary for carrying out official inspection or weighing services; and

“(ii) administrative costs to the Secretary directly relating to official inspection or weighing services; and

“(B) shall not be used for—

“(i) activities relating to the development or maintenance of grain standards; or

“(ii) any other activity that is not directly related to the performance of official inspection or weighing services.”.

SEC. 7. ADVISORY COMMITTEE.

Section 21 of the United States Grain Standards Act (7 U.S.C. 87j) is amended—

(1) in subsection (a), in the last sentence, by striking “successive terms” and inserting “successively for more than 2 terms”; and

(2) in subsection (e), by striking “2020” and inserting “2025”.

SEC. 8. REVIEW OF GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.

(a) DEFINITIONS.—In this section:

(1) GRAIN HANDLING FACILITY.—The term “grain handling facility” means a grain elevator, warehouse, or other storage or handling facility.

(2) OFFICIAL AGENCY GEOGRAPHIC AREA.—The term “official agency geographic area” means a geographic area for an official agency, as defined by the Secretary under section 7(f)(2)(A) or 7A(i)(2)(A) of the United States Grain Standards Act (7 U.S.C. 79(f)(2)(A), 79a(i)(2)(A)).

(3) UNITED STATES GRAIN STANDARDS ACT TERMS.—The terms “grain”, “official agency”, “official inspection”, “officially inspected”, “official weighing”, “supervision of weighing”, and “Secretary” have the meanings given the terms in section 3 of the United States Grain Standards Act (7 U.S.C. 75).

(b) REVIEW.—

(1) IN GENERAL.—The Secretary shall conduct a comprehensive nationwide review of the official agency geographic areas.

(2) CONSIDERATIONS.—In conducting the review under paragraph (1), the Secretary shall take into consideration—

(A) the number of grain handling facilities, both within the official agency geographic areas and in areas that are not official agency geographic areas, that currently use, or, during the 5-year period preceding the date of submission of the report under subsection (c), received service from, an official agency that provides official inspection, official weighing, supervision of weighing, or other services under the United States Grain Standards Act (7 U.S.C. 71 et seq.);

Time period.

(B) the volume of grain for which official agencies provide services at grain handling facilities within the official agency geographic areas;

(C) the number of official inspections of vessels and other carriers within the official agency geographic areas;

(D) other related services performed by official agencies at grain handling facilities within the official agency geographic areas;

(E) the timeliness, accuracy, and appropriateness of services performed by official agencies at grain handling facilities within the official agency geographic areas;

(F) fees charged by official agencies for services performed under the United States Grain Standards Act (7 U.S.C. 71 et seq.), including grading, weighing, sampling, stowage examination, and certification; and

(G) any implications of modifications to the official agency geographic areas on enhancing official inspection, official weighing, and supervision of weighing in the domestic market.

(c) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing—

(1) the results of the review completed under subsection (b); and

(2) any recommendations with respect to those results that the Secretary determines appropriate.

Recommendations.

SEC. 9. TECHNICAL CORRECTION.

Section 4(a)(1) of the United States Grain Standards Act (7 U.S.C. 76(a)(1)) is amended by striking “soybeans mixed” and inserting “soybeans, mixed”.

Approved December 11, 2020.

LEGISLATIVE HISTORY—S. 4054:

SENATE REPORTS: No. 116–334 (Comm. on Agriculture, Nutrition, and Forestry).
CONGRESSIONAL RECORD, Vol. 166 (2020):

Nov. 16, considered and passed Senate.

Dec. 2, considered and passed House.