

114TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

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”.

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

8 (a) **OFFICIAL INSPECTION AND WEIGHING REQUIRE-**
9 **MENTS.—**

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

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

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

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

22 “(2) not later than 24 hours after the start of
23 the disruption in inspection or weighing, submit to
24 the Committee on Agriculture of the House of Rep-
25 resentatives and the Committee on Agriculture, Nu-

1 trition, and Forestry of the Senate a report that de-
2 scribes—

3 “(A) the disruption; and

4 “(B) any actions necessary to address the
5 concerns of the Secretary relating to the disrup-
6 tion so that inspections or weighings may re-
7 sume; and

8 “(3) once the initial report in paragraph (2)
9 has been made, provide daily updates until official
10 inspection or weighing services at the site of disrup-
11 tion have resumed.”.

12 (b) OFFICIAL INSPECTION AUTHORITY AND FUND-
13 ING.—

14 (1) DELEGATION OF OFFICIAL INSPECTION AU-
15 THORITY.—Section 7(e)(2) of the United States
16 Grain Standards Act (7 U.S.C. 79(e)(2)) is amend-
17 ed—

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

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

22 “(A) IN GENERAL.—If the Secretary”;

23 (B) in the first sentence—

24 (i) by striking “and (A)” and insert-
25 ing “and (i)”;

1 (ii) by striking “or (B)(i)” and insert-
2 ing “or (ii)(I)”;

3 (iii) by striking “(ii)” and inserting
4 “(II)”;

5 (iv) by striking “(iii)” and inserting
6 “(III)”;

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

8 “(B) CERTIFICATION.—

9 “(i) IN GENERAL.—Every 5 years, the
10 Secretary shall certify that each State
11 agency with a delegation of authority is
12 meeting the criteria described in subsection
13 (f)(1)(A).

14 “(ii) PROCESS.—Not later than 1 year
15 after the date of enactment of the United
16 States Grain Standards Act Reauthoriza-
17 tion Act of 2015, the Secretary shall estab-
18 lish a process for certification under which
19 the Secretary shall—

20 “(I) publish in the Federal Reg-
21 ister notice of intent to certify a State
22 agency and provide a 30-day period
23 for public comment;

24 “(II) evaluate the public com-
25 ments received and, in accordance

1 with paragraph (3), conduct an inves-
2 tigation to determine whether the
3 State agency is qualified;

4 “(III) make findings based on
5 the public comments received and in-
6 vestigation conducted; and

7 “(IV) publish in the Federal Reg-
8 ister a notice announcing whether the
9 certification has been granted and de-
10 scribing the basis on which the Sec-
11 retary made the decision.

12 “(C) STATE AGENCY REQUIREMENTS.—

13 “(i) IN GENERAL.—If a State agency
14 that has been delegated authority under
15 this paragraph intends to temporarily dis-
16 continue official inspection or weighing
17 services for any reason, except in the case
18 of a major disaster, the State agency shall
19 notify the Secretary in writing of the in-
20 tention of the State agency to do so at
21 least 72 hours in advance of the dis-
22 continuation date.

23 “(ii) SECRETARIAL CONSIDER-
24 ATION.—The Secretary shall consider re-
25 ceipt of a notice described in clause (i) as

1 a factor in administering the delegation of
2 authority under this paragraph.”.

3 (2) CONSULTATION.—Section 7(f)(1) of the
4 United States Grain Standards Act (7 U.S.C.
5 79(f)(1)) is amended—

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

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

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

11 “(C) the Secretary—

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

21 “(ii) works with the applicant to ad-
22 dress any concerns identified during the
23 consultation process.”.

24 (3) DURATION OF DESIGNATION AUTHORITY.—
25 Section 7(g)(1) of the United States Grain Stand-

1 ards Act (7 U.S.C. 79(g)(1)) is amended by striking
2 “triennially” and inserting “every 5 years”.

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

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

8 “(j) FEES.—

9 “(1) INSPECTION FEES.—

10 “(A) IN GENERAL.—The Secretary”;

11 (B) in paragraph (1)—

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

14 “(B) AMOUNT OF FEES.—The fees”;

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

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

19 (iii) by adding at the end the fol-
20 lowing:

21 “(D) EXPORT TONNAGE FEES.—For an of-
22 ficial inspection at an export facility performed
23 by the Secretary, the portion of the fees based
24 on export tonnage shall be based on the rolling
25 5-year average of export tonnage volumes.”;

1 (C) by redesignating paragraph (4) as
2 paragraph (5);

3 (D) by inserting after paragraph (3) the
4 following:

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

10 (E) in paragraph (5) (as redesignated by
11 subparagraph (C)), in the first sentence, by
12 striking “2015” and inserting “2020”.

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

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

19 (2) in subsection (l)—

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

22 “(l) FEES.—

23 “(1) WEIGHING FEES.—

24 “(A) IN GENERAL.—The Secretary”;

25 (B) in paragraph (1)—

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

3 “(B) AMOUNT OF FEES.—The fees”;

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

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

8 (iii) by adding at the end the fol-
9 lowing:

10 “(D) EXPORT TONNAGE FEES.—For an of-
11 ficial weighing at an export facility performed
12 by the Secretary, the portion of the fees based
13 on export tonnage shall be based on the rolling
14 5-year average of export tonnage volumes.”;

15 (C) by redesignating paragraph (3) as
16 paragraph (4);

17 (D) by inserting after paragraph (2) the
18 following:

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

1 (E) in paragraph (4) (as redesignated by
2 subparagraph (C)), in the first sentence, by
3 striking “2015” and inserting “2020”.

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

8 (e) ISSUANCE OF AUTHORIZATION.—Section 8(b) of
9 the United States Grain Standards Act (7 U.S.C. 84(b))
10 is amended by striking “triennially” and inserting “every
11 5 years”.

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

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

18 **SEC. 3. REPORT ON DISRUPTION IN FEDERAL INSPECTION**
19 **OF GRAIN EXPORTS.**

20 Not later than 180 days after the date of enactment
21 of this Act, the Secretary of Agriculture shall submit to
22 the Committee on Agriculture, Nutrition, and Forestry of
23 the Senate, the Committee on Agriculture of the House
24 of Representatives, the Subcommittee on Agriculture,
25 Rural Development, Food and Drug Administration, and

1 Related Agencies of the Committee on Appropriations of
2 the Senate, and the Subcommittee on Agriculture, Rural
3 Development, Food and Drug Administration, and Re-
4 lated Agencies of the Committee on Appropriations of the
5 House of Representatives a report that describes—

6 (1) the specific factors that led to disruption in
7 Federal inspection of grain exports at the Port of
8 Vancouver in the summer of 2014;

9 (2) any factors that contributed to the disrup-
10 tion referred to in paragraph (1) that were unique
11 to the Port of Vancouver, including a description of
12 the port facility, security needs and available re-
13 sources for that purpose, and any other significant
14 factors as determined by the Secretary; and

15 (3) any changes in policy that the Secretary has
16 implemented to ensure that a similar disruption in
17 Federal inspection of grain exports at the Port of
18 Vancouver or any other location does not occur in
19 the future.

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

22 Not later than 180 days after the date of enactment
23 of this Act, the Secretary of Agriculture, in consultation
24 with the United States Trade Representative, shall submit
25 to the Committee on Agriculture, Nutrition, and Forestry

1 of the Senate and the Committee on Agriculture of the
2 House of Representatives a report that describes—

3 (1) the policy barriers to United States grain
4 producers in countries the grain of which receives of-
5 ficial grading in the United States but which do not
6 offer official grading for United States grain or pro-
7 vide only the lowest designation for United States
8 grain, including an analysis of possible inconsis-
9 tencies with trade obligations; and

10 (2) any actions the Executive Branch is taking
11 to remedy the policy barriers so as to put United
12 States grain producers on equal footing with grain
13 producers in countries imposing the barriers.