

103^D CONGRESS
1ST SESSION

H. R. 2689

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29 (legislative day, SEPTEMBER 27), 1993

Received; read twice and referred to the Committee on Agriculture, Nutrition,
and Forestry

AN ACT

To amend the United States Grain Standards Act to extend the authority of the Federal Grain Inspection Service to collect fees to cover administrative and supervisory costs, to extend the authorization of appropriations for such Act, and to improve administration of 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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “United States Grain Standards Act Amendments of
6 1993”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Limitation on administrative and supervisory costs.
- Sec. 3. Authorization of appropriations.
- Sec. 4. Inspection and weighing fees; inspection and weighing in Canadian ports.
- Sec. 5. Inspection and weighing pilot program.
- Sec. 6. Licensing of inspectors.
- Sec. 7. Prohibited acts.
- Sec. 8. Criminal penalties.
- Sec. 9. Equipment testing and other services.
- Sec. 10. Violation of subpoena.
- Sec. 11. Standardizing commercial inspections.
- Sec. 12. Elimination of gender references.
- Sec. 13. Repeal of temporary amendment language; technical amendments.
- Sec. 14. Authority to collect fees; termination of advisory committee.
- Sec. 15. Effective dates.

3 **SEC. 2. LIMITATION ON ADMINISTRATIVE AND SUPER-**
 4 **VISORY COSTS.**

5 Section 7D of the United States Grain Standards Act
 6 (7 U.S.C. 79d) is amended—

- 7 (1) by striking “inspection and weighing” and
 8 inserting “services performed”; and
- 9 (2) by striking “1993” and inserting “1998”.

10 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) REAUTHORIZATION.—Section 19 of the United
 12 States Grain Standards Act (7 U.S.C. 87h) is amended
 13 by striking “during the period beginning October 1, 1988,
 14 and ending September 30, 1993” and inserting “1988
 15 through 1998”.

16 (b) LIMITATION.—Such section is further amended
 17 by striking “and 17A of this Act” and inserting “7B, 16,
 18 and 17A”.

1 **SEC. 4. INSPECTION AND WEIGHING FEES; INSPECTION**
2 **AND WEIGHING IN CANADIAN PORTS.**

3 (a) INSPECTION AUTHORITY.—Section 7 of the
4 United States Grain Standards Act (7 U.S.C. 79) is
5 amended—

6 (1) in subsection (f)(1)(A)(vi), by striking “or
7 other agricultural programs operated by” and insert-
8 ing “of”; and

9 (2) in the second sentence of subsection (i), by
10 inserting before the period at the end “or as other-
11 wise provided by agreement with the Canadian Gov-
12 ernment”.

13 (b) WEIGHING AUTHORITY.—Section 7A of such Act
14 (7 U.S.C. 79a) is amended—

15 (1) in the second sentence of subsection (c)(2),
16 by inserting after “shall be deemed to refer to” the
17 following: “ ‘official weighing’ or”;

18 (2) in the second sentence of subsection (d), by
19 inserting before the period at the end “or as other-
20 wise provided by agreement with the Canadian Gov-
21 ernment”; and

22 (3) in the first sentence of subsection (i), by in-
23 sserting before the period at the end “or as otherwise
24 provided in section 7(i) and subsection (d)”.

1 **SEC. 5. INSPECTION AND WEIGHING PILOT PROGRAM.**

2 (a) INSPECTION AUTHORITY.—Section 7(f)(2) of the
3 United States Grain Standards Act (7 U.S.C. 79(f)(2))
4 is amended by inserting before the period at the end the
5 following: “, except that the Administrator may conduct
6 pilot programs to allow more than one official agency to
7 carry out inspections within a single geographical area
8 without undermining such objectives”.

9 (b) WEIGHING AUTHORITY.—The second sentence of
10 section 7A(i) of such Act (7 U.S.C. 79a(i)) is amended
11 by inserting before the period at the end the following:
12 “, except that the Administrator may conduct pilot pro-
13 grams to allow more than one official agency to carry out
14 the weighing provisions within a single geographic area
15 without undermining such objectives”.

16 **SEC. 6. LICENSING OF INSPECTORS.**

17 Section 8 of the United States Grain Standards Act
18 (7 U.S.C. 84) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1) of the first sentence,
21 by inserting after “and is employed” the follow-
22 ing: “(or is supervised under a contractual ar-
23 rangement)”; and

24 (B) in the second sentence, by striking
25 “No person” and inserting “Except as other-

1 wise provided in sections 7(i) and 7A(d), no
2 person”;

3 (2) in the first proviso of subsection (b), by
4 striking “independently under the terms of a con-
5 tract for the conduct of any functions involved in of-
6 ficial inspection” and inserting “under the terms of
7 a contract for the conduct of any functions”; and

8 (3) in subsection (d)—

9 (A) by inserting after “Persons employed”
10 the following: “or supervised under a contrac-
11 tual arrangement”; and

12 (B) by inserting after “including persons
13 employed” the following: “or supervised under a
14 contractual arrangement”.

15 **SEC. 7. PROHIBITED ACTS.**

16 Section 13(a)(11) of the United States Grain Stand-
17 ards Act (7 U.S.C. 87b(a)) is amended to read as follows:

18 “(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12, 16,
19 or 17A;”.

20 **SEC. 8. CRIMINAL PENALTIES.**

21 Section 14(a) of the United States Grain Standards
22 Act (7 U.S.C. 87c(a)) is amended by striking “shall be
23 guilty of a misdemeanor and shall, on conviction thereof,
24 be subject to imprisonment for not more than twelve
25 months, or a fine of not more than \$10,000, or both such

1 imprisonment and fine; but, for each subsequent offense
2 subject to this subsection, such person”.

3 **SEC. 9. EQUIPMENT TESTING AND OTHER SERVICES.**

4 Section 16 of the United States Grain Standards Act
5 (7 U.S.C. 87e) is amended—

6 (1) in subsection (b), by striking the third sen-
7 tence; and

8 (2) by adding at the end the following new sub-
9 sections:

10 “(g) TESTING OF CERTAIN WEIGHING EQUIP-
11 MENT.—(1) Subject to paragraph (2), the Administrator
12 may provide for the testing of weighing equipment used
13 for purposes other than weighing grain. The testing shall
14 be performed—

15 “(A) in accordance with such regulations as the
16 Administrator may prescribe; and

17 “(B) for a reasonable fee established by regula-
18 tion or contractual agreement and sufficient to
19 cover, as nearly as practicable, the estimated costs
20 of the testing performed.

21 “(2) Testing performed under paragraph (1) may not
22 conflict with or impede the objectives specified in section
23 2.

24 “(h) TESTING OF GRAIN INSPECTION INSTRU-
25 MENTS.—(1) Subject to paragraph (2), the Administrator

1 may provide for the testing of grain inspection instru-
2 ments used for commercial inspection. The testing shall
3 be performed—

4 “(A) in accordance with such regulations as the
5 Administrator may prescribe; and

6 “(B) for a reasonable fee that is established by
7 regulation or contractual agreement and is sufficient
8 to cover, as nearly as practicable, the estimated
9 costs of the testing performed.

10 “(2) Testing performed under paragraph (1) may not
11 conflict with or impede the objectives specified in section
12 2.

13 “(i) ADDITIONAL FOR FEE SERVICES.—(1) In ac-
14 cordance with such regulations as the Administrator may
15 provide, the Administrator may perform such other serv-
16 ices as the Administrator considers to be appropriate.

17 “(2) In addition to the fees authorized by sections
18 7, 7A, 7B, 17A, and this section, the Administrator shall
19 collect reasonable fees to cover the estimated costs of serv-
20 ices performed under paragraph (1) other than standard-
21 ization, compliance, and foreign monitoring activities.

22 “(3) To the extent practicable, the fees collected
23 under paragraph (2), together with any proceeds from the
24 sale of any samples, shall cover the costs, including admin-

1 istrative and supervisory costs, of services performed
2 under paragraph (1).

3 “(j) DEPOSIT OF FEES.—Fees collected under sub-
4 sections (g), (h), and (i) shall be deposited into the fund
5 created under section 7(j).

6 “(k) OFFICIAL COURTESIES.—The Administrator
7 may extend appropriate courtesies to official representa-
8 tives of foreign countries in order to establish and main-
9 tain relationships to carry out the policy stated in section
10 2. No gift offered pursuant to this subsection shall exceed
11 20 dollars in value.”.

12 **SEC. 10. VIOLATION OF SUBPOENA.**

13 Section 17(e) of the United States Grain Standards
14 Act (7 U.S.C. 87f(e)) is amended by striking “the pen-
15 alties set forth in subsection (a) of section 14 of this Act”
16 and inserting “imprisonment for not more than 1 year or
17 a fine of not more than \$10,000 or both the imprisonment
18 and fine”.

19 **SEC. 11. STANDARDIZING COMMERCIAL INSPECTIONS.**

20 Section 22(a) of the United States Grain Standards
21 Act (7 U.S.C. 87k(a)) is amended by striking “and the
22 National Conference on Weights and Measures” and in-
23 serting “, the National Conference on Weights and Meas-
24 ures, or other appropriate governmental, scientific, or
25 technical organizations”.

1 **SEC. 12. ELIMINATION OF GENDER REFERENCES.**

2 (a) REFERENCES TO HIS.—(1) Section 3 of the
3 United States Grain Standards Act (7 U.S.C. 75) is
4 amended—

5 (A) in subsection (a), by striking “his dele-
6 gates” and inserting “a delegate of the Secretary”;
7 and

8 (B) in subsection (z), by striking “his dele-
9 gates” and inserting “a delegate of the Adminis-
10 trator”.

11 (2) Sections 4(a), 7(b), 7(e)(2), 12(b), and 13(a)(2)
12 of such Act (7 U.S.C. 76(a), 79(b), 79(e)(2), 87a(b), and
13 87b(a)(2)) are each amended by striking “his” and insert-
14 ing “the Administrator’s”.

15 (3) Section 5(a)(1) of such Act (7 U.S.C. 77(a)(1))
16 is amended by striking “his agent” and inserting “the
17 shipper’s agent”.

18 (4) Section 9 of such Act (7 U.S.C. 85) is amended
19 in the first sentence by striking “his license” and inserting
20 “the license”.

21 (5) Sections 13(a)(7), 15, and 17(e) of such Act (7
22 U.S.C. 87b(a)(7), 87d, and 87f(e)) are each amended by
23 striking “his” and inserting “the person’s”.

24 (6) Section 13(a)(8) of such Act (7 U.S.C. 87b(a)(8))
25 is amended by striking “his duties” and inserting “the du-
26 ties of the officer, employee, or inspection personnel”.

1 (b) REFERENCES TO HIM.—(1) Section 8(a) of such
2 Act (7 U.S.C. 84(a)) is amended in the first sentence by
3 striking “him” and inserting “the Administrator”.

4 (2) Section 9 of such Act (7 U.S.C. 85) is amended
5 by striking “him” and inserting “the licensee”.

6 (c) REFERENCES TO HE.—(1) Sections 5(b), 7(a),
7 7(b), 7(e)(2), 7A(e), 7B(a), 8(c), 8(f), 10(a), 11(a),
8 11(b)(5), 12(c), and 14(b) of such Act (7 U.S.C. 77(b),
9 79(a), 79(b), 79(e)(2), 79a(e), 79b(a), 84(c), 84(f), 86(a),
10 87(a), 87(b)(5), 87a(c), and 87c(b)), are each amended
11 by striking “he” each place it appears and inserting “the
12 Administrator”.

13 (2) Sections 10(b), 13(a)(9), 14(a), and 17A(c) of
14 such Act (7 U.S.C. 86(b), 87b(a)(9), 87c(a), and 87f–
15 1(c)) are each amended by striking “he” and inserting
16 “the person”.

17 (3) Sections 11(B)(1) and 17A(a)(2) of such Act (7
18 U.S.C. 87(b)(1) and 87f–1(a)(2)) are each amended by
19 striking “he” and inserting “the producer”.

20 **SEC. 13. REPEAL OF TEMPORARY AMENDMENT LANGUAGE;**

21 **TECHNICAL AMENDMENTS.**

22 (a) REPEAL.—Section 2 of the United States Grain
23 Standards Act Amendments of 1988 (Public Law 100–
24 518; 102 Stat. 2584) is amended, in the matter preceding
25 paragraph (1), by striking “Effective for the period Octo-

1 ber 1, 1988, through September 30, 1993, inclusive, the”
2 and inserting “The”.

3 (b) TECHNICAL AMENDMENTS.—(1) Section 21(a) of
4 the United States Grain Standards Act (7 U.S.C. 87j(a))
5 is amended—

6 (A) by striking “(1)”, and

7 (B) by striking paragraph (2).

8 (2) Section 22(c) of such Act (7 U.S.C. 87k(c), is
9 amended by striking “subsection (a) and (b)” and insert-
10 ing “subsections (a) and (b)”.

11 **SEC. 14. AUTHORITY TO COLLECT FEES; TERMINATION OF**
12 **ADVISORY COMMITTEE.**

13 (a) INSPECTION AND SUPERVISORY FEES.—Section
14 7(j) of the United States Grain Standards Act (7 U.S.C.
15 79(j)) is amended by adding at the end the following new
16 paragraph:

17 “(4) The duties imposed by paragraph (2) on des-
18 ignated official agencies and State agencies described in
19 such paragraph and the investment authority provided by
20 paragraph (3) shall expire on September 30, 1998. After
21 that date, the fees established by the Administrator pursu-
22 ant to paragraph (1) shall not cover administrative and
23 supervisory costs related to the official inspection of
24 grain.”.

1 (b) WEIGHING AND SUPERVISORY FEES.—Section
2 7A(l) of such Act (7 U.S.C. 79a(l)) is amended by adding
3 at the end the following new paragraph:

4 “(3) The authority provided to the Administrator by
5 paragraph (1) and the duties imposed by paragraph (2)
6 on agencies and other persons described in such paragraph
7 shall expire on September 30, 1998. After that date, the
8 Administrator shall, under such regulations as the Admin-
9 istrator may prescribe, charge and collect reasonable fees
10 to cover the estimated costs of official weighing and super-
11 vision of weighing except when the official weighing or su-
12 pervision of weighing is performed by a designated official
13 agency or by a State under a delegation of authority. The
14 fees authorized by this paragraph shall, as nearly as prac-
15 ticable, cover the costs of the Service incident to its per-
16 formance of official weighing and supervision of weighing
17 services in the United States and on United States grain
18 in Canadian ports, excluding administrative and super-
19 visory costs. The fees authorized by this paragraph shall
20 be deposited into a fund which shall be available without
21 fiscal year limitation for the expenses of the Service inci-
22 dent to providing services under this Act.”.

23 (c) TERMINATION OF ADVISORY COMMITTEE.—Sec-
24 tion 21 of such Act (7 U.S.C. 87j) is amended by adding
25 at the end the following new subsection:

1 “(e) TERMINATION.—The advisory committee shall
2 terminate on September 30, 1998.”.

3 **SEC. 15. EFFECTIVE DATES.**

4 (a) IN GENERAL.—Except as provided in subsection
5 (b), the amendments made by this Act shall take effect
6 on the date of the enactment of this Act.

7 (b) SPECIAL EFFECTIVE DATE FOR CERTAIN PROVI-
8 SIONS.—The amendments made by sections 2, 3, and
9 13(a) shall take effect as of the earlier of—

- 10 (1) September 30, 1993; or
11 (2) the date of the enactment of this Act.

Passed the House of Representatives September 28,
1993.

Attest: DONNALD K. ANDERSON,
Clerk.