

109TH CONGRESS
1ST SESSION

H. R. 3421

To reauthorize the United States Grain Standards Act, to facilitate the official inspection at export port locations of grain required or authorized to be inspected under such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2005

Mr. MORAN of Kansas introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To reauthorize the United States Grain Standards Act, to facilitate the official inspection at export port locations of grain required or authorized to be inspected 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. REAUTHORIZATION OF UNITED STATES GRAIN**
4 **STANDARDS ACT.**

5 (a) INSPECTION AND SUPERVISORY FEES.—Section
6 7(j)(4) of the United States Grain Standards Act (7
7 U.S.C. 79(j)(4)) is amended by striking “September 30,
8 2005” and inserting “September 30, 2010”.

1 (b) WEIGHING AND SUPERVISORY FEES.—Section
2 7A(1)(3) of such Act (7 U.S.C. 79a(1)(3)) is amended by
3 striking “September 30, 2005” and inserting “September
4 30, 2010”.

5 (c) LIMITATION ON ADMINISTRATIVE AND SUPER-
6 VISORY COSTS.—Section 7D of such Act (7 U.S.C. 79d)
7 is amended by striking “2005” and inserting “2010”.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
9 19 of such Act (7 U.S.C. 87h) is amended by striking
10 “2005” and inserting “2010”.

11 (e) ADVISORY COMMITTEE.—Section 21(e) of such
12 Act (7 U.S.C. 87j) is amended by striking “September 30,
13 2005” and inserting “September 30, 2010”.

14 (f) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect as of September 30, 2005.

16 **SEC. 2. PERFORMANCE OF OFFICIAL INSPECTION AND**
17 **WEIGHING ACTIVITIES AT EXPORT PORT LO-**
18 **CATIONS OF GRAIN UNDER UNITED STATES**
19 **GRAIN STANDARDS ACT.**

20 (a) OFFICIAL INSPECTION AUTHORITY AND FUND-
21 ING.—Section 7 of the United States Grain Standards Act
22 (7 U.S.C. 79) is amended—

23 (1) in subsection (e)—

1 (A) by striking “(e)(1) Except as otherwise
2 provided in paragraph (2) of this subsection”
3 and inserting the following:

4 “(e) OFFICIAL INSPECTION AT EXPORT PORT LOCA-
5 TIONS; USE OF STATE AGENCIES AND PRIVATE ENTI-
6 TIES.—

7 “(1) IN GENERAL.—Except as otherwise pro-
8 vided in paragraphs (2) and (3)”; and

9 (B) by striking paragraph (3) and insert-
10 ing the following:

11 “(3) USE OF PRIVATE ENTITIES.—

12 “(A) IN GENERAL.—If the Secretary deter-
13 mines that a person or private entity is quali-
14 fied to perform official inspection and meets the
15 criteria of subsection (f)(1)(A), the Secretary
16 may use the person or private entity to perform
17 all or specified functions involved in official in-
18 spection (other than appeal inspection and such
19 other functions as may be specified in the regu-
20 lations prescribed under subparagraph (B)) at
21 export port locations.

22 “(B) REQUIREMENTS.—

23 “(i) REGULATIONS.—A person or pri-
24 vate entity described in subparagraph (A)
25 shall be subject to such rules, regulations,

1 instructions, and oversight as the Sec-
2 retary may prescribe.

3 “(ii) RESPONSIBILITY OF SEC-
4 RETARY.—Notwithstanding the use of per-
5 sons or private entities to perform specified
6 functions involved in official inspections at
7 export port locations, official inspection
8 shall continue to be the direct responsi-
9 bility of the Secretary.

10 “(C) TERMINATION.—The use of a person
11 or private entity to perform official inspections
12 at an export port location under subparagraph
13 (A)—

14 “(i) shall terminate at the such time
15 as specified by the Secretary, but not later
16 than the date that is three years after the
17 date of the initial performance of official
18 inspections by the person or private entity
19 at the export port location; and

20 “(ii) may be terminated by the Sec-
21 retary, at the discretion of the Secretary,
22 at any time after notice to the person or
23 private entity without opportunity for a
24 hearing.

1 “(D) RENEWAL.—The use of a person or
2 private entity to perform official inspections at
3 an export port location under subparagraph (A)
4 may be renewed in accordance with the regula-
5 tions prescribed under subparagraph (B).

6 “(E) REPORTING REQUIREMENT.—Not
7 later than February 15 of each even-numbered
8 year, the Secretary shall submit to Congress a
9 report detailing the Secretary’s use of the au-
10 thority provided by subparagraph (A), during
11 the preceding two-year period, to contract with
12 persons or private entities to perform official in-
13 spections at export port locations. Each report
14 shall identify each export port location at which
15 the persons and private entities are used, the
16 number of official inspection personnel utilized,
17 and the types of official inspection and official
18 weighing functions performed.”;

19 (2) in subsection (f)—

20 (A) in paragraph (1)—

21 (i) in the matter preceding subpara-
22 graph (A)—

23 (I) by inserting “or private enti-
24 ty” after “or any person”; and

1 (II) by striking “or person” and
2 inserting “, person, or private entity”;
3 and

4 (ii) in the matter preceding clause (i)
5 of subparagraph (A), by striking “or per-
6 son” each place it appears and inserting “,
7 person, or private entity”; and

8 (B) in paragraph (4), by striking “or per-
9 son” and inserting “, person, or private entity”;
10 and

11 (3) in subsection (j)—

12 (A) in the first sentence of paragraph (2),
13 by inserting “and private entity” after “each
14 State agency”; and

15 (B) in the first sentence of paragraph (4),
16 by striking “and State agencies” and inserting
17 “and delegated State agencies and private enti-
18 ties”.

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

22 (1) in subsection (c)(2)—

23 (A) in the first sentence—

24 (i) by inserting “or private entity”
25 after “to the State agency”; and

1 (ii) by striking “agency or person”
2 each place it appears and inserting “agen-
3 cy, private entity, or person”; and

4 (B) in the second sentence—

5 (i) by striking “agency or person”
6 each place it appears and inserting “agen-
7 cy, private entity, or person”;

8 (ii) by inserting “or private entity”
9 after “any person”; and

10 (iii) by striking “agency, or person”
11 and inserting “agency, private entity, or
12 person”;

13 (2) in subsection (h), by striking “agency or
14 person” and inserting “agency, private entity, or
15 person”;

16 (3) in subsection (i)—

17 (A) in paragraph (1), by striking “agency
18 or person” and inserting “agency, private enti-
19 ty, or person”; and

20 (B) in paragraph (2), by striking “or State
21 agency” and inserting “, State agency, or pri-
22 vate entity”; and

23 (4) in subsection (l)—

24 (A) in the first sentence of paragraph
25 (2)—

1 (i) by striking “Each agency” and in-
 2 serting “Each agency or private entity”;

3 (ii) by inserting “, private entity,”
 4 after “each agency”;

5 (iii) by inserting “or private entity”
 6 after “the agency”; and

7 (iv) by inserting “and private entities”
 8 after “such agencies”; and

9 (B) in paragraph (3)—

10 (i) in the first sentence, by inserting
 11 “, private entities,” after “on agencies”;
 12 and

13 (ii) in the second sentence, by insert-
 14 ing “or private entity” after “by a State”.

15 (c) LICENSES AND AUTHORIZATIONS.—Section 8(g)
 16 of the United States Grain Standards Act (7 U.S.C.
 17 84(g)) is amended—

18 (1) by inserting “or private entities” after
 19 “State agencies”; and

20 (2) by inserting “or private entities” after “all
 21 persons”.

22 **SEC. 3. INAPPLICABILITY OF GEOGRAPHIC BOUNDARIES**
 23 **FOR DESIGNATED OFFICIAL AGENCIES.**

24 (a) OFFICIAL INSPECTION.—Subsection (f) of section
 25 7 of such Act (7 U.S.C. 79) is amended—

1 (1) in paragraph (2), by striking “Not more
2 than one official agency designated under paragraph
3 (1) or State delegated authority under subsection
4 (e)(2)” and inserting “Subject to paragraph (5), not
5 more than one official agency designated under
6 paragraph (1)”; and

7 (2) by adding at the end the following new
8 paragraph:

9 “(5) The geographic boundary limitations applicable
10 to official agencies under paragraph (2) do not apply to
11 export port locations, and the Secretary may use more
12 than one person or private entity selected under subsection
13 (e)(3) to perform official inspections at an export port lo-
14 cation.”.

15 (b) OFFICIAL WEIGHING.—Subsection (i) of section
16 7A of such Act (7 U.S.C. 79a) is amended—

17 (1) in paragraph (2), by striking “Not more
18 than one designated official agency referred to in
19 paragraph (1) or State agency delegated authority
20 pursuant to subsection (c)(2)” and inserting “Sub-
21 ject to paragraph (3), not more than one designated
22 official agency referred to in paragraph (1)”; and

23 (2) by adding at the end the following new
24 paragraph:

1 “(3) INAPPLICABILITY OF GEOGRAPHIC BOUND-
2 ARIES TO EXPORT PORT LOCATIONS.—The geo-
3 graphic boundary limitations applicable to des-
4 ignated official agencies under paragraph (2) do not
5 apply to export port locations, and the Secretary
6 may assign more than one designated person or pri-
7 vate entity to perform official weighing at an export
8 port location.”.

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