Public Law 103-156
103d Congress

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.

Nov. 24, 1993
[S. 1490]

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

United States Grain Standards Act Amendments of 1993.
7 USC 71 note.

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States Grain Standards Act Amendments of 1993".

(b) TABLE OF CONTENTS.—The table of contents for 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. Pilot program for performing inspection and weighing at interior locations.
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-based references.
Sec. 13. Repeal of temporary amendment language; technical amendments.
Sec. 14. Authority to collect fees; termination of advisory committee.
Sec. 15. Comprehensive cost containment plan.
Sec. 16. Effective dates.

SEC. 2. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.

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

(1) by striking "inspection and weighing" and inserting "services performed"; and

(2) by striking "1993" and inserting "2000".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) REAUTHORIZATION.—Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended by striking "during the period beginning October 1, 1988, and ending September 30, 1993" and inserting "1988 through 2000".

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

SEC. 4. INSPECTION AND WEIGHING FEES; INSPECTION AND WEIGHING IN CANADIAN PORTS.

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

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(1) in subsection (f)(1)(A)(vi), by striking "or other agricultural programs operated by" and inserting "of"; and

(2) in the second sentence of subsection (i), by inserting before the period at the end "or as otherwise provided by agreement with the Canadian Government".

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

(1) in the second sentence of subsection (c)(2), by inserting after "shall be deemed to refer to" the words "'official weighing' or";

(2) in the second sentence of subsection (d), by inserting before the period at the end "or as otherwise provided by agreement with the Canadian Government"; and

(3) in the first sentence of subsection (i), by inserting before the period at the end "or as otherwise provided in section 7(i) and subsection (d)".

SEC. 5. PILOT PROGRAM FOR PERFORMING INSPECTION AND WEIGHING AT INTERIOR LOCATIONS.

(a) INSPECTION AUTHORITY.—Section 7(f)(2) of the United States Grain Standards Act (7 U.S.C. 79(f)(2)) is amended by inserting before the period at the end ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out inspections within a single geographical area without undermining the policy stated in section 2".

(b) WEIGHING AUTHORITY.—The second sentence of section 7A(i) of such Act (7 U.S.C. 79a(i)) is amended by inserting before the period at the end ", except that the Administrator may conduct pilot programs to allow more than 1 official agency to carry out the weighing provisions within a single geographic area without undermining the policy stated in section 2".

SEC. 6. LICENSING OF INSPECTORS.

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

(1) in subsection (a)—

(A) in paragraph (1) of the first sentence, by inserting after "and is employed" the phrase "(or is supervised under a contractual arrangement)"; and

(B) in the second sentence, by striking "No person" and inserting "Except as otherwise provided in sections 7(i) and 7A(d), no person";

(2) in the first proviso of subsection (b), by striking "independently under the terms of a contract for the conduct of any functions involved in official inspection" and inserting "under the terms of a contract for the conduct of any functions"; and

(3) in subsection (d)—

(A) by inserting after "Persons employed" the words "or supervised under a contractual arrangement"; and

(B) by inserting after "including persons employed" the words "or supervised under a contractual arrangement".

SEC. 7. PROHIBITED ACTS.

Paragraph (11) of section 13(a) of the United States Grain Standards Act (7 U.S.C. 87b(a)(11)) is amended to read as follows:

"(11) violate section 5, 6, 7, 7A, 7B, 8, 11, 12, 16, or 17A;".

SEC. 8. CRIMINAL PENALTIES.

Section 14(a) of the United States Grain Standards Act (7 U.S.C. 87c(a)) is amended by striking "shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than twelve months, or a fine of not more than $10,000, or both such imprisonment and fine; but, for each subsequent offense subject to this subsection, such person".

SEC. 9. EQUIPMENT TESTING AND OTHER SERVICES.

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

(1) in subsection (b), by striking the third sentence; and

(2) by adding at the end the following new subsections:

"(g) TESTING OF CERTAIN WEIGHING EQUIPMENT.—(1) Subject to paragraph (2), the Administrator may provide for the testing of weighing equipment used for purposes other than weighing grain. The testing shall be performed—

"(A) in accordance with such regulations as the Administrator may prescribe; and

"(B) for a reasonable fee established by regulation or contractual agreement and sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

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

"(h) TESTING OF GRAIN INSPECTION INSTRUMENTS.—(1) Subject to paragraph (2), the Administrator may provide for the testing of grain inspection instruments used for commercial inspection. The testing shall be performed—

"(A) in accordance with such regulations as the Administrator may prescribe; and

"(B) for a reasonable fee established by regulation or contractual agreement and sufficient to cover, as nearly as practicable, the estimated costs of the testing performed.

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

"(i) ADDITIONAL FOR FEE SERVICES.—(1) In accordance with such regulations as the Administrator may provide, the Administrator may perform such other services as the Administrator considers to be appropriate.

"(2) In addition to the fees authorized by sections 7, 7A, 7B, 17A, and this section, the Administrator shall collect reasonable fees to cover the estimated costs of services performed under paragraph (1) other than standardization and foreign monitoring activities.

"(3) To the extent practicable, the fees collected under paragraph (2), together with any proceeds from the sale of any samples, shall cover the costs, including administrative and supervisory costs, of services performed under paragraph (1).

"(j) DEPOSIT OF FEES.—Fees collected under subsections (g), (h), and (i) shall be deposited into the fund created under section 7(j).

"(k) OFFICIAL COURTESIES.—The Administrator may extend appropriate courtesies to official representatives of foreign countries in order to establish and maintain relationships to carry out the policy stated in section 2. No gift offered or accepted pursuant to this subsection shall exceed $20 in value.".

SEC. 10. VIOLATION OF SUBPOENA.

Section 17(e) of the United States Grain Standards Act (7 U.S.C. 87f(e)) is amended by striking "the penalties set forth in subsection (a) of section 14 of this Act" and inserting "imprisonment for not more than 1 year or a fine of not more than $10,000 or both the imprisonment and fine".

SEC. 11. STANDARDIZING COMMERCIAL INSPECTIONS.

Section 22(a) of the United States Grain Standards Act (7 U.S.C. 87k(a)) is amended by striking "and the National Conference on Weights and Measures" and inserting ", the National Conference on Weights and Measures, or other appropriate governmental, scientific, or technical organizations".

SEC. 12. ELIMINATION OF GENDER-BASED REFERENCES.

(a) Section 3 (7 U.S.C. 75) is amended—

(1) in subsection (a), by striking "his delegates" and inserting "delegates of the Secretary"; and

(2) in subsection (z), by striking "his delegates" and inserting "delegates of the Administrator".

(b) Section 4(a)(1) (7 U.S.C. 76(a)(1)) is amended by striking "his judgment" and inserting "the judgment of the Administrator".

(c) Section 5 (7 U.S.C. 77) is amended—

(1) in subsection (a)(1), by striking "his agent" and inserting "the agent of the shipper"; and

(2) in subsection (b), by striking "he" and inserting "the Administrator".

(d) Section 7 (7 U.S.C. 79) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator";

(2) in subsection (b)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his judgment" and inserting "the judgment of the Administrator"; and

(3) in subsection (e)(2)—

(A) by striking "he" and inserting "the Administrator"; and

(B) by striking "his discretion" and inserting "the discretion of the Administrator".

(e) Section 7A(e) (7 U.S.C. 79a(e)) is amended by striking "he" and inserting "the Administrator".

(f) Section 7B(a) (7 U.S.C. 79b(a)) is amended by striking "he" and inserting "the Administrator".

(g) Section 8 (7 U.S.C. 84) is amended—

(1) in subsection (a), by striking "him" and inserting "the Administrator"; and

(2) in subsections (c) and (f), by striking "he" each place it appears and inserting "the Administrator".

(h) Section 9 (7 U.S.C. 85) is amended—

(1) by striking "him" and inserting "the licensee"; and

(2) by striking "his license" and inserting "the license".

(i) Section 10 (7 U.S.C. 86) is amended—

(1) in subsection (a), by striking "he" each place it appears and inserting "the Administrator"; and

(2) in subsection (b), by striking "he" and inserting "the person".

(j) Section 11 (7 U.S.C. 87) is amended—

(1) in subsection (a), by striking "he" and inserting "the Administrator"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "he" and inserting "the producer"; and

(B) in paragraph (5), by striking "he" each place it appears and inserting "the Administrator".

(k) Section 12 (7 U.S.C. 87a) is amended—

(1) in subsection (b), by striking "his judgment" and inserting "the judgment of the Administrator"; and

(2) in subsection (c), by striking "he" and inserting "the Administrator".

(l) Section 13(a) (7 U.S.C. 87b(a)) is amended—

(1) in paragraph (2), by striking "his representative" and inserting "the representative of the Administrator";

(2) in paragraphs (7) and (8), by striking "his duties" each place it appears and inserting "the duties of the officer, employee, or other person"; and

(3) in paragraph (9), by striking "he" and inserting "the person".

(m) Section 14 (7 U.S.C. 87c) is amended—

(1) in subsection (a), by striking "he" and inserting "the person"; and

(2) in subsection (b), by striking "he" each place it appears and inserting "the Administrator".

(n) Section 15 (7 U.S.C. 87d) is amended by striking "his employment or office" and inserting "the employment or office of the official, agent, or other person".

(o) Section 17(e) (7 U.S.C. 87f(e)) is amended by striking "his power" and inserting "the power of the person".

(p) Section 17A (7 U.S.C. 87f–1) is amended—

(1) in subsection (a)(2), by striking "he" and inserting "the producer"; and

(2) in subsection (c), by striking "he" and inserting "the person".

SEC. 13. REPEAL OF TEMPORARY AMENDMENT LANGUAGE; TECHNICAL AMENDMENTS.

Effective date.
7 USC 79 note.

(a) REPEAL.—Section 2 of the United States Grain Standards Act Amendments of 1988 (Public Law 100–518; 102 Stat. 2584) is amended, in the matter preceding paragraph (1), by striking "Effective for the period October 1, 1988, through September 30, 1993, inclusive, the" and inserting "The".

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

(A) by striking "(1)"; and

(B) by striking paragraph (2).

(2) Section 22(c) of such Act (7 U.S.C. 87k(c)), is amended by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)".

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

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

"(4) The duties imposed by paragraph (2) on designated official agencies and State agencies described in such paragraph and the investment authority provided by paragraph (3) shall expire on September 30, 2000. After that date, the fees established by the Administrator pursuant to paragraph (1) shall not cover administrative and supervisory costs related to the official inspection of grain.".

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

"(3) The authority provided to the Administrator by paragraph (1) and the duties imposed by paragraph (2) on agencies and other persons described in such paragraph shall expire on September 30, 2000. After that date, the Administrator shall, under such regulations as the Administrator may prescribe, charge and collect reasonable fees to cover the estimated costs of official weighing and supervision of weighing except when the official weighing or supervision of weighing is performed by a designated official agency or by a State under a delegation of authority. The fees authorized by this paragraph shall, as nearly as practicable, cover the costs of the Service incident to its performance of official weighing and supervision of weighing services in the United States and on United States grain in Canadian ports, excluding administrative and supervisory costs. The fees authorized by this paragraph shall be deposited into a fund which shall be available without fiscal year limitation for the expenses of the Service incident to providing services under this Act.".

(c) ADVISORY COMMITTEE.—Section 21 of such Act (7 U.S.C. 87j) is amended by adding at the end the following new subsection:

"(e) The authority provided to the Secretary for the establishment and maintenance of an advisory committee under this section shall expire on September 30, 2000.".

SEC. 15. COMPREHENSIVE COST CONTAINMENT PLAN.

Section 3A (7 U.S.C. 75a) is amended—

(1) by striking "There is created" and inserting "(a) ESTABLISHMENT.—There is created"; and

(2) by adding at the end the following new subsection:

"(b) COST CONTAINMENT PLAN.—(1) The Administrator shall develop and carry out a comprehensive cost containment plan to streamline and maximize the efficiency of the operations of the Service, including standardization activities, in order to minimize taxpayer expenditures and user fees and encourage the maximum use of official inspection and weighing services at domestic and export locations.

Reports.

"(2) Not later than 180 days after the date of enactment of this subsection, the Administrator shall submit a report that describes actions taken to carry out paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.".

7 USC 75 note.

SEC. 16. EFFECTIVE DATES.

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

(b) SPECIAL EFFECTIVE DATE FOR CERTAIN PROVISIONS.—The amendments made by sections 2, 3, and 13(a) shall take effect as of September 30, 1993.

Approved November 24, 1993.

LEGISLATIVE HISTORY—S. 1490 (H.R. 2689):

HOUSE REPORTS: No. 103-265 accompanying H.R. 2689 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 139 (1993):
Sept. 28, H.R. 2689 considered and passed House.
Sept. 29, S. 1490 considered and passed Senate.
Nov. 4, considered and passed House, amended.
Nov. 10, Senate concurred in House amendments.