

In the Senate of the United States,

September 21, 2015.

Resolved, That the bill from the House of Representatives (H.R. 2051) entitled “An Act to amend the Agricultural Marketing Act of 1946 to extend the livestock mandatory price reporting requirements, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE.*—*This Act may be cited as the “Ag-*
3 *riculture Reauthorizations Act of 2015”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*
5 *this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—MANDATORY PRICE REPORTING

Sec. 101. Extension of livestock mandatory reporting.

Sec. 102. Swine reporting.

Sec. 103. Lamb reporting.

Sec. 104. Study on livestock mandatory reporting.

TITLE II—NATIONAL FOREST FOUNDATION ACT
REAUTHORIZATION

Sec. 201. National Forest Foundation Act reauthorization.

TITLE III—UNITED STATES GRAIN STANDARDS ACT
REAUTHORIZATION

Sec. 301. Reauthorization of United States Grain Standards Act.

Sec. 302. Report on disruption in Federal inspection of grain exports.

Sec. 303. Report on policy barriers to grain producers.

1 ***TITLE I—MANDATORY PRICE***
2 ***REPORTING***

3 ***SEC. 101. EXTENSION OF LIVESTOCK MANDATORY REPORT-***
4 ***ING.***

5 (a) *EXTENSION OF AUTHORITY.*—Section 260 of the
6 *Agricultural Marketing Act of 1946 (7 U.S.C. 1636i)* is
7 *amended by striking “September 30, 2015” and inserting*
8 *“September 30, 2020”.*

9 (b) *CONFORMING AMENDMENT.*—Section 942 of the
10 *Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635*
11 *note; Public Law 106–78)* is amended by striking “Sep-
12 *tember 30, 2015” and inserting “September 30, 2020”.*

13 ***SEC. 102. SWINE REPORTING.***

14 (a) *DEFINITIONS.*—Section 231 of the *Agricultural*
15 *Marketing Act of 1946 (7 U.S.C. 1635i)* is amended—

16 (1) *by redesignating paragraphs (9) through (22)*
17 *as paragraphs (10) through (23), respectively;*

18 (2) *by inserting after paragraph (8) the fol-*
19 *lowing:*

1 “(9) *NEGOTIATED FORMULA PURCHASE.*—The
2 term ‘negotiated formula purchase’ means a swine or
3 pork market formula purchase under which—

4 “(A) the formula is determined by negotia-
5 tion on a lot-by-lot basis; and

6 “(B) the swine are scheduled for delivery to
7 the packer not later than 14 days after the date
8 on which the formula is negotiated and swine
9 are committed to the packer.”;

10 (3) in paragraph (12)(A) (as so redesignated),
11 by inserting “negotiated formula purchase,” after
12 “pork market formula purchase,”; and

13 (4) in paragraph (23) (as so redesignated)—

14 (A) in subparagraph (C), by striking “and”
15 at the end;

16 (B) by redesignating subparagraph (D) as
17 subparagraph (E); and

18 (C) by inserting after subparagraph (C) the
19 following:

20 “(D) a negotiated formula purchase; and”.

21 (b) *DAILY REPORTING.*—Section 232(c) of the Agricul-
22 tural Marketing Act of 1946 (7 U.S.C. 1635j(c)) is amend-
23 ed—

24 (1) in paragraph (1)(D), by striking clause (ii)
25 and inserting the following:

1 “(i) *PRICE DISTRIBUTIONS.*—*The in-*
2 *formation published by the Secretary under*
3 *clause (i) shall include—*

4 “(I) *a distribution of net prices in*
5 *the range between and including the*
6 *lowest net price and the highest net*
7 *price reported;*

8 “(II) *a delineation of the number*
9 *of barrows and gilts at each reported*
10 *price level or, at the option of the Sec-*
11 *retary, the number of barrows and gilts*
12 *within each of a series of reasonable*
13 *price bands within the range of prices;*
14 *and*

15 “(III) *the total number and*
16 *weighted average price of barrows and*
17 *gilts purchased through negotiated pur-*
18 *chases and negotiated formula pur-*
19 *chases.”; and*

20 (2) *in paragraph (3), by adding at the end the*
21 *following:*

22 “(C) *LATE IN THE DAY REPORT INFORMA-*
23 *TION.*—*The Secretary shall include in the morn-*
24 *ing report and the afternoon report for the fol-*
25 *lowing day any information required to be re-*

1 *ported under subparagraph (A) that is obtained*
2 *after the time of the reporting day specified in*
3 *that subparagraph.”.*

4 **SEC. 103. LAMB REPORTING.**

5 *Not later than 180 days after the date of enactment*
6 *of this Act, the Secretary of Agriculture shall revise section*
7 *59.300 of title 7, Code of Federal Regulations, so that—*

8 *(1) the definition of the term “importer”—*

9 *(A) includes only those importers that im-*
10 *ported an average of 1,000 metric tons of lamb*
11 *meat products per year during the immediately*
12 *preceding 4 calendar years; and*

13 *(B) may include any person that does not*
14 *meet the requirement referred to in subpara-*
15 *graph (A), if the Secretary determines that the*
16 *person should be considered an importer based*
17 *on their volume of lamb imports; and*

18 *(2) the definition of the term “packer”—*

19 *(A) applies to any entity with 50 percent or*
20 *more ownership in a facility;*

21 *(B) includes a federally inspected lamb*
22 *processing plant which slaughtered or processed*
23 *the equivalent of an average of 35,000 head of*
24 *lambs per year during the immediately pre-*
25 *ceding 5 calendar years; and*

1 (C) may include any other lamb processing
2 plant that does not meet the requirement referred
3 to in subparagraph (B), if the Secretary deter-
4 mines that the processing plant should be consid-
5 ered a packer after considering the capacity of
6 the processing plant.

7 **SEC. 104. STUDY ON LIVESTOCK MANDATORY REPORTING.**

8 (a) *STUDY REQUIRED.*—

9 (1) *IN GENERAL.*—The Secretary of Agriculture,
10 acting through the Agricultural Marketing Service in
11 conjunction with the Office of the Chief Economist
12 and in consultation with cattle, swine, and lamb pro-
13 ducers, packers, and other market participants, shall
14 conduct a study on the program of information re-
15 garding the marketing of cattle, swine, lambs, and
16 products of such livestock under subtitle B of the Ag-
17 ricultural Marketing Act of 1946 (7 U.S.C. 1635 *et*
18 *seq.*).

19 (2) *REQUIREMENTS.*—The study shall—

20 (A) analyze current marketing practices in
21 the cattle, swine, and lamb markets;

22 (B) identify legislative or regulatory rec-
23 ommendations made by cattle, swine, and lamb
24 producers, packers, and other market partici-

1 *pants to ensure that information provided under*
2 *the program—*

3 *(i) can be readily understood by pro-*
4 *ducers, packers, and other market partici-*
5 *pants;*

6 *(ii) reflects current marketing prac-*
7 *tices; and*

8 *(iii) is relevant and useful to pro-*
9 *ducers, packers, and other market partici-*
10 *pants;*

11 *(C) analyze the price and supply informa-*
12 *tion reporting services of the Department of Ag-*
13 *riculture related to cattle, swine, and lamb; and*

14 *(D) address any other issues that the Sec-*
15 *retary considers appropriate.*

16 *(b) REPORT.—Not later than March 1, 2018, the Sec-*
17 *retary of Agriculture shall submit to the Committee on Ag-*
18 *riculture of the House of Representatives and the Committee*
19 *on Agriculture, Nutrition, and Forestry of the Senate a re-*
20 *port containing the findings of the study conducted under*
21 *subsection (a).*

1 **TITLE II—NATIONAL FOREST**
2 **FOUNDATION ACT REAU-**
3 **THORIZATION**

4 **SEC. 201. NATIONAL FOREST FOUNDATION ACT REAUTHOR-**
5 **IZATION.**

6 (a) *EXTENSION OF AUTHORITY TO PROVIDE MATCH-*
7 *ING FUNDS FOR ADMINISTRATIVE AND PROJECT EX-*
8 *PENSES.*—Section 405(b) of the National Forest Founda-
9 *tion Act (16 U.S.C. 583j–3(b)) is amended by striking “for*
10 *a period of five years beginning October 1, 1992” and in-*
11 *serting “during fiscal years 2016 through 2018”.*

12 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section
13 *410(b) of the National Forest Foundation Act (16 U.S.C.*
14 *583j–8(b)) is amended by striking “during the five-year pe-*
15 *riod” and all that follows through “\$1,000,000 annually”*
16 *and inserting “there are authorized to be appropriated*
17 *\$3,000,000 for each of fiscal years 2016 through 2018”.*

18 (c) *TECHNICAL CORRECTIONS.*—

19 (1) *AGENT.*—Section 404 of the National Forest
20 *Foundation Act (16 U.S.C. 583j–2) is amended—*

21 (A) *in subsection (a)(4), by inserting “no-*
22 *tice or” after “authorized to accept”; and*

23 (B) *in subsection (b), by striking “under*
24 *this paragraph” and inserting “by subsection*
25 *(a)(4)”.*

1 (2) *ANNUAL REPORT.*—Section 407(b) of the Na-
 2 tional Forest Foundation Act (16 U.S.C. 583j–5(b)) is
 3 amended by striking the comma after “The Founda-
 4 tion shall”.

5 **TITLE III—UNITED STATES**
 6 **GRAIN STANDARDS ACT RE-**
 7 **AUTHORIZATION**

8 **SEC. 301. REAUTHORIZATION OF UNITED STATES GRAIN**
 9 **STANDARDS ACT.**

10 (a) *OFFICIAL INSPECTION AND WEIGHING REQUIRE-*
 11 *MENTS.*—

12 (1) *DISCRETIONARY WAIVER AUTHORITY.*—Sec-
 13 tion 5(a)(1) of the United States Grain Standards
 14 Act (7 U.S.C. 77(a)(1)) is amended in the first pro-
 15 viso by striking “may waive the foregoing require-
 16 ment in emergency or other circumstances which
 17 would not impair the objectives of this Act” and in-
 18 serting “shall waive the foregoing requirement in
 19 emergency or other circumstances that would not im-
 20 pair the objectives of this Act whenever the parties to
 21 a contract for such shipment mutually agree to the
 22 waiver and documentation of such agreement is pro-
 23 vided to the Secretary prior to shipment”.

24 (2) *WEIGHING REQUIREMENTS AT EXPORT ELE-*
 25 *VATORS.*—Section 5(a)(2) of the United States Grain

1 *Standards Act (7 U.S.C. 77(a)(2)) is amended in the*
2 *proviso by striking “intracompany shipments of*
3 *grain into an export elevator by any mode of trans-*
4 *portation, grain transferred into an export elevator*
5 *by transportation modes other than barge,” and in-*
6 *serting “shipments of grain into an export elevator by*
7 *any mode of transportation”.*

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

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

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

20 “(2) *not later than 24 hours after the start of the*
21 *disruption in inspection or weighing, submit to the*
22 *Committee on Agriculture of the House of Representa-*
23 *tives and the Committee on Agriculture, Nutrition,*
24 *and Forestry of the Senate a report that describes—*

25 “(A) *the disruption; and*

1 “(B) any actions necessary to address the
2 concerns of the Secretary relating to the interrup-
3 tion so that inspections or weighings may re-
4 sume; and

5 “(3) once the initial report in paragraph (2) has
6 been made, provide daily updates until official in-
7 spection or weighing services at the site of disruption
8 have resumed.”.

9 (b) *OFFICIAL INSPECTION AUTHORITY AND FUND-*
10 *ING.—*

11 (1) *DELEGATION OF OFFICIAL INSPECTION AU-*
12 *THORITY.—Section 7(e)(2) of the United States Grain*
13 *Standards Act (7 U.S.C. 79(e)(2)) is amended—*

14 (A) by striking “(2) If the Secretary” and
15 inserting the following:

16 “(2) *DELEGATION OF AUTHORITY TO STATE*
17 *AGENCIES.—*

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

19 (B) in the first sentence—

20 (i) by striking “and (A)” and insert-
21 ing “and (i)”;

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

24 (iii) by striking “(i)” and inserting
25 “(II)”;

1 *(iv) by striking “(iii)” and inserting*
2 *“(III)”*; and

3 *(C) by adding at the end the following:*

4 *“(B) CERTIFICATION.—*

5 *“(i) IN GENERAL.—Every 5 years, the*
6 *Secretary shall certify that each State agen-*
7 *cy with a delegation of authority is meeting*
8 *the criteria described in subsection*
9 *(f)(1)(A).*

10 *“(ii) PROCESS.—Not later than 1 year*
11 *after the date of enactment of the Agri-*
12 *culture Reauthorizations Act of 2015, the*
13 *Secretary shall establish a process for cer-*
14 *tification under which the Secretary shall—*

15 *“(I) publish in the Federal Reg-*
16 *ister notice of intent to certify a State*
17 *agency and provide a 30-day period*
18 *for public comment;*

19 *“(II) evaluate the public com-*
20 *ments received and, in accordance with*
21 *paragraph (3), conduct an investiga-*
22 *tion to determine whether the State*
23 *agency is qualified;*

1 “(III) make findings based on the
2 public comments received and inves-
3 tigation conducted; and

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

9 “(C) STATE AGENCY REQUIREMENTS.—

10 “(i) IN GENERAL.—If a State agency
11 that has been delegated authority under this
12 paragraph intends to temporarily dis-
13 continue official inspection or weighing
14 services for any reason, except in the case of
15 a major disaster, the State agency shall no-
16 tify the Secretary in writing of the inten-
17 tion of the State agency to do so at least 72
18 hours in advance of the discontinuation
19 date.

20 “(ii) SECRETARIAL CONSIDERATION.—
21 The Secretary shall consider receipt of a no-
22 tice described in clause (i) as a factor in
23 administering the delegation of authority
24 under this paragraph.”.

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

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

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

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

9 “(C) the Secretary—

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

18 “(ii) works with the applicant to ad-
19 dress any concerns identified during the
20 consultation process.”.

21 (3) *GEOGRAPHIC BOUNDARIES FOR OFFICIAL*
22 *AGENCIES.*—

23 (A) *OFFICIAL INSPECTION AUTHORITY.*—
24 Section 7(f)(2) of the *United States Grain*
25 *Standards Act* (7 U.S.C. 79(f)(2)) is amended by

1 *striking “the Secretary may” and all that fol-*
2 *lows through the end of the paragraph and in-*
3 *serting the following: “the Secretary shall allow*
4 *a designated official agency to cross boundary*
5 *lines to carry out inspections in another geo-*
6 *graphic area if—*

7 *“(A) the current designated official agency*
8 *for that geographic area is unable to provide in-*
9 *spection services in a timely manner;*

10 *“(B) a person requesting inspection services*
11 *in that geographic area requests a probe inspec-*
12 *tion on a barge-lot basis; or*

13 *“(C) the current official agency for that geo-*
14 *graphic area agrees in writing with the adjacent*
15 *official agency to waive the current geographic*
16 *area restriction at the request of the applicant*
17 *for service.”.*

18 *(B) WEIGHING AUTHORITY.—Section*
19 *7A(i)(2) of the United States Grain Standards*
20 *Act (7 U.S.C. 79a(i)(2)) is amended by striking*
21 *“the Secretary may” and all that follows through*
22 *the end of the paragraph and inserting the fol-*
23 *lowing: “the Secretary shall allow a designated*
24 *official agency to cross boundary lines to carry*
25 *out weighing in another geographic area if—*

1 “(A) the current designated official agency
2 for that geographic area is unable to provide
3 weighing services in a timely manner; or

4 “(B) the current official agency for that geo-
5 graphic area agrees in writing with the adjacent
6 official agency to waive the current geographic
7 area restriction at the request of the applicant
8 for service.”.

9 (4) *DURATION OF DESIGNATION AUTHORITY.*—
10 Section 7(g)(1) of the United States Grain Standards
11 Act (7 U.S.C. 79(g)(1)) is amended by striking “tri-
12 ennially” and inserting “every 5 years”.

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

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

18 “(j) *FEES.*—

19 “(1) *INSPECTION FEES.*—

20 “(A) *IN GENERAL.*—The Secretary”;

21 (B) in paragraph (1)—

22 (i) the second sentence, by striking

23 “The fees” and inserting the following:

24 “(B) *AMOUNT OF FEES.*—The fees”;

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

3 “(C) *USE OF FEES.*—Fees described in this
4 paragraph”; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(D) *EXPORT TONNAGE FEES.*—For an offi-
8 cial inspection at an export facility performed
9 by the Secretary, the portion of the fees based on
10 export tonnage shall be based on the rolling 5-
11 year average of export tonnage volumes.”;

12 (C) by redesignating paragraph (4) as
13 paragraph (5);

14 (D) by inserting after paragraph (3) the fol-
15 lowing:

16 “(4) *ADJUSTMENT OF FEES.*—In order to main-
17 tain an operating reserve of not less than 3 and not
18 more than 6 months, the Secretary shall adjust the
19 fees described in paragraphs (1) and (2) not less fre-
20 quently than annually.”; and

21 (E) in paragraph (5) (as redesignated by
22 subparagraph (C)), in the first sentence, by
23 striking “2015” and inserting “2020”.

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

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

4 (2) *in subsection (l)—*

5 (A) *by striking “(l)(1) The Secretary” and*
 6 *inserting the following:*

7 “(l) *FEES.—*

8 (1) *WEIGHING FEES.—*

9 (A) *IN GENERAL.—The Secretary”;*

10 (B) *in paragraph (1)—*

11 (i) *the second sentence, by striking*

12 *“The fees” and inserting the following:*

13 “(B) *AMOUNT OF FEES.—The fees”;*

14 (ii) *in the third sentence, by striking*

15 *“Such fees” and inserting the following:*

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

18 (iii) *by adding at the end the fol-*

19 *lowing:*

20 “(D) *EXPORT TONNAGE FEES.—For an offi-*
 21 *cial weighing at an export facility performed by*
 22 *the Secretary, the portion of the fees based on ex-*
 23 *port tonnage shall be based on the rolling 5-year*
 24 *average of export tonnage volumes.”;*

1 (C) by redesignating paragraph (3) as
2 paragraph (4);

3 (D) by inserting after paragraph (2) the fol-
4 lowing:

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

10 (E) in paragraph (4) (as redesignated by
11 subparagraph (C)), in the first sentence, by
12 striking “2015” and inserting “2020”.

13 (d) *LIMITATION AND ADMINISTRATIVE AND SUPER-*
14 *VISORY COSTS.*—Section 7D of the United States Grain
15 Standards Act (7 U.S.C. 79d) is amended by striking
16 “2015” and inserting “2020”.

17 (e) *ISSUANCE OF AUTHORIZATION.*—Section 8(b) of
18 the United States Grain Standards Act (7 U.S.C. 84(b))
19 is amended by striking “triennially” and inserting “every
20 5 years”.

21 (f) *APPROPRIATIONS.*—Section 19 of the United States
22 Grain Standards Act (7 U.S.C. 87h) is amended by striking
23 “2015” and inserting “2020”.

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

4 **SEC. 302. REPORT ON DISRUPTION IN FEDERAL INSPEC-**
5 **TION OF GRAIN EXPORTS.**

6 Not later than 180 days after the date of enactment
7 of this Act, the Secretary of Agriculture shall submit to the
8 Committee on Agriculture, Nutrition, and Forestry of the
9 Senate, the Committee on Agriculture of the House of Rep-
10 resentatives, the Subcommittee on Agriculture, Rural Devel-
11 opment, Food and Drug Administration, and Related Agen-
12 cies of the Committee on Appropriations of the Senate, and
13 the Subcommittee on Agriculture, Rural Development, Food
14 and Drug Administration, and Related Agencies of the
15 Committee on Appropriations of the House of Representa-
16 tives a report that describes—

17 (1) the specific factors that led to disruption in
18 Federal inspection of grain exports at the Port of
19 Vancouver in the summer of 2014;

20 (2) any factors that contributed to the disruption
21 referred to in paragraph (1) that were unique to the
22 Port of Vancouver, including a description of the port
23 facility, security needs and available resources for
24 that purpose, and any other significant factors as de-
25 termined by the Secretary; and

1 (3) *any changes in policy that the Secretary has*
2 *implemented to ensure that a similar disruption in*
3 *Federal inspection of grain exports at the Port of*
4 *Vancouver or any other location does not occur in the*
5 *future.*

6 **SEC. 303. REPORT ON POLICY BARRIERS TO GRAIN PRO-**
7 **DUCERS.**

8 *Not later than 180 days after the date of enactment*
9 *of this Act, the Secretary of Agriculture, in consultation*
10 *with the United States Trade Representative, shall submit*
11 *to the Committee on Agriculture, Nutrition, and Forestry*
12 *of the Senate and the Committee on Agriculture of the*
13 *House of Representatives a report that describes—*

14 (1) *the policy barriers to United States grain*
15 *producers in countries the grain of which receives offi-*
16 *cial grading in the United States but which do not*
17 *offer official grading for United States grain or pro-*
18 *vide only the lowest designation for United States*
19 *grain, including an analysis of possible inconsist-*
20 *encies with trade obligations; and*

21 (2) *any actions the Executive Branch is taking*
22 *to remedy the policy barriers so as to put United*

- 1 *States grain producers on equal footing with grain*
- 2 *producers in countries imposing the barriers.*

Attest:

Secretary.

114TH CONGRESS
1ST SESSION

H.R. 2051

AMENDMENT