

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

H. R. 2051

To amend the Agricultural Marketing Act of 1946 to extend the livestock mandatory price reporting requirements, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**
- 4 (a) SHORT TITLE.—This Act may be cited as the
- 5 “Agriculture Reauthorizations Act of 2015”.
- 6 (b) TABLE OF CONTENTS.—The table of contents for
- 7 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.

1 “(9) NEGOTIATED FORMULA PURCHASE.—The
2 term ‘negotiated formula purchase’ means a swine
3 or 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
7 to the packer not later than 14 days after the
8 date on which the formula is negotiated and
9 swine 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
15 “and” at the end;

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

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

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

21 (b) DAILY REPORTING.—Section 232(c) of the Agri-
22 cultural Marketing Act of 1946 (7 U.S.C. 1635j(c)) is
23 amended—

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

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

4 “(I) a distribution of net prices
5 in the range between and including
6 the lowest net price and the highest
7 net 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
12 gilts within each of a series of reason-
13 able price bands within the range of
14 prices; and

15 “(III) the total number and
16 weighted average price of barrows and
17 gilts purchased through negotiated
18 purchases and negotiated formula
19 purchases.”; 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
24 morning report and the afternoon report for the
25 following 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 sec-
7 tion 59.300 of title 7, Code of Federal Regulations, so
8 that—

9 (1) the definition of the term “importer”—

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

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

19 (2) the definition of the term “packer”—

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

22 (B) includes a federally inspected lamb
23 processing plant which slaughtered or processed
24 the equivalent of an average of 35,000 head of

1 lambs per year during the immediately pre-
2 ceding 5 calendar years; and

3 (C) may include any other lamb processing
4 plant that does not meet the requirement re-
5 ferred to in subparagraph (B), if the Secretary
6 determines that the processing plant should be
7 considered a packer after considering the capac-
8 ity of the processing plant.

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

10 (a) STUDY REQUIRED.—

11 (1) IN GENERAL.—The Secretary of Agri-
12 culture, acting through the Agricultural Marketing
13 Service in conjunction with the Office of the Chief
14 Economist and in consultation with cattle, swine,
15 and lamb producers, packers, and other market par-
16 ticipants, shall conduct a study on the program of
17 information regarding the marketing of cattle, swine,
18 lambs, and products of such livestock under subtitle
19 B of the Agricultural Marketing Act of 1946 (7
20 U.S.C. 1635 et seq.).

21 (2) REQUIREMENTS.—The study shall—

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

24 (B) identify legislative or regulatory rec-
25 ommendations made by cattle, swine, and lamb

1 producers, packers, and other market partici-
2 pants to ensure that information provided
3 under the program—

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

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

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

12 (C) analyze the price and supply informa-
13 tion reporting services of the Department of
14 Agriculture related to cattle, swine, and lamb;
15 and

16 (D) address any other issues that the Sec-
17 retary considers appropriate.

18 (b) REPORT.—Not later than March 1, 2018, the
19 Secretary of Agriculture shall submit to the Committee on
20 Agriculture of the House of Representatives and the Com-
21 mittee on Agriculture, Nutrition, and Forestry of the Sen-
22 ate a report containing the findings of the study conducted
23 under 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
10 “for a period of five years beginning October 1, 1992”
11 and inserting “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
15 period” and all that follows through “\$1,000,000 annu-
16 ally” and inserting “there are authorized to be appro-
17 priated \$3,000,000 for each of fiscal years 2016 through
18 2018”.

19 (c) TECHNICAL CORRECTIONS.—

20 (1) AGENT.—Section 404 of the National For-
21 est Foundation Act (16 U.S.C. 583j–2) is amend-
22 ed—

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

1 (B) in subsection (b), by striking “under
2 this paragraph” and inserting “by subsection
3 (a)(4)”.

4 (2) ANNUAL REPORT.—Section 407(b) of the
5 National Forest Foundation Act (16 U.S.C. 583j–
6 5(b)) is amended by striking the comma after “The
7 Foundation shall”.

8 **TITLE III—UNITED STATES**
9 **GRAIN STANDARDS ACT RE-**
10 **AUTHORIZATION**

11 **SEC. 301. REAUTHORIZATION OF UNITED STATES GRAIN**
12 **STANDARDS ACT.**

13 (a) OFFICIAL INSPECTION AND WEIGHING REQUIRE-
14 MENTS.—

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

1 to the waiver and documentation of such agreement
2 is provided to the Secretary prior to shipment”.

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

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

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

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

24 “(2) not later than 24 hours after the start of
25 the disruption in inspection or weighing, submit to

1 the Committee on Agriculture of the House of Rep-
2 resentatives and the Committee on Agriculture, Nu-
3 trition, and Forestry of the Senate a report that de-
4 scribes—

5 “(A) the disruption; and

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

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

14 (b) OFFICIAL INSPECTION AUTHORITY AND FUND-
15 ING.—

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

20 (A) by striking “(2) If the Secretary” and
21 inserting the following:

22 “(2) DELEGATION OF AUTHORITY TO STATE
23 AGENCIES.—

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

25 (B) in the first sentence—

1 (i) by striking “and (A)” and insert-
2 ing “and (i)”;

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

5 (iii) by striking “(ii)” and inserting
6 “(II)”;

7 (iv) by striking “(iii)” and inserting
8 “(III)”;

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

10 “(B) CERTIFICATION.—

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

16 “(ii) PROCESS.—Not later than 1 year
17 after the date of enactment of the Agri-
18 culture Reauthorizations Act of 2015, the
19 Secretary shall establish a process for cer-
20 tification under which the Secretary
21 shall—

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

1 “(II) evaluate the public com-
2 ments received and, in accordance
3 with paragraph (3), conduct an inves-
4 tigation to determine whether the
5 State agency is qualified;

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

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

14 “(C) STATE AGENCY REQUIREMENTS.—

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

1 “(ii) SECRETARIAL CONSIDER-
2 ATION.—The Secretary shall consider re-
3 ceipt of a notice described in clause (i) as
4 a factor in administering the delegation of
5 authority under this paragraph.”.

6 (2) CONSULTATION.—Section 7(f)(1) of the
7 United States Grain Standards Act (7 U.S.C.
8 79(f)(1)) is amended—

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

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

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

14 “(C) the Secretary—

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

1 “(ii) works with the applicant to ad-
2 dress any concerns identified during the
3 consultation process.”.

4 (3) GEOGRAPHIC BOUNDARIES FOR OFFICIAL
5 AGENCIES.—

6 (A) OFFICIAL INSPECTION AUTHORITY.—

7 Section 7(f)(2) of the United States Grain
8 Standards Act (7 U.S.C. 79(f)(2)) is amended
9 by striking “the Secretary may” and all that
10 follows through the end of the paragraph and
11 inserting the following: “the Secretary shall
12 allow a designated official agency to cross
13 boundary lines to carry out inspections in an-
14 other geographic area if—

15 “(A) the current designated official agency
16 for that geographic area is unable to provide in-
17 spection services in a timely manner;

18 “(B) a person requesting inspection serv-
19 ices in that geographic area requests a probe
20 inspection on a barge-lot basis; or

21 “(C) the current official agency for that
22 geographic area agrees in writing with the adja-
23 cent official agency to waive the current geo-
24 graphic area restriction at the request of the
25 applicant for service.”.

1 (B) WEIGHING AUTHORITY.—Section
2 7A(i)(2) of the United States Grain Standards
3 Act (7 U.S.C. 79a(i)(2)) is amended by striking
4 “the Secretary may” and all that follows
5 through the end of the paragraph and inserting
6 the following: “the Secretary shall allow a des-
7 ignated official agency to cross boundary lines
8 to carry out weighing in another geographic
9 area if—

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

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

18 (4) DURATION OF DESIGNATION AUTHORITY.—
19 Section 7(g)(1) of the United States Grain Stand-
20 ards Act (7 U.S.C. 79(g)(1)) is amended by striking
21 “triennially” and inserting “every 5 years”.

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

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

3 “(j) FEES.—

4 “(1) INSPECTION FEES.—

5 “(A) IN GENERAL.—The Secretary”;

6 (B) in paragraph (1)—

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

9 “(B) AMOUNT OF FEES.—The fees”;

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

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

14 (iii) by adding at the end the fol-
15 lowing:

16 “(D) EXPORT TONNAGE FEES.—For an of-
17 ficial inspection at an export facility performed
18 by the Secretary, the portion of the fees based
19 on export tonnage shall be based on the rolling
20 5-year average of export tonnage volumes.”;

21 (C) by redesignating paragraph (4) as
22 paragraph (5);

23 (D) by inserting after paragraph (3) the
24 following:

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

6 (E) in paragraph (5) (as redesignated by
7 subparagraph (C)), in the first sentence, by
8 striking “2015” and inserting “2020”.

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

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

15 (2) in subsection (l)—

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

18 “(l) FEES.—

19 “(1) WEIGHING 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
4 this paragraph”; and

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

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

12 (C) by redesignating paragraph (3) as
13 paragraph (4);

14 (D) by inserting after paragraph (2) the
15 following:

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

21 (E) in paragraph (4) (as redesignated by
22 subparagraph (C)), in the first sentence, by
23 striking “2015” and inserting “2020”.

24 (d) LIMITATION AND ADMINISTRATIVE AND SUPER-
25 VISORY COSTS.—Section 7D of the United States Grain

1 Standards Act (7 U.S.C. 79d) is amended by striking
2 “2015” and inserting “2020”.

3 (e) ISSUANCE OF AUTHORIZATION.—Section 8(b) of
4 the United States Grain Standards Act (7 U.S.C. 84(b))
5 is amended by striking “triennially” and inserting “every
6 5 years”.

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

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

13 **SEC. 302. REPORT ON DISRUPTION IN FEDERAL INSPEC-**
14 **TION OF GRAIN EXPORTS.**

15 Not later than 180 days after the date of enactment
16 of this Act, the Secretary of Agriculture shall submit to
17 the Committee on Agriculture, Nutrition, and Forestry of
18 the Senate, the Committee on Agriculture of the House
19 of Representatives, the Subcommittee on Agriculture,
20 Rural Development, Food and Drug Administration, and
21 Related Agencies of the Committee on Appropriations of
22 the Senate, and the Subcommittee on Agriculture, Rural
23 Development, Food and Drug Administration, and Re-
24 lated Agencies of the Committee on Appropriations of the
25 House of Representatives a report that describes—

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

4 (2) any factors that contributed to the disruption
5 referred to in paragraph (1) that were unique
6 to the Port of Vancouver, including a description of
7 the port facility, security needs and available re-
8 sources for that purpose, and any other significant
9 factors as determined by the Secretary; and

10 (3) any changes in policy that the Secretary has
11 implemented to ensure that a similar disruption in
12 Federal inspection of grain exports at the Port of
13 Vancouver or any other location does not occur in
14 the future.

15 **SEC. 303. REPORT ON POLICY BARRIERS TO GRAIN PRO-**
16 **DUCERS.**

17 Not later than 180 days after the date of enactment
18 of this Act, the Secretary of Agriculture, in consultation
19 with the United States Trade Representative, shall submit
20 to the Committee on Agriculture, Nutrition, and Forestry
21 of the Senate and the Committee on Agriculture of the
22 House of Representatives a report that describes—

23 (1) the policy barriers to United States grain
24 producers in countries the grain of which receives of-
25 ficial grading in the United States but which do not

1 offer official grading for United States grain or pro-
2 vide only the lowest designation for United States
3 grain, including an analysis of possible inconsist-
4 encies with trade obligations; and

5 (2) any actions the Executive Branch is taking
6 to remedy the policy barriers so as to put United
7 States grain producers on equal footing with grain
8 producers in countries imposing the barriers.