

GOVERNMENT PRINTING OFFICE REVOLVING FUND

Amendment No. 35: Limits the full-time equivalent employment at the Government Printing Office to 3,800 by the end of the fiscal year instead of 3,550 as proposed by the House and 3,900 by the end of the fiscal year as proposed by the Senate.

GENERAL ACCOUNTING OFFICE SALARIES AND EXPENSES

Amendment No. 36: Appropriates \$374,406,000 for salaries and expenses. General Accounting Office as proposed by the Senate instead of \$392,864,000 as proposed by the House. The conferees direct that the General Accounting Office downsizing plan made necessary by the level of funding provided incorporate privatization of administrative activities to the maximum extent and utilize the services of private accounting firms, and other private sector experts in carrying out audit, financial analysis, and program evaluation activities. The conferees direct that the fiscal year 1997 budget proposal contain a separate section which documents this policy, together with comparisons to current practices.

Amendment No. 37: Deletes a provision inserted by the Senate providing an advance appropriation for fiscal year 1997 of \$338,425,400, and \$6,100,000 of reimbursement received. The conferees agree that the intent is to achieve a 25% reduction over the two year period of fiscal years 1996 and 1997.

ADMINISTRATIVE PROVISIONS

Amendment No. 38: Changes a heading as proposed by the Senate.

Amendment No. 39: Restores a provision proposed by the House and stricken by the Senate which transfers claims and judgments activities to the executive branch effective June 30, 1996.

Amendment No. 40: Changes a section number and amends section 732 of Title 31, giving authority to the Comptroller General to establish reduction in force regulations for GAO as proposed by the Senate.

Amendment No. 41: Changes a section number and amends section 753 of Title 31, removing from the GAO Personnel Appeals Board their authority to stay a reduction in force as proposed by the Senate.

Amendment No. 42: Deletes a provision inserted by the Senate giving the General Accounting Office authority to offer incentives to employees who retire or resign on or before September 30, 1995. The authority is contained in H.R. 1944, the fiscal year 1995 emergency supplemental and rescissions Act.

TITLE III—GENERAL PROVISIONS

Amendment No. 43: Restores a provision proposed by the House and stricken by the Senate which transfers personnel and unexpended balances for security equipment design and installation from the Architect of the Capitol to the Capitol Police.

Amendment No. 44: restores a section number.

Amendment No. 45: Adds a subsection inserted by the Senate regarding the Administrative Conference of the United States. The conference agreement complies with the intent of the Congressional Accountability Act to study the application of certain laws to the General Accounting Office, Library of Congress, and the Government Printing Office. In the event the Administrative Conference is not funded, the conference agreement provides that the study will be undertaken by the Office of Compliance.

Amendment No. 46: Deletes a provision proposed by the House and stricken by the Senate that would have authorized the Provost Marshall at Ft. Meade to police the 100 acre parcel assigned to the Legislative Branch.

Amendment No. 47: Deletes a provision proposed by the House and stricken by the Senate that would have transferred the Botanic Garden to the Secretary of Agriculture.

Amendment No. 48: Changes a section number.

Amendment No. 49: Changes a section number and inserts a Senate provision amending Public Law 101-302 regarding Senate artwork.

Amendment No. 50: Deletes a sense of the Senate provision relating to members of the Senate press galleries.

Amendment No. 51: Deletes a Senate legislative provision regarding the selection of Federal Government contractors.

Amendment No. 52: Deletes a sense of the Senate provision regarding the Senate legislative schedule.

Amendment No. 53: Deletes a provision stating findings and sense of the Senate provision regarding the war in Bosnia.

Amendment No. 54: Deletes a Senate legislative provision repealing section 3303 and amending section 2302(b)(2) of Title 5, regarding prohibitions against political recommendations relating to Federal employment.

Amendment No. 55: Deletes a legislative provision inserted by the Senate regarding reductions in facility energy costs and inserts three provisions: 1. to specify the law enforcement authority of the House Sergeant at Arms; 2. to clarify the existing authority of the Committee on House Oversight to consolidate or combine representational allowances of Members of the House of Representatives and to prescribe regulations with regard to allocation and expenditure of such allowances; and 3. to establish an account to pay awards and settlements as authorized under section 415 of the Congressional Accountability Act of 1995. The conferees direct that the Architect of the Capitol, the Librarian of Congress, the Public Printer, and the Comptroller General include in their fiscal year 1997 budget submissions proposals to achieve reductions in facility energy costs. The conferees are aware that the Architect of the Capitol has an extensive energy retrofit program in effect, which has been fully coordinated with the Congress and the Committees on Appropriations. Those savings may be included within the required proposal.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1996 recommended by the Committee of Conference, with comparisons to the fiscal year 1995 amount, the 1996 budget estimates, and the House and Senate bills for 1996 follow:

New budget (obligational) authority, fiscal year 1995	\$2,390,554,700
Budget estimates of new (obligational) authority, fiscal year 1996	2,617,614,000
House bill, fiscal year 1996 .	1,725,698,000
Senate bill, fiscal year 1996	2,190,370,000
Conference agreement, fiscal year 1996	2,184,856,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1995	-205,698,700
Budget estimates of new (obligational) authority, fiscal year 1996	-432,758,000
House bill, fiscal year 1996	+459,158,000
Senate bill, fiscal year 1996	-5,514,000

RON PACKARD,

BILL YOUNG,
CHARLES H. TAYLOR,
DAN MILLER,
ROGER F. WICKER,
BOB LIVINGSTON,
VIC FAZIO,
RAY THORNTON,
JULIAN C. DIXON,
DAVID R. OBEY,

Managers on the Part of the House.

CONNIE MACK,
R.F. BENNETT,
MARK O. HATFIELD,
PATTY MURRAY,
BARBARA A. MIKULSKI,

Managers on the Part of the Senate.

ADJOURNMENT TO MONDAY, JULY 31, 1995

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENTS TO THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Mr. POMBO. Mr. Speaker, I ask unanimous consent for the immediate consideration in the House of the bill (H.R. 1103) entitled "Amendments to the Perishable Agricultural Commodities Act, 1930".

The Clerk read the title of the bill. The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. DE LA GARZA. Mr. Speaker, reserving the right to object, I yield to the distinguished gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Speaker, I thank the gentleman from Texas for yielding to me.

Mr. Speaker, the House Committee on Agriculture was pleased to unanimously report H.R. 1103 as amended to the House on June 28, 1995, with the recommendation that it do pass.

H.R. 1103 is a collaborative effort between the House Committee on Agriculture, USDA, the fruit and vegetable and retail industry to modernize, streamline, and strengthen the Perishable Agricultural Commodities Act.

Briefly, H.R. 1103 includes provisions to phase retailers and grocery wholesalers out of the license fee payment in

3 years, establish a one-time administrative fee for new retailers and grocery wholesalers, increase license fees for those remaining in the program from \$400 to \$550, and allow USDA to adjust future license fees under rule-making authority, implement a paperless system to administer the PACA trust, add new language requiring USDA to receive a written complaint before pursuing an investigation, require the department to inform the subject about the status of the investigation no later than 100 days after the initial notification, adjust administrative penalties and establish civil penalties under PACA, continue current fees for informal and formal reparation complaints, clarify the status of collateral fees and misbranding violations and, finally, amend responsibly connected provisions of PACA.

CBO estimates that USDA's total spending for PACA activities will be reduced under H.R. 1103.

I would like to thank the industry, USDA, House Committee on Agriculture counsel, and the Office of Legislative Counsel for sharing generous amounts of their time, effort, and expertise in assisting the committee in reaching this very important goal.

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I urge passage of H.R. 1103. To the ranking member of the Committee on Agriculture, I would like to thank the gentleman very much for all the work that he has put into this issue over the years.

Mr. EWING. Mr. Speaker, the House Agriculture Committee was pleased to unanimously report H.R. 1103 as amended to the House on June 28, 1995, with the recommendation that it do pass.

H.R. 1103 is a collaborative effort between the House Agriculture Committee, USDA, and the fruit, vegetable, and retail industry to modernize, streamline, and strengthen the Perishable Agricultural Commodities Act.

Briefly H.R. 1103 includes provisions to:

Phase retailers and grocery wholesalers out of license fee payment in 3 years.

Establish a one-time administrative fee for new retailers and grocery wholesalers.

Increase license fees for those remaining in the program from \$400 to \$550 and allow USDA to adjust future license fees under rule-making authority.

Implement a paperless system to administer the PACA trust.

Add new language requiring USDA to receive a written complaint before pursuing an investigation.

Require the Department to inform the subject about the status of the investigation no later than 180 days after initial notification.

Adjust administrative penalties and establish civil penalties under PACA.

Continue current fees for informal and formal reparation complaints.

Clarify the status of collateral fees and misbranding violations, and finally, amend responsibly connected provisions of PACA.

CBO estimates that USDA's total spending for PACA activities will be reduced under H.R. 1103.

I would like to thank the industry, USDA, House Agriculture Committee Counsel, and

the Office of Legislative Counsel for sharing generous amounts of your time, effort, and expertise in assisting the committee in reaching this very important goal.

Most important, I would like to give special thanks to Mr. POMBO and Mr. BOEHNER for their leadership in bringing this issue to resolution.

I urge passage of H.R. 1103.

Mr. DE LA GARZA. Mr. Speaker, further reserving the right to object, I yield to our distinguished colleague, the gentleman from North Carolina [Mr. ROSE].

(Mr. ROSE asked and was given permission to revise and extend his remarks.)

Mr. ROSE. Mr. Speaker, I compliment the chairman of the subcommittee and the gentleman from California [Mr. POMBO] for the hard work that they put into passage of this bill. On our side of the aisle, there are a great many people who are very anxious to see this legislation passed. Two of the hardest workers on this bill were the gentlewoman from Florida [Mrs. THURMAN] and the gentleman from California [Mr. FARR]. They are not here now because I told them we were not going to bring this up today. They can have me to blame for that. I thought it was going to come up Monday. I compliment the gentleman from California [Mr. POMBO] for his compromise and his great negotiating efforts. I am delighted to see the bill come to the floor for hopefully an uncontested passage.

Mr. Speaker, I rise in strong support of this legislation which is the result of intense and, at times, difficult negotiations between the several members of the fresh fruit and vegetable community. This consensus agreement, like all compromises, required substantial give and take within the industry. However, the effectiveness and the solvency of the PACA Program have been preserved by this agreement.

Like many other commodity programs, the PACA Program well serves the needs of the American farmer and the American consumer at no cost to the Federal Treasury. By the passage of this legislation, the Congress will preserve a valuable program that guarantees our Nation's food security and delivers wholesome and affordable farm commodities to America's families. I encourage my colleagues on both sides of the aisle to remember the importance of food security and all our commodity programs when we begin work on the farm bill this fall.

In closing, I thank Chairman EWING for his efforts to usher this bill through the House Committee on Agriculture. Similarly, I thank Mr. POMBO, Ms. THURMAN, and Mr. FARR for the extraordinary efforts they made to bring this agreement to fruition.

Mr. DE LA GARZA. Mr. Speaker, this bill is the culmination of difficult negotiations to reform PACA. I want to commend Members, staff, USDA, and all the stakeholders for their commitment to reform, and their commitment to an efficient and effective PACA Program.

This bill will assure the continuation of a strong PACA Program, to protect the buyers and sellers of fruits and vegetables and to benefit the American consumer. It will guaran-

tee the fiscal integrity of the PACA and give authority to the Secretary of Agriculture to adjust fees as necessary.

A new fee structure will be imposed on the program by this bill, and although retailers and wholesalers will no longer be required to pay license fees after 3 years, everyone will still be required to obtain a PACA license and will still be subject to all of the provisions of the PACA Program. Additional needed reforms are made by the bill, including the authority for paperless trusts, which will reduce paperwork and program costs.

All parties to this agreement have assured us that they will continue to support it when it reaches the Senate. I expect it to be handled expeditiously by the Senate, and signed by the President, and I urge my colleagues to support this critical legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1103

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

SECTION 1. DEFINITIONS.

(a) Section 1(b)(6) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a) is hereby amended to read as follows:

“(b)(6) The term ‘dealer’ means any person engaged in the business of buying or selling in wholesale or jobbing quantities, including for resale at retail, as defined by the Secretary, any perishable agricultural commodity in interstate or foreign commerce, except that (A) no producer shall be considered a ‘dealer’ in respect to sales of any such commodity of his own raising; and (B) no person buying any commodity other than potatoes for canning and/or processing within the State where grown shall be considered a ‘dealer’ whether or not the canned or processed product is to be shipped in interstate or foreign commerce, unless such product is frozen or packed in ice or consists of cherries in brine, within the meaning of paragraph (4) of this section. Any person not considered as a ‘dealer’ under clauses (A) or (B) may elect to secure a license under the provisions of section 499c of this title, and in such case and while the license is in effect such person shall be considered as a ‘dealer’.”

(b) Section 1 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a) is hereby amended to add a new subsection (b)(11) and a new subsection (b)(12), to read as follows:

“(11) The terms ‘collateral fees and expenses’ mean any promotional allowances, rebates, service or materials fees paid or provided, directly or indirectly, in connection with the distribution or marketing of any perishable agricultural commodity.

“(12) The term ‘producer’ means any person who raises perishable agricultural commodities for sale of those commodities in wholesale or jobbing quantities, under the producer's own brands or labels, as defined by the Secretary.”

SEC. 2. UNFAIR TRADE PRACTICES.

(a) Section 2(1) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b) is hereby amended to read as follows:

“(1) For any commission merchant, dealer, broker, or producer to engage in or use any unfair, unreasonable, discriminatory, or deceptive practice in connection with the

weighing, counting, or in any way determining the quantity of any perishable agricultural commodity received, bought, sold, shipped, or handled in interstate or foreign commerce;”.

(b) Section 2(4) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b) is hereby amended to read as follows:

“(4) For any commission merchant, dealer, broker, or producer to make, for a fraudulent purpose, any false or misleading statement in connection with any transaction involving any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold, or contracted to be bought, sold or consigned, in such commerce by such dealer, or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account and make full payment promptly in respect of any transaction in any such commodity to the person with whom such transaction is had; or to fail to disclose the grant or receipt of any collateral fee or expense in connection with any cost-plus transaction in any such commodity to the person with whom such transaction is had; or to fail, without reasonable cause to perform any specification or duty, express or implied, arising out of any undertaking in connection with any such transaction; or to fail to maintain the trust as required under section 499e(c) of this title;”.

(c) Section 2(5) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b) is hereby amended to read as follows:

“(5) For any commission merchant, dealer, broker, or producer to misrepresent by word, act, mark, stencil, label, statement, or deed, the character, kind, grade, quality, quantity, size, pack, weight, condition, degree of maturity, or State, country, or region of origin of any perishable agricultural commodity received, shipped, sold, or offered to be sold in interstate or foreign commerce: *Provided*, That any commission merchant, dealer, broker, or producer who has violated—

“(A) any provision of this paragraph may, with the consent of the Secretary, admit the violation or violations; or

“(B) any provision of this paragraph relating to a misrepresentation by mark, stencil, or label shall be permitted by the Secretary to admit the violation or violations if such violation or violations are not repeated or flagrant;

and pay, in the case of a violation under either clause (A) or (B) of this paragraph, a monetary penalty not to exceed \$2,000 in lieu of a formal proceeding for the suspension or revocation of license, any payment so made to be deposited in the Treasury of the United States as miscellaneous receipts: *Provided further*, That a person other than the first licensee handling misbranded perishable agricultural commodities shall not be held liable for a violation of this paragraph by reason of the conduct of another if that person did not have knowledge of the violation or lacked the ability to correct the violation;”.

(d) Section 2(6) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b) is hereby amended to strike the words “any commission merchant, dealer, or broker,” and in lieu thereof insert the words “any commission merchant, dealer, broker, or producer;”.

(e) Section 2(7) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b) is hereby amended to strike the words “any commission merchant, dealer, or broker,” and in lieu thereof insert the words “any commission merchant, dealer, broker, or producer;”.

SEC. 3. LICENSE FEES.

Section 3(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499c(b)) is amended to read as follows:

“Any person desiring any such license shall make application to the Secretary. The Secretary may by regulation prescribe the information to be contained in such application and to be furnished thereafter. Upon filing the application, and annually thereafter, the applicant shall pay such fees, both individually and in the aggregate, as the Secretary determines, upon rulemaking pursuant to 5 U.S.C. section 553, are necessary to meet the reasonably anticipated expenses for administering this chapter and section 491, 493 to 497 of this title. For fiscal year 1996, such individual license fee shall not exceed \$500, plus \$200 for each branch or additional business facility operated by the applicant in excess of nine such facilities, as determined by the Secretary. For fiscal year 1996, total annual fees for any applicant shall not exceed \$2,000 in the aggregate. No retailer shall be required to pay a license fee until the invoice cost of its purchases of perishable agricultural commodities in any calendar year are in excess of \$400,000. The Secretary shall provide by regulation that persons operating subsidiary organizations may consolidate those organizations on the license of the parent organization. Such fee, when collected, shall be deposited in the Treasury of the United States as a special fund, without fiscal year limitation, to be designated as the ‘Perishable Agricultural Commodities Act Fund’ which shall be available for all expenses necessary to the administration of this chapter, and sections 491, 493 to 497 of this title, referred to above. License fees paid into such fund by persons designated as ‘retailers’ by the Secretary shall not exceed more than 25 percent of all fees collected in any fiscal year. Any reserve funds in the Perishable Agricultural Commodities Act Fund may be invested by the Secretary in insured or fully-collateralized interest-bearing accounts or, at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments. Any interest earned on such reserve funds shall be credited to the Perishable Agricultural Commodities Act Fund and shall be available for the same purposes as the fees deposited in such fund. The amount of money accumulated and on hand in the special fund at the end of any fiscal year shall not exceed 33 percent of the projected budget for the next following fiscal year. Financial statements prescribed by the Director of the Office of Management and Budget for the last completed fiscal year, and as estimated for the current and ensuing fiscal years, shall be included in the budget as submitted to the Congress annually.”.

SEC. 4. ISSUANCE OF LICENSE.

Section 4(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499d(a)) is amended to read as follows:

“(a) Whenever an applicant has made application and paid any applicable fee, the Secretary, except as provided elsewhere in this chapter, shall issue to such applicant a license, which shall entitle the licensee to do business as a commission merchant and/or dealer and/or broker unless and until it is suspended or revoked by the Secretary in accordance with the provisions of this chapter, or is automatically suspended under section 499g(d) of this title, but said license shall automatically terminate on any anniversary date thereof unless the application has been made and any applicable fee has been paid: *Provided*, That notice of the necessity of application and paying any applicable fee shall be mailed at least thirty days before the anniversary date: *Provided further*, That if the

application is not made and any applicable fee is not paid by the anniversary date the licensee may obtain a renewal of that license at any time within thirty days by making application and paying any applicable fee provided in section 499c(b) of this title, plus \$5, which shall be deposited in the Perishable Agricultural Commodities Act fund provided for by section 499c(b) of this title: *Provided further*, That the license of any licensee shall terminate upon said licensee, or in case the licensee is a partnership, a partner being discharged as a bankrupt, unless the Secretary finds upon examination of the circumstances of such bankruptcy, which he shall examine if requested to do so by said licensee, that such circumstances do not warrant such termination.”.

SEC. 5. LIABILITY TO PERSON INJURED.

(a) Section 5 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(a)) is hereby amended to strike the words “any commission merchant, dealer, or broker,” and in lieu thereof insert the words “any commission merchant, dealer, broker, or producer;”.

(b) Section 5 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)(3)) is hereby amended to add at the end thereof the following: “The Secretary of Agriculture shall require persons who do not pay license fees under section 499c of this title to pay a filing fee for each notice of intent to preserve trust benefits filed pursuant to section 499e of this title. For fiscal year 1996, such filing fee shall be set at \$20. Thereafter, such fee shall be set by the Secretary upon rulemaking pursuant to 5 U.S.C. section 553, in order to meet the reasonably anticipated expenses for administering direct and indirect costs for such persons’ participation in proceedings under this chapter.”.

SEC. 6. COMPLAINT AND INVESTIGATION.

(a) Section 6(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)) is hereby amended to designate existing section (a) as section (a)(1), and to strike the words “any commission merchant, dealer, or broker,” and in lieu thereof insert the words “any commission merchant, dealer, broker, or producer,” in the two instances in which it appears in that subsection.

(b) Section 6(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)) is hereby amended to add at the end thereof a new subsection (a)(2), a new subsection (a)(3), and a new subsection (a)(4), to read as follows:

“(2) The Secretary shall require all persons, other than Federal employees acting within the scope of their official duties, who submit informal complaints to the Secretary under this section, alleging a violation of section 2 of the Act (7 U.S.C. 499b), to include a filing fee. For licensed persons that have also paid an annual license fee, such filing fee shall be \$60 per petition. For all other persons, such fee shall be \$100 per petition. If the Secretary determines under section 6(a) of the Act (7 U.S.C. 499f(a)), that the facts contained in a petition described in such section warrant further action, the person or persons submitting the petition shall submit to the Secretary a further filing fee. For licensed persons that have also paid an annual license fee, such filing fee shall be \$300 per petition. For all other persons, other than Federal employees acting within the scope of their official duties, such fee shall be \$500 per petition. The Secretary may not forward a copy of a complaint to the commission merchant, dealer, broker, or producer involved until after the Secretary receives the required filing fees.

“(3) In determining the amount of damages incurred by a prevailing party in a formal reparation proceeding under section 7 of this

Act (7 U.S.C. 499g), the Secretary shall assess the amount of filing fees against the losing party: *Provided*, That a prevailing party shall have any filing fees paid by it refunded as part of any formal reparation award."

(c) Section 6(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(b)) is hereby amended to strike the words "any commission merchant, dealer, or broker," and in lieu thereof insert the words "any commission merchant, dealer, broker, or producer," in two instances in which it appears in that subsection.

(d) Section 6(d) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(d)) is hereby amended to strike the words "any commission merchant, dealer, or broker," and in lieu thereof insert the words "any commission merchant, dealer, broker, or producer".

SEC. 7. GROUNDS FOR SUSPENSION OR REVOCATION OF LICENSE; CIVIL PENALTIES.

(a) Section 8(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499h(a)) is hereby amended to strike the words "any commission merchant, dealer, or broker," and in lieu thereof insert the words "any commission merchant, dealer, broker, or producer".

(b) Section 8 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499h) is hereby amended to add a new subsection (b) to read as follows:

"(b) Whenever the Secretary determines, as provided by section 499f of this title, that any commission merchant, dealer, broker, or producer has violated section 499b, 499h(c), or 499h(d) of this title, the Secretary may assess a monetary penalty not to exceed \$2,000 for each violative transaction or each day the violation continues, to be deposited in the Treasury of the United States as miscellaneous receipts."

(c) Section 8 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499h) is hereby amended by redesignating existing subsection (b) as subsection (c), existing subsection (c) as subsection (d), and existing subsection (d) as subsection (e).

(d) Redesignated section 8(e) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499h(e)) is hereby amended to strike the words "any commission merchant, dealer, or broker," and in lieu thereof insert the words "any commission merchant, dealer, broker, or producer".

SEC. 8. PRESERVATION OF BUSINESS REPUTATION.

Section 13 of the Act (7 U.S.C. 499m) is hereby amended to add a new subsection (g), to read as follows:

"(g) The Secretary is directed, during the course of any investigation or inquiry under this title, to take due account of preservation of the business reputation of any person under investigation."

SEC. 9.

Section 15 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499o) is hereby amended to redesignate the existing provisions as subsection (a), and to add a new subsection (b) and a new subsection (c), to read as follows:

"(b) REPORT AND INVESTIGATION.—The Secretary shall investigate and issue a report on industry practices requiring or soliciting collateral fees and expenses by or to any commission merchant, dealer, broker, or producer in connection with any transaction in perishable agricultural commodities. Such report shall be made to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry, within one hundred and eighty days of enactment of this legislation.

"(c) DISCLOSURE OF COLLATERAL FEES AND EXPENSES; RULEMAKING.—If the investigation

and report required by this section conclude that such practices conform to the laws of the United States, the Secretary shall promulgate regulations regarding the sufficiency of disclosure by or to any commission merchant, dealer, broker, or producer, of the grant or receipt of any collateral fee or expense in connection with any cost-plus transaction in perishable agricultural commodities: *Provided*, That disclosure shall be considered sufficient if it is conspicuously made on the face of the invoice or in any underlying contract covering the transaction: *Provided further*, That no commission merchant, dealer, broker, or producer, nor any individual responsibly connected with any such commission merchant, dealer, broker, or producer shall be the subject to any licensure, reparation, or trust enforcement proceeding under this chapter for any act or omission concerning the disclosure of any collateral fee or expense, taken or required to be taken prior to the effective date of regulations required under this subsection."

SEC. 10. LIABILITY OF LICENSEES FOR ACTS AND OMISSIONS OF AGENTS.

Section 16 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499p) is hereby amended to strike the words "any commission merchant, dealer, or broker," and in lieu thereof insert the words "any commission merchant, dealer, broker, or producer," in the two instances in which it appears in that section.

SEC. 11. REVIEW OF PROCEDURES AND POLICIES.

The Perishable Agricultural Commodities Act, 1930 is hereby amended by adding at the end thereof the following new section (7 U.S.C. 499t):

"REVIEW OF POLICIES AND PROCEDURES.

"(a) The Secretary is directed to conduct an annual review of enforcement procedures, policies, and priorities regarding reparation proceedings, disciplinary complaints, and the operation of the trust, as well as proceedings under section 499h(c), to identify opportunities for efficiency and cost reduction in such proceedings. The Secretary shall invite public participation and input into such review.

"(b) The Secretary is directed to submit, to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry, no later than September 30 of each year, a projection of enforcement priorities for the next twelve months. The Secretary is further directed to submit, to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry, no later than September 30 of each year in which a biennial review is conducted, a report containing the results of its review and recommendations based on such results. Such biennial report shall describe reparation proceedings, disciplinary complaints, and the operation of the trust during the previous twenty-four months."

SEC. 12. EFFECTIVE DATE.

This Act shall be effective upon enactment.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert:

H.R. 1103

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Perishable Agricultural Commodities Act Amendments of 1995".

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Addition of definitions of retailer and grocery wholesaler.
- Sec. 3. Gradual elimination of annual license fee for retailers and grocery wholesalers that are dealers.
- Sec. 4. Establishment and alteration of license fees for commission merchants, dealers (other than retailers and grocery wholesalers), and brokers.
- Sec. 5. Increase in penalties for operating without a license and increase in late renewal fee.
- Sec. 6. Statutory trust on commodities and sale proceeds.
- Sec. 7. Authority of Department of Agriculture regarding possible violations.
- Sec. 8. Filing and handling fees for reparation complaints.
- Sec. 9. Consideration of collateral fees and expenses.
- Sec. 10. Clarification of misbranding prohibition.
- Sec. 11. Imposition of civil penalty in lieu of license suspension or revocation.
- Sec. 12. Extension of sanctions to persons responsibly connected to a commission merchant, dealer, or broker.

SEC. 2. ADDITION OF DEFINITIONS OF RETAILER AND GROCERY WHOLESALER.

Section 1(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)), is amended by adding at the end the following new paragraphs:

"(1) The term 'retailer' means a person that is a dealer engaged in the business of selling any perishable agricultural commodity at retail.

"(2) The term 'grocery wholesaler' means a person that is a dealer primarily engaged in the full-line wholesale distribution and resale of grocery and related nonfood items (such as perishable agricultural commodities, dry groceries, general merchandise, meat, poultry, and seafood, and health and beauty care items) to retailers. However, such term does not include a person described in the preceding sentence if the person is primarily engaged in the wholesale distribution and resale of perishable agricultural commodities rather than other grocery and related nonfood items."

SEC. 3. GRADUAL ELIMINATION OF ANNUAL LICENSE FEE FOR RETAILERS AND GROCERY WHOLESALERS THAT ARE DEALERS.

(a) ELIMINATION OF ANNUAL FEES OVER THREE-YEAR PERIOD.—Subsection (b) of section 3 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499c), is amended—

(1) by inserting "(1) APPLICATION FOR LICENSE.—" before the start of the first sentence and adjusting the margin to conform to paragraph (3);

(2) by striking the third and fourth sentences;

(3) by inserting "(5) PERISHABLE AGRICULTURAL COMMODITIES ACT FUND.—" before the start of the fifth sentence and adjusting the margin to conform to paragraph (3);

(4) by striking the last sentence; and

(5) by inserting before paragraph (5) (as so designated) the following new paragraphs:

"(3) ONE-TIME FEE FOR RETAILERS AND GROCERY WHOLESALERS THAT ARE DEALERS.—During the three-year period beginning on the date of the enactment of the Perishable Agricultural Commodities Act Amendments of 1995, a retailer or grocery wholesaler making an initial application for a license under this section shall pay the license fee required under subparagraph (A), (B), or (C) of paragraph (4) for license renewals in the year in which the initial application is made. After the end of such period, a retailer or

grocery wholesaler making an initial application for a license under this section shall pay an administrative fee equal to \$100. In either case, a retailer or grocery wholesaler paying a fee under this paragraph shall not be required to pay any fee for renewal of the license for subsequent years.

"(4) GRADUAL ELIMINATION OF ANNUAL FEES FOR RETAILERS AND GROCERY WHOLESALERS THAT ARE DEALERS.—In the case of a retailer or grocery wholesaler that holds a license under this section as of the date of the enactment of the Perishable Agricultural Commodities Act Amendments of 1995, payments for the renewal of the license shall be made pursuant to the following schedule:

"(A) For anniversary dates occurring during the one-year period beginning on the date of the enactment of the Perishable Agricultural Commodities Act Amendments of 1995, the licensee shall pay a renewal fee in an amount equal to 100 percent of the applicable renewal fee (subject to the \$4,000 aggregate limit on such payments) in effect under this subsection on the day before such enactment date.

"(B) For anniversary dates occurring during the one-year period beginning at the end of the period in subparagraph (A), the licensee shall pay a renewal fee in an amount equal to 75 percent of the amount paid by the licensee under subparagraph (A).

"(C) For anniversary dates occurring during the one-year period beginning at the end of the period in subparagraph (B), the licensee shall pay a renewal fee in an amount equal to 50 percent of the amount paid by the licensee under subparagraph (A).

"(D) After the end of the three-year period beginning on the date of the enactment of the Perishable Agricultural Commodities Act Amendments of 1995, the licensee shall not be required to pay any fee if the licensee seeks renewal of the license."

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by striking the section heading and "SEC. 3. (a)" and inserting the following:

"SEC. 3. LICENSES.

"(a) LICENSE REQUIRED; PENALTIES FOR VIOLATIONS.—";

(2) in subsection (b), by inserting "APPLICATION AND FEES FOR LICENSES.—" after "(b)"; and

(3) in subsection (c), by inserting "USE OF TRADE NAMES.—" after "(c)".

SEC. 4. ESTABLISHMENT AND ALTERATION OF LICENSE FEES FOR COMMISSION MERCHANTS, DEALERS (OTHER THAN RETAILERS AND GROCERY WHOLESALERS), AND BROKERS.

(a) DISCRETION OF SECRETARY TO ESTABLISH AND ALTER FEES.—Section 3(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499c(b)), is amended by inserting after paragraph (1), as designated by section 3(a)(1), the following new paragraph:

"(2) LICENSE FEES.—Upon the filing of an application under paragraph (1), the applicant shall pay such license fees, both individually and in the aggregate, as the Secretary determines necessary to meet the reasonably anticipated expenses for administering this Act and the Act to prevent the destruction or dumping of farm produce, approved March 3, 1927 (7 U.S.C. 491–497). Thereafter, the licensee shall pay such license fees annually or at such longer interval as the Secretary may prescribe. The Secretary shall take due account of savings to the program when determining an appropriate interval for renewal of licenses. The Secretary shall establish and alter license fees only by rulemaking under section 553 of title 5, United States Code, except that the Secretary may not alter the fees required under paragraph (3) or (4) for retailers and grocery wholesalers that are dealers. Effective on the date of the enactment of the Perishable Agricultural Commodities Act Amendments of 1995 and until such time as the Secretary al-

ters such fees by rule, an individual license fee shall equal \$550 per year, plus \$200 for each branch or additional business facility operated by the applicant in excess of nine such facilities, as determined by the Secretary, subject to an annual aggregate limit of \$4,000 per licensee. Any increase in license fees prescribed by the Secretary under this paragraph shall not take effect unless the Secretary determines that, without such increase, the funds on hand as of the end of the fiscal year in which the increase takes effect will be less than 25 percent of the projected budget to administer such Acts for the next fiscal year. In no case may a license fee increase by the Secretary take effect before the end of the three-year period beginning on the date of the enactment of the Perishable Agricultural Commodities Act Amendments of 1995."

(b) REPEAL OF CURRENT CAP ON RESERVE FUNDS.—Paragraph (5) of such section, as designated by section 3(a)(3), is amended by striking the sentence that begins with "The amount of money".

(c) CONFORMING AMENDMENTS REGARDING THIS SECTION AND SECTION 3.—Section 4(a) of such Act (7 U.S.C. 499d(a)) is amended—

(1) in the matter preceding the provisos, by striking "any anniversary date thereof unless the annual fee has been paid" and inserting "the anniversary date of the license at the end of the annual or multiyear period covered by the license fee unless the licensee submits the required renewal application and pays the applicable renewal fee (if such fee is required)";

(2) in the first proviso, by striking "the necessity of paying the annual fee" and inserting "the necessity of renewing the license and of paying the renewal fee (if such fee is required)"; and

(3) in the second proviso, by striking "annual fee" and inserting "renewal fee (if required)".

SEC. 5. INCREASE IN PENALTIES FOR OPERATING WITHOUT A LICENSE AND INCREASE IN LATE RENEWAL FEE.

(a) LICENSE PENALTIES.—Section 3(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499c(a)), as amended by section 3(b)(1), is further amended—

(1) by striking "\$500" and inserting "\$1,000"; and

(2) by striking "\$25" both places it appears and inserting "\$250".

(b) LATE FILING FEES.—Section 4(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499d(a)), as amended by section 4(c), is further amended in the second proviso by striking "plus \$5" and inserting "plus \$50".

SEC. 6. STATUTORY TRUST ON COMMODITIES AND SALE PROCEEDS.

(a) REPEAL OF SECRETARIAL NOTIFICATION REQUIREMENT.—Paragraph (3) of section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)), is amended in the first sentence by striking "and has filed such notice with the Secretary".

(b) CLARIFICATION OF CONTENT OF NOTIFICATION.—Such paragraph is further amended by inserting after the first sentence the following new sentence: "The written notice to the commission merchant, dealer, or broker shall set forth information in sufficient detail to identify the transaction subject to the trust."

(c) ADDITIONAL METHOD OF NOTIFICATION FOR LICENSEES.—Such section is further amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) In addition to the method of preserving the benefits of the trust specified in paragraph (3), a licensee may use ordinary and usual billing or invoice statements to provide notice of the licensee's intent to preserve the trust. The bill or invoice statement must include the information required by the last sentence of paragraph (3) and contain on the face of the statement the following: "The perishable agricultural commodities listed on this invoice are sold subject to the

statutory trust authorized by section 5(c) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e(c)). The seller of these commodities retains a trust claim over these commodities, all inventories of food or other products derived from these commodities, and any receivables or proceeds from the sale of these commodities until full payment is received.'"

SEC. 7. AUTHORITY OF DEPARTMENT OF AGRICULTURE REGARDING POSSIBLE VIOLATIONS.

(a) DISCIPLINARY VIOLATIONS.—Subsection (b) of section 6 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f), is amended to read as follows:

"(b) DISCIPLINARY VIOLATIONS.—Any officer or agency of any State or Territory having jurisdiction over commission merchants, dealers, or brokers in such State or Territory and any other interested person (other than an employee of an agency of the Department of Agriculture administering this Act) may file, in accordance with rules prescribed by the Secretary, a written notification of any alleged violation of this Act by any commission merchant, dealer, or broker. In addition, any official certificates of the United States Government or States or Territories of the United States and trust notices filed pursuant to section 5 shall constitute written notification for the purposes of conducting an investigation under subsection (c). The identity of any person filing a written notification under this subsection shall be considered to be confidential information. The identity of such person, and any portion of the notification to the extent that it would indicate the identity of such person, are specifically exempt from disclosure under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), as provided in subsection (b)(3) of such section."

(b) GROUNDS AND PROCESS OF INVESTIGATIONS.—Subsection (c) of such section is amended to read as follows:

"(c) INVESTIGATION OF COMPLAINTS AND NOTIFICATIONS.—

"(1) COMMENCING OR EXPANDING AN INVESTIGATION.—If there appears to be, in the opinion of the Secretary, reasonable grounds for investigating a complaint made under subsection (a) or a written notification made under subsection (b), the Secretary shall investigate such complaint or notification. In the course of the investigation, if the Secretary determines that violations of this Act are indicated other than the alleged violations specified in the complaint or notification that served as the basis for the investigation, the Secretary may expand the investigation to include such additional violations.

"(2) ISSUANCE OF COMPLAINT BY SECRETARY; PROCESS.—In the opinion of the Secretary, if an investigation under this subsection substantiates the existence of violations of this Act, the Secretary may cause a complaint to be issued. The Secretary shall have the complaint served by registered mail or certified mail or otherwise on the person concerned and afford such person an opportunity for a hearing thereon before a duly authorized examiner of the Secretary in any place in which the subject of the complaint is engaged in business. However, in complaints wherein the amount claimed as damages does not exceed \$30,000, a hearing need not be held and proof in support of the complaint and in support of respondent's answer may be supplied in the form of depositions or verified statements of fact.

"(3) SPECIAL NOTIFICATION REQUIREMENTS FOR CERTAIN INVESTIGATIONS.—Whenever the Secretary initiates an investigation on the basis of a written notification made under subsection (b) or expands such an investigation, the Secretary shall promptly notify the subject of the investigation of the existence of the investigation and the nature of the alleged violations of this Act to be investigated. Not later than 180 days after providing the initial notification, the Secretary shall provide the subject of the investigation with notice of the status of the investigation, including whether the Secretary intends to issue a

complaint under paragraph (2), terminate the investigation, or continue or expand the investigation. The Secretary shall provide additional status reports at the request of the subject of the investigation and shall promptly notify the subject of the investigation whenever the Secretary terminates the investigation."

(c) INCREASE IN THRESHOLD FOR SHORTENED PROCEDURE CASES.—Subsection (d) of such section is amended by striking "\$15,000" both places it appears and inserting "\$30,000".

(d) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by striking the section heading and "SEC. 6." and inserting the following:

"SEC. 6. COMPLAINTS, WRITTEN NOTIFICATIONS, AND INVESTIGATIONS.:"

(2) in subsection (d), by inserting "DECISIONS ON COMPLAINTS.—" after "(d)"; and

(3) in subsection (e), by inserting "BOND REQUIRED FOR CERTAIN COMPLAINTS.—" after "(e)".

SEC. 8. FILING AND HANDLING FEES FOR REPARATION COMPLAINTS.

(a) PERMANENT FILING AND HANDLING FEES.—Section 6(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)), is amended—

(1) by striking "(a)" and inserting the following:

"(a) REPARATION COMPLAINTS.—
"(1) PETITION; PROCESS.—"; and

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

"(2) FILING AND HANDLING FEES.—A person submitting a petition to the Secretary under paragraph (1) shall include a filing fee of \$60 per petition. If the Secretary determines under paragraph (1) that the facts contained in the petition warrant further action, the person or persons submitting the petition shall submit to the Secretary a handling fee of \$300. The Secretary may not forward a copy of the complaint to the commission merchant, dealer, or broker involved until after the Secretary receives the required handling fee. The Secretary shall deposit fees submitted under this paragraph into the Perishable Agricultural Commodities Act Fund provided for by section 3(b). The Secretary may alter the fees specified in this paragraph by rulemaking under section 553 of title 5, United States Code."

(b) INCLUSION OF HANDLING FEE IN CALCULATION OF DAMAGES.—Section 5(a) of such Act (7 U.S.C. 499e(a)) is amended by inserting after "damages" the following: "(including any handling fee paid by the injured person or persons under section 6(a)(2))".

(c) CONFORMING AMENDMENT TO TEMPORARY FEE AUTHORITY.—Public Law 103-276 (7 U.S.C. 499f note) is repealed.

SEC. 9. CONSIDERATION OF COLLATERAL FEES AND EXPENSES.

(a) DEFINITION.—Section 1(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)), is amended by inserting after paragraph (12), as added by section 2, the following new paragraph:

"(13) The term 'collateral fees and expenses' means any promotional allowances, rebates, service or materials fees paid or provided, directly or indirectly, in connection with the distribution or marketing of any perishable agricultural commodity."

(b) USE OF DEFINITION.—Section 2 of such Act (7 U.S.C. 499b) is amended—

(1) by striking "commerce—" in the matter before paragraph (1) and inserting "commerce.:";

(2) by striking the semicolon at the end of each paragraph and inserting a period; and

(3) in paragraph (4), by adding at the end the following new sentence: "However, this paragraph shall not be considered to make the good faith offer, solicitation, payment, or receipt of collateral fees and expenses, in and of itself, unlawful under this Act."

SEC. 10. CLARIFICATION OF MISBRANDING PROHIBITION.

Section 2(5) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b(5)), is amended—

(1) by striking "commerce: Provided, That" and inserting "commerce. However.:"; and

(2) by adding at the end the following new sentence: "A person other than the first licensee handling misbranded perishable agricultural commodities shall not be held liable for a violation of this paragraph by reason of the conduct of another if the person did not have knowledge of the violation or lacked the ability to correct the violation."

SEC. 11. IMPOSITION OF CIVIL PENALTY IN LIEU OF LICENSE SUSPENSION OR REVOCATION.

Section 8 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499h), is amended by adding at the end the following new subsection:

"(e) ALTERNATIVE CIVIL PENALTIES.—In lieu of suspending or revoking a license under this section when the Secretary determines, as provided by section 6, that a commission merchant, dealer, or broker has violated section 2 or subsection (b) of this section, the Secretary may assess a civil penalty not to exceed \$2,000 for each violative transaction or each day the violation continues. In assessing the amount of a penalty under this subsection, the Secretary shall give due consideration to the size of the business, the number of employees, and the seriousness, nature, and amount of the violation. Amounts collected under this subsection shall be deposited in the Treasury of the United States as miscellaneous receipts."

SEC. 12. EXTENSION OF SANCTIONS TO PERSONS RESPONSIBLY CONNECTED TO A COMMISSION MERCHANT, DEALER, OR BROKER.

(a) EXCEPTION TO DEFINITION.—Section 1(b)(9) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)(9)), is amended by adding at the end the following new sentence: "A person shall not be deemed to be responsibly connected if the person demonstrates by a preponderance of the evidence that the person was not actively involved in the activities resulting in a violation of this Act and that the person either was only nominally a partner, officer, director, or shareholder of a violating licensee or entity subject to license or was not an owner of a violating licensee or entity subject to license which was the alter ego of its owners."

(b) EXTENSION OF EMPLOYMENT SANCTION.—Section 8(b) of such Act (7 U.S.C. 499h(b)) is amended by adding at the end the following new sentence: "The Secretary may extend the period of employment sanction as to a responsibly connected person for an additional one-year period upon the determination that the person has been unlawfully employed as provided in this subsection."

(c) CONFORMING AMENDMENT REGARDING LICENSING SANCTION.—Section 4 of such Act (7 U.S.C. 499d) is amended—

(1) in subsection (b), by inserting "is prohibited from employment with a licensee under section 8(b) or" after "with the applicant," in the matter preceding subparagraph (A); and

(2) in subsection (c), by adding at the end the following new sentence: "The Secretary may not issue a license to an applicant under this subsection if the applicant or any person responsibly connected with the applicant is prohibited from employment with a licensee under section 8(b)."

Amend the title so as to read: "A bill to amend the Perishable Agricultural Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the Act."

Mr. POMBO (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the bill was amended so as to read: "A bill to amend the Perishable Agricultural Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the Act."

GENERAL LEAVE

Mr. POMBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1103, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-104)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1995, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interest in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Iraq.

WILLIAM J. CLINTON.