

Mr. Speaker, I rise today in support of H.R. 4965, and I think the gentleman from California (Mr. CALVERT) has done a good job of laying out the situation. This bill is basically technical in nature.

Mr. Speaker, I am the ranking member on the Subcommittee on Livestock and Horticulture and I sat through the hearings regarding this Hunts Point situation and it is and was quite a mess, to say the least. What we are trying to accomplish here is merely a technical change to give these folks enough time so they can file these claims, as was indicated by the gentleman from California (Mr. CALVERT).

Under the way the process works, they only had until July 27, some of them did not get notified until June, so this just merely extends it to January 1, 2001, which is appropriate. Basically, this is a technical bill, and I urge my colleagues to support it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I thank the gentleman from Minnesota (Mr. PETERSON) for his assistance, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 4965.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CALVERT. 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. 4965.

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

There was no objection.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENT TO H.R. 4788, GRAIN STANDARDS AND WAREHOUSE IMPROVEMENT ACT OF 2000

Mr. BARRETT of Nebraska. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 632) providing for the concurrence by the House with an amendment in the Senate amendment to H.R. 4788, the Grain Standards and Warehouse Improvement Act of 2000.

The Clerk read as follows:

H. RES. 632

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 4788, with the amendment of the Senate thereto, and to have concurred in the Senate amendment with the following amendment:

At the end of the matter proposed to be inserted by the Senate amendment, add the following new sections:

SEC. 311. COTTON FUTURES.

Subsection (d) (2) of the United States Cotton Futures Act (7 U.S.C. 15b(d)(2)) is amended by adding at the end the following: "A person complying with the preceding sentence shall not be liable for any loss or damage arising or resulting from such compliance."

SEC. 312. IMPROVED INVESTIGATIVE AND ENFORCEMENT ACTIVITIES UNDER THE PACKERS AND STOCKYARDS ACT, 1921.

(a) IMPLEMENTATION OF GENERAL ACCOUNTING OFFICE RECOMMENDATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall implement the recommendations contained in the report issued by the General Accounting Office entitled "Packers and Stockyards Programs: Actions Needed to Improve Investigations of Competitive Practices", GAO/RCED-00-242, dated September 21, 2000.

(b) CONSULTATION.—During the implementation period referred to in subsection (a), and for such an additional time period as needed to assure effective implementation of the recommendations contained in the report referred to in such subsection, the Secretary of Agriculture shall consult and work with the Department of Justice and the Federal Trade Commission in order to—

(1) implement the recommendations in the report regarding investigation management, operations, and case methods development processes; and

(2) effectively identify and investigate complaints of unfair and anti-competitive practices in violation of the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), and enforce the Act.

(c) TRAINING.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall develop and implement a training program for staff of the Department of Agriculture engaged in the investigation of complaints of unfair and anti-competitive activity in violation of the Packers and Stockyards Act, 1921. In developing the training program, the Secretary of Agriculture shall draw on existing training materials and programs available at the Department of Justice and the Federal Trade Commission, to the extent practicable.

(d) IMPLEMENTATION REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report describing the actions taken to comply with this section.

(e) ANNUAL ASSESSMENT OF CATTLE AND HOG INDUSTRIES.—Title IV of the Packers and Stockyards Act, 1921, is amended—

(1) by redesignating section 415 (7 U.S.C. 229) as section 416; and

(2) by inserting after section 414 the following:

"SEC. 415. ANNUAL ASSESSMENT OF CATTLE AND HOG INDUSTRIES.

"Not later than March 1 of each year, the Secretary shall submit to Congress and make publicly available a report that—

"(1) assesses the general economic state of the cattle and hog industries;

"(2) describes changing business practices in those industries; and

"(3) identifies market operations or activities in those industries that appear to raise concerns under this Act."

SEC. 313. REHABILITATION OF WATER RESOURCE STRUCTURAL MEASURES CONSTRUCTED UNDER CERTAIN DEPARTMENT OF AGRICULTURE PROGRAMS.

The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amend-

ed by adding at the end the following new section:

"SEC. 14. REHABILITATION OF STRUCTURAL MEASURES NEAR, AT, OR PAST THEIR EVALUATED LIFE EXPECTANCY.

"(a) DEFINITIONS.—For purposes of this section:

"(1) REHABILITATION.—The term 'rehabilitation', with respect to a structural measure constructed as part of a covered water resource project, means the completion of all work necessary to extend the service life of the structural measure and meet applicable safety and performance standards. This may include: (A) protecting the integrity of the structural measure or prolonging the useful life of the structural measure beyond the original evaluated life expectancy; (B) correcting damage to the structural measure from a catastrophic event; (C) correcting the deterioration of structural components that are deteriorating at an abnormal rate; (D) upgrading the structural measure to meet changed land use conditions in the watershed served by the structural measure or changed safety criteria applicable to the structural measure; or (E) decommissioning the structure, if requested by the local organization.

"(2) COVERED WATER RESOURCE PROJECT.—The term 'covered water resource project' means a work of improvement carried out under any of the following:

"(A) This Act.

"(B) Section 13 of the Act of December 22, 1944 (Public Law 78-534; 58 Stat. 905).

"(C) The pilot watershed program authorized under the heading 'FLOOD PREVENTION' of the Department of Agriculture Appropriation Act, 1954 (Public Law 156; 67 Stat. 214).

"(D) Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.; commonly known as the Resource Conservation and Development Program).

"(3) STRUCTURAL MEASURE.—The term 'structural measure' means a physical improvement that impounds water, commonly known as a dam, which was constructed as part of a covered water resource project, including the impoundment area and flood pool.

"(b) COST SHARE ASSISTANCE FOR REHABILITATION.—

"(1) ASSISTANCE AUTHORIZED.—The Secretary may provide financial assistance to a local organization to cover a portion of the total costs incurred for the rehabilitation of structural measures originally constructed as part of a covered water resource project. The total costs of rehabilitation include the costs associated with all components of the rehabilitation project, including acquisition of land, easements, and rights-of-ways, rehabilitation project administration, the provision of technical assistance, contracting, and construction costs, except that the local organization shall be responsible for securing all land, easements, or rights-of-ways necessary for the project.

"(2) AMOUNT OF ASSISTANCE; LIMITATIONS.—The amount of Federal funds that may be made available under this subsection to a local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation. However, the local organization shall be responsible for the costs of water, mineral, and other resource rights and all Federal, State, and local permits.

"(3) RELATION TO LAND USE AND DEVELOPMENT REGULATIONS.—As a condition on entering into an agreement to provide financial assistance under this subsection, the Secretary, working in concert with the affected unit or units of general purpose local government, may require that proper zoning or

other developmental regulations are in place in the watershed in which the structural measures to be rehabilitated under the agreement are located so that—

“(A) the completed rehabilitation project is not quickly rendered inadequate by additional development; and

“(B) society can realize the full benefits of the rehabilitation investment.

“(C) TECHNICAL ASSISTANCE FOR WATERSHED PROJECT REHABILITATION.—The Secretary, acting through the Natural Resources Conservation Service, may provide technical assistance in planning, designing, and implementing rehabilitation projects should a local organization request such assistance. Such assistance may consist of specialists in such fields as engineering, geology, soils, agronomy, biology, hydraulics, hydrology, economics, water quality, and contract administration.

“(d) PROHIBITED USE.—

“(1) PERFORMANCE OF OPERATION AND MAINTENANCE.—Rehabilitation assistance provided under this section may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource project entered into between the Secretary and the local organization responsible for the works of improvement. Such operation and maintenance activities shall remain the responsibility of the local organization, as provided in the project work plan.

“(2) RENEGOTIATION.—Notwithstanding paragraph (1), as part of the provision of financial assistance under subsection (b), the Secretary may renegotiate the original agreement for the covered water resource project entered into between the Secretary and the local organization regarding responsibility for the operation and maintenance of the project when the rehabilitation is finished.

“(e) APPLICATION FOR REHABILITATION ASSISTANCE.—A local organization may apply to the Secretary for technical and financial assistance under this section if the application has also been submitted to and approved by the State agency having supervisory responsibility over the covered water resource project at issue or, if there is no State agency having such responsibility, by the Governor of the State. The Secretary shall request the State dam safety officer (or equivalent State official) to be involved in the application process if State permits or approvals are required. The rehabilitation of structural measures shall meet standards established by the Secretary and address other dam safety issues. At the request of the local organization, personnel of the Natural Resources Conservation Service of the Department of Agriculture may assist in preparing applications for assistance.

“(f) RANKING OF REQUESTS FOR REHABILITATION ASSISTANCE.—The Secretary shall establish such system of approving rehabilitation requests, recognizing that such requests will be received throughout the fiscal year and subject to the availability of funds to carry out this section, as is necessary for proper administration by the Department of Agriculture and equitable for all local organizations. The approval process shall be in writing, and made known to all local organizations and appropriate State agencies.

“(g) PROHIBITION ON CERTAIN REHABILITATION ASSISTANCE.—The Secretary may not approve a rehabilitation request if the need for rehabilitation of the structure is the result of a lack of adequate maintenance by the party responsible for the maintenance.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide financial and technical assistance under this section—

“(1) \$5,000,000 for fiscal year 2001;

“(2) \$10,000,000 for fiscal year 2002;

“(3) \$15,000,000 for fiscal year 2003;

“(4) \$25,000,000 for fiscal year 2004; and

“(5) \$35,000,000 for fiscal year 2005.

“(i) ASSESSMENT OF REHABILITATION NEEDS.—The Secretary, in concert with the responsible State agencies, shall conduct an assessment of the rehabilitation needs of covered water resource projects in all States in which such projects are located.

“(j) RECORDKEEPING AND REPORTS.—

“(1) SECRETARY.—The Secretary shall maintain a data base to track the benefits derived from rehabilitation projects supported under this section and the expenditures made under this section. On the basis of such data and the reports submitted under paragraph (2), the Secretary shall prepare and submit to Congress an annual report providing the status of activities conducted under this section.

“(2) GRANT RECIPIENTS.—Not later than 90 days after the completion of a specific rehabilitation project for which assistance is provided under this section, the local organization that received the assistance shall make a report to the Secretary giving the status of any rehabilitation effort undertaken using financial assistance provided under this section.”

SEC. 314. RELEASE OF REVERSIONARY INTEREST AND CONVEYANCE OF MINERAL RIGHTS IN FORMER FEDERAL LAND IN SUMTER COUNTY, SOUTH CAROLINA.

(a) FINDINGS.—Congress finds the following:

(1) The hiking trail known as the Palmetto Trail traverses the Manchester State Forest in Sumter County, South Carolina, which is owned by the South Carolina State Commission of Forestry on behalf of the State of South Carolina.

(2) The Commission seeks to widen the Palmetto Trail by acquiring a corridor of land along the northeastern border of the trail from the Anne Marie Carton Boardman Trust in exchange for a tract of former Federal land now owned by the Commission.

(3) At the time of the conveyance of the former Federal land to the Commission in 1955, the United States retained a reversionary interest in the land, which now prevents the land exchange from being completed.

(b) RELEASE OF REVERSIONARY INTEREST.—

(1) RELEASE REQUIRED.—In the case of the tract of land identified as Tract 3 on the map numbered 161-DI and further described in paragraph (2), the Secretary of Agriculture shall release the reversionary interest of the United States in the land that—

(A) requires that the land be used for public purposes; and

(B) is contained in the deed conveying the land from the United States to the South Carolina State Commission of Forestry, dated June 28, 1955, and recorded in Deed Drawer No. 6 of the Clerk of Court for Sumter County, South Carolina.

(2) MAP OF TRACT 3.—Tract 3 is generally depicted on the map numbered 161-DI, entitled “Boundary Survey for South Carolina Forestry Commission”, dated August 1998, and filed, together with a legal description of the tract, with the South Carolina State Commission of Forestry.

(3) CONSIDERATION.—As consideration for the release of the reversionary interest under paragraph (1), the State of South Carolina shall transfer to the United States a vested future interest, similar to the restriction described in paragraph (1)(A), in the tract of land identified as Parcel G on the map numbered 225-HI, entitled “South Carolina Forestry Commission Boardman Land Exchange”, dated June 9, 1999, and filed, together with a legal description of the tract,

with the South Carolina State Commission of Forestry.

(c) EXCHANGE OF MINERAL RIGHTS.—

(1) EXCHANGE REQUIRED.—Subject to any valid existing rights of third parties, the Secretary of the Interior shall convey to the South Carolina State Commission of Forestry on behalf of the State of South Carolina all of the undivided mineral rights of the United States in the Tract 3 identified in subsection (b)(1) in exchange for mineral rights of equal value held by the State of South Carolina in the Parcel G identified in subsection (b)(3) as well as in Parcels E and F owned by the State and also depicted on the map referred to in subsection (b)(3).

(2) DETERMINATION OF MINERAL CHARACTER.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Interior shall determine—

(A) the mineral character of Tract 3 and Parcels E, F, and G; and

(B) the fair market value of the mineral interests.

SEC. 315. TECHNICAL CORRECTION REGARDING RESTORATION OF ELIGIBILITY FOR CROP LOSS ASSISTANCE.

Section 259 of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 114 Stat. 426; 7 U.S.C. 1421 note) is amended by adding at the end the following:

“(c) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.”

SEC. 316. PORK CHECKOFF REFERENDUM.

Notwithstanding section 1620(c)(3)(B)(iv) of the Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4809(c)(3)(B)(iv)), the Secretary shall use funds available to carry out section 32 of the Act of August 24, 1935 (Public Law 320; 7 U.S.C. 612c) to pay for all expenses associated with the pork checkoff referendum ordered by the Secretary on February 25, 2000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BARRETT) and the gentleman from Minnesota (Mr. PETERSON) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do rise today to suspend the rules and pass H. Res. 632 and urge my colleagues to support the Grain Standards and Warehouse Improvement Act of 2000. The House passed a clean bill on October 10, and we now take up the bill with the Senate amendment.

The reauthorization will provide the Grain Inspection Packers and Stockyards Administration with essential authority to continue the inspection of grain utilized in both domestic and international markets and extends the authority of the Secretary of Agriculture to collect fees to cover the costs of services performed under the act until the year 2005.

On September 30, 2000, Mr. Speaker, the authorization for the collection of fees by the Grain Inspection Packers and Stockyards Administration expired; and the latest figures show that approximately 75 percent of the grain inspection budget is funded through the collection of fees, and only 25 percent funded through appropriations.

Therefore, it is imperative that Congress act now to renew this expired authority.

H. Res. 632 also makes improvements to the Warehouse Act. This will provide the United States Department of Agriculture with the uniform regulatory system to govern the operation of federally licensed warehouses involved in storing agricultural products. Currently, warehouse licenses may be issued for the storage of major commodities and cottonseed. According to the USDA, 45.5 percent of the U.S. off-farm grain and rice storage capacity and 49.5 percent of the total cotton storage capacity is licensed under the Warehouse Act.

The revisions to the Warehouse Act will make this program more relevant to today's agricultural marketing system. The legislation would do such things as, number one, authorize and standardize electronic documents to allow their transfer from buyer to seller across State and international boundaries; number two, authorize warehouse operators to enter into contracts or agreements with depositors to allocate available storage space; and, finally, to protect the integrity of State warehouse laws and regulations from Federal preemption.

In 1992, Congress directed the Secretary of Agriculture to establish electronic warehouse receipts for the cotton industry; and since then, participation in the electronic-based program has grown to more than 90 percent of the U.S. cotton crop.

This legislation would extend the electronic warehouse receipts program to include all agricultural commodities covered by the U.S. Warehouse Act.

This legislation has been negotiated with the U.S. Department of Agriculture and relevant industries.

Another important part of H. Res. 632, Mr. Speaker, addresses food aid to poverty-stricken countries. Many of the groups in the U.S. that assist in feeding the hungry around the world, are faith-based, nonprofit organizations that simply donate their services.

For years, these groups who want to contribute food aid to victims of international disasters have been prevented from fully participating in these efforts.

This legislation would authorize the administrator of the U.S. Agency for International Development to provide grants to private, non-profit and private, voluntary organizations for the stockpiling and rapid distribution, delivery of shelf-stable, prepackaged foods to needy individuals in foreign countries.

In summary, Mr. Speaker, this legislation will bring grain inspection, and the use of warehouse facilities into the 21st century. At the same time, this bill will assist poverty-stricken countries, as they continue to accept the assistance of the United States nutrition programs. I certainly urge my colleagues to support this timely and very important piece of legislation.

Mr. Speaker, I reserve the balance of my time.

1700

Mr. PETERSON of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H.R. 4788, as amended, which contains the reauthorization of the U.S. Grain Standards Act and an update of the U.S. Warehouse Act that was passed in this House last week, as well as several other new provisions which I will go over.

Given today's world market, it is important that our farmers and commodity merchants have the best technical support possible to help them compete in that marketplace. This legislation helps continue the tradition by reauthorizing the inspection and weighing activities of the Grain Inspection, Packers, and Stockyards Administration, GIPSA, as well as updating the U.S. Warehouse Act and providing for the use of electronic documentation under that act.

H.R. 4788 as amended by the Senate now also contains the following provisions:

An amendment to the Perishable Agriculture Commodities Act to extend the time period during which persons may file a complaint, which is, I think, identical to the bill we just passed previously, so we are going to do it twice to make sure that it does not slip by us;

A provision authorizing the Agriculture Marketing Service, AMS, to collect fees for contracted mediation and arbitration services provided by the tri-national Dispute Resolution Corporation, which has been formed by Canada, Mexico, and the United States.

AMS currently provides similar mediation and arbitration services to resolve contract disputes for fruit and vegetable businesses in the U.S. Since these services would be provided on a user-fee basis, the estimated net budgetary effect of this provision would be zero.

Several rural development provisions to further enhance the eligibility of rural areas suffering from severe unemployment and outmigration for a rural development program have been added.

A provision was added entitled "International Food Relief Partnership Act," which will provide incentives to further test the use of prepackaged, shelf-stable food. In addition, it will also provide limited authority to test the concept of pre-positioning commodities overseas for use in emergencies.

It would also extend and update the State mediation grant program, an important tool, given the difficult times facing farmers and ranchers today.

H.R. 4788, as amended by the Senate, has been further modified to include the following new provisions on our side: that is, Title I of the H.R. 728, the Small Watershed Rehabilitation Amendments of 2000. This is a bill that passed the House by voice vote in July.

A provision for the exchange of private land involving the South Carolina Forestry Commission and the U.S. Forest Service. This exchange will be of equal value, and therefore of no cost to the government;

And a provision directing the Secretary to implement the recommendations of the September 21 General Accounting Office study of the enforcement of the Packers and Stockyards Act. It is hoped these changes will help make USDA more efficient and effective in protecting our Nation's livestock producers from any unfair market activities.

Mr. Speaker, I urge my colleagues to support the routine update of these two statutes and other provisions that were included in H.R. 4788.

Mr. Speaker, I would like to say that this may be the last time that we see the gentleman from Nebraska (Chairman BARRETT) in this position on the floor. He has, unfortunately, chosen to leave the House.

I just want to say he has been an outstanding Member of the Committee on Agriculture, an outstanding chairman of the Subcommittee on General Farm Commodities, Resource Conservation and Credit. I have gotten to know the gentleman from Nebraska quite well. He is one of the nicest people, the most bipartisan chairman that we have. He is going to be very much missed.

All I can say is that I know that his family, his grandkids, are going to appreciate having him around a little more. He is maybe going to get a chance to fly his airplane like he used to do before he got so busy.

Most importantly, he and I are both musicians. He is going to go back and start playing the upright base again in his band. He is going to have a lot of fun, I know. We are going to miss the gentleman. He has done a great job. I know I speak for all of us in saying the best of luck to him, and have fun on the other side.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BARRETT of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly thank my distinguished colleague, the gentleman from Minnesota, for those kind words.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Nebraska (Mr. BARRETT) that the House suspend the rules and agree to the resolution, H. Res. 632.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BARRETT of Nebraska. Mr. Speaker, I ask unanimous consent that