House bills

Section 6 of H.R. 3200 would permit a servicemember to elect in writing not to be covered under the Traumatic Injury Protection program. A servicemember who declines coverage would be able to elect coverage at a later date upon written application, proof of good health, and in compliances with terms or conditions as may be prescribed by the Secretary, but coverage would apply only with respect to injuries occurring after a subsequent election. In any case, a servicemember would be required to be insured under SGLI to participate in Traumatic Injury Protection.

Senate bill

The Senate bill contains no comparable provision.

Compromise agreement

The Committees agree to further explore this provision during the course of their oversight responsibilities of the Traumatic Injury Protection program.

Mr. BUYER. Mr. Speaker, I am pleased we are considering this bill today. As my colleagues are aware, Public Law 109–13, the Emergency Supplemental, included provisions which made changes to VA's insurance program for active duty servicemembers and veterans. However, these changes expire on September 30, 2005.

H.R. 3200, as amended, would: Repeal section 1012 of the Supplemental, the section dealing with the insurance changes, and replace it with the text of H.R. 3200, as amended; make permanent the increase from $250,000 to $400,000 in maximum Servicemembers' Group and Veterans' Group Life Insurance coverage; make permanent the increments of SGLI coverage from $10,000 to $50,000; and require the military service Secretary concerned to notify a servicemember's spouse, in writing, if the servicemember declines SGLI or chooses an amount less than the maximum, as well as notify the spouse if someone other than the spouse or child is designated as the policyholders' beneficiary.

Similar language was included in H.R. 2046, which passed the House on May 23rd of this year.

The spousal notification language does not apply to the Veterans' Group Life Insurance program.

There were no public hearings prior to House and Senate passage of the defense emergency supplemental. In June, the Subcommittee on Disability Assistance and Memorial Affairs, chaired by JEFF MILLER of Florida, held a hearing on the provisions included in today's bill, and it is supported by the Administration and veterans groups.

H.R. 3200, as amended, will ensure the current $400,000 maximum level of insurance coverage is available to millions of active duty servicemembers, Reservists, and veterans, as well as commissioned members of the National Oceanic and Atmospheric Administration and the Public Health Service. I cannot underestimate the impact of this legislation.

Mr. Speaker, I applaud Chairman MILLER and Ms. BERKLEY, the ranking member of the Subcommittee on Disability Assistance and Memorial Affairs, for their hard work and active participation in crafting this bill, as well as the subcommittee vice chairman, JEB BRADLEY. This has indeed been a team effort.

I also want to thank the subcommittee staffs on both sides of the aisle—Paige McManus, Chris McNamee, and Mary Ellen McCarthy.

Mr. Speaker, as the original increase in SGLI and VGLI expire at midnight this Friday, I urge my colleagues to support the Servicemembers' Group Life Insurance Enhancement Act.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3200.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLER of Florida. 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. 3200.

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

There was no objection.

UNITED STATES GRAIN STANDARDS ACT REAUTHORIZATION

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1752) to amend the United States Grain Standards Act to reauthorize that Act.

The Clerk read as follows:

S. 1752

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

SECTION 1. REAUTHORIZATION OF ACT.

(a) IN GENERAL.—Sections 7(j)(4), 7A(l)(3), 7D, 19, and 21(e) of the United States Grains Standards Act (7 U.S.C. 79(j)(4), 79a(*l*)(3), 79d, 87h, 87j(e)) are amended by striking ''2005'' each place it appears and inserting ''2015''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on September 30, 2005.

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

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to support S. 1752, a bill to reauthorize the U.S. Grain Standards Act. The other body passed this bill by unanimous consent last week, and I look forward to its swift approval today as the act expires September 30, 2005.

This bill is identical to the language that the administration provided Congress earlier this year. The bill is a simple 10-year extension of current law. It will reauthorize the Secretary's authority to charge and collect fees to cover costs of inspection and weighing services and to receive appropriated dollars for standardization and compliance activities.

The House Subcommittee on General Farm Commodities and Risk Management of the Committee on Agriculture held a hearing on May 24, 2005, to review the U.S. Grain Standards Act. Testimony provided on behalf of the National Grain and Feed Association and the North American Export Grain Association highlighted the need for the U.S. grain industry to remain cost-competitive for bulk exports of U.S. grains and oilseeds in the future.

The American Farm Bureau Federation, the American Soybean Association, the National Association of Wheat Growers, the National Corn Growers Association, the National Grain Sorghum Producers, and the American Association of Grain Inspection and Weighing Agencies all voiced support for this legislation.

The U.S. Grain Standards Act first became law in 1916. In the intervening 89 years, Congress has reauthorized and amended the U.S. Grain Standards Act so that the law could adapt to changes in grain production, grain marketing, crop diversity, competitive pressure, and fiscal constraints.

The U.S. Grain Standards Act has served agriculture and our Nation well. For nearly a century, it has provided for standard marketing terms, grades and weights and facilitated domestic and international marketing of our farmers' production. Among its many responsibilities, the Federal Grain Inspection Service establishes and maintains official grades for our Nation's crop production, promotes the uniform application of official grades, provides for the official weighing and grading at export locations, provides Federal oversight of weighing and grading done by States, and investigates complaints or discrepancies reported by importers. Passage of this bill ensures the continuity of these standards and the opportunity for our farmers to remain competitive in the world marketplace.

I urge my colleagues to support this legislation.

I thank the gentleman from Minnesota (Mr. PETERSON), the ranking member of the committee, for his cooperation in working with us to bring this legislation to the floor.

Mr. Speaker, S. 1752 is a bill to reauthorize the U.S. Grain Standards Act. The other body passed this bill by unanimous consent last week. Timely approval of this bill is important because the current law expires September 30, 2005.

This bill is identical to the language the Administration provided Congress earlier this year. This bill is a simple 10-year extension of current law.

The House Agriculture Subcommittee on General Farm Commodities and Risk Management held a hearing on May 24, 2005 to review the U.S. Grain Standards Act. Testimony provided on behalf of the National Grain and Feed Association and the North American Export Grain Association highlighted the need for

the U.S. grain industry to remain cost-competitive for bulk exports of U.S. grains and oilseeds in the future. Specifically, these organizations proposed that U.S. Department of Agriculture (USDA) utilize third party entities to provide inspection and weighing activities at export facilities with 100 percent USDA oversight using USDA-approved standards and procedures. The American Farm Bureau Federation, American Soybean Association, National Association of Wheat Growers, National Corn Growers Association, National Grain Sorghum Producers, and the American Association of Grain Inspection and Weighing Agencies all voice support for this proposal. USDA testified that the ''proposal of the industry establishes a framework for changing the delivery of services without compromising the integrity of the official system.''

During the hearing, the Committee also learned of workforce challenges currently facing the U.S. Department of Agriculture's Grain Inspection, Packers and Stockyards Administration (GIPSA). The majority of official grain inspectors will be eligible for retirement over the next several years. Testimony presented explained that transitioning the delivery of services through attrition would minimize the impact on Federal employees.

Since the hearing, I have reviewed legislative proposals and discussed the issue of improved competitiveness with my colleagues, farm and industry organizations, and USDA. Chairman SAXBY CHAMBLISS of the Senate Agriculture Committee and I asked USDA to determine if they had the authority under the existing law to use private entities at export port locations for grain inspection and weighing services, and if they did, how would they implement this authority.

Accompanying this statement is a copy of USDA's response to our questions. The letter states that the U.S. Grain Standards Act ''currently authorizes the Secretary of Agriculture to contract with private persons or entities for the performance of inspection and weighing services at export port locations.'' The letter further explains that GIPSA considers the use of this authority as an option to address future attrition within the Agency and to address expanded service demand. I fully expect USDA to use this authority in a manner that improves competitiveness of the U.S. grain industry, that maintains the integrity of the Federal grain inspection system, and that provides benefits to employees who may be impacted.

The Committee greatly appreciates the work that has gone into the reauthorization of this law and we are pleased to extend the authorization for 10 years.

THE SECRETARY OF AGRICULTURE,
Washington, DC, September 21, 2005.

Hon. BOB GOODLATTE,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of this date, also signed by Saxby Chambliss, Chairman of the U.S. Senate Committee on Agriculture, Nutrition, and Forestry, posing two questions regarding legislation which is currently pending before the Congress. The legislation would reauthorize, for an additional period of years, the United States Grain Standards Act, 7 U.S.C. §§71 et seq. (Act), which is presently scheduled to expire on September 30, 2005. Your questions and our responses are as follows:

1. Would existing authority under the U.S. Grain Standards Act allow USDA to use private entities at export port locations for grain inspection and weighing services?

Response. The Act currently authorizes the Secretary of Agriculture to contract with private persons or entities for the perfonnance of inspection and weighing services at export port locations. See 7 U.S.C. §§79(e)(I), 84(a)(3).

2. If so, how would USDA implement this authority?

Response. The Act currently authorizes the Secretary to contract with a person to provide export grain inspection and weighing services at export port locations. The Grain Inspection, Packers and Stockyards Administration (GIPSA) has reserved this authority to supplement the current Federal workforce if the workload demand exceeded the capability of current staffing. GIPSA has also considered use of this authority as one of several options to address future attrition within the Agency and to address expanded service demand as several delegated States have decided or are considering to cancel their Delegation of Authority with GIPSA.

In accordance with Federal contracting requirements, GIPSA would contract with a person(s) (defined as any individual, partnership, corporation, association, or other business entity) to provide inspection and weighing services to the export grain industry. The person(s) awarded the contract would adhere to all applicable provisions of the Act to ensure the integrity of the official inspection system during the delivery of services to the export grain industry. The person(s) would charge a fee directly to the export grain customer to cover the cost of service delivery and the cost of GIPSA supervision. Contract terms would require reimbursement to GIPSA for the cost of supervising the contractor's delivery of official inspection and weighing services.

GIPSA would comply with OMB Circular No. A–76 for any contracting activity that may replace or displace Federal employees. The Circular would not apply if the contract for outsourcing services intends to fill workforce gaps, not affect Federal employees, or supplement rather than replace the Federal workforce. The A–76 process typically takes two years and involves an initial cost-benefits analysis, an open competitive process, and an implementation period.

I hope that the explanations provided above are fully responsive to the questions you have asked. A similar letter is being sent to Chairman Chambliss.

Sincerely,

MIKE JOHANNS,
Secretary.

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

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

Mr. Speaker, I am glad that we are moving this reauthorization before various authorities in the Grain Standards Act expire on September 30. I want to thank Subcommittee Chairman MORAN, Ranking Member ETHERIDGE, as well as Chairman GOODLATTE for their work on moving this reauthorization.

The legislation we are considering today would simply reauthorize the existing Grain Standards Act for 10 years. While I would prefer that the reauthorization be for 5 years to allow for reexamination of the state of the inspection service and industry at that time, I support the bill before us today.

As we saw with the recent experiences in the aftermath of Hurricane Katrina, the Federal Grain Inspection Service's Federal workforce is a dedicated group of individuals with many years of experience and a great deal of pride in the work that they do. The folks that work in the Port of New Orleans, for example, have continued to provide valuable public services even as the disaster affects their own families, homes, and neighborhoods.

The quality of the grain produced on American farms is among the best in the world, and our export inspection system helps ensure that the integrity of those crops is maintained as it is exported to our foreign customers.

I support the passage of this reauthorization, and I again want to thank my colleagues for their work on this issue.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH), who has worked on this issue.

Mr. KUCINICH. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. PETERSON) for the work he has done on this bill. I rise in support of S. 1752, the Reauthorization of the Grain Standards Act.

Two weeks ago, I was opposed to the bill because it needlessly privatized grain inspectors, which could harm our agricultural export market. In the mid-1970s, the inspection service was federalized following several scandals involving some growers who tried to cheat foreign buyers by, for example, substituting saw dust for grain. Overall, there were indictments of 52 individuals and four corporations.

Today, with Federal inspectors on the job, our foreign customers are confident in the quality of U.S. grain. But many of these buyers, international buyers, have spoken publicly about their reservations of a private inspection system. Such a scheme may harm U.S. exports of grains, something our farmers cannot afford.

Worse yet, the benefits from privatization are almost nil. According to testimony from the National Grain and Feed Association, privatizing the inspector force will save 8 cents per ton of grain per export in the unlikely scenarios that the entire cost savings were passed along to farmers by way of better commodity prices. The average 500-acre soybean farm would gain a measly $46 a year in extra income. For nothing more than pocket change, that kind of privatization could undermine the 30 years of confidence in the quality of U.S. grain. That was an enormous risk for pocket change.

Thankfully, because of the gentleman from Minnesota (Mr. PETERSON) and others, this bill before us today does not include the risky privatization scheme that was contemplated.

I once again want to thank the gentleman from Minnesota and his staff for the opportunity to work with them on this legislation.

Mr. ETHERIDGE. Mr. Speaker, today the House is considering S. 1752, Senate-passed legislation to reauthorize the U.S. Grain Standards Act.

The Grain Standards Act helps farmers maintain a high standard of quality in crop production through a national system for inspecting, weighing and grading grain, both for domestic and foreign shipments.

S. 1752 reauthorizes the U.S. Grain Standards Act for 10 years. This bill will reauthorize the Secretary's authority to charge and collect fees to cover costs of inspection and weighing services and to receive appropriated dollars for standardization and compliance activities.

I support reauthorization of these important components of the Grains Standards Act in order to ensure the United States remains a large producer of quality agricultural products.

I urge my colleagues to support S. 1752 so we can send it to the President for signature.

□ 1345

Mr. PETERSON of Minnesota. Mr. Speaker, I yield back the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the Senate bill, S. 1752.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1752, the bill just considered.

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

There was no objection.

EXPRESSING SENSE OF CONGRESS THAT UNITED STATES SUPREME COURT SHOULD SPEEDILY FIND USE OF PLEDGE OF ALLEGIANCE IN SCHOOLS TO BE CONSISTENT WITH CONSTITUTION

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 245) expressing the sense of Congress that the United States Supreme Court should speedily find the use of the Pledge of Allegiance in schools to be consistent with the Constitution of the United States.

The Clerk read as follows:

H. CON. RES. 245

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) judicial rulings by the United States Court of Appeals for the 4th and 9th circuits have split on the issue of whether the Constitution allows the recitation of the Pledge of Allegiance in schools;

(2) the ruling by the United States Court of Appeals for the 4th circuit correctly finds the Constitution does allow such a recitation; and

(3) the United States Supreme Court should at the earliest opportunity resolve this conflict among the circuits in a manner which recognizes the importance and Constitutional propriety of the recitation of the Pledge of Allegiance by school children.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 245.

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

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 245, expressing the sense of Congress that the United States Supreme Court should speedily find the use of the Pledge of Allegiance in schools to be consistent with the Constitution of the United States.

As Justice Stevens noted, writing for the Court last year in Elk Grove Unified School District v. Newdow, ''The Pledge of Allegiance evolved as a common public acknowledgement of the ideals that our flag symbolizes. Its recitation is a patriotic exercise designed to foster national unity and pride in those principles.''

However, going far beyond the requirements of the Establishment Clause and the Supreme Court's interpretation of that clause, the Ninth Circuit struck down a school policy of voluntary, teacher-led recitation of the Pledge of Allegiance, citing that the policy impermissibly coerces a religious act.

Last summer, the Supreme Court reversed the Ninth Circuit's decision on standing grounds. Though the Court did not address the merits of the case, the late Chief Justice Rehnquist stated in his concurring opinion: ''I do not believe that the phrase 'under God' in the Pledge converts its recital into a 'religious exercise.' Instead, it is a declaration of belief in allegiance and loyalty to the United States flag and the Republic that it represents. The phrase 'under God' is in no sense a phraser, nor an endorsement of any religion, but a simple recognition of the fact that from the time of our earliest history, our peoples and our institutions have reflected the traditional concept that our Nation was founded on a fundamental belief in God.''

Just 2 weeks ago, in Newdow v. U.S. Congress, the Eastern District of California relied on the Ninth Circuit's decision and held that school district policies of voluntary, teacher-led recitations of the Pledge violate the Establishment Clause.

But, as former Chief Justice Rehnquist stated: ''The Constitution only requires that schoolchildren be entitled to abstain from the ceremony if they choose to do so. To give the parent of such a child a sort of 'heckler's veto' over a patriotic ceremony willingly participated in by other students, simply because the Pledge of Allegiance contains the descriptive phrase 'under God' is an unwarranted extension of the Establishment Clause, an extension would have the unfortunate effect of prohibiting a commendable patriotic observance.''

The Pledge of Allegiance is simply a patriotic exercise in which one expresses support for the United States of America, that was founded by a generation of framers who saw a belief in God as fundamental to sustaining the moral fabric of a free society. Those who did not share the beliefs of our founding generation as reflected in the Pledge are free to refrain from its recitation. However, those who wish to voluntarily recognize the special role of providence in America's identity and heritage must also continue to be free to do so.

This body affirms its support for the Pledge of Allegiance by starting each session of the House with its recitation. When the Pledge of Allegiance has come under legal and political assault, this body has consistently and overwhelmingly defended it by passing resolutions that expressed support for its voluntary recitation. Most recently, in 2003, the House passed H. Res. 132 affirming support for the Pledge by a margin of 400 to 7.

I urge my colleagues to continue to affirm their support for the Pledge of Allegiance by supporting the passage of this important resolution.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I come from a State that has a long tradition in supporting religious freedom. In fact, it was Thomas Jefferson of Virginia who wrote the Virginia Statute for Religious Freedom which predates the amendment to the Constitution.

Unfortunately, H. Con. Res. 245 is not about supporting religious freedom. In fact, this resolution is totally gratuitous, as it will do nothing to change the underlying law. This is because we are dealing with constitutional issues that cannot be altered by resolution. If the judicial branch ultimately finds the Pledge, or the national motto to be constitutional, then nothing needs to be done. On the other hand, if the Court ultimately finds it to be unconstitutional, no law that we pass will change that.

Although I tend to agree with the dissent in the 2002 Ninth Circuit decision in Newdow v. U.S. Congress, which