

devastation and refuse to sit by and watch as people they don't know, as well as their loved ones, suffer.

This bill will honor those wonderful human beings by helping ease the burden they have willingly placed on themselves to help. They will get a higher reimbursement for the miles they drive in the service of others. The limit that corporations are allowed to write off on their taxes would be waived. This will allow companies to help the communities they support and still remain responsible officers for the employees who work for them.

Madam Speaker, this legislation would also help people's way of life remain protected during Federal disasters. Being able to deduct a greater cost for their damaged property help keep homes in the affected areas instead of them not being rebuilt and relocating. Allowing small businesses to write off expenses relating to these disasters assures that the jobs for those who return still exist. Businesses would also be able to focus on healing before they focus on gathering what is owed to them. Moving the carry-back period, the statue of limitations on claiming damages from natural disasters, from 2 years to 5 years would provide financial assistance as well as peace of mind.

Since the time of the founding of our country, the Government has been helping out towns and cities affected by disasters. In 1803 a small fire ravaged the town of Portsmouth, New Hampshire, and the Congress reacted. This is widely considered the first use of any type of disaster relief.

Today, a lot of my constituents are no better off than they were a week ago; this must be remedied. This bill is a great step forward to help communities recover, and we must pass this bill. With that, I am also pleased to be an original cosponsor of this legislation with my Texas colleagues, Congressman AL GREEN and Congressman KEVIN BRADY.

Mr. LEWIS of Georgia. Madam Speaker, I support this Disaster Tax Relief Act, and I want to thank my colleagues on the Ways and Means Committee, Congressman KIND and Chairman RANGEL, for working to bring this bill to the floor today.

The Disaster Tax Relief Act addresses deep concerns I had after tornadoes struck Atlanta. Tornadoes touched down right in the heart of Atlanta. They blew the windows out of my very own office. They destroyed sections of neighborhoods and damaged businesses in our city and across Georgia.

The damage caused by these tornadoes and storms was no different than the damage caused anywhere else in America this year. If you lose your home or business, a loss is a loss and damage is damage. Yes, some disasters are more severe than others. But when it comes to rebuilding homes and businesses, when it comes to recovery, the tax code should be fair.

Some think when floods, hurricanes, and tornadoes strike it means States deserve special treatment based on old politics. Some can overlook natural disasters that have occurred all over our country and try to provide specific disaster tax recovery assistance for just one State and just one tragedy. This is wrong. It is not right. It is not just.

This Disaster Tax Relief Act provides fair tax relief and recognizes all disasters, like those in Atlanta, Iowa, Wisconsin, Florida, Kansas, and other places. It also recognizes

the role of volunteers performing charity work every day but often in the wake of a disaster.

On September 10th I introduced with my good friend and colleague, JIM RAMSTAD, H.R. 6854, the Fair Deal for Volunteers Act of 2008. Among other things, this bill will increase the standard mileage rate tax deduction from 14 cents a mile to an amount determined by the Secretary of Treasury that is not less than the standard rate used for medical purposes. It is currently 27 cents a mile.

With the cost of gas and the precious need for volunteers to keep delivering meals and blankets and supplies, this is the very least we can do. I am proud that so many members of the House and Senate have pushed for this kind of change. I hope we can push harder and pass the entire Fair Deal for Volunteers Act.

I thank the staff on the Ways and Means Committee and the Oversight Subcommittee for their good work on this measure.

Mr. KIND. Madam Speaker, I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 7006.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KIND. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TREATMENT OF FARMS WITH LIMITED BASE ACRES

Mr. ETHERIDGE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6849) to amend the commodity provisions of the Food, Conservation, and Energy Act of 2008 to permit producers to aggregate base acres and reconstitute farms to avoid the prohibition on receiving direct payments, counter-cyclical payments, or average crop revenue election payments when the sum of the base acres of a farm is 10 acres or less, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6849

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

SECTION 1. TREATMENT OF FARMS WITH LIMITED BASE ACRES.

(a) SUSPENSION OF PROHIBITION.—

(1) IN GENERAL.—Section 1101(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8711(d)) is amended by adding at the end the following:

“(4) SUSPENSION OF PROHIBITION.—Paragraphs (1) through (3) shall not apply during the 2008 and 2009 crop years.”.

(2) PEANUTS.—Section 1302(d) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8752(d)) is amended by adding at the end the following:

“(4) SUSPENSION OF PROHIBITION.—Paragraphs (1) through (3) shall not apply during the 2008 and 2009 crop years.”.

(b) EXTENSION OF 2008 SIGNUP FOR DIRECT PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.—

(1) IN GENERAL.—Section 1106 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8716) is amended by adding at the end the following:

“(f) EXTENSION OF 2008 SIGNUP.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall extend the 2008 crop year deadline for the signup for benefits under this subtitle by producers on a farm with base acres of 10 acres or less until the later of—

“(A) November 14, 2008; or

“(B) the end of the 45-day period beginning on the date of the enactment of this subsection.

“(2) PENALTIES.—The Secretary shall ensure that no penalty with respect to benefits under this subtitle is assessed against producers on a farm described in paragraph (1) for failure to submit reports under this section or timely comply with other program requirements as a result of compliance with the extended signup deadline under that paragraph.”.

(2) PEANUTS.—Section 1305 of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8755) is amended by adding at the end the following:

“(f) EXTENSION OF 2008 SIGNUP.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall extend the 2008 crop year deadline for the signup for benefits under this subtitle by producers on a farm with base acres of 10 acres or less until the later of—

“(A) November 14, 2008; or

“(B) the end of the 45-day period beginning on the date of the enactment of this subsection.

“(2) PENALTIES.—The Secretary shall ensure that no penalty with respect to benefits under this subtitle is assessed against producers on a farm described in paragraph (1) for failure to submit reports under this section or timely comply with other program requirements as a result of compliance with the extended signup deadline under that paragraph.”.

(c) OFFSETTING REDUCTION.—Section 515(k)(1) of the Federal Crop Insurance Act (7 U.S.C. 1515(k)(1)) is amended by striking “not more than \$15,000,000 for each of fiscal years 2008 through 2011” and inserting “not more than \$15,000,000 for fiscal year 2008, not more than \$9,000,000 for fiscal year 2009, and not more than \$8,000,000 for each of fiscal years 2010 and 2011”.

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

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. ETHERIDGE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill.

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

There was no objection.

Mr. ETHERIDGE. Madam Speaker, I rise in strong support of H.R. 6849.

Let me also thank Chairman PETERSON, chairman of the full committee, and Ranking Member GOODLATTE for their hard work and effort in making

sure that we got a quick markup on this bill in committee and got it to the floor.

I introduced this legislation with my good friend and colleague, Representative JERRY MORAN, to help thousands of American farmers who would have been adversely affected by really the willful misinterpretation in the 2008 farm bill by the Department of Agriculture.

Madam Speaker, the Department has interpreted the language in the 2008 farm bill in a manner that would prevent thousands of small farmers from receiving the program payments they are owed, putting them in jeopardy, in some cases, of financial hardship and some might even have to go out of business.

This is based on its misinterpretation of a provision in title I of the farm bill that was meant to prevent payments to those farms that are 10 acres or less. Despite clear report language outlining how USDA is to implement this provision, the Secretary has chosen not to read it as written.

I personally, along with a number of my colleagues, opposed the 10-acre provision in the farm bill when it was debated in the committee and again during conference, because we should not punish small farmers in America. But I understand the provision's intent: to prevent people who are not active farmers from gaming the system and getting government payments on land they didn't actively farm. I think that's appropriate.

However, I cannot abide by the interpretation that puts thousands of farmers who rent or lease small tracts of land for their farming operations and place them at risk of not receiving payments and could, in some cases, put them in jeopardy of being out of business, an interpretation that puts existing contracts between landowners and farmers at risk of being voided.

Let me just share with you what this means. In the State of Iowa, roughly 12,000 farms are affected; in Illinois, approximately 16,000 farms would be affected; in Ohio, 16,000 farms; in Kentucky, 20,000 farms; and in my home State of North Carolina, almost 16,000 farms would be adversely impacted if Congress let's the department rule stand. Nationwide, this number could be as high as 460,000 farms.

H.R. 6849 fixes this problem. It suspends the provisions in title I for the 2008–2009 crop years that would have required producers to have a minimum of a 10-acre base to receive program benefits. This provision provides time to consider a more permanent fix in the future.

Madam Speaker, I urge my colleagues to support this important legislation.

I reserve the balance of my time.

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

I support H.R. 6849 which voids the payment prohibition to farmers who

have fewer than 10 acres of working farmland for the 2008 and 2009 crop years.

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This measure protects farmers who would be denied benefits because it addresses a specific provision in the farm bill that the U.S. Department of Agriculture has misinterpreted. The intent of that original provision was to stop gardeners in New York City from getting program payments. It was never intended to prevent bonafide farmers from participating in commodity programs.

The farm bill provision and the accompanying report encourage the Secretary of Agriculture to allow farmers to aggregate base acres from multiple working farms to qualify for those program benefits.

However, the USDA has decided to interpret the language of that provision differently and prohibit aggregation. It is unfortunate that we are forced to pass further legislation to make sure this intent cannot be misconstrued. However, if we do not take action, the result will be damaging to thousands of farmers who depend on program payments.

I believe it is necessary that we pass this bill in order to protect those thousands of farmers who are being adversely affected by the USDA's interpretation of a specific provision in the farm bill. This is a growing concern throughout the country. Specifically, in my State of Virginia, the Virginia Farm Bureau contacted me directly because it was worried about the negative impact this interpretation would have on the livelihood of its producers.

I support this bill, and I urge my colleagues to support it as well.

I reserve the balance of my time.

Mr. ETHERIDGE. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL) who has worked hard on this and this has a significant impact on his State.

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

Mr. BOSWELL. Madam Speaker, I appreciate this opportunity. I want to thank my good friend and colleague from North Carolina (Mr. ETHERIDGE) and Mr. GOODLATTE and the rest of you for us coming together and correcting this error that's taken place, or this misrepresentation.

As the cosponsor of H.R. 6849, I'm extremely pleased the full House has taken action today so that Iowa and the Nation's small working farmers across the Nation will have an opportunity for an adequate safety net. The legislation suspends a provision in the new farm bill which prohibits producers farming 10 acres or less to receive USDA payments.

Now hear this. When the farm bill was drafted and during the conference process, it was the intent of Congress to allow farmers to aggregate their base acres, to bring them together.

This is evident by the Joint Explanatory Statement of the managers that accompanied the 2008 farm bill which clearly states, "The managers intend for the department to allow for aggregation of farms for purposes of determining the suspension of payments on farms with 10 base acres or less."

This needs to be corrected. I ask that everybody that would participate to be sure we make this clear and make sure small farmers will be taken care of. The USDA has misrepresented Congress' intent putting thousands of small producers at risk.

I would like to urge my colleagues to support this resolution.

Mr. GOODLATTE. Madam Speaker, at this time it is my pleasure to yield to the gentleman from Kansas (Mr. MORAN), the ranking member of the Commodity Subcommittee, such time as he may consume.

Mr. MORAN of Kansas. I thank the gentleman for yielding, and I rise in support of H.R. 6849.

I certainly support the fundamental purpose of this bill. I do have some concerns about the offset, the pay-for, that is necessary. I am also concerned that the bill only provides temporary relief.

As has been indicated, decisions were made in the farm bill to eliminate 10 acres from being considered for program payments under the new farm bill, and the attempt was made to make it clear that farmers could aggregate their properties. That has not been the case as the farm bill has been implemented by the Department of Agriculture, and we now are here to correct that mistake.

Mr. ETHERIDGE and I, the gentleman from North Carolina, introduced legislation to do that in September, and this is the base behind the bill that we have before us today, although our plan was to allow farmers to combine base acres through two processes: either reconstitution or aggregation.

And when it became a concern that that bill would not pass in sufficient time and the offset was not there, the bill we have before us became the compromise; and I'm pleased knowing that this legislation must pass to be supportive of this compromise bill. It does mean that this Congress, the House Agriculture Committee, will need to come back in future years to make certain that we get this corrected.

Also, by speaking today, I want to raise the concern that I have with the offset that we're using. For a long time I have worried that my farmers, when they go to see their USDA officers, particularly FSA, at their county office, they have had tremendous delays in access to computers. And the offset for this bill is computer/IT funding in the Risk Management Agency, RMA. In my opinion, we need to find a more appropriate offset because we authorized only \$60 million in the farm bill, \$15 million in each of the 4 fiscal years for the IT system at the Risk Management Agency, and those systems were only updated—the last time was 15 years ago.

This would remove nearly \$20 million from the original \$60 million authorized in the farm bill, removing about a third of the money allocated for computer upgrades.

And so we have an opportunity, I hope, when the Senate passes similar legislation to sit down and see if we can't agree upon a different way of paying for this needed correction.

Without sufficient funding, the Risk Management Agency will be forced to limit future product approvals, enhancements, and expansions, and I believe that will adversely affect farmers and ranchers. RMA must be able to interface with 17 insurance companies that deliver Federal crop insurance covering more than 1.1 million policies and \$89 billion in liability.

Upgrades are not only needed to allow services to continue but are also necessary to implement current technology to improve program integrity and data security and the protection of personally identifiable information.

Again, I raise the concern and hope that as this bill works its way through the process, that we can find a more satisfactory offset than the information technology, the RMA IT account, at the Department of Agriculture.

I am here to support this legislation. I appreciate the fix that it provides. We need to figure out a permanent solution, and we need to figure out a different way of paying for it. I look forward to continuing to working in the process to see that those two things occur.

Mr. ETHERIDGE. Madam Speaker, I now yield 2 minutes to the gentleman from Pennsylvania (Mr. HOLDEN) who has also been instrumental in this piece of legislation and works hard on the Ag Committee.

Mr. HOLDEN. I thank the gentleman for yielding, and I thank the gentleman for his leadership as well as the gentleman from Kansas (Mr. MORAN) and the ranking member, Mr. GOODLATTE, and Chairman PETERSON.

This is a pretty timely debate, Madam Speaker. I just came from a meeting with Deputy Secretary Conner about this very issue. The deputy secretary said that he would like to be helpful and Secretary Schaeffer would like to be helpful. They're just having difficulty struggling with the legal interpretation of what "congressional intent" was.

So it's very important that we pass this legislation today by as strong a vote as possible. The deputy secretary promised to go back and look and see if there's a way they can interpret it for what I told him that was my understanding of what congressional intent was.

I remember that evening in conference when the gentleman from North Carolina offered an amendment and a discussion came about. It was pretty clear to me, and I think everyone else in the room, that it was the intent of the conference to have this be in the aggregate. We're still having dif-

ficulty working with the department, as I mentioned. They just promised me 10 minutes ago to continue to work on it.

But I think one way that we can send a clear message is to pass this bill tonight by as overwhelming a vote as we possibly can and send it over to the Senate.

Mr. GOODLATTE. Madam Speaker, I have no further speakers, I would urge my colleagues to support this legislation, and yield back.

Mr. ETHERIDGE. Madam Speaker, we have no further speakers.

Let me thank the gentleman from Virginia for his help, Ranking Member GOODLATTE, Chairman PETERSON, and all the members of the committee, and also my good friend, Congressman MORAN from Kansas, who really was instrumental in working on this piece of legislation.

Let me just say to my colleagues, every State in America is affected by this piece of legislation from an agricultural standpoint. With that, Madam Speaker, I urge my colleagues to support this legislation.

Mrs. MILLER of Michigan. Madam Speaker, I rise in strong support of H.R. 6849 and on behalf of Michigan's farmers and agricultural community.

When thinking of Michigan, most people automatically think of the automobile industry. However, many people don't realize that agriculture is the second largest industry in the state and in many ways defines us, our culture and our values.

Michigan's agriculture industry is made up of small and medium sized farms. However, the family farmer is alive and well in my district. And that is why this bill is so critical to Michigan producers and the rest of the country.

This legislation waives the 10 acre provision for farm program eligibility for the 2008 and 2009 crop years. This provision, which was included in the Farm Bill, prevents farmers with less than 10 base acres from receiving a program crop payment such as Direct, Counter-Cyclical, or ACRE payments.

There are many producers which are prohibited from receiving the benefits of the Farm Bill because of this provision. It is my sincere belief that farmers that work multiple plots of less than 10 acres were never intended to be denied access to this program. This legislation today will force the USDA to recognize that fact. I am proud to stand in support of this bill and urge all of my colleagues to vote in favor of this measure.

Mr. PETERSON of Minnesota. Madam Speaker, I rise today in support of H.R. 6849, which will prevent the U.S. Department of Agriculture from denying farm program benefits to farmers who have several small plots of land that are eligible for commodity program payments.

H.R. 6849 is a bipartisan bill that was introduced by my House Agriculture Committee colleagues, Representatives BOB ETHERIDGE and JERRY MORAN, the Chairman and Ranking Member, respectively, of the General Farm Commodities and Risk Management Subcommittee. An amended version of the bill passed the Committee by voice vote last week.

On June 30 of this year, about a month after Congress overrode the President's veto on the Farm Bill, the US Department of Agriculture published a notice stating their intent to "not approve requests for farm combination reconstitutions of farms having base acres of 10 acres or less."

The Department's notice is a substantial change from what was in place prior to the 2008 Farm Bill and runs contrary to what was intended by House and Senate conferees who wrote the provision. The manager's report states that small base acreages could be aggregated to allow for farm program eligibility if the sum of the acres is over 10.

The USDA's decision to eliminate such a large number of base acres could affect hundreds of thousands of producers all across this country.

Their selective interpretation of the Farm Bill is doing no favors for America's farmers and ranchers, who are rightly concerned that the Department is ignoring the Congress's clearly stated intent.

Madam Speaker, in recognition of the difficulties in paying for this fix over a ten year period, the Committee amended the bill to temporarily solve this problem by suspending the 10 base acre provision for two years. This temporary, less expensive solution is fully offset in order to meet Congressional Paygo requirements.

With passage of this bill today, Madam Speaker, it is my hope that we can make clear to farm country that the Farm Bill will be implemented as Congress intended.

I urge my colleagues to support H.R. 6849.

Mr. ETHERIDGE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. ETHERIDGE) that the House suspend the rules and pass the bill, H.R. 6849, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REGARDING INSPECTOR GENERAL OF COMMODITY FUTURES TRADING COMMISSION

Mr. TOWNS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6406) to elevate the Inspector General of the Commodity Futures Trading Commission to an Inspector General appointed pursuant to section 3 of the Inspector General Act of 1978, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6406

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

SECTION 1. INSPECTOR GENERAL OF COMMODITY FUTURES TRADING COMMISSION.

(a) ELEVATION OF OFFICE.—

(1) INCLUSION OF CFTC IN DEFINITION OF ESTABLISHMENT.—

(A) Section 11(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "or the Federal Cochairpersons of