

Clark "shall be deemed for all purposes to have held the grade of captain, rather than lieutenant, in the Regular Army, effective as of March 26, 1804, and continuing until his separation from the Army on February 27, 1807." This Member urges my colleagues to support H.R. 3621 and help correct an error that has persisted for nearly two centuries.

Although most people consider Meriwether Lewis and William Clark to be of equal rank due to their shared command of the expedition, the fact is that Clark remained a lieutenant despite an earlier promise by President Jefferson that he would be commissioned as a captain. In fact, Captain Lewis treated William Clark as a co-equal leader of the Corps of Discovery throughout the expedition; and in all probability, the men assumed that their leaders held the rank of captain, both of them.

Stephen Ambrose, in his outstanding book "Undaunted Courage," gives a detailed and well-documented description of the events that resulted in the diminished rank for Clark. Despite the clearly stated intentions by President Jefferson and Lewis, a number of actions denied Clark his rightful rank. Nevertheless, Clark served his country admirably and emerged, along with Lewis, a true American hero for all time.

The approaching bicentennial of this extraordinarily important expedition provides the United States of America an excellent opportunity to correct this oversight and elevate Clark to his rightful rank. This Member has fully investigated this issue with the U.S. Army and finds that introducing this legislation is the proper course to follow without setting inappropriate precedent. A similar legislative action was taken to promote George Washington in rank posthumously in 1978.

As a footnote, Members may be interested to know that there is no cost associated with H.R. 3621 as the legislation prohibits any person from collecting any bonus, gratuity, pay or allowance because of the posthumous promotion. This legislation simply gives Lieutenant William Clark the promotion to Captain promised by President Jefferson before the Lewis and Clark expedition began.

Retired General Gordon R. Sullivan on behalf of the Association of the United States Army applauded this legislation and pledged their support.

Mr. Speaker, in closing, I would say this, William Clark served our country admirably, with great courage and leadership skills, and emerged, along with Meriwether Lewis, as a true American hero for all times. As a co-chairman of the House Lewis and Clark Caucus and a former Army officer, this Member believes that this legislation is a matter in which the Congress should act.

Therefore, I urge my colleagues to support H.R. 3621. It is the right thing to do, even now.

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

Mr. Speaker, there are no further requests for time on this side. I would like to close simply by observing that I have had the opportunity, the good fortune, I might say, through the auspices of the ranking minority member, to have conversations, with some other Members, with Mr. Ambrose, the author. I, just by way of observation, hope that, when this passes, as I am sure it will unanimously, that perhaps we could see to it that a copy of the resolution in some appropriate form be sent to him. I am sure he would find it interesting and a nice, not conclusion, certainly, but certainly an addition to the interest that Mr. Ambrose induced in the Nation with the publication of his book on the expedition.

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

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

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). The question is on the motion offered by the gentleman from Maryland (Mr. BARTLETT) that the House suspend the rules and pass the bill, H.R. 3621.

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.

#### PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. BARRETT of Nebraska. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report to accompany the bill, H.R. 4392.

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

There was no objection.

#### GRAIN STANDARDS AND WAREHOUSE IMPROVEMENT ACT OF 2000

Mr. BARRETT of Nebraska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4788) to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act, as amended.

The Clerk read as follows:

H.R. 4788

*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 "Grain Standards and Warehouse Improvement Act of 2000".

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

Sec. 1. Short title; table of contents.

#### TITLE I—GRAIN STANDARDS

Sec. 101. Sampling for export grain.

Sec. 102. Geographic boundaries for official agencies.

Sec. 103. Authorization to collect fees.

Sec. 104. Testing of equipment.

Sec. 105. Limitation on administrative and supervisory costs.

Sec. 106. Licenses and authorizations.

Sec. 107. Grain additives.

Sec. 108. Authorization of appropriations.

Sec. 109. Advisory committee.

Sec. 110. Conforming amendments.

Sec. 111. Special effective date for certain expired provisions.

#### TITLE II—WAREHOUSES

Sec. 201. Storage of agricultural products in warehouses.

Sec. 202. Regulations.

#### TITLE I—GRAIN STANDARDS

##### SEC. 101. SAMPLING FOR EXPORT GRAIN.

Section 5(a)(1) of the United States Grain Standards Act (7 U.S.C. 77(a)(1)) is amended by striking "(on the basis)" and all that follows through "(from the United States)".

##### SEC. 102. GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.

(a) INSPECTION AUTHORITY.—Section 7(f) of the United States Grain Standards Act (7 U.S.C. 79(f)) is amended by striking paragraph (2) and inserting the following:

"(2) GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.—Not more than 1 official agency designated under paragraph (1) or State delegated authority under subsection (e)(2) to carry out the inspection provisions of this Act shall be operative at the same time in any geographic area defined by the Secretary, except that, if the Secretary determines that the presence of more than 1 designated official agency in the same geographic area will not undermine the policy stated in section 2, the Secretary may—

"(A) allow more than 1 designated official agency to carry out inspections within the same geographical area as part of a pilot program; and

"(B) allow a designated official agency to cross boundary lines to carry out inspections in another geographic area if the Secretary also determines that—

"(i) the current designated official agency for that geographic area is unable to provide inspection services in a timely manner;

"(ii) a person requesting inspection services in that geographic area has not been receiving official inspection services from the current designated official agency for that geographic area; or

"(iii) a person requesting inspection services in that geographic area requests a probe inspection on a barge-lot basis."

(b) WEIGHING AUTHORITY.—Section 7A(i) of the United States Grain Standards Act (7 U.S.C. 79a(i)) is amended—

(1) by striking "(i) No" and inserting the following:

"(i) UNAUTHORIZED WEIGHING PROHIBITED.—

"(1) IN GENERAL.—No";

(2) by striking the second sentence; and

(3) by adding at the end the following:

"(2) GEOGRAPHIC BOUNDARIES FOR OFFICIAL AGENCIES.—Not more than 1 designated official agency referred to in paragraph (1) or State agency delegated authority pursuant to subsection (c)(2) to carry out the weighing provisions of this Act shall be operative at the same time in any geographic area defined by the Secretary, except that, if the

Secretary determines that the presence of more than 1 designated official agency in the same geographic area will not undermine the policy stated in section 2, the Secretary may—

“(A) allow more than 1 designated official agency to carry out the weighing provisions within the same geographical area as part of a pilot program; and

“(B) allow a designated official agency to cross boundary lines to carry out the weighing provisions in another geographic area if the Secretary also determines that—

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

“(ii) a person requesting weighing services in that geographic area has not been receiving official weighing services from the current designated official agency for that geographic area.”

#### SEC. 103. AUTHORIZATION TO COLLECT FEES.

(a) INSPECTION AND SUPERVISORY FEES.—Section 7(j)(4) of the United States Grain Standards Act (7 U.S.C. 79(j)(4)) is amended in the first sentence by striking “2000” and inserting “2005”.

(b) WEIGHING AND SUPERVISORY FEES.—Section 7A(l)(3) of the United States Grain Standards Act (7 U.S.C. 79a(l)(3)) is amended in the first sentence by striking “2000” and inserting “2005”.

#### SEC. 104. TESTING OF EQUIPMENT.

Section 7B(a) of the United States Grain Standards Act (7 U.S.C. 79b(a)) is amended in the first sentence by striking “but at least annually and”.

#### SEC. 105. LIMITATION ON ADMINISTRATIVE AND SUPERVISORY COSTS.

Section 7D of the United States Grain Standards Act (7 U.S.C. 79d) is amended—

(1) by striking “2000” and inserting “2005”; and

(2) by striking “40 per centum” and inserting “30 percent”.

#### SEC. 106. LICENSES AND AUTHORIZATIONS.

Section 8(a)(3) of the United States Grain Standards Act (7 U.S.C. 84(a)(3)) is amended by inserting “inspection, weighing,” after “laboratory testing.”

#### SEC. 107. GRAIN ADDITIVES.

Section 13(e)(1) of the United States Grain Standards Act (7 U.S.C. 87b(e)(1)) is amended by inserting “, or prohibit disguising the quality of grain,” after “sound and pure grain”.

#### SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

Section 19 of the United States Grain Standards Act (7 U.S.C. 87h) is amended by striking “2000” and inserting “2005”.

#### SEC. 109. ADVISORY COMMITTEE.

Section 21(e) of the United States Grain Standards Act (7 U.S.C. 87j(e)) is amended by striking “2000” and inserting “2005”.

#### SEC. 110. CONFORMING AMENDMENTS.

(a) OBSOLETE STUDIES AND REPORTS.—Section 8 of the United States Grain Standards Act of 1976 (7 U.S.C. 79 note; Public Law 94-582) is amended—

(1) by striking “(a)”; and

(2) by striking subsection (b).

(b) TEMPORARY AUTHORITIES AND STUDY.—Sections 23, 24, and 25 of the United States Grain Standards Act of 1976 (7 U.S.C. 87e-1, 7 U.S.C. 76 note; Public Law 94-582) are repealed.

(c) TRANSITIONAL PROVISION.—Section 27 of the United States Grain Standards Act of 1976 (7 U.S.C. 74 note; Public Law 94-582) is amended by striking “; and thereafter” and all that follows and inserting a period.

#### SEC. 111. SPECIAL EFFECTIVE DATE FOR CERTAIN EXPIRED PROVISIONS.

The amendments made by sections 103, 105, 108, and 109 shall take effect as if enacted on September 30, 2000.

## TITLE II—WAREHOUSES

### SEC. 201. STORAGE OF AGRICULTURAL PRODUCTS IN WAREHOUSES.

The United States Warehouse Act (7 U.S.C. 241 et seq.) is amended to read as follows:

#### “SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘United States Warehouse Act’.

#### “SEC. 2. DEFINITIONS.

“In this Act:

“(1) AGRICULTURAL PRODUCT.—The term ‘agricultural product’ means an agricultural commodity, as determined by the Secretary, including a processed product of an agricultural commodity.

“(2) APPROVAL.—The term ‘approval’ means the consent provided by the Secretary for a person to engage in an activity authorized by this Act.

“(3) DEPARTMENT.—The term ‘Department’ means the Department of Agriculture.

“(4) ELECTRONIC DOCUMENT.—The term ‘electronic document’ means a document that is generated, sent, received, or stored by electronic, optical, or similar means, including electronic data interchange, electronic mail, telegram, telex, or telecopy.

“(5) ELECTRONIC RECEIPT.—The term ‘electronic receipt’ means a receipt that is authorized by the Secretary to be issued or transmitted under this Act in the form of an electronic document.

“(6) HOLDER.—The term ‘holder’ means a person that has possession in fact or by operation of law of a receipt or any electronic document.

“(7) PERSON.—The term ‘person’ means—

“(A) a person (as defined in section 1 of title 1, United States Code);

“(B) a State; and

“(C) a political subdivision of a State.

“(8) RECEIPT.—The term ‘receipt’ means a warehouse receipt issued in accordance with this Act, including an electronic receipt.

“(9) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

“(10) WAREHOUSE.—The term ‘warehouse’ means a structure or other approved storage facility, as determined by the Secretary, in which any agricultural product may be stored or handled for the purposes of interstate or foreign commerce.

“(11) WAREHOUSE OPERATOR.—The term ‘warehouse operator’ means a person that is lawfully engaged in the business of storing or handling agricultural products.

#### “SEC. 3. POWERS OF SECRETARY.

“(a) IN GENERAL.—The Secretary shall have exclusive power, jurisdiction, and authority, to the extent that this Act applies, with respect to—

“(1) each warehouse operator licensed under this Act;

“(2) each person that has obtained an approval to engage in an activity under this Act; and

“(3) each person claiming an interest in an agricultural product by means of a document or receipt subject to this Act.

“(b) COVERED AGRICULTURAL PRODUCTS.—The Secretary shall specify, after an opportunity for notice and comment, those agricultural products for which a warehouse license may be issued under this Act.

“(c) INVESTIGATIONS.—The Secretary may investigate the storing, warehousing, classifying according to grade and otherwise, weighing, and certifying of agricultural products.

“(d) INSPECTIONS.—The Secretary may inspect or cause to be inspected any person or warehouse licensed under this Act and any warehouse for which a license is applied for under this Act.

“(e) SUITABILITY FOR STORAGE.—The Secretary may determine whether a licensed warehouse, or a warehouse for which a li-

cence is applied for under this Act, is suitable for the proper storage of the agricultural product or products stored or proposed for storage in the warehouse.

“(f) CLASSIFICATION.—The Secretary may classify a licensed warehouse, or a warehouse for which a license is applied for under this Act, in accordance with the ownership, location, surroundings, capacity, conditions, and other qualities of the warehouse and as to the kinds of licenses issued or that may be issued for the warehouse under this Act.

“(g) WAREHOUSE OPERATOR’S DUTIES.—Subject to the other provisions of this Act, the Secretary may prescribe the duties of a warehouse operator operating a warehouse licensed under this Act with respect to the warehouse operator’s care of and responsibility for agricultural products stored or handled by the warehouse operator.

“(h) SYSTEMS FOR ELECTRONIC CONVEYANCE.—

“(1) REGULATIONS GOVERNING ELECTRONIC SYSTEMS.—Except as provided in paragraph (2), the Secretary may promulgate regulations governing 1 or more electronic systems under which electronic receipts may be issued and transferred and other electronic documents relating to the shipment, payment, and financing of the sale of agricultural products may be issued or transferred.

“(2) LIMITATIONS.—The Secretary shall not have the authority under this Act to establish—

“(A) 1 or more central filing systems for the filing of financing statements or the filing of the notice of financing statements; or

“(B) rules to determine security interests of persons affected by this Act.

“(i) EXAMINATION AND AUDITS.—In addition to the authority provided under subsection (l), on request of the person, State agency, or commodity exchange, the Secretary may conduct an examination, audit, or similar activity with respect to—

“(1) any person that is engaged in the business of storing an agricultural product that is subject to this Act;

“(2) any State agency that regulates the storage of an agricultural product by such a person; or

“(3) any commodity exchange with regulatory authority over the storage of agricultural products that are subject to this Act.

“(j) LICENSES FOR OPERATION OF WAREHOUSES.—The Secretary may issue to any warehouse operator a license for the operation of a warehouse in accordance with this Act if—

“(1) the Secretary determines that the warehouse is suitable for the proper storage of the agricultural product or products stored or proposed for storage in the warehouse; and

“(2) the warehouse operator agrees, as a condition of the license, to comply with this Act (including regulations promulgated under this Act).

“(k) LICENSING OF OTHER PERSONS.—

“(1) IN GENERAL.—On presentation of satisfactory proof of competency to carry out the activities described in this paragraph, the Secretary may issue to any person a Federal license—

“(A) to inspect any agricultural product stored or handled in a warehouse subject to this Act;

“(B) to sample such an agricultural product;

“(C) to classify such an agricultural product according to condition, grade, or other class and certify the condition, grade, or other class of the agricultural product; or

“(D) to weigh such an agricultural product and certify the weight of the agricultural product.

“(2) CONDITION.—As a condition of a license issued under paragraph (1), the licensee shall

agree to comply with this Act (including regulations promulgated under this Act).

“(l) EXAMINATION OF BOOKS, RECORDS, PAPERS, AND ACCOUNTS.—The Secretary may examine and audit, using designated officers, employees, or agents of the Department, all books, records, papers, and accounts relating to activities subject to this Act of—

“(1) a warehouse operator operating a warehouse licensed under this Act;

“(2) a person operating a system for the electronic recording and transfer of receipts and other documents authorized by the Secretary; or

“(3) any other person issuing receipts or electronic documents authorized by the Secretary under this Act.

“(m) COOPERATION WITH STATES.—The Secretary may—

“(1) cooperate with officers and employees of a State who administer or enforce State laws relating to warehouses, warehouse operators, weighers, graders, inspectors, samplers, or classifiers; and

“(2) enter into cooperative agreements with States to perform activities authorized under this Act.

**“SEC. 4. IMPOSITION AND COLLECTION OF FEES.**

“(a) IN GENERAL.—The Secretary shall assess persons covered by this Act fees to cover the costs of administering this Act.

“(b) RATES.—The fees under this section shall be set at a rate determined by the Secretary.

“(c) TREATMENT OF FEES.—All fees collected under this section shall be credited to the account that incurs the costs of administering this Act and shall be available to the Secretary without further appropriation and without fiscal year limitation.

“(d) INTEREST.—Funds collected under this section may be deposited in an interest-bearing account with a financial institution, and any interest earned on the account shall be credited under subsection (c).

“(e) EFFICIENCIES AND COST EFFECTIVENESS.—

“(1) IN GENERAL.—The Secretary shall seek to minimize the fees established under this section by improving efficiencies and reducing costs, including the efficient use of personnel to the extent practicable and consistent with the effective implementation of this Act.

“(2) REPORT.—The Secretary shall publish an annual report on the actions taken by the Secretary to comply with paragraph (1).

**“SEC. 5. QUALITY AND VALUE STANDARDS.**

“If standards for the evaluation or determination of the quality or value of an agricultural product are not established under another Federal law, the Secretary may establish standards for the evaluation or determination of the quality or value of the agricultural product under this Act.

**“SEC. 6. BONDING AND OTHER FINANCIAL ASSURANCE REQUIREMENTS.**

“(a) IN GENERAL.—As a condition of receiving a license or approval under this Act (including regulations promulgated under this Act), the person applying for the license or approval shall execute and file with the Secretary a bond, or provide such other financial assurance as the Secretary determines appropriate, to secure the person's performance of the activities so licensed or approved.

“(b) SERVICE OF PROCESS.—To qualify as a suitable bond or other financial assurance under subsection (a), the surety, sureties, or financial institution shall be subject to service of process in suits on the bond or other financial assurance in the State, district, or territory in which the warehouse is located.

“(c) ADDITIONAL ASSURANCES.—If the Secretary determines that a previously approved bond or other financial assurance is

insufficient, the Secretary may suspend or revoke the license or approval covered by the bond or other financial assurance if the person that filed the bond or other financial assurance does not provide such additional bond or other financial assurance as the Secretary determines appropriate.

“(d) THIRD PARTY ACTIONS.—Any person injured by the breach of any obligation arising under this Act for which a bond or other financial assurance has been obtained as required by this section may sue with respect to the bond or other financial assurance in a district court of the United States to recover the damages that the person sustained as a result of the breach.

**“SEC. 7. MAINTENANCE OF RECORDS.**

“To facilitate the administration of this Act, the following persons shall maintain such records and make such reports, as the Secretary may by regulation require:

“(1) A warehouse operator that is licensed under this Act.

“(2) A person operating a system for the electronic recording and transfer of receipts and other documents that are authorized under this Act.

“(3) Any other person engaged in the issuance of electronic receipts or the transfer of documents under this Act.

**“SEC. 8. FAIR TREATMENT IN STORAGE OF AGRICULTURAL PRODUCTS.**

“(a) IN GENERAL.—Subject to the capacity of a warehouse, a warehouse operator shall deal, in a fair and reasonable manner, with persons storing, or seeking to store, an agricultural product in the warehouse if the agricultural product—

“(1) is of the kind, type, and quality customarily stored or handled in the area in which the warehouse is located;

“(2) is tendered to the warehouse operator in a suitable condition for warehousing; and

“(3) is tendered in a manner that is consistent with the ordinary and usual course of business.

“(b) ALLOCATION.—Nothing in this section prohibits a warehouse operator from entering into an agreement with a depositor of an agricultural product to allocate available storage space.

**“SEC. 9. COMMINGLING OF AGRICULTURAL PRODUCTS.**

“(a) IN GENERAL.—A warehouse operator may commingle agricultural products in a manner approved by the Secretary.

“(b) LIABILITY.—A warehouse operator shall be severally liable to each depositor or holder for the care and redelivery of the share of the depositor and holder of the commingled agricultural product to the same extent and under the same circumstances as if the agricultural products had been stored separately.

**“SEC. 10. TRANSFER OF STORED AGRICULTURAL PRODUCTS.**

“(a) IN GENERAL.—In accordance with regulations promulgated under this Act, a warehouse operator may transfer a stored agricultural product from 1 warehouse to another warehouse for continued storage.

“(b) CONTINUED DUTY.—The warehouse operator from which agricultural products have been transferred under subsection (a) shall deliver to the rightful owner of such products, on request at the original warehouse, such products in the quantity and of the kind, quality, and grade called for by the receipt or other evidence of storage of the owner.

**“SEC. 11. WAREHOUSE RECEIPTS.**

“(a) IN GENERAL.—At the request of the depositor of an agricultural product stored or handled in a warehouse licensed under this Act, the warehouse operator shall issue a receipt to the depositor as prescribed by the Secretary.

“(b) ACTUAL STORAGE REQUIRED.—A receipt may not be issued under this section for an agricultural product unless the agricultural product is actually stored in the warehouse at the time of the issuance of the receipt.

“(c) CONTENTS.—Each receipt issued for an agricultural product stored or handled in a warehouse licensed under this Act shall contain such information, for each agricultural product covered by the receipt, as the Secretary may require by regulation.

“(d) PROHIBITION ON ADDITIONAL RECEIPTS OR OTHER DOCUMENTS.—

“(1) RECEIPTS.—While a receipt issued under this Act is outstanding and uncanceled by the warehouse operator, an additional receipt may not be issued for the same agricultural product (or any portion of the same agricultural product) represented by the outstanding receipt, except as authorized by the Secretary.

“(2) OTHER DOCUMENTS.—If a document is transferred under this section, no duplicate document in any form may be transferred by any person with respect to the same agricultural product represented by the document, except as authorized by the Secretary.

“(e) ELECTRONIC RECEIPTS AND ELECTRONIC DOCUMENTS.—Except as provided in section 3(h)(2), notwithstanding any other provision of Federal or State law:

“(1) IN GENERAL.—The Secretary may promulgate regulations that authorize the issuance, recording, and transfer of electronic receipts, and the transfer of other electronic documents, in accordance with this subsection.

“(2) ELECTRONIC RECEIPT OR ELECTRONIC DOCUMENT SYSTEMS.—Electronic receipts may be issued, recorded, and transferred, and electronic documents may be transferred, under this subsection with respect to an agricultural product under, a system or systems maintained in 1 or more locations and approved by the Secretary in accordance with regulations issued under this Act.

“(3) TREATMENT OF HOLDER.—Any person designated as the holder of an electronic receipt or other electronic document issued or transferred under this Act shall, for the purpose of perfecting the security interest of the person under Federal or State law and for all other purposes, be considered to be in possession of the receipt or other electronic document.

“(4) NONDISCRIMINATION.—An electronic receipt issued, or other electronic document transferred, in accordance with this Act shall not be denied legal effect, validity, or enforceability on the ground that the information is generated, sent, received, or stored by electronic or similar means.

“(5) SECURITY INTERESTS.—If more than 1 security interest exists in the agricultural product that is the subject of an electronic receipt or other electronic document under this Act, the priority of the security interest shall be determined by the applicable Federal or State law.

“(6) NO ELECTRONIC RECEIPT REQUIRED.—A person shall not be required to issue in electronic form a receipt or document with respect to an agricultural product.

“(7) OPTION FOR NON-FEDERALLY LICENSED WAREHOUSE OPERATORS.—Notwithstanding any other provision of this Act, a warehouse operator not licensed under this Act may, at the option of the warehouse operator and in accordance with regulations established by the Secretary, issue electronic receipts and transfer other electronic documents in accordance with this Act.

“(8) APPLICATION TO STATE-LICENSED WAREHOUSE OPERATORS.—This subsection shall not apply to a warehouse operator that is licensed under State law to store agricultural commodities in a warehouse in the State if the warehouse operator elects—

“(A) not to issue electronic receipts authorized under this subsection; or

“(B) to issue electronic receipts authorized under State law.

**“SEC. 12. CONDITIONS FOR DELIVERY OF AGRICULTURAL PRODUCTS.**

“(a) **PROMPT DELIVERY.**—In the absence of a lawful excuse, a warehouse operator shall, without unnecessary delay, deliver the agricultural product stored or handled in the warehouse on a demand made by—

“(1) the holder of the receipt for the agricultural product; or

“(2) the person that deposited the product, if no receipt has been issued.

“(b) **PAYMENT TO ACCOMPANY DEMAND.**—Prior to delivery of the agricultural product, payment of the accrued charges associated with the storage of the agricultural product, including satisfaction of the warehouseman's lien, shall be made if requested by the warehouse operator.

“(c) **SURRENDER OF RECEIPT.**—When the holder of a receipt requests delivery of an agricultural product covered by the receipt, the holder shall surrender the receipt to the warehouse operator, in the manner prescribed by the Secretary, to obtain the agricultural product.

“(d) **CANCELLATION OF RECEIPT.**—A warehouse operator shall cancel each receipt returned to the warehouse operator upon the delivery of the agricultural product for which the receipt was issued.

**“SEC. 13. SUSPENSION OR REVOCATION OF LICENSES.**

“(a) **IN GENERAL.**—After providing notice and an opportunity for a hearing in accordance with this section, the Secretary may suspend or revoke any license issued, or approval for an activity provided, under this Act—

“(1) for a material violation of, or failure to comply, with any provision of this Act (including regulations promulgated under this Act); or

“(2) on the ground that unreasonable or exorbitant charges have been imposed for services rendered.

“(b) **TEMPORARY SUSPENSION.**—The Secretary may temporarily suspend a license or approval for an activity under this Act prior to an opportunity for a hearing for any violation of, or failure to comply with, any provision of this Act (including regulations promulgated under this Act).

“(c) **AUTHORITY TO CONDUCT HEARINGS.**—The agency within the Department that is responsible for administering regulations promulgated under this Act shall have exclusive authority to conduct any hearing required under this section.

“(d) **JUDICIAL REVIEW.**—

“(1) **JURISDICTION.**—A final administrative determination issued subsequent to a hearing may be reviewable only in a district court of the United States.

“(2) **PROCEDURE.**—The review shall be conducted in accordance with the standards set forth in section 706(2) of title 5, United States Code.

**“SEC. 14. PUBLIC INFORMATION.**

“(a) **IN GENERAL.**—The Secretary may release to the public the names, addresses, and locations of all persons—

“(1) that have been licensed under this Act or that have been approved to engage in an activity under this Act; and

“(2) with respect to which a license or approval has been suspended or revoked under section 13, the results of any investigation made or hearing conducted under this Act, including the reasons for the suspension or revocation.

“(b) **CONFIDENTIALITY.**—Except as otherwise provided by law, an officer, employee, or agent of the Department shall not divulge

confidential business information obtained during a warehouse examination or other function performed as part of the duties of the officer, employee, or agent under this Act.

**“SEC. 15. PENALTIES FOR NONCOMPLIANCE.**

“If a person fails to comply with any requirement of this Act (including regulations promulgated under this Act), the Secretary may assess, on the record after an opportunity for a hearing, a civil penalty—

“(1) of not more than \$25,000 per violation, if an agricultural product is not involved in the violation; or

“(2) of not more than 100 percent of the value of the agricultural product, if an agricultural product is involved in the violation.

**“SEC. 16. JURISDICTION AND ARBITRATION.**

“(a) **FEDERAL JURISDICTION.**—A district court of the United States shall have exclusive jurisdiction over any action brought under this Act without regard to the amount in controversy or the citizenship of the parties.

“(b) **ARBITRATION.**—Nothing in this Act prevents the enforceability of an agreement to arbitrate that would otherwise be enforceable under chapter 1 of title 9, United States Code.

**“SEC. 17. AUTHORIZATION OF APPROPRIATIONS.**

“There are authorized to be appropriated such sums as are necessary to carry out this Act.”

**SEC. 202. REGULATIONS.**

(a) **PROPOSED REGULATIONS.**—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall publish in the Federal Register proposed regulations for carrying out the amendment made by section 201.

(b) **FINAL REGULATIONS.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate final regulations for carrying out the amendment made by section 201.

(c) **EFFECTIVENESS OF EXISTING ACT.**—The United States Warehouse Act (7 U.S.C. 241 et seq.) (as it existed before the amendment made by section 201) shall be effective until the earlier of—

(1) the date on which final regulations are promulgated under subsection (b); or

(2) August 1, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BARRETT) and the gentleman from Texas (Mr. STENHOLM) 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 rise this evening in support of the bill, H.R. 4788, the Grain Standards and Warehouse Improvement Act of 2000, as amended.

The Subcommittee on General Farm Commodities, Resource Conservation and Credit, which I chair, reported the Grain Standards Act reauthorization bill out of subcommittee on July 25 of this year. I thank the gentleman from Minnesota (Mr. MINGE), the ranking member of the subcommittee, who was a cosponsor of the bill, for his contributions to this important legislation.

I also thank the gentleman from Texas (Mr. COMBEST), chairman of the full committee, and certainly the gentleman from Texas (Mr. STENHOLM), the ranking member of the committee, for their assistance in bringing this bill to the floor as well.

A special thanks to Mr. Jim Baker, who is the administrator of the Grain Inspection, Packers and Stockyards Administration, and his staff for their cooperation in working out the details of this reauthorization.

On September 30, the authorization for the collection of fees by the Grain Inspection, Packers and Stockyards Administration of the USDA expired. Since approximately 75 percent of the grain inspection budget is obtained through the collection of fees and only 25 percent through appropriations, this legislation is critical to assure the continued marketing of grain and oilseeds.

The grain standards provisions ensure confidence to our producers, grain elevators, and overseas buyers. The grain inspection and weighing procedure is very important to farmers and grain elevators. It is critical that the Department of Agriculture continue to thoroughly inspect grain for purity or, in the case of official agencies, USDA needs to provide vigilant oversight. This program provides official inspection so that customers are delivered certainly a quality product.

The bill also provides for a reasonable compromise on the issue of geographic boundaries. It will allow grain inspectors to cross boundary lines with approval from the Secretary of Agriculture. But it will also keep official agencies in place, within geographical areas.

H.R. 4788, now under consideration, also includes under Title II the important revisions to the U.S. Warehouse Act. The main revision is to authorize the use of electronic receipts.

Mr. Speaker, I urge my colleagues to support this very timely and very important piece of legislation.

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

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

Mr. Speaker, I rise tonight in support of H.R. 4788, which reauthorizes the U.S. Grain Standards Act and also updates the U.S. Warehouse Act.

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 the marketplace. This legislation helps continue that tradition by reauthorizing the inspection and weighing activities of the Grain Inspection, Packers and Stockyards Administration as well as updating the U.S. Warehouse Act and providing for the use of electronic documentation under that act.

Due to the technical nature of many of the provisions included in this legislation, I would have much preferred to report this bill from the Committee on Agriculture. However, it is imperative that we provide the grain inspection service with the authority to collect fees to provide official weighing and inspection services for grain bound for export since their authority expired on September 30. Unfortunately, we simply cannot wait any longer at this

point and take the time to go through the committee process.

I urge my colleagues to support this routine update of these two statutes and ask for their support of H.R. 4788.

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

Mr. BARRETT of Nebraska. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE), a member of the full Committee on Agriculture.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on this issue. I also commend the gentleman from Illinois (Mr. LAHOOD) for his contribution to this effort as well.

Mr. Speaker, I rise today in support of H.R. 4788, the Grain Standards and Warehouse Improvement Act of 2000. H.R. 4788 is a necessary and important piece of legislation in that it allows the Grain Inspection Packers and Stockyards Administration to continue to serve the essential purpose of guaranteeing a quality grain supply.

Through vigorous inspection, GIPSA has assisted in maintaining the integrity of the American grain, both at home and abroad. To fund this program, GIPSA has creatively relied on the collection of fees to recoup its costs for service. By reauthorizing its authority in the area of grain quality inspection, H.R. 4788 takes the necessary step to ensuring that the Grain Inspection, Packers and Stockyards Administration will continue to serve America's agriculture producers.

Mr. Speaker, I am particularly interested in H.R. 4788 because it also makes dramatic improvements to the Warehouse Act by providing the U.S. Department of Agriculture with a framework for efficient business practices most explicitly demonstrated by its language authorizing and standardizing electronic receipt documents.

Like any business today, farmers are using computers and the Internet for a variety of purposes, including financial management systems and market information. It is becoming increasingly important to ensure that all segments of our economy are technologically efficient. It is vital to empower producers and farmers by providing them with a technological tools to do business electronically in the information age. Electronic warehouse receipts and H.R. 4788 are a step in the right direction.

Mr. Speaker, I urge my colleagues to support this fine legislation.

Mr. BARRETT of Nebraska. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD), a very valued member of the full Committee on Agriculture.

Mr. LAHOOD. Mr. Speaker, I wish to thank the gentleman from Nebraska (Mr. BARRETT) for yielding me this time. I also want to thank the staff of the Committee on Agriculture for the work they have done to develop this legislation.

To put it simply, this legislation reauthorizes the Grain Standards Act

and revises the U.S. Warehouse Act to bring them into line with the 21st century. Of particular interest to me are the provisions that update the U.S. Warehouse Act by allowing for the use of electronic receipts and other documents.

I might add, parenthetically, that earlier this year, with the help of the gentleman from Virginia (Mr. GOODLATTE), the chairman of the subcommittee, we were able to pass an e-file bill that I think will bring the U.S. Department of Agriculture into the 21st century. We could not have done it without the chairman and the ranking member and their support of our e-file bill.

In this age of electronic commerce, I believe that there is a need for a Federal presence in electronic documents. But the U.S. Government should focus on establishing rules and regulations under which private operators of electronic document systems can compete.

This legislation envisions the Federal Government acting as an umpire over multiple private electronic document systems. This is the type of system currently in place for electronic cotton warehouse receipts, and it has proven to work in that arena.

Also, I realize there is a cost associated with administering this act, and that is why this legislation provides authority for the Department of Agriculture to charge fees to offset this cost.

I believe that such fees should be as low as possible and that there should be a correlation between whatever fees are ultimately charged under the Act and the specific services being rendered by the USDA.

In order to insure the viability of electronic receipts, I believe that fees should not be of such amount that they hinder the use of electronic warehouse receipts or any other electronic documents. Also, I do not believe that charging per transaction fees on electronic warehouse receipts is appropriate.

Having made these points, I believe this is a good bill which will improve the efficiency and profitability of American agriculture, and I urge all Members to support this very important legislation that, again, brings the USDA and agriculture into the 21st century electronically.

Mr. LAHOOD. Mr. Speaker, I wish to thank the gentleman from Texas (Mr. COMBEST) for yielding time. I also want to thank the staff of the Agriculture Committee for the work they have done to develop this legislation.

To put it simply, this legislation reauthorizes the Grains Standards Act and revises the U.S. Warehouse Act to bring them in-line with the 21st century. Of particular interest to me are the provisions that update the U.S. Warehouse Act by allowing for the use of electronic receipts and other documents.

In this age of e-commerce, I believe that there is a need for a federal presence in electronic documents, but that the U.S. government should focus on establishing rules and regulations under which private operators of

electronic document systems can compete. This legislation envisions the federal government acting as umpire over multiple private electronic document systems. This is the type of system currently in place for electronic cotton warehouse receipts, and it has proven to work in that arena.

Also, I realize that there is a cost associated with administering this act, and that is why this legislation provides authority for the Department of Agriculture to charge fees to offset this cost. I believe that such fees should be as low as possible and that there should be a correlation between whatever fees are ultimately charged under the Act and the specific services being rendered by USDA. In order to insure the viability of electronic receipts, I believe that fees should not be of such amount that they hinder the use of electronic warehouse receipts or other electronic documents. Also, I do not believe that charging per transaction fees on electronic warehouse receipts is appropriate.

Having made these points, I believe that this is a good bill, which will improve the efficiency and profitability of American agriculture. I urge my fellow members to support this legislation.

Mr. COMBEST. Mr. Speaker, I rise today to suspend the rules and pass the bill H.R. 4788, with an amendment, and urge my colleagues to support the Grain Standards and Warehouse Improvement Act of 2000. This 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, the authorization for the collection of fees by the Grain Inspection Packers and Stockyards Administration expired. The latest figures show that approximately 75% of the grain inspection budget is funded through the collection of fees and only 25% through appropriations. Therefore, it is imperative that Congress act now to renew this expired authority.

H.R. 4788 also makes improvements to the Warehouse Act. This will provide the United States Department of Agriculture with a 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% of the U.S. off-farm grain and rice storage capacity and 49.5% 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 (1) authorize and standardize electronic documents and allow their transfer from buyer to seller across state and international boundaries; (2) authorize warehouse operators to enter into contracts or agreements with depositors to allocate available storage space; and (3) 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. Since then, participation in the electronic-based program

has grown to more than 90% of the U.S. cotton crop. This legislation would extend the electronic warehouse receipts program to include all agriculture commodities covered by the U.S. Warehouse Act.

This legislation has been negotiated with the United States Department of Agriculture and the relevant industries. It provides for a consistent inspection of grains and the ability to utilize electronic receipts and documents for all major commodities, which will foster more reliable, competitive and efficient commerce within the agricultural sector.

In summary Mr. Speaker, this legislation will bring grain inspection and the use of warehouse facilities into the 21st century, all at no net cost to the taxpayer. I urge my colleagues to support this timely and important piece of legislation.

Mr. STENHOLM. Mr. Speaker I have no further requests for time. I encourage Members to support the bill, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BARRETT) that the House suspend the rules and pass the bill, H.R. 4788, as amended.

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

The title of the bill was amended so as to read:

“A bill to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under that Act, extend the authorization of appropriations for that Act, and improve the administration of that Act, to reenact the United States Warehouse Act to require the licensing and inspection of warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes.”

A motion to reconsider was laid on the table.

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GENERAL LEAVE

Mr. BARRETT of Nebraska. 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. 4788, the bill just passed.

The SPEAKER pro tempore (Mr. RYAN of Wisconsin). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill

(H.R. 2389) to restore stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Secure Rural Schools and Community Self-Determination Act of 2000”.

(b) Table of Contents.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.
- Sec. 4. Conforming amendment.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

- Sec. 101. Determination of full payment amount for eligible States and counties.
- Sec. 102. Payments to States from National Forest Service lands for use by counties to benefit public education and transportation.
- Sec. 103. Payments to counties from Bureau of Land Management lands for use to benefit public safety, law enforcement, education, and other public purposes.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

- Sec. 201. Definitions.
- Sec. 202. General limitation on use of project funds.
- Sec. 203. Submission of project proposals.
- Sec. 204. Evaluation and approval of projects by Secretary concerned.
- Sec. 205. Resource advisory committees.
- Sec. 206. Use of project funds.
- Sec. 207. Availability of project funds.
- Sec. 208. Termination of authority.

TITLE III—COUNTY PROJECTS

- Sec. 301. Definitions.
- Sec. 302. Use of county funds.
- Sec. 303. Termination of authority.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Authorization of appropriations.
- Sec. 402. Treatment of funds and revenues.
- Sec. 403. Regulations.
- Sec. 404. Conforming amendments.

TITLE V—MINERAL REVENUE PAYMENTS CLARIFICATION

- Sec. 501. Short title.
- Sec. 502. Findings.
- Sec. 503. Amendment of the Mineral Leasing Act.

TITLE VI—COMMUNITY FOREST RESTORATION

- Sec. 601. Short title.
- Sec. 602. Findings.
- Sec. 603. Purposes.
- Sec. 604. Definitions.
- Sec. 605. Establishment of program.
- Sec. 606. Selection process.
- Sec. 607. Monitoring and evaluation.
- Sec. 608. Report.
- Sec. 609. Authorization of appropriations.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The National Forest System, which is managed by the United States Forest Service, was established in 1907 and has grown to include approximately 192,000,000 acres of Federal lands.

(2) The public domain lands known as re-vested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, which are managed predominantly by the Bureau of Land Management were returned to Federal ownership in 1916 and 1919 and now comprise approximately 2,600,000 acres of Federal lands.

(3) Congress recognized that, by its decision to secure these lands in Federal ownership, the counties in which these lands are situated would be deprived of revenues they would otherwise receive if the lands were held in private ownership.

(4) These same counties have expended public funds year after year to provide services, such as education, road construction and maintenance, search and rescue, law enforcement, waste removal, and fire protection, that directly benefit these Federal lands and people who use these lands.

(5) To accord a measure of compensation to the affected counties for the critical services they provide to both county residents and visitors to these Federal lands, Congress determined that the Federal Government should share with these counties a portion of the revenues the United States receives from these Federal lands.

(6) Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest System lands be paid to States for use by the counties in which the lands are situated for the benefit of public schools and roads.

(7) Congress enacted in 1937 and subsequently amended a law that requires that 75 percent of the revenues derived from the re-vested and reconveyed grant lands be paid to the counties in which those lands are situated to be used as other county funds, of which 50 percent is to be used as other county funds.

(8) For several decades primarily due to the growth of the Federal timber sale program, counties dependent on and supportive of these Federal lands received and relied on increasing shares of these revenues to provide funding for schools and road maintenance.

(9) In recent years, the principal source of these revenues, Federal timber sales, has been sharply curtailed and, as the volume of timber sold annually from most of the Federal lands has decreased precipitously, so too have the revenues shared with the affected counties.

(10) This decline in shared revenues has affected educational funding and road maintenance for many counties.

(11) In the Omnibus Budget Reconciliation Act of 1993, Congress recognized this trend and ameliorated its adverse consequences by providing an alternative annual safety net payment to 72 counties in Oregon, Washington, and northern California in which Federal timber sales had been restricted or prohibited by administrative and judicial decisions to protect the northern spotted owl.

(12) The authority for these particular safety net payments is expiring and no comparable authority has been granted for alternative payments to counties elsewhere in the United States that have suffered similar losses in shared revenues from the Federal lands and in the funding for schools and roads those revenues provide.

(13) There is a need to stabilize education and road maintenance funding through predictable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance, and stewardship of Federal lands.

(14) Both the Forest Service and the Bureau of Land Management face significant backlogs in infrastructure maintenance and ecosystem restoration that are difficult to address through annual appropriations.

(15) There is a need to build new, and strengthen existing, relationships and to improve management of public lands and waters.

(b) PURPOSES.—The purposes of this Act are as follows: