

PROVIDING FOR THE CONSIDERATION OF H.R. 4101, THE
DEPARTMENT OF AGRICULTURE AND RELATED AGEN-
CIES APPROPRIATIONS FOR FISCAL YEAR 1999

JUNE 22, 1998.—Referred to the House Calendar and ordered to be printed

Mr. SOLOMON, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 482]

The Committee on Rules, having had under consideration House Resolution 482, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 4101, the “Department of Agriculture and Related Agencies Appropriations for Fiscal Year 1999” under an open rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives clause 2(1)(6) of rule XI (relating to the 3 day availability of the report) and clause 7 of rule XXI (relating to the 3 day availability of printed hearings) against consideration of the bill.

The rule provides that the amendments printed in this report shall be considered as adopted.

The rule also waives clause 2 (prohibiting unauthorized and legislative provisions in an appropriations bill) and clause 6 (prohibiting reappropriations in an appropriations bill) of rule XXI against the bill as amended.

Additionally, the Chair is authorized to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes to five minutes on a postponed question if the vote follows a fifteen minute vote.

Finally, the rule provides for one motion to recommit, with or without instructions.

SUMMARY OF AMENDMENTS CONSIDERED AS ADOPTED TO H.R. 4101,
THE DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES AP-
PROPRIATIONS FOR FISCAL YEAR 1999

(Summary provided by the Committee on Appropriations,
Subcommittee on Agriculture)

The first change reduces the amount available for renovation of USDA buildings from \$23,505,000 to \$5,000,000. USDA is in a long-term repair program and this postpones some spending until next year.

The second change reduces the amount available for the Grain Inspection, Packers and Stockyards Administration from \$29,042,000 to \$27,542,000. The amount in the original bill included \$1.5 million to replace a one-time loss of user fees. The user fee loss was covered by the supplemental appropriations bill and is no longer necessary.

The third change strikes the emergency declaration in the General Provision, which amended the Arms Export Control Act.

The fourth change places a limitation on the Conservation Farm Option Program for a savings of \$25 million. This is a new program for which USDA has yet to write regulations.

The fifth change affects Section 740, which provides for certain waiver of statute of limitations with respect to allegations of discrimination against the Department of Agriculture. The USDA failed to make timely and adequate response to discrimination complaints and the statute of limitations has expired through no fault of the complainant. The provision limits waivers to those involved between January 1, 1983 and December 31, 1996 and further limits claims to commodity programs; Agricultural Credit Insurance fund programs of farm operating loans, farm ownership loans, and emergency loans; and disaster assistance programs. The provision does not settle any cases only allows cases to go forward.

Amendments considered as adopted:

On page 5, line 14, strike "\$23,505,000" and insert "\$5,000,000" and on line 15 strike "\$155,689,000" and insert "\$137,184,000";

On page 22, line 23, strike "\$29,042,000" and insert "\$27,542,000";

And on page 68, strike all after line 18, through line 4, on page 69;

And on page 69, after line 14, insert the following:

"SEC. 739. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out a conservation farm option program authorized by section 335 of Public Law 104-127."

At the end of title VII, but before the short title, insert the following:

SEC. 740. WAIVER OF STATUTE OF LIMITATIONS.

(a) IN GENERAL.—If an eligible complaint was filed with the Department of Agriculture before July 1, 1997, any civil action to obtain relief under the Equal Credit Opportunity Act with respect to the discrimination alleged in that complaint, if commenced not

later than 2 years after the date of the enactment of this Act, shall not be barred by any provision of that Act providing a statute of limitations.

(b) ADMINISTRATIVE PROCEEDINGS.—The complainant may, in lieu of filing a civil action, seek a determination on the merits of the complaint by the Department of Agriculture. The Department of Agriculture shall—

(1) provide the complainant an opportunity for a hearing on the record before making that determination; and

(2) award the complainant such relief as would be afforded under the Equal Credit Opportunity Act with respect to the complaint.

(c) LIMITATION ON SETTLEMENT.—A proposed administrative award or settlement, exceeding \$25,000 (other than debt relief), of an eligible complaint—

(1) shall not take effect until 90 days after notice of that award or settlement is given to the Attorney General (or the Attorney General's designee); and

(2) shall not take effect in any event if, during that 90-day period, the Attorney General (or the Attorney General's designee) objects to the award or settlement.

(d) JURISDICTION.—The United States Court of Federal Claims and the U.S. District Court shall have exclusive original jurisdiction over—

(1) any cause of action arising out of a complaint with respect to which this section waives the statute of limitations; and

(2) over any civil action for judicial review of a determination in an administrative proceeding in the Department of Agriculture under this section.

(e) DEFINITION.—As used in this section, the term “eligible complaint” means a non-employment-related complaint, made under the Equal Credit Opportunity Act during the period beginning on January 1, 1983 and ending December 31, 1996, of discrimination in the administration of any of the following programs of the Department of Agriculture:

(1) The commodity programs.

(2) The following programs funded from the Agricultural Credit Insurance Program Account: farm ownership loans, farm operating loans, emergency loans.

(3) Disaster assistance programs.

(f) APPLICATION OF SECTION.—This section shall apply in fiscal year 1999 and thereafter.