

H. Res. 632

In the House of Representatives, U.S.,

October 17, 2000.

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

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

1 **SEC. 311. COTTON FUTURES.**

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

7 **SEC. 312. IMPROVED INVESTIGATIVE AND ENFORCEMENT**
8 **ACTIVITIES UNDER THE PACKERS AND**
9 **STOCKYARDS ACT, 1921.**

10 (a) IMPLEMENTATION OF GENERAL ACCOUNTING
11 OFFICE RECOMMENDATIONS.—Not later than 1 year after

1 the date of the enactment of this Act, the Secretary of
2 Agriculture shall implement the recommendations con-
3 tained in the report issued by the General Accounting Of-
4 fice entitled “Packers and Stockyards Programs: Actions
5 Needed to Improve Investigations of Competitive Prac-
6 tices”, GAO/RCED-00-242, dated September 21, 2000.

7 (b) CONSULTATION.—During the implementation pe-
8 riod referred to in subsection (a), and for such an addi-
9 tional time period as needed to assure effective implemen-
10 tation of the recommendations contained in the report re-
11 ferred to in such subsection, the Secretary of Agriculture
12 shall consult and work with the Department of Justice and
13 the Federal Trade Commission in order to—

14 (1) implement the recommendations in the re-
15 port regarding investigation management, oper-
16 ations, and case methods development processes; and

17 (2) effectively identify and investigate com-
18 plaints of unfair and anti-competitive practices in
19 violation of the Packers and Stockyards Act, 1921
20 (7 U.S.C. 181 et seq.), and enforce the Act.

21 (c) TRAINING.—Not later than 1 year after the date
22 of the enactment of this Act, the Secretary of Agriculture
23 shall develop and implement a training program for staff
24 of the Department of Agriculture engaged in the investiga-
25 tion of complaints of unfair and anti-competitive activity

1 in violation of the Packers and Stockyards Act, 1921. In
2 developing the training program, the Secretary of Agri-
3 culture shall draw on existing training materials and pro-
4 grams available at the Department of Justice and the Fed-
5 eral Trade Commission, to the extent practicable.

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

10 (e) ANNUAL ASSESSMENT OF CATTLE AND HOG IN-
11 DUSTRIES.—Title IV of the Packers and Stockyards Act,
12 1921, is amended—

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

15 (2) by inserting after section 414 the following:

16 **“SEC. 415. ANNUAL ASSESSMENT OF CATTLE AND HOG IN-**
17 **DUSTRIES.**

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

21 “(1) assesses the general economic state of the
22 cattle and hog industries;

23 “(2) describes changing business practices in
24 those industries; and

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

4 **SEC. 313. REHABILITATION OF WATER RESOURCE STRUC-**
5 **TURAL MEASURES CONSTRUCTED UNDER**
6 **CERTAIN DEPARTMENT OF AGRICULTURE**
7 **PROGRAMS.**

8 The Watershed Protection and Flood Prevention Act
9 (16 U.S.C. 1001 et seq.) is amended by adding at the end
10 the following new section:

11 **“SEC. 14. REHABILITATION OF STRUCTURAL MEASURES**
12 **NEAR, AT, OR PAST THEIR EVALUATED LIFE**
13 **EXPECTANCY.**

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

15 “(1) REHABILITATION.—The term ‘rehabilita-
16 tion’, with respect to a structural measure con-
17 structed as part of a covered water resource project,
18 means the completion of all work necessary to ex-
19 tend the service life of the structural measure and
20 meet applicable safety and performance standards.
21 This may include: (A) protecting the integrity of the
22 structural measure or prolonging the useful life of
23 the structural measure beyond the original evaluated
24 life expectancy; (B) correcting damage to the struc-
25 tural measure from a catastrophic event; (C) cor-

1 recting the deterioration of structural components
2 that are deteriorating at an abnormal rate; (D) up-
3 grading the structural measure to meet changed
4 land use conditions in the watershed served by the
5 structural measure or changed safety criteria appli-
6 cable to the structural measure; or (E) decommis-
7 sioning the structure, if requested by the local orga-
8 nization.

9 “(2) COVERED WATER RESOURCE PROJECT.—

10 The term ‘covered water resource project’ means a
11 work of improvement carried out under any of the
12 following:

13 “(A) This Act.

14 “(B) Section 13 of the Act of December
15 22, 1944 (Public Law 78–534; 58 Stat. 905).

16 “(C) The pilot watershed program author-
17 ized under the heading ‘FLOOD PREVENTION’
18 of the Department of Agriculture Appropriation
19 Act, 1954 (Public Law 156; 67 Stat. 214).

20 “(D) Subtitle H of title XV of the Agri-
21 culture and Food Act of 1981 (16 U.S.C. 3451
22 et seq.; commonly known as the Resource Con-
23 servation and Development Program).

24 “(3) STRUCTURAL MEASURE.—The term ‘struc-
25 tural measure’ means a physical improvement that

1 impounds water, commonly known as a dam, which
2 was constructed as part of a covered water resource
3 project, including the impoundment area and flood
4 pool.

5 “(b) COST SHARE ASSISTANCE FOR REHABILITA-
6 TION.—

7 “(1) ASSISTANCE AUTHORIZED.—The Secretary
8 may provide financial assistance to a local organiza-
9 tion to cover a portion of the total costs incurred for
10 the rehabilitation of structural measures originally
11 constructed as part of a covered water resource
12 project. The total costs of rehabilitation include the
13 costs associated with all components of the rehabili-
14 tation project, including acquisition of land, ease-
15 ments, and rights-of-ways, rehabilitation project ad-
16 ministration, the provision of technical assistance,
17 contracting, and construction costs, except that the
18 local organization shall be responsible for securing
19 all land, easements, or rights-of-ways necessary for
20 the project.

21 “(2) AMOUNT OF ASSISTANCE; LIMITATIONS.—
22 The amount of Federal funds that may be made
23 available under this subsection to a local organiza-
24 tion for construction of a particular rehabilitation
25 project shall be equal to 65 percent of the total re-

1 habilitation costs, but not to exceed 100 percent of
2 actual construction costs incurred in the rehabilita-
3 tion. However, the local organization shall be respon-
4 sible for the costs of water, mineral, and other re-
5 source rights and all Federal, State, and local per-
6 mits.

7 “(3) RELATION TO LAND USE AND DEVELOP-
8 MENT REGULATIONS.—As a condition on entering
9 into an agreement to provide financial assistance
10 under this subsection, the Secretary, working in con-
11 cert with the affected unit or units of general pur-
12 pose local government, may require that proper zon-
13 ing or other developmental regulations are in place
14 in the watershed in which the structural measures to
15 be rehabilitated under the agreement are located so
16 that—

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

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

22 “(c) TECHNICAL ASSISTANCE FOR WATERSHED
23 PROJECT REHABILITATION.—The Secretary, acting
24 through the Natural Resources Conservation Service, may
25 provide technical assistance in planning, designing, and

1 implementing rehabilitation projects should a local organi-
2 zation request such assistance. Such assistance may con-
3 sist of specialists in such fields as engineering, geology,
4 soils, agronomy, biology, hydraulics, hydrology, economics,
5 water quality, and contract administration.

6 “(d) PROHIBITED USE.—

7 “(1) PERFORMANCE OF OPERATION AND MAIN-
8 TENANCE.—Rehabilitation assistance provided under
9 this section may not be used to perform operation
10 and maintenance activities specified in the agree-
11 ment for the covered water resource project entered
12 into between the Secretary and the local organiza-
13 tion responsible for the works of improvement. Such
14 operation and maintenance activities shall remain
15 the responsibility of the local organization, as pro-
16 vided in the project work plan.

17 “(2) RENEGOTIATION.—Notwithstanding para-
18 graph (1), as part of the provision of financial as-
19 sistance under subsection (b), the Secretary may re-
20 negotiate the original agreement for the covered
21 water resource project entered into between the Sec-
22 retary and the local organization regarding responsi-
23 bility for the operation and maintenance of the
24 project when the rehabilitation is finished.

1 “(e) APPLICATION FOR REHABILITATION ASSIST-
2 ANCE.—A local organization may apply to the Secretary
3 for technical and financial assistance under this section
4 if the application has also been submitted to and approved
5 by the State agency having supervisory responsibility over
6 the covered water resource project at issue or, if there is
7 no State agency having such responsibility, by the Gov-
8 ernor of the State. The Secretary shall request the State
9 dam safety officer (or equivalent State official) to be in-
10 volved in the application process if State permits or ap-
11 provals are required. The rehabilitation of structural
12 measures shall meet standards established by the Sec-
13 retary and address other dam safety issues. At the request
14 of the local organization, personnel of the Natural Re-
15 sources Conservation Service of the Department of Agri-
16 culture may assist in preparing applications for assistance.

17 “(f) RANKING OF REQUESTS FOR REHABILITATION
18 ASSISTANCE.—The Secretary shall establish such system
19 of approving rehabilitation requests, recognizing that such
20 requests will be received throughout the fiscal year and
21 subject to the availability of funds to carry out this sec-
22 tion, as is necessary for proper administration by the De-
23 partment of Agriculture and equitable for all local organi-
24 zations. The approval process shall be in writing, and

1 made known to all local organizations and appropriate
2 State agencies.

3 “(g) PROHIBITION ON CERTAIN REHABILITATION
4 ASSISTANCE.—The Secretary may not approve a rehabili-
5 tation request if the need for rehabilitation of the struc-
6 ture is the result of a lack of adequate maintenance by
7 the party responsible for the maintenance.

8 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
9 is authorized to be appropriated to the Secretary to pro-
10 vide financial and technical assistance under this
11 section—

12 “(1) \$5,000,000 for fiscal year 2001;

13 “(2) \$10,000,000 for fiscal year 2002;

14 “(3) \$15,000,000 for fiscal year 2003;

15 “(4) \$25,000,000 for fiscal year 2004; and

16 “(5) \$35,000,000 for fiscal year 2005.

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

22 “(j) RECORDKEEPING AND REPORTS.—

23 “(1) SECRETARY.—The Secretary shall main-
24 tain a data base to track the benefits derived from
25 rehabilitation projects supported under this section

1 and the expenditures made under this section. On
2 the basis of such data and the reports submitted
3 under paragraph (2), the Secretary shall prepare
4 and submit to Congress an annual report providing
5 the status of activities conducted under this section.

6 “(2) GRANT RECIPIENTS.—Not later than 90
7 days after the completion of a specific rehabilitation
8 project for which assistance is provided under this
9 section, the local organization that received the as-
10 sistance shall make a report to the Secretary giving
11 the status of any rehabilitation effort undertaken
12 using financial assistance provided under this sec-
13 tion.”.

14 **SEC. 314. RELEASE OF REVERSIONARY INTEREST AND CON-**
15 **VEYANCE OF MINERAL RIGHTS IN FORMER**
16 **FEDERAL LAND IN SUMTER COUNTY, SOUTH**
17 **CAROLINA.**

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

19 (1) The hiking trail known as the Palmetto
20 Trail traverses the Manchester State Forest in Sum-
21 ter County, South Carolina, which is owned by the
22 South Carolina State Commission of Forestry on be-
23 half of the State of South Carolina.

24 (2) The Commission seeks to widen the Pal-
25 metto Trail by acquiring a corridor of land along the

1 northeastern border of the trail from the Anne
2 Marie Carton Boardman Trust in exchange for a
3 tract of former Federal land now owned by the Com-
4 mission.

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

10 (b) RELEASE OF REVERSIONARY INTEREST.—

11 (1) RELEASE REQUIRED.—In the case of the
12 tract of land identified as Tract 3 on the map num-
13 bered 161–DI and further described in paragraph
14 (2), the Secretary of Agriculture shall release the re-
15 versionary interest of the United States in the land
16 that—

17 (A) requires that the land be used for pub-
18 lic purposes; and

19 (B) is contained in the deed conveying the
20 land from the United States to the South Caro-
21 lina State Commission of Forestry, dated June
22 28, 1955, and recorded in Deed Drawer No. 6
23 of the Clerk of Court for Sumter County, South
24 Carolina.

1 (2) MAP OF TRACT 3.—Tract 3 is generally de-
2 picted on the map numbered 161–DI, entitled
3 “Boundary Survey for South Carolina Forestry
4 Commission”, dated August 1998, and filed, to-
5 gether with a legal description of the tract, with the
6 South Carolina State Commission of Forestry.

7 (3) CONSIDERATION.—As consideration for the
8 release of the revisionary interest under paragraph
9 (1), the State of South Carolina shall transfer to the
10 United States a vested future interest, similar to the
11 restriction described in paragraph (1)(A), in the
12 tract of land identified as Parcel G on the map num-
13 bered 225–HI, entitled “South Carolina Forestry
14 Commission Boardman Land Exchange”, dated
15 June 9, 1999, and filed, together with a legal de-
16 scription of the tract, with the South Carolina State
17 Commission of Forestry.

18 (c) EXCHANGE OF MINERAL RIGHTS.—

19 (1) EXCHANGE REQUIRED.—Subject to any
20 valid existing rights of third parties, the Secretary of
21 the Interior shall convey to the South Carolina State
22 Commission of Forestry on behalf of the State of
23 South Carolina all of the undivided mineral rights of
24 the United States in the Tract 3 identified in sub-
25 section (b)(1) in exchange for mineral rights of

1 equal value held by the State of South Carolina in
 2 the Parcel G identified in subsection (b)(3) as well
 3 as in Parcels E and F owned by the State and also
 4 depicted on the map referred to in subsection (b)(3).

5 (2) DETERMINATION OF MINERAL CHAR-
 6 ACTER.—Not later than 90 days after the date of
 7 the enactment of this Act, the Secretary of the Inte-
 8 rior shall determine—

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

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

13 **SEC. 315. TECHNICAL CORRECTION REGARDING RESTORA-**
 14 **TION OF ELIGIBILITY FOR CROP LOSS AS-**
 15 **SISTANCE.**

16 Section 259 of the Agricultural Risk Protection Act
 17 of 2000 (Public Law 106–224; 114 Stat. 426; 7 U.S.C.
 18 1421 note) is amended by adding at the end the following:

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

22 **SEC. 316. PORK CHECKOFF REFERENDUM.**

23 Notwithstanding section 1620(c)(3)(B)(iv) of the
 24 Pork Promotion, Research, and Consumer Information
 25 Act of 1985 (7 U.S.C. 4809(c)(3)(B)(iv)), the Secretary

1 shall use funds of the Commodity Credit Corporation to
2 pay for all expenses associated with the pork checkoff ref-
3 erendum ordered by the Secretary on February 25, 2000.

Attest:

Clerk.