

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

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

Mr. Speaker, H.R. 3217 allows the Forest Service to convey without consideration 10.2 acres of the Apalachicola National Forest to the Mt. Trial Primitive Baptist Church of Wakulla County, Florida.

This parcel of land was purchased by the Mt. Trial church in the 1930s; but for a variety of reasons, the deed was never recorded. Unfortunately, the original landowner subsequently resold the land to the National Forest Service in the 1950s. While the Forest Service now technically owns the land, it is more than happy to return this cemetery to the church. This is a fair and equitable resolution to this unfortunate situation.

H.R. 3217 was marked up by the Committee on Agriculture on October 29, 2003. It was approved by the committee on a voice vote without amendment. The bill enjoys the support of the local community and the administration. I urge all Members to support this legislation and return this property to its rightful owner.

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

I rise in support of H.R. 3217, legislation to convey several small parcels of National Forest System land in the Apalachicola National Forest in order to resolve boundary discrepancies involving the U.S. Forest Service and the Mt. Trial Primitive Baptist Church of Wakulla County, Florida.

Briefly, H.R. 3217 would allow the Mt. Trial church to expand a cemetery that it maintains next to its church building. This legislation would correct boundary discrepancies that resulted from the church and the Forest Service claiming ownership to the same 10-acre tract of land.

By way of background, the Mt. Trial Primitive Baptist Church is a historically African American church that purchased 10 acres of land in the 1930s in anticipation of expanding its cemetery. The church, however, never recorded the deed for the land purchased at the local county courthouse.

In 1938, the U.S. Forest Service purchased the same 10 acres of land as part of a larger tract that was incorporated into the Apalachicola National Forest. In that instance, the Forest Service did record its deed; and while there is no dispute about the validity of the church's purchase, the Department of Agriculture's legal counsel has ruled that because the Federal Government did file its deed with the county, it is the rightful owner of the property. I would also note that two graves are already located on the Federal Government property and the church's existing cemetery is full.

Mr. Speaker, H.R. 3217 will solve the boundary discrepancies by giving the Secretary of Agriculture the authority to transfer the property to the Mt.

Trial Primitive Baptist Church. I encourage my colleagues to support this measure. This measure has been brought to our attention by the gentleman from Florida (Mr. BOYD).

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

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

This is a fair and equitable way to deal with this problem. All parties agree to it, and hopefully the Members of the House will join us in support of this important legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and pass the bill, H.R. 3217.

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.

#### GENERAL LEAVE

Mr. GUTKNECHT. 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. 3217, the bill just passed.

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

There was no objection.

#### PROVIDING FOR DESIGNATION OF A DEPARTMENT OF AGRICULTURE DISASTER LIAISON

Mr. GUTKNECHT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3157) to provide for the designation of a Department of Agriculture disaster liaison to assist State and local employees of the Department in coordination with other disaster agencies in response to a federally declared disaster area as a result of a disaster, as amended.

The Clerk read as follows:

H.R. 3157

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

#### SECTION 1. LIAISON FOR DISASTER EMERGENCIES.

(a) DEPLOYMENT OF DISASTER LIAISON.—The Secretary of Agriculture shall deploy disaster liaisons to State and local Department of Agriculture Service Centers in a federally declared disaster area whenever Federal Emergency Management Agency Personnel are deployed in that area, to coordinate Department programs with the appropriate disaster agencies designated under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) QUALIFICATIONS.—Disaster liaisons shall be selected from among Department employees who have experience providing emergency disaster relief in federally declared disaster areas.

(c) DUTIES.—A disaster liaison shall—

(1) serve as a liaison to State and Federal Emergency Services;

(2) be deployed to a federally declared disaster area to coordinate Department inter-agency programs in assistance to agricultural producers in the declared disaster area;

(3) facilitate the claims and applications of agricultural producers who are victims of the disaster that are forwarded to the Department by the appropriate State Department of Agriculture agency director; and

(4) coordinate with the Director of the State office of the appropriate Department agency to assist with the application for and distribution of economic assistance.

(d) DURATION OF DEPLOYMENT.—The deployment of a disaster liaison under subsection (a) may not exceed 30 days.

(e) DEFINITION.—In this section, the term "federally declared disaster area" means—

(1) an area covered by a Presidential declaration of major disaster, including a disaster caused by a wildfire, issued under section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); or

(2) determined to be a disaster area, including a disaster caused by a wildfire, by the Secretary under subpart A of part 1945 of title 7, Code of Federal Regulations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. GUTKNECHT) and the gentleman from Texas (Mr. STENHOLM) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT).

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

Mr. Speaker, H.R. 3157, a bill to designate and deploy U.S. Department of Agriculture liaison teams to areas of the country declared disaster areas, was approved by the Committee on Agriculture on October 29 of this year.

The bill seeks to ensure prompt Federal assistance to agricultural producers in rural areas affected by natural disasters that have been declared by the President or the Secretary of Agriculture. The teams will coordinate the activities of USDA employees assisting agricultural producers within the disaster area. The teams will facilitate the making of claims and applications for economic assistance of affected producers and others as they deal with the agencies designated under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

During the business meeting to consider H.R. 3157, the committee considered and adopted as a substitute amendment four changes to the legislation as originally introduced by the gentleman from Missouri (Mr. BLUNT). These changes include directing the Secretary of Agriculture to use USDA Food and Agriculture Council as a point of contact for the liaison team, requiring the Secretary to make the deployment only when FEMA has been sent to the disaster area, providing that the team will conduct and conclude its business within 30 days of the deployment, and, finally, adding wildfire as a specific disaster under a secretarial disaster declaration.

The bill before the House this afternoon makes a minor amendment to the

committee-reported bill by returning to the Secretary of Agriculture the full discretion to assign USDA employees to the liaison positions, instead of acting through the Department's Food and Agriculture Council.

As I am certain my colleagues can understand, natural disasters over large geographical areas often are followed by chaotic circumstances on the ground. Traditionally, USDA has had a significant role along with FEMA in assisting farmers, ranchers, and other rural residents; and this bill attempts to make those circumstances more orderly and more predictable for our rural constituents during a time when those residents and the communities in which they live need Federal help.

I hope the House will join with me in supporting this bill that seeks to improve Federal disaster assistance on our farms and in rural communities.

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

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

Mr. Speaker, H.R. 3157 is a bipartisan piece of legislation that attempts to address the very serious issue of USDA program coordination and information dissemination during times of federally declared national disasters.

Currently, there is no statutory requirement that USDA make a representative available at the Emergency Operations Center following a catastrophic disaster. As a result, if a farmer or rancher suffers a loss due to a natural disaster, there is no USDA point of contact on site to answer questions or provide information about departmental relief programs. Such information is obviously critical, and this legislation simply ensures that farmers and ranchers will have access to an on-site USDA point of contact.

While expressing support for this bill, let me briefly address a bigger issue for farmers and ranchers that have been adversely affected by a disaster. The fact is there are only minimal standing disaster programs within USDA to help farmers and ranchers deal with the variety of losses that can occur as a result of a natural disaster. In effect, all that USDA on-site points of contact can do is to tell farmers and ranchers, Sorry, the United States Department of Agriculture cannot help you. In addition, farmers and ranchers do not qualify for Small Business Administration programs and, in point of fact, receive very little help from FEMA.

So again, while I support H.R. 3157, the bigger question is what can be done to provide farmers and ranchers with greater certainty in terms of permanent disaster programs so that they may have some hope of recovering from such disasters.

Mr. BLUNT. Mr. Speaker, I rise today to urge support for the Rural Disaster Liaison Bill (H.R. 3157).

This past May, my district saw devastating losses in the aftermath of a series of tornadoes.

Estimates indicate that our agriculture community in southwest Missouri lost an estimated \$27 billion in damages.

On the ground at home following those tornadoes, I noticed that the U.S. Department of Agriculture (USDA) had no staff in the state-wide disaster field office (DFO) where officials from FEMA and the Small Business Administration were helping individuals and business owners.

Because Disaster Act declarations make no arrangements for a USDA representative, a single voice from USDA was noticeably absent on the ground in Southwest Missouri during disaster response discussions in the days and weeks after those terrible tornadoes.

This legislation will bring greater coordination from the USDA's three major agencies—Natural Resources Conservation Service, the Farm Service Agency and Rural Development—by requiring that a liaison from USDA be a member of future Federal disaster response teams. This individual would be dispatched to a disaster to work side-by-side with representatives from the local Farm Service Agency (FSA) for 30 days to help find relief for those disaster victims. Once the 30 days are up, the liaison will return to his or her post in Washington, DC, and continue to work on behalf of the farmers and others who need the services that the USDA provides.

Mr. Speaker, I hope that a disaster response team is never necessary in any of the districts my colleagues represent. However, should disaster strike, let's make sure that our agriculture communities are represented and that they get the help they deserve in a prompt fashion.

I urge my colleagues to support the passage of H.R. 3157.

Mr. BACA. Mr. Speaker, I rise in support of H.R. 3157. I am proud to support this legislation that will help farmers recover from national disasters because I believe that far too often, farmers are not thought of during times of emergency.

Representative BLUNT has authored a good bill. I supported it in the House Agriculture Committee and I even introduced an amendment that would make sure that the people in my home State of California, who suffered from the recent wildfires, could be helped by this bill.

Too many Californians have no idea how they will get by without their orchards, olive groves, and other farming operations that burned to the ground.

This legislation will compel the Department of Agriculture to create disaster liaisons and dispatch them to disaster zones.

In California, we have suffered greatly from several wildfires that have caused great damage throughout the state.

In San Bernardino County, over 40,000 people were evacuated from their homes, and nearly 1,200 buildings burned to the ground.

Far too many people lost their homes, farms, and in some cases—their lives—to these wild fires.

This bill and my amendment are only a small step in the right direction. We must funnel Federal attention and resources to rebuild after these deadly wildfires and help prevent similar events in the future.

Mr. CARDOZA. Mr. Speaker, H.R. 3157 would require USDA to designate employees of the Department to serve as disaster liaisons to State and local emergency agencies in a federally declared disaster area. These liaisons would be responsible for coordinating interagency programs and assisting agricul-

tural producers in the area to navigate through the bureaucracy of Federal Government support.

I want to thank Majority Whip BLUNT for taking the initiative to introduce this legislation on behalf of farmers and growers in the United States. I was more than happy to sign on as the lead cosponsor because of a situation faced by a handful of growers in my congressional district earlier this year.

During this past April, an unusual hailstorm descended upon Merced County, ruining acres and acres of peach orchards. That event set off a chain of events involving numerous agencies within USDA, which in turn led to me and my staff to negotiate on their behalf with countless officials and administrators throughout USDA attempting to elicit some type of assistance from the Federal Government. It was a trying experience to say the least.

When a disaster happens now, multiple USDA agencies involved with numerous programs actively assess damage in a disaster area, while compiling information from hundreds of phone calls and by talking to numerous disaster victims. This information is then assembled and sent to representatives of the State. The farmer is left to fend for himself or herself with no point of contact for follow up.

Those situations are what Mr. BLUNT and I are trying to avoid with this legislation.

When enacted, H.R. 3157 will require USDA to recognize the importance of quick response time to agricultural disasters by deploying an experienced disaster specialist to an affected area. This official will facilitate such things as crop insurance claims processing and other applications for economic assistance as well as provide one legitimate source of information and comfort from the Federal Government.

My growers affected by the hailstorm were continually given conflicting information from different USDA employees. It is imperative that growers, especially the more skeptical growers in my home State of California, be able to receive clear and concise information on how to proceed after a Federal disaster as been declared in order to most efficiently proceed to the next crop year.

H.R. 3157 is the right thing to do for America's agricultural industry and I am proud to be a sponsor of this bill.

Again, I would like to thank Chairman GOODLATTE, Ranking Member STENHOLM, and Majority Whip BLUNT for recognizing the importance of the legislation. I urge an aye vote on this bill.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 3157, which will direct the Secretary of Agriculture to designate employees of the Department of Agriculture to serve as liaisons between the federal agencies and state and local governments in the event of a federally declared disaster area.

As Delegate and long-term resident of Guam, I can attest to the debilitating state of confusion in the aftermath of a disaster. Just last year, individuals and businesses on Guam sustained millions of dollars in damage as result of the destruction wrought by two super-typhoons, Cha'at'an in May and Pongsona in December, 2002. While federal agencies worked quickly to implement disaster recovery plans for Guam, the central communications

mechanism between GovGuam and the various agencies through FEMA and its designated liaisons was crucial to the typhoon recovery.

H.R. 3157 will create a consistent mechanism of communication between the federal government and state and local entities for agricultural issues in the event of a disaster. I strongly support passage of H.R. 3157 and encourage my colleagues to vote in favor of this important disaster legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. GUTKNECHT) that the House suspend the rules and pass the bill, H.R. 3157, 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.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 3157, as amended.

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

There was no objection.

#### RESOLVING BOUNDARY CONFLICTS IN VICINITY OF MARK TWAIN NATIONAL FOREST IN BARRY AND STONE COUNTIES, MISSOURI

Mr. GUTKNECHT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2304) to resolve boundary conflicts in the vicinity of the Mark Twain National Forest in Barry and Stone Counties, Missouri, that resulted from private landowner reliance on a subsequent Federal survey, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2304

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

##### SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Certain landowners in Barry and Stone Counties, Missouri, innocently and in good faith relied on subsequent land surveys, which they believed to be correct, and occupied, improved, or claimed portions of adjoining Federal lands based on such survey information.

(2) The appropriate Federal agencies should undertake actions to correctly reestablish the corners of the Public Land Survey System in Barry and Stone Counties, Missouri, and rectify boundary conflicts and landownership claims against Federal lands resulting from subsequent land surveys, and do so in a manner which imposes the least cost and inconvenience to affected private landowners.

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

(1) to resolve boundary conflicts in Barry and Stone Counties, Missouri, arising from subsequent land surveys; and

(2) to minimize costs and inconvenience to the affected private property owners in Barry and Stone Counties, Missouri.

##### SEC. 2. RESOLUTION OF BOUNDARY CONFLICTS, VICINITY OF MARK TWAIN NATIONAL FOREST, BARRY AND STONE COUNTIES, MISSOURI.

(a) DEFINITIONS.—In this section:

(1) The term “appropriate Secretary” means the Secretary of the Army or the Secretary of Agriculture.

(2) The term “boundary conflict” means the situation in which the private claim of ownership to certain lands, based on subsequent land surveys, overlaps or conflicts with Federal ownership of the same lands.

(3) The term “Federal land surveys” means any land survey made by any agency or department of the Federal Government using Federal employees, or by Federal contract with State-licensed private land surveyors or corporations and businesses licensed to provide professional land surveying services in the State of Missouri.

(4) The term “original land surveys” means the land surveys made by the United States General Land Office as part of the Public Land Survey System in the State of Missouri, and upon which Government land patents were issued conveying the land.

(5) The term “Public Land Survey System” means the rectangular system of original Government lands surveys made by the United States General Land Office and its successor, the Bureau of Land Management, under Federal laws providing for the survey of the public lands upon which the original land patents were issued.

(6) The term “qualifying claimant” means a private owner of real property in Barry or Stone County, Missouri, who has a boundary conflict as a result of good faith and innocent reliance on subsequent land surveys, and as a result of such reliance, has occupied, improved, or made ownership claims to Federal lands.

(7) The term “subsequent land surveys” mean any land surveys made after the original land surveys.

(b) NOTICE OF BOUNDARY CONFLICT.—

(1) SUBMISSION AND CONTENTS.—A qualifying claimant shall notify the appropriate Secretary in writing of a claim that a boundary conflict exists with Federal land administered by the appropriate Secretary. The notice shall be accompanied by the following information, which, except as provided in subsection (d)(2)(B), shall be provided without cost to the United States:

(A) A land survey plat and legal description of the affected Federal lands, which are based upon a land survey completed and certified by a Missouri State-licensed professional land surveyor, and done in conformity with the Public Land Survey System and in compliance with the applicable State and Federal land surveying laws.

(B) Information relating to the claim of ownership of the Federal lands, including supporting documentation showing the landowner relied on a subsequent land survey due to actions by the Federal Government in making or approving surveys for the Table Rock Reservoir.

(2) DEADLINE FOR SUBMISSION.—To obtain relief under this section, a qualifying claimant shall submit the notice required by paragraph (1) within 15 years after the date of the enactment of this Act.

(3) RESPONSIBILITIES OF CLAIMANTS.—The qualifying claimant shall have the responsibility for establishing that the qualifying

claimant qualifies for the remedies provided in subsection (c).

(c) RESOLUTION AUTHORITIES.—The appropriate Secretary may take any of the following actions, or combination of actions, in order to resolve boundary conflicts with qualifying claimants involving lands under the administrative jurisdiction of the appropriate Secretary:

(1) Convey and quitclaim all right, title, and interest of the United States in land subject to a boundary conflict.

(2) Confirm Federal title to, and retain in Federal management, any land subject to a boundary conflict, if the appropriate Secretary determines there are Federal interests, including improvements, authorized uses, easements, hazardous materials, or historical and cultural resources, on the land that necessitates retention of the land.

(3) Compensate the qualifying claimant for the value of the overlapping property for which title is confirmed and retained in Federal management pursuant to paragraph (2).

(d) CONSIDERATION AND COST.—

(1) CONVEYANCE WITHOUT CONSIDERATION.—The conveyance of land under subsection (c)(1) shall be made without consideration if the appropriate Secretary determines that the boundary conflict was the result of the innocent detrimental reliance by the qualifying claimant on a subsequent land survey.

(2) COSTS.—The appropriate Secretary shall—

(A) pay administrative, personnel, and any other costs associated with the implementation of this section, including the costs of survey, marking, and monumenting property lines and corners; and

(B) reimburse the qualifying claimant for reasonable out-of-pocket survey costs necessary to establish a claim under this section.

(3) VALUATION.—Compensation paid to a qualifying claimant pursuant to subsection (c)(3) for land retained in Federal ownership pursuant to subsection (c)(2) shall be valued on the basis of the contributory value of the tract of land to the larger adjoining private parcel and not on the basis of the land being a separate tract. The appropriate Secretary shall not consider the value of any Federal improvements to the land.

(e) PREEXISTING CONDITIONS; RESERVATIONS; EXISTING RIGHTS AND USES.—

(1) PREEXISTING CONDITIONS.—The appropriate Secretary shall not compensate a qualifying claimant or any other person for any preexisting condition or reduction in value of any land subject to a boundary conflict because of any existing or outstanding permits, use authorizations, reservations, timber removal, or other land use or condition.

(2) EXISTING RESERVATIONS AND RIGHTS AND USES.—Any conveyance pursuant to subsection (c)(1) shall be subject to—

(A) reservations for existing public uses for roads, utilities, and facilities; and

(B) permits, rights-of-way, contracts and any other authorization to use the property.

(3) TREATMENT OF LAND SUBJECT TO SPECIAL USE AUTHORIZATION OR PERMIT.—For any land subject to a special use authorization or permit for access or utilities, the appropriate Secretary may convert, at the request of the holder, such authorization to a permanent easement prior to any conveyance pursuant to subsection (c)(1).

(4) FUTURE RESERVATIONS.—The appropriate Secretary may reserve rights for future public uses in a conveyance made pursuant to subsection (c)(1) if the qualifying claimant is compensated for the reservation in cash or in land of equal value.

(f) RELATION TO OTHER CONVEYANCE AUTHORITY.—Nothing in this section affects the