

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A motion to reconsider was laid on the table.

#### REGARDING INSPECTOR GENERAL OF COMMODITY FUTURES TRADING COMMISSION

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6406

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

#### SECTION 1. INSPECTOR GENERAL OF COMMODITY FUTURES TRADING COMMISSION.

(a) ELEVATION OF OFFICE.—

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

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

the Commissions established under section 15301 of title 40, United States Code;" and inserting "the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code; or the Chairman of the Commodity Futures Trading Commission;".

(B) Section 11(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "or the Commissions established under section 15301 of title 40, United States Code," and inserting "the Commissions established under section 15301 of title 40, United States Code, or the Commodity Futures Trading Commission,".

(2) EXCLUSION OF CFTC FROM DEFINITION OF DESIGNATED FEDERAL ENTITY.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "the Commodity Futures Trading Commission,".

(b) EFFECTIVE DATE; TRANSITION RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

(2) TRANSITION RULE.—An individual serving as Inspector General of the Commodity Futures Trading Commission on the effective date of this section pursuant to an appointment made under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)—

(A) may continue so serving until the President makes an appointment under section 3(a) of such Act consistent with the amendments made by this section; and

(B) shall, while serving under subparagraph (A), remain subject to the provisions of section 8G of such Act which apply with respect to the Commodity Futures Trading Commission.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

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

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

There was no objection.

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

H.R. 6406 will elevate the Inspector General of the Commodity Futures Trading Commission to a Presidentially appointed, Senate-confirmed position. This bill strengthens the integrity of the Commodity Futures Trading Commission by giving the Inspector General more authority and independence to investigate CFTC's regulation of commodity futures and option markets.

H.R. 6406 builds upon legislation recently passed by the House to give the CFTC more authority to investigate and regulate speculations in all and future markets. In light of the current financial crisis, this bill is an important step in boosting the independence, accountability, and credibility of a key financial regulator.

Under current law, the Inspector General is hired by the chairman of the CFTC. This process may prevent the IG from conducting a thorough investigation into CFTC's programs and oper-

ations. This bill will separate the IG's oversight function from day-to-day management by the chairman and commissioners and reassure market users and the public that they are being protected from fraud, manipulation, and abusive practices related to the sale of commodity and financial futures.

Madam Speaker, this bill is a small but important step towards improving public trust in the Commodity Futures Trading Commission. I fully support its passage and urge my colleagues to do the same.

I reserve the balance of my time.

Mr. DUNCAN. I yield myself such time as I may consume.

Madam Speaker, I'm honored to be on the floor on this legislation with my good friend, Chairman TOWNS, who is one of our great Members on the other side.

Today we take up H.R. 6406 which elevates the Inspector General of the Commodity Futures Trading Commission to an Inspector General position requiring a Presidential appointment and Senate confirmation, or, as some people refer to it, a PAS position.

On behalf of Ranking Member DAVIS, I do want to express one concern, and that is that this legislation does not come to the floor through regular order, and while we understand the need to move quickly to ensure that we have solid oversight from an independent source at the CFTC, this bill could have benefited from a review by the Oversight and Government Reform Committee.

Recommendation 6 of Paul Volcker's National Commission on Public Service issued in January of 2003 said, "Congress and the President should work together to significantly reduce the number of executive branch political positions."

□ 1730

The Commission noted that President Kennedy had 286 leadership positions to fill when he became President in 1960, and that by the end of the Clinton administration there were 914 principle leadership positions; and that in 2001, the new President, George W. Bush, at that time confronted a total of 3,361 offices to be filled by political appointment.

The Commission pointed to several reasons for this, mostly due to a bad Federal management structure. But regarding Inspectors General, we believe much of this stems from an assumption that the PAS process generates a more professional and independent Inspector General. To our knowledge, no one has successfully demonstrated a nexus between the PAS process and professional excellence. And our fear is that a growing lag in the PAS process will cause even larger gaps in leadership during the Presidential transitions.

With that said, however, on our side, we're inclined to support this bill given the current crisis that we face. And we know that the CFTC is a very important agency, particularly at this time.

But we caution our colleagues to pay more attention to these "elevation bills" in the future and insist on a specific articulated need for any proposed change, and also, hopefully, full committee hearings.

Madam Speaker, I reserve the balance of my time.

Mr. TOWNS. Madam Speaker, I yield 2 minutes to the gentleman from North Carolina, Congressman ETHERIDGE.

Mr. ETHERIDGE. I thank the gentleman for yielding.

Madam Speaker, I rise in support of H.R. 6406, Mr. LARSON's bill to make the Inspector General at the CFTC a Presidential appointment, and hence more of an independent office within the Commission.

Madam Speaker, as you know, the provisions of H.R. 6406 were originally part of the Commodity Markets Transparency and Accountability Act introduced by the Ag chairman, Chairman PETERSON, and myself after Representative LARSON had brought it to us. The House has already supported those provisions with 276 votes when the CMTA was first considered on July 30 of this year. Unfortunately, because of jurisdictional issues, the provisions were not a part of the version of the CMTA Act that passed the House last week. I am pleased that we are able to take this vote today to promote an independent Inspector General for the CFTC as originally intended.

We passed the CMTA to bring some more sunshine to the commodities market and over-the-counter trading of energy and agricultural commodities. This greater transparency will help establish greater confidence in the markets. An independent Inspector General will contribute further to that goal.

I applaud the gentleman from Connecticut for his perseverance in moving the bill forward. The points he has raised regarding the need for this bill have merit. Currently, the Department of the Treasury is the only financial regulator with a Presidentially-appointed Inspector General. This bill will make the CFTC the second financial regulator with this kind of independent oversight.

Given the financial turmoil that we have seen in other financial markets, the arguments for a more independent Inspector General for the CFTC also apply to other financial regulators, like the Federal Reserve Board and the SEC. Congress may want to consider requiring similar provisions for other financial regulators.

This bill is a step in the right direction to bring confidence to financial markets. I urge my colleagues to support the bill.

Mr. DUNCAN. Madam Speaker, I continue to reserve our time.

Mr. TOWNS. Madam Speaker, I yield 3 minutes to the sponsor of the bill, Congressman LARSON from the great State of Connecticut.

Mr. LARSON of Connecticut. Thank you, Chairman TOWNS.

I appreciate the opportunity to speak on behalf of this important bill that's a

vital piece of our anti-speculation measures we have passed in the House this session.

By elevating the Inspector General of the Commodities Futures Trading Commission to the level of a wholly independent office will provide for greater oversight in our commodities markets and, as Mr. ETHERIDGE has said and as Mr. PETERSON and the committee acknowledged, was important in terms of us letting all the sunshine we can into what is commonly referred to as the “dark market.” And this would provide us a great opportunity to make sure that, on behalf of the American people, that we return the sheriff to the job and bring back much-needed regulation in these areas.

I want to thank Chairman PETERSON and Ranking Member GOODLATTE for their leadership and Chairman WAXMAN and Ranking Member TOM DAVIS for helping with this legislation. But I must say that the genesis of this legislation comes from individuals from my home State who came to me with concerns about senior citizens having to take their entire Social Security check and put it into home heating oil. And what they had noted is that rampant speculation was driving the costs up in these markets and the laws of supply and demand have been suspended, and what was needed was an antiseptic, a way to open up and look at these markets in terms of allowing the sunshine to come in.

As my grandfather Nolan would say, “It’s a simple case of trust everyone, but cut the cards.” And in this, not only do we have an opportunity to cut the cards, but shuffle and give a new deal to the American people. That’s why this legislation is so important.

I appreciate all of the work and effort the committee has done. Certainly the surge in oil prices this summer has worsened the concerns on behalf of the American people. It’s important, especially given all that has happened as we sit here, that this Congress, that this body do everything that it can to restore oversight and review and bring back to the American people the notion that this is the people’s House, and we’re watching what’s happening on Wall Street on their behalf and empowering people with all the appropriate tools to go after those who will break the law or move outside of the law and not act on behalf of the interests of the American people.

Again, I want to thank the chairman. And I want to thank those in the committee for ushering this legislation forward.

Mr. DUNCAN. Madam Speaker, we continue to reserve.

Mr. TOWNS. Madam Speaker, let me say, I want to first commend the gentleman from Connecticut for putting this legislation together.

This is a very timely piece of legislation; we need it today more than ever. We need to have an independent IG. We need to make certain that his hands are not tied or her hands are not tied,

that they’re able to go and to look, and wherever the problem is, that they’re able to go without being interfered with.

So I think this is a great piece of legislation. And I’m happy to have a presidential appointment, because that’s the kind of independence that’s needed, as you know what’s going on in this country today. I mean, let’s face it. And of course we need to make certain that we have transparency. We need to make certain that people in the position are able to carry out that position without any kind of restrictions at all. So this legislation addresses that.

I think it’s a good piece of legislation. I encourage my colleagues and friends to support it. And I say to the author of it and to the members who have been very involved in the Ag Committee for this, I really want to say to you, thank you for doing the right thing.

On that note, Madam Speaker, I reserve the balance of my time.

Mr. DUNCAN. Madam Speaker, I’m sorry. We didn’t realize that Chairman TOWNS didn’t have any other speakers. So I urge all Members to support the passage of H.R. 6406.

Mr. DAVIS of Virginia. Madam Speaker, today, we take up H.R. 6406, which elevates the Inspector General of the Commodity Futures Trading Commission to an Inspector General position requiring a Presidential appointment and Senate confirmation, PAS positions.

This legislation does not come to the floor through regular order—and while I understand the need to move quickly to ensure we have solid oversight from an independent source at the CFTC, this bill could have benefited from a review by the Oversight and Government Reform Committee.

Recommendation 6 of Paul Volcker’s National Commission on the Public Service, issued in January 2003 is, and I quote, “Congress and the President should work together to significantly reduce the number of executive branch political positions.”

The Commission noted that President Kennedy had 286 leadership positions to fill when he became President in 1960; that by the end of the Clinton administration, there were 914 principal leadership positions; and that, in 2001, the new President George W. Bush confronted a total of 3,361 offices to be filled by political appointment.

The Commission pointed to several reasons for this—mostly due to a bad Federal management structure. But I think much of this—and let’s focus on IGs here—stems from an assumption that the PAS process generates a more professional and independent Inspector General.

I see little evidence this is true. I don’t think anyone has successfully demonstrated a nexus between the PAS process and professional excellence.

Since we already have too many PAS positions and I doubt the next President and the next Congress will take the Volcker Commission’s Recommendation 6 to heart, large gaps will continue to occur in leadership during Presidential transitions.

With that said, however, I am inclined to support this bill given the current crisis we

face. But I caution my colleagues to pay more attention to these “elevation bills” in the future and insist on a specific, articulated need for any proposed change.

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

Mr. TOWNS. Madam Speaker, I yield back the balance of my time and urge my colleagues to support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 6406, as amended.

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

A motion to reconsider was laid on the table.

#### FIRST LIEUTENANT NOAH HARRIS ELLIJAY POST OFFICE BUILDING

Mr. TOWNS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6847) to designate the facility of the United States Postal Service located at 801 Industrial Boulevard in Ellijay, Georgia, as the “First Lieutenant Noah Harris Ellijay Post Office Building”.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6847

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

#### SECTION 1. FIRST LIEUTENANT NOAH HARRIS ELLIJAY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 801 Industrial Boulevard in Ellijay, Georgia, shall be known and designated as the “First Lieutenant Noah Harris Ellijay Post Office Building”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “First Lieutenant Noah Harris Ellijay Post Office Building”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from Tennessee (Mr. DUNCAN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

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

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

There was no objection.

Mr. TOWNS. Madam Speaker, as a member of the House Committee on Oversight and Government Reform, I stand with my colleagues from the State of Georgia in support of H.R. 6847, which designates a postal facility in Ellijay, Georgia, in honor of First Lieutenant Noah Harris.

H.R. 6847 enjoys the support of the entire House congressional delegation