

DINGELL, Subcommittee Chairman SWIFT, and our ranking member, Mr. MOORHEAD, for their efforts in moving this bill forward so expeditiously.

H.R. 4868 is based on draft legislation jointly submitted to our committee by railroad labor and the management of the Nation's major railroads. It represents a consensus approach to increasing daily RUI benefits for those who need them most, and helping to offset some of the costs with modifications to long-term benefits and other features of the RUI system.

The bill has no significant fiscal impact, and requires no modification in the payroll tax system that supports the RUI system. This reflects the decision Congress made in 1983 to place the RUI system on an experience-rating basis, so that each railroad's premiums are based on its actual payout of benefits for the preceding year. Because of this feature, the increase in daily benefits provided for in H.R. 4868 will automatically be offset by increased carrier premiums. This is a sound and responsible approach to keeping the RUI system on a stable financial footing. In fact, I think it is a classic case of a sound private-sector insurance technique being applied to operations of the Federal Government. Since we hear a lot these days about "reinventing government," we might do well to look for other cases where the knowledge and experience of the private sector can be applied to improve Government efficiency.

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

Ms. SCHENK. 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 California [Ms. SCHENK] that the House suspend the rules and pass the bill, H.R. 4868, 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.

CONCURRING IN SENATE AMENDMENT TO H.R. 2178, HAZARDOUS MATERIALS TRANSPORTATION ACT AMENDMENTS OF 1993

Mr. MINETA. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2178) to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1994, 1995, 1996, and 1997, and for other purposes.

The Clerk read as follows:
Senate amendment: Strike out all after the enacting clause and insert:

TITLE I—HAZARDOUS MATERIALS TRANSPORTATION ACT AMENDMENTS

SEC. 101. SHORT TITLE.
This title may be cited as the "Hazardous Materials Transportation Authorization Act of 1994".

SEC. 102. AMENDMENT OF TITLE 49, UNITED STATES CODE.
Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal

of, a section or other provision, the reference shall be construed to be made to a section or other provision of title 49, United States Code.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.
Section 5127(a) (relating to authorization of appropriations) is amended by striking out "the fiscal year ending September 30, 1993," and inserting "fiscal year 1993, \$13,000,000 for fiscal year 1994, \$18,540,000 for fiscal year 1995, \$19,100,000 for fiscal year 1996, and \$19,670,000 for fiscal year 1997".

SEC. 104. EXEMPTIONS FROM REQUIREMENT TO FILE REGISTRATION STATEMENT.
Section 5104(a) (relating to persons required to file) is amended by adding at the end the following new paragraph:

"(4) The Secretary may waive the filing of a registration statement, or the payment of a fee, required under this subsection, or both, for any person not domiciled in the United States who solely offers hazardous materials for transportation to the United States from a place outside the United States if the country of which such person is a domiciliary does not require persons domiciled in the United States who solely offer hazardous materials for transportation to the foreign country from places in the United States to file registration statements, or to pay fees, for making such an offer."

SEC. 105. PLANNING GRANTS FOR INDIAN TRIBES.
(a) **AUTHORITY TO MAKE GRANTS.**—Section 5116(a)(7) (relating to planning grants) is amended—

(1) by inserting "and Indian tribes" after "States" the first place it appears; and

(2) by striking "in a State and between States" and inserting "on lands under the jurisdiction of a State or Indian tribe, and between lands under the jurisdiction of a State or Indian tribe and lands of another State or Indian tribe";

(b) **MAINTENANCE OF EFFORT.**—Section 5116(a)(2) (relating to planning grants) is amended—

(1) by inserting "or Indian tribe" after "State" the first and third places it appears;

(2) by striking "the State" the second place it appears;

(3) by inserting "the State or Indian tribe" before "certifies"; and

(4) by inserting "the State" before "agrees".

(c) **COORDINATION OF PLANNING.**—Section 5116(a) (relating to planning grants in general) is amended by adding at the end the following new paragraph:

"(3) A State or Indian tribe receiving a grant under this subsection shall ensure that planning under the grant is coordinated with emergency planning conducted by adjacent States and Indian tribes."

SEC. 106. TRAINING CRITERIA FOR SAFE HANDLING AND TRANSPORTATION.

Section 5107(d) (relating to coordination of training requirements) is amended—

(1) by inserting "or duplicate" after "conflict with"; and

(2) by striking "hazardous waste operations and hazardous waste operations, and" and inserting "hazard communication, and hazardous waste operations, and".

SEC. 107. DISCLOSURE OF FEES LEVIED BY STATES, POLITICAL SUBDIVISIONS, AND INDIAN TRIBES.

Section 5125(g) (relating to fees) is amended—

(1) by inserting "(1)" after "(g) FELT"; and

(2) by adding at the end the following:
"(2) A State or political subdivision thereof or Indian tribe that levies a fee in connection with the transportation of hazardous materials shall, upon the Secretary's request, report to the Secretary on—

(A) the basis on which the fee is levied upon persons involved in such transportation;

(B) the purposes for which the revenues from the fee are used;

(C) the annual total amount of the revenues collected from the fee; and

(D) such other matters as the Secretary requests."

SEC. 108. ANNUAL REPORT.
Section 5121(e) (relating to annual report) is amended—

(1) by striking "Annual" in the subsection heading; and

(2) by striking the first sentence and inserting the following: "The Secretary shall, once every 2 years, prepare and submit to the President for transmittal to the Congress a comprehensive report on the transportation of hazardous materials during the preceding 2 calendar years."

SEC. 109. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.

(a) **IN GENERAL.**—In implementing the Intelligent Vehicle-Highway Systems Act of 1991 (23 U.S.C. 307 note), the Secretary of Transportation shall ensure that the National Intelligent Vehicle-Highway Systems Program addresses, in a comprehensive and coordinated manner, the use of intelligent vehicle-highway system technologies to promote hazardous materials transportation safety. The Secretary of Transportation shall ensure that 2 or more operational tests funded under such Act shall promote such safety and advance technology for providing information to persons who provide emergency response to hazardous materials transportation incidents.

(b) **GRANTS FOR CERTAIN EMERGENCY RESPONSE INFORMATION TECHNOLOGIES.**—

(1) In carrying out one of the operational tests under subsection (a), the Secretary of Transportation may make grants to one or more persons, including a State or local government or department, agency, or instrumentality thereof, if it demonstrates the feasibility of establishing and operating computerized telecommunication emergency response information technologies that are used—

(A) to identify the contents of shipments of hazardous materials transported by motor carriers;

(B) to permit retrieval of data on shipments of hazardous materials transported by motor carriers;

(C) to link systems that identify, store, and allow the retrieval of data for emergency response to incidents and accidents involving transportation of hazardous materials by motor carrier; and

(D) to provide information to facilitate responses to accidents and incidents involving hazardous materials shipments by motor carriers either directly or through linkage with other systems.

(2) Any project carried out with a grant under this subsection must involve two or more motor carriers of property. One of the motor carriers selected to participate in the project must be a carrier that transports mostly hazardous materials. The other motor carrier selected must be a regular-route common carrier that specializes in transporting less-than-truckload shipments. The motor carriers selected may be engaged in multimodal movements of hazardous materials with other motor carriers, rail carriers, or water carriers.

(3) To the maximum extent practicable, the Secretary of Transportation shall coordinate a project under this subsection with any existing Federal, State, and local government projects and private projects which are similar to the project under this subsection. The Secretary may require that a project under this subsection be carried out in conjunction with such similar Federal, State, and local government projects and private projects.

SEC. 110. RAIL TANK CAR SAFETY.
Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue final regulations under the following:

(1) The rulemaking proceeding under Docket H.M.-175A entitled "Crashworthiness Protection Requirements for Tank Cars".

(2) The rulemaking proceeding under Docket H.M.-201 entitled "Detection and Repair of

Hazmat Bill (with "Exon" Fed. dereg.)

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(5) by striking "of properly" in paragraph (6) (as redesignated) and inserting "of household goods"; and

(6) by striking "Notwithstanding the provisions of paragraph (4) of this subsection. the provisions" in paragraph (7) (as redesignated) and inserting "The provisions".

(c) CERTIFICATE SPECIFICATIONS.—Section 10922(f)(1) (relating to specifications for certificate), as redesignated by subsection (a) of this section, is amended by inserting "of household goods or passengers" after "motor common carrier".

(d) PUBLIC CONVENIENCE AND NECESSITY.—Section 10922(h)(1) (relating to public convenience and necessity), as redesignated by subsection (a) of this section, is amended by inserting "of household goods or passengers" after "motor common carrier".

SEC. 208. MOTOR CONTRACT CARRIER LICENSES.

(a) AUTHORITY TO ISSUE PERMITS.—Section 10923(a) (relating to authority to issue permits) is amended by inserting "of household goods or passengers" after "motor contract carrier".

(b) MOTOR CONTRACT CARRIER PERMITS.—Section 10923 (relating to permits of motor and water contract carriers and household goods freight forwarders) is amended by redesignating subsections (b) through (e) as (c) through (f), respectively, and by inserting after subsection (a) the following new subsection:

"(b)(f) Except as provided in this section and section 10930 of this title, the Commission shall issue a permit to a person authorizing the person to provide transportation subject to the jurisdiction of the Commission under subchapter JJ of chapter JO5 of this title as a motor contract carrier of property other than household goods if the Commission finds that the person is able to comply with—

"(A) this subtitle, the regulations of the Commission, and any safety requirements imposed by the Commission,

"(B) the safety fitness requirements established by the Secretary of Transportation in consultation with the Commission pursuant to section 11144 of this title, and

"(C) the minimum financial responsibility requirements established by the Commission pursuant to section 10327 of this title.

"(2) In deciding whether to approve the application of a person for a permit as a motor contract carrier of property other than household goods the Commission shall consider any evidence demonstrating that the applicant is unable to comply with this subtitle, the regulations of the Commission, safety requirements of the Commission, or the safety fitness and minimum financial responsibility requirements of subsection (b)(1).

"(3) The Commission shall find any applicant or authority to operate as a motor carrier of property other than household goods under this subsection to be unfit if the applicant does not meet the safety and safety fitness requirements of paragraph (1)(A) or (1)(B) of this subsection and shall deny the application.

"(4) A person may protest on application under this subsection to provide transportation only on the ground that the applicant fails or will fail to comply with this subtitle, the regulations of the Commission, safety requirements of the Commission, or the safety fitness or minimum financial responsibility requirements of paragraph (1)."

(c) APPLICATION FILING REQUIREMENTS.—Section 10923(c) (relating to application filing requirements), as redesignated by subsection (b) of this section, is amended—

(1) by striking "motor contract carrier of property" in paragraphs (3) and (4) and inserting "motor contract carrier of household goods";

(2) by striking paragraph (5) and redesignating paragraphs (6) and (7) as (5) and (6), respectively, and

(3) by striking "motor contract carriers of property" in paragraph (5) (as redesignated)

and inserting "motor contract carriers of household goods".

(d) CONDITIONS OF TRANSPORTATION OR SERVICE.—Section 10923(e) (relating to conditions of transportation or service), as redesignated by subsection (b) of this section, is amended—

(1) by inserting "of passengers or household goods" after "contract carrier" in paragraph (J), and

(2) by striking "each person or class of persons (and, in the case of a motor contract carrier of passengers, the number of persons)" in paragraph (2) and inserting "in the case of a motor contract carrier of passengers, the number of persons."

SEC. 209. REVOCATION OF MOTOR CARRIER AUTHORITY.

Section 10925(d)(1) (relating to effective period of certificates, permits, and licenses) is amended—

(1) by striking "if a motor carrier or broker" in subparagraph (A) and inserting "if a motor carrier of passengers, motor common carrier of household goods, or broker",

(2) by striking "and" at the end of subparagraph (A),

(3) by redesignating subparagraph (B) as (D) and inserting after subparagraph (A) the following new subparagraphs:

"(B) if a motor contract carrier of property, for failure to comply with safety requirements of the Commission or the safety fitness requirements pursuant to section 10701, 10924(e), 10927 (b) or (d), or 11144, of this title;

"(C) if a motor common carrier of property other than household goods, for failure to comply with safety requirements of the Commission or the safety fitness requirements pursuant to section 10701, 10702, 10924(e), 10927 (b) or (d), or 11144 of this title; and"

SEC. 210. STUDY OF INTERSTATE COMMERCE COMMISSION FUNCTIONS.

(a) INTERSTATE COMMERCE COMMISSION REPORT.—The Interstate Commerce Commission shall prepare and submit to the Secretary of Transportation and to each committee of the Congress having jurisdiction over legislation affecting the Commission a report identifying and analyzing all regulatory responsibilities of the Commission. The Commission shall make recommendations concerning specific statutory and regulatory functions of the Commission that could be eliminated or restructured. The Commission shall submit the report within 60 days after the date of enactment of this Act.

(b) SECRETARY OF TRANSPORTATION STUDY.—The Secretary of Transportation shall study the feasibility and efficiency of merging the Interstate Commerce Commission into the Department of Transportation as an independent agency, combining it with other Federal agencies, retaining the Interstate Commerce Commission in its present form, eliminating the agency and transferring all or some of its functions to the Department of Transportation or other Federal agencies, and other organizational changes that lead to government, transportation, or public interest efficiencies. The study shall consider the cost savings that might be achieved, the efficient allocation of resources, the elimination of unnecessary functions, and responsibility for regulatory functions. The Secretary shall solicit comments from the public with respect to both the Department's and the Commission's findings. The Secretary shall submit the results of such study together with any recommendations to the Congress within 4 months after the date of the submission of the Interstate Commerce Commission report required in subsection (a).

SEC. 211. LIMITATION ON STATE REGULATION OF INTRASTATE TRANSPORTATION OF PASSENGERS BY BUS.

(a) IS GENERAL.—Chapter 109 (relating to licensing) is amended by adding at the end thereof the following new section:

"§10936 Limitation on State regulation of intrastate passengers by bus

"A State or political subdivision of a State may not enforce any law or regulation relating

to intrastate fares for the transportation of passengers by bus by an interstate motor carrier of passengers over a route authorized by the Commission."

(b) CONFORMING AMENDMENTS.—(1) Section 10521(b)(1) is amended by inserting "10936," after "10935."

(2) Section 11501(c) is amended—

(A) by striking all but paragraph (5),

(B) by redesignating paragraph (5) as subsection (e), and

(C) by striking "paragraph" and inserting "subsection".

(3) The table of sections for subchapter IV of chapter JO9 is amended by adding at the end the following new item:

"10936. Limitation on State regulation of intrastate passengers by bus."

SEC. 212. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect upon the enactment of this Act, except for sections 207 and 208, which shall take effect on January 1, 1995.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MINETA] will be recognized for 20 minutes, and the gentleman from Wisconsin (Mr. PETRI) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. MINETA).

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

Mr. Speaker, I rise today in support of H.R. 2178, the Hazardous Materials Transportation Authorization Act of 1994.

I want to thank my colleagues who have worked diligently to pass this important piece of legislation. The Chair and ranking minority members of the Subcommittee on Surface Transportation, Congressmen RAHALL and PETRI, who worked diligently with the Senate to craft the compromise legislation which is before us today. I would also like to recognize the ranking member of the full committee, Congressman SHUSTER, for his support of this legislation as well.

Also, I would like to extend my thanks to Congressmen SWIFT and OXLEY, chairman and ranking member of the Subcommittee on Transportation and Hazardous Materials of the Energy and Commerce Committee and Chairman DINGELL and ranking member Congressman MOORHEAD of the full Committee on Energy and Commerce, the Committee with which we share jurisdiction over the transportation of hazardous materials.

Lastly, I would like to thank my Senate colleagues, the Chair and ranking member of the Senate Committee on Commerce, Science, and Transportation, Senators HOLLINGS and DANFORTH, and the Chair and ranking member of the Surface Transportation Subcommittee, Senators EXON and HUTCHINSON, who labored long and hard to not only resolve the issues in the hazardous materials legislation, but also to include, in title II, comprehensive regulatory reform for the interstate motor carrier industry.

Mr. Speaker, H.R. 2178 provides authorization levels for carrying out the Hazardous Materials Transportation Act through 1997. It further provides

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more funding for training Of public and private sector employees; for making Indian tribes eligible for emergency planning grants; for ensuring that the National Intelligent Vehicle-Highway System Program addresses the use of it3 technologies to promote hazardous materials transportation safety; permits the Secretary of Transportation to waive registration and fee requirements for foreign shippers from countries that do not impose such registration and fee requirements for U.S. shippers; and provides for several studies and rulcmakings to enhance public safety.

Title II of H.R. 2178 contains the Trucking Industry Regulatory Reform Act of 1994 which provides for improving surface transportation efficiency and saving taxpayer dollars, while continuing to protect the public interest and preserving transportation safety.

This legislation is part of a major effort by this Congress to reduce economic regulation in the trucking industry, to increase reliance on competition in the marketplace, and to reduce the size and role of the Government bureaucracy.

This is the third step in a process which began with the Negotiated Rates Act late last year, a bill that untangled a regulatory, me33 that burdened shippers all over America.

The Congress took the second step last Monday with the passage of the Aviation Conference Report when it preempted State regulation of price, routes, and services of motor carries, air carriers and carriers affiliated with direct air carriers through common controlling ownership when transporting property in intrastate commerce.

Today we are eliminating the obligation to file rates for individual carriers operating in interstate commerce; limiting entry requirement3 to safety matters and insurance; providing the Interstate Commerce Commission [ICC] with exemption authority, for trucking matters under its jurisdiction; requiring the Secretary of Transportation to study and report to Congress future organizational option3 for the ICC with recommendations for further operational and regulatory efficiencies; and preempting intrastate bus rates for interstate carriers.

These three bills, taken together, constitute the largest regulatory reform in the motor carrier industry since the Motor Carrier Act of 1980.

We will have accomplished not just regulatory reduction, but also agency reduction as a result of cutting back the ICC's interstate regulatory functions with regard to motor carriers. This action should allow for the total size of the ICC to be reduced by one-third.

American industry will benefit both from the lower costs of a reduced regulatory burden and from the increased efficiencies of a more marketplace-driven transportation industry.

For the benefit of my colleagues, I have attached a section-by-section of

H.R. 2178 to my statement for inclusion in the RECORD.

I now urge my colleagues to join with me in passage of H.R. 2178.

TITLE I—HAZARDOUS MATERIALS TRANSPORTATION AUTHORIZATION ACT OF 1994

SECTION BY SECTION ANALYSIS

SECTION 101—SHORT TITLE

Section 101 provides the short title of the Act.

SECTION 102—AMENDMENT OF TITLE 49, UNITED STATES CODE

Section 102 provides that unless otherwise expressly provided, all amendments in this title shall be considered to be made to Title 49, U.S.C.

SECTION 103—AUTHORIZATION OF APPROPRIATION

Section 103 amends Section 5127(a) of Title 51, U.S.C. to make appropriations for fiscal years 1994 through fiscal year 1997. The figures are \$18 million for fiscal year 1994, \$18.54 million for fiscal year 1995, \$19.1 million for fiscal year 1996, and \$19.67 million for fiscal year 1997.

SECTION 104—EXEMPTIONS FROM REQUIREMENT TO FILE REGISTRATION STATEMENT

Section 104 amends Section 5103(a) of Title 51, U.S.C. to allow the Secretary to waive registration and fee requirements for foreign shippers who are shipping hazardous materials to the U.S. in international traffic only where the country of such shipper does not impose registration and fee requirements on U.S. shippers. Foreign carriers operating in the United States are not covered by the waiver provision.

SECTION 105—PLANNING GRANTS FOR INDIAN TRIBES

Subsections (a) and (b) make amendments to Section 5116(a)(1) and (a)(2) of Title 51, U.S.C. to permit Indian tribes to be eligible for emergency planning conducted by adjacent States and Indian tribes.

SECTION 106—TRAINING CRITERIA FOR SAFE HANDLING AND TRANSPORTATION

Section 106 makes technical amendments to Section 5107(d) of Title 51, U.S.C. to clarify the scope of training criteria by mandating that the Department of Transportation ensure that its requirements for employee training in understanding hazards associated with hazardous materials shipments, as well as hazardous waste operations are coordinated with, and do not conflict with or duplicate other training requirements.

SECTION 107—DISCLOSURE OF FEES LEVIED BY STATES, POLITICAL SUBDIVISIONS, AND INDIAN TRIBES

Section 107 amends Section 5125(g) of Title 51, U.S.C. by permitting the Department of Transportation to require State and local jurisdictions and Indian tribes to justify fees imposed in connection with hazardous materials transportation; including the basis on which the fee is levied, the purpose for which revenues from the fee are used, the annual total amount of revenues collected from the fee and other matters as the Secretary requires.

SECTION 108—ANNUAL REPORT

Section 108 amends Section 5121(e) of Title 51, U.S.C. by striking the word "annual" in the subsection heading and amending the section to require the Department of Transportation to submit a comprehensive report regarding hazardous materials transportation once every two years, 13 lieu of once a year. LO the President for transmittal to Congress.

SECTION 109—INTELLIGENT VEHICLE-HIGHWAY SYSTEMS

Section 109 amends the Intelligent Vehicle-Highway System Act in order to assure that the Secretary of Transportation ensures that the National Intelligent Vehicle-Highway System Program addresses the use of its terminologies to promote hazardous materials transportation safety. This section requires that at least two or more operational tests be made to provide information to persons who provide emergency response to hazardous materials transportation incidents.

The factors for making the grants are set forth in subsection (b), but they are designed to demonstrate the feasibility of establishing and operating a computerized telecommunications emergency response information technology. Any project must include at least two motor carriers of property. One should be a motor carrier that transports hazardous materials and the other must be a regular-route common carrier that specializes in transporting less-than-truckload shipments. The motor carriers selected may be engaged in multimodal movements.

The Secretary to the maximum possible should coordinate this project, with any existing Federal, State, local government and private projects which are similar and the Secretary may require that it be carried out in conjunction with such projects.

SECTION 110—RAIL TANK CAR SAFETY

Section 110 requires the Department of Transportation to issue final regulations, within one year of the date of enactment of this legislation, on two ongoing DOT rule-making proceedings: (1) "Crashworthiness Protection Requirements for Tank Cars" (Docket HM-175A); and (2) "Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Protection Flaws and Other Defects of Tank Car Tanks" (Docket HM-201).

SECTION 111—SAFE PLACEMENT OF TRAIN CARS

Section 111 mandates that the Secretary of Transportation conduct a study of current practices regarding the placement of rail cars on trains, with particular attention to the placement of rail cars, including tank cars, transporting hazardous materials. The study is to focus on whether placement practices (for example, placing heavy cars containing hazardous materials behind lighter weight or empty cars) increase the risk of adverse safety incidents such as derailments, tank ruptures, or hazardous materials spills.

SECTION 112—GRADE CROSSING SAFETY

Section 112 requires the Secretary of Transportation, within six months of the date of enactment of this legislation, to amend regulations issued under chapter 51 and chapter 315 of Title 49, U.S.C. to prohibit the driver of a motor vehicle transporting hazardous materials in commerce from driving the motor vehicle onto a highway-railroad crossing without having sufficient space to drive completely through the crossing without stopping.

SECTION 113—DRIVER'S RECORD OF DUTY STATUS

Subsection 113(a) requires the Secretary of Transportation to issue regulations amending 49 C.F.R. 395, to improve compliance by commercial motor vehicle drivers and motor carriers with ours of service requirements and the effectiveness and efficiency of Federal and State enforcement officers reviewing such compliance. The regulations must be proposed not later than 12 months after enactment and shall be final not later than 18 months after enactment.

Subsection 113(b) lists items required to be included in the regulations.

Subsection 113(c) defines, for purposes of this section, what constitutes a supporting document.

SECTION 114—SAFETY PERFORMANCE HISTORY OF NEW DRIVERS

This section requires the Secretary, within 18 months after the date of enactment of this regulation, to amend 49 C.F.R. 391.23 to specify the minimum safety information that a motor carrier must request regarding a driver; require that such information be requested of the driver's former employers (defined as any person who employed the driver during the preceding 3-year period); mandate that these former employers respond to such inquiries within 30 days after receiving the request; and ensure that the driver has reasonable opportunity to review and comment on the information collected.

The safety information required includes: (1) any motor vehicle accidents within the preceding 3-year period involving the driver; (2) any failure of the driver, during the preceding 3-year period, to complete a rehabilitation program prescribed by the Commercial Motor Vehicle Safety Act of 1996, after being found to violate Federal alcohol or controlled substance laws or regulations; (3) any illegal use by the driver of alcohol or a controlled substance subsequent to completing such a rehabilitation program; and (4) any other matters determined by the Secretary to be relevant to a driver's safety performance.

SECTION 115—RETENTION OF SHIPPING PAPERS

Section 115 amends Section 6110 of Title 51, U.S.C. by adding a new paragraph requiring that the person providing the shipping paper for hazmat shipment, and the carrier transporting that shipment, retain such shipping paper at their respective places of business even after the shipment has been delivered. Such a person or carrier, upon request, must make the shipping paper available to a Federal, State or local government at reasonable times and locations.

SECTION 116—TOLL FREE NUMBER FOR REPORTING

Section 116 is a free standing provision that requires the Secretary to provide a toll free telephone number for transporters or hazardous materials and others to report to the Secretary any possible violations of the Hazardous Materials Transportation Act (HMTA) or any order or regulation issued under the Act.

SECTION 117—TECHNICAL CORRECTIONS

Section 117 makes certain technical corrections to the HMTA. The technical correction deals with the word "packaging."

SECTION 118—HOURS OF SERVICE RULEMAKING FOR FARMERS AND RETAIL FARM SUPPLIERS

Section 118 requires the Secretary to initiate a rulemaking proceeding in order to determine whether the requirements of the hours-of-service provision contained in 49 C.F.R. 395.(3) may be waived for farmers and retail farm suppliers within a 50-mile radius of their distribution point or farm.

SECTION 119—TRAINING

Section 119 amends Section 5116 of Title 51, U.S.C. by creating a new subsection (j) to provide authority to the Secretary or Transportation to make grants directly to national nonprofit employee organizations engaged solely in fighting fires for the purpose of training individuals with statutory responsibility to respond to hazardous materials accidents and incidents, subject to certain conditions included in the legislation on the use of the funds and to any other terms and conditions as the Secretary determines are necessary.

Section 6116 is further amended to create a new subsection (k) which directs the Sec-

retary to submit a report to Congress on the allocation and uses of funds distributed under the training grant programs authorized in subsections (a) and (c) and existing training grant programs. The report is to cover existing grant programs and grants made pursuant to subsections (a) and (c) in fiscal years 1995 and 1996. This report shall identify the ultimate recipients of training grants and include a detailed accounting of all grant expenditures of such recipients. The report shall also identify the numbers of employees trained under the grant programs and an evaluation of the effectiveness of the training programs carried out with such funds.

Subsection (b) amends Section 5127(b) of Title 51, U.S.C. relating to applications for hazmat employee training and authorizes the Secretary to fund these training grants in fiscal years 1996, 1996, 1997 and 1998 annually in the amounts of \$250,000 from registration fees, and \$1 million from general revenues, subject to appropriations.

Subsection (c) amends Section 5127(c) of Title 51, U.S.C. to authorize an expanded training grant program under which the Secretary would make grants to nonprofit hazmat employee organizations for the purpose of training 211 employees engaged in the loading, unloading, handling, storage and transportation of hazardous materials and emergency response.

Subsection (c) also amends Section 5107 of Title 51, U.S.C. to add a new subsection (g) which requires, that no grant under subsection (e) shall supplant or replace existing employer provided hazardous materials training efforts or obligations.

Subsection 5127(b) of Title 51, U.S.C. is further amended to provide an additional authorization for funding the training grants in subsection 5127(e) in fiscal years 1996, 1996, 1997 and 1998 at \$3 million annually from general revenues, subject to appropriations.

SECTION 120—TIME FOR SECRETARIAL ACTION

Section 120 amends Section 5117 of Title 51, U.S.C. to require the Secretary to issue, renew, or deny an application for exemption from regulations within 120 days or publish in the Federal Register the reason why the Secretary's decision was delayed.

Subsection (d) is amended by inserting a requirement that the Secretary shall issue a decision on an application within 120 days after the date of publication of the notice of having received such application, or why the decision was delayed in the Federal Register.

SECTION 121—STUDY OF HAZARDOUS MATERIALS TRANSPORTATION BY MOTOR CARRIERS NEAR FEDERAL PRISONS

Section 121 directs the Secretary of Transportation to conduct a study regarding the safety considerations of transporting hazardous wastes in close proximity to Federal prisons, particularly those housing maximum security prisoners. The Committee intends for the study to focus on the transportation of hazardous wastes over roads and highways.

Subsection (a) directs that the study focus on the particular safety concerns raised by any need to evacuate a captive population, particularly maximum security prisoners, in the event of an incident or accident involving the transportation of hazardous wastes. The study would also examine the ability of local emergency planning agencies to meet any potential exigencies.

Subsection (b) requires that the Secretary report the findings, together with any recommendations for legislative or regulatory change, within one year.

SECTION 122—USE OF FIBER DRUM PACKAGING

Section 122(a) directs the Secretary of Transportation, no later than 60 days after

enactment, to initiate a rulemaking to determine whether the requirements of section 5103(b) or Title 51, U.S.C. may be met for openhead fibre drum packaging (with respect to the transportation of liquid hazardous materials in such drums) by any other standards other than the performance-oriented packaging standards adopted under docket number HM-181 contained in 49 C.F.R. 173.

Subsection (b) directs that if the Secretary determines that any other standard provides an equal to or greater level of safety than the level provided by the HM-181 standards, then the Secretary shall issue regulations implementing such other standard on or before October 1, 1996.

Section (c) directs that the rulemaking undertaken pursuant to this section be completed no later than October 1, 1996.

Section (d) limits the applicability of this section

SECTION 123—BUY AMERICAN

Section 123 directs compliance with the "Buy American Act," 41 U.S.C. Sections 101-106.

TITLE II—THE TRUCKING INDUSTRY REGULATORY REFORM ACT OF 1994

SECTION 201—SHORT TITLE

Section 201 states the short title of the Act.

SECTION 202—AMENDMENT OF TITLE 49, UNITED STATES CODE

Section 202 states that unless provided otherwise, all amendments will be to title 49 of the U.S.C.

SECTION 203—PURPOSE

Section 203 provides that the purpose of the bill is to enhance competition, safety and efficiency in the motor carrier industry and to enhance efficiency in government.

SECTION 204—TRANSPORTATION POLICY

Section 204 provides a new section to the transportation policy.

SECTION 205—EXEMPTIONS

Section 205 amends section 10606 of Title 49 U.S.C. with respect to exemptions. Two general exemptions are provided for this section; namely, motor carriers providing transportation of household goods or in noncontiguous domestic trade. That means these two groups are not subject to the provisions.

It then makes specific exemptions for types of transportation not subject to the Act. It exempts 10706 (rate bureaus), 10761 (transportation without a tariff as amended by this Act), 10762 (tariff filing as amended by the Act), 10927 (Security of motor carriers), and 11707 (Liability of common carriers under receipts and bills of lading). It also exempts a number of provisions from application of this Act.

Subsection (b) defines non-contiguous domestic trade.

SECTION 206—TARIFF FILING

Section 206 amends three sections Title 49, U.S.C. They are 10702(b), 10761, and 10762(a). The first provision amends Section 10702(b) of the Act which specifies authority for carriers to establish rates, classifications, rules, and practices. It eliminates motor contract carriers of property from the provision, thus, they are no longer required to file actual or minimum rates.

Section 206(b) amends 10761 as it applies to transportation prohibited without tariff. First, it amends the section to provide that motor common carriers providing transportation of property, other than household goods or those in non-contiguous trade, under an individually determined rate are eliminated from the requirements of this

Section. In paragraphs (3) and (4) the law now provides that carriers cannot collect a rate de-

terminated by a tariff unless it is a participant in the tariff. This sustains a decision of the Supreme Court which stated that carriers not signing a power of attorney for participation in a rate could not enforce the rate.

Section (c) amends Section 10762(a) relating to general tariff requirements. In new paragraph (1) it excludes from the general requirement common carriers providing traffic under an individually determined rate which is a defined term in subsection (f). It also states that motor contract carriers are no longer required to file their rates. However, the amendments made in the Negotiated Rates Act still apply; i.e. carriers must keep copies of signed agreements.

New paragraph (3) makes certain changes with respect to individually determined rates.

First, it provides that a carrier shall provide to the shipper, upon request, a written or electronic copy of the rate classification, rules, and practices upon which the rate agreed to between the shipper and carrier may have been based. When the applicability of reasonableness of a rate is challenged by the person paying the freight charge, the Commission shall make a decision on whether the rates are reasonable and applicable based on the record before it.

Paragraph (4) is intended to modify the second sentence of paragraph (3) to ensure that all shipper rate challenges are brought within the 180 days statute of limitations which governs rate disputes.

In those cases where a motor common carrier seeks to collect charges in addition to those billed and collected which are contested by the payer, the carrier may request action by the Commission on this issue. The carrier must issue a bill for charges within 180 days if he is going to collect the charges. The same procedure applies to a shipper who seeks to contest charges.

New paragraph (5) provides that the old charges on file at the I.C.C. which are not required to be filed under this Act, are null and void. The key date is the date of enactment of this bill.

Subsection (d)(1) amends Section 10762(c)(1) of Title 49, U.S.C. to exclude motor common carriers from filing changes in their rates. If the rate change is covered by the definition of individually determined rate as set forth in Section 10102(13).

The rates for household goods and transportation of property in a non-contiguous domestic trade must continue to be filed.

Subsection (d)(2) amends Section 10762(c)(2) of Title 49, U.S.C. relating to proposed rate changes to exclude motor contract carriers providing transportation of property from the requirement to publish, file and keep open for public inspection any notice to establish a new or reduced rate or change in a rule or practice related to such rate.

Subsection (e) amends Section 10762 of Title 49, U.S.C. by adding at the end a new subsection (j). New subsection (j) provides that nothing in this section affects the application of the provisions in the Negotiated Rates Act of 1993 for claims arising from undercharges for transportation provided prior to the date of enactment of this Act.

Subsection (f) amends Section 10102 of Title 49, U.S.C. relating to definitions by redesignating paragraphs (13) through (31) as (14) through (32) and inserting a new paragraph (13) that provides a definition of "individually determined rate, classification, rule, or practice" to mean those established by (A) a single motor carrier for transportation over its line; or (B) a rate, classification, rule of practice for two or more interlining carriers for transportation they jointly provide over their lines.

SECTION 207—MOTOR COMMON CARRIER LICENSING

Subsection 207(a) requires applicants for new or expanded motor common carrier operating authority to transport property other than household goods to make three identified showings. First, that the applicant is able to comply with all statutory, regulatory and ICC imposed safety requirements. Second, that the applicant is able to demonstrate safety fitness under standards developed by the DOT in consultation with the ICC pursuant to Section 31144 of Title 49, U.S.C. Third, that the applicant is able to provide adequate liability insurance or provisions for self-insurance under the financial responsibility provisions of Section 10927 of Title 49, U.S.C.

Subsection (b) frees applicants for authority to operate as a motor common carrier of property (other than a carrier of household goods) from the currently required showing that the proposed service will serve a useful public purpose, responsive to a public demand or need.

New paragraph (b)(1)(A) refers to the regulations of the ICC and safety requirements imposed by the ICC. These include, for example, policy statements and procedures for the submission and evaluation of safety fitness evidence in licensing and finance cases, such as Rules Governing Applications for Operating Authority, 5 I.C.C. 2d 94 (1966), Transfer Rules, 4 I.C.C. 2d 382 (1989); and Pur., Merger, and Cont.-Motor Passenger and Water Carriers (Passenger Finance Rules), 5 I.C.C. 2d 786 (1989).

New paragraph (b)(1)(B) refers to the safety fitness requirements established by DOT, specifically citing the underlying statutory authorization. This citation emphasizes the ICC's reliance upon the procedure established by DOT for the safety fitness requirements against which applicants are to be evaluated. Section 215 of the Motor Carrier Safety Act of 1984 (49 App. U.S.C. 2512) directed DOT, in consultation with the ICC to develop a procedure (now at 49 CFR Part 385) "to determine the safety fitness of owners and operators of commercial motor vehicles, including persons seeking new or additional operating authority as motor carriers under Section 10922 and 10923 of title 49, United States Code." 49 U.S.C. App. 2512.

New paragraph (b)(1)(C) refers to the ICC's minimum financial responsibility requirements pursuant to Section 10927 of Title 49, U.S.C.

New paragraph (b)(2) requires the ICC to consider and make findings on any evidence relating to these enumerated standards for granting operating authority.

New paragraph (b)(3) directs the ICC to deny operating authority to any carrier which does not meet these enumerated standards.

New paragraph (b)(4) restricts the grounds under which a person may protest an application made for operating authority to the regulations of the ICC, safety fitness or minimum financial responsibility requirements set forth in new paragraph (b)(1).

Subsections (c) and (d) make conforming changes as a result of these amendments.

SECTION 208—MOTOR CONTRACT CARRIER LICENSING

Similar to Section 207, Section 208 codifies the ICC's current practice in granting operating authority, but with respect to motor contract carriers.

Section 208(a) requires, with respect to applicants for motor contract authority to carry property other than household goods, the same three showings required by Section 207(a) for applicants for new or expanded motor common carrier operating authority to carry property other than household goods.

New paragraph (b)(1)(A) refers to the regulations of the ICC and safety requirements of the ICC.

New paragraph (b)(1)(B) refers to the safety fitness requirements established by DOT.

New paragraph (b)(1)(C) refers to the ICC's minimum financial responsibility requirements pursuant to Section 10927 of Title 49, U.S.C.

New paragraph (b)(2) requires the ICC to consider and make findings on any evidence relating to these enumerated standards for granting operating authority.

New paragraph (b)(3) directs the ICC to deny operating authority to any carrier which does not meet these enumerated standards.

New paragraph (b)(4) restricts the grounds under which a person may protest an application made for operating authority to the regulations of the ICC, safety fitness or minimum financial responsibility requirements set forth in new paragraph (b)(1).

Subsection (c) makes conforming amendments to the ICC's application filing requirements for permits for motor contract carriers as a result of these amendments.

Subsection (d) makes conforming changes to the conditions the ICC may prescribe for issuing a permit to a motor contract carrier as a result of these amendments.

SECTION 209—REVOCATION OF MOTOR CARRIER AUTHORITY

Section 209 amends Section 10925 of Title 49, U.S.C. to clarify the ICC's authority to suspend a certificate granted under Section 10922 or a permit granted under Section 10923, in light of elimination of the tariff filing requirements for rates set independently by motor common carriers of property (other than carriers of household goods and goods in non-contiguous domestic trade) and for all motor contract carriers of property.

SECTION 210—STUDY OF INTERSTATE COMMERCE COMMISSION FUNCTIONS

Section 210 directs the preparation of a comprehensive review of all of the ICC's functions and a study of possible changes to the status of the ICC.

Subsection (a) directs the ICC to prepare and submit a report to the Secretary of Transportation and the Congress within 60 days from the date of enactment which identifies and analyzes all of its identified statutory and regulatory responsibilities. In this report, the ICC shall make recommendations as to which of its statutory and regulatory responsibilities could be eliminated or restricted.

Subsection (b) directs the Secretary of Transportation to study the feasibility and efficiency of retaining the ICC in its present form, (i) merging the ICC into DOT as an independent agency, (ii) eliminating the ICC and transferring its functions to other Federal agencies, including DOT, or (iii) any other organizational change that may lead to governmental and transportation efficiencies. The Secretary shall report his findings to Congress within four months of the date of submission of the ICC report described in subsection (a).

SECTION 211—LIMITATION ON STATE REGULATION OF INTRASTATE TRANSPORTATION OF PASSENGERS BY BUS

Section 211 adds a new Section 10936 to the Interstate Commerce Act which preempts States from regulating fares of intrastate bus service for interstate carriers. Subsection (b) makes conforming changes to current provisions of law, and strikes current Section 11501(e)(1) through (4) and (6) and redesignates paragraph (5) as subsection (e), which prescribes the current procedure for state action on rate changes and appeal procedures.

SECTION 212—EFFECTIVE DATE

Section 212 provides that all of the provisions of this Act shall take effect on the date of enactment, except the motor carrier licensing provisions contained in Sections 237 and 238. These sections shall take effect on January 1, 1995, to permit carriers and the ICC sufficient time to adjust their operations to accommodate this change.

0 1339

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

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

Mr. Speaker, H.R. 2178, as amended by the Senate, will provide for a 4-year reauthorization of the hazardous materials transportation program and initiate certain regulatory reforms in interstate trucking.

Regarding hazardous materials, the provisions before us are relatively simple and are similar to those in the authorization bill passed by the House last year. A few additional provisions have been added by the Senate.

Title II will accomplish significant interstate trucking regulatory reform. One of the last remaining vestiges of Federal regulation following passage of the 1989 Motor Carrier Act is the requirement that carriers must file all tariffs with the Interstate Commerce Commission and that shippers must pay only those rates which are on file with the ICC.

This bill will remove all filing requirements and the obligation to pay only the rate on file for individually determined rates—which account for about 90 percent of the more than 1 million annual tariff filings. Household goods, race bureaus and a few others will continue rate filings.

The repeal of the tariff filing requirement will result in operating cost savings for the ICC and will remove a substantial paperwork burden for motor carriers.

In addition, other regulatory procedures are streamlined and State regulation of fares for intrastate bus passenger travel on interstate routes is prohibited.

While I do not want to diminish the truly significant reforms in this bill, there is one area in which I am disappointed that we did not go further. The provisions in H.R. 2173, Section 210 of the bill mandates studies by the ICC and the Department of Transportation on further regulatory reform and on the long-term future of the Commission. When the House was considering the fiscal year 1995 Transportation appropriations bill earlier this summer, 234 Members of the House voted to eliminate all funding for the ICC.

There has been some debate since then as to the actual significance of that vote, but it seems to me that with 234 Members voting to cut off all funds for the Commission, we could be enacting something more than some open-ended studies which, undoubtedly, will lead to a repeat next year of the appro-

priations fight we experienced this year.

We do need to provide for an orderly transfer and it could take several years in order to do it right.

This bill could have started that process and I am disappointed that the study provisions were not strengthened to provide for a real reorganization and sunset at a specific time in the future. This is an issue we will have to continue to consider and struggle with in the months ahead. Nevertheless, we should not lose sight of the fact that major regulatory reforms are being made with passage of this bill.

Therefore, Mr. Speaker, I urge the House to approve H.R. 2173 today.

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

Mr. MINETA. Mr. President, I yield such time as he may consume to a very distinguished friend and colleague, the gentleman from Michigan (Mr. DINGELL), chairman of the Committee on Energy and Commerce, with whom we have worked very closely on this and other matters.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I thank the distinguished chairman of the Committee on Public Works and Transportation, Mr. MINETA. H.R. 2178 reauthorizes the Hazardous Materials Transportation Act and builds on the major work our two committees accomplished in the 1990 reauthorization.

I would like to focus my remarks on the effects of this legislation on the ICC. In June, the House voted to eliminate funding for the ICC. While I and others opposed the amendment to the appropriations bill, we have tried to move forward in a responsible and constructive manner to accomplish the will of the House.

Thanks to the work of the Public Works Committee, this bill eliminates certain motor carrier regulations of the ICC. Together with the appropriations bill now in conference, this bill will result in permanent budget and personnel cuts at the ICC.

H.R. 2178 provides a responsible way to examine how to restructure the ICC. It requires the ICC and the Department of Transportation to report to Congress within 6 months of enactment on: all regulatory responsibilities of the ICC; specific statutory and regulatory functions that may be eliminated or restructured; the feasibility and efficiency of merging the ICC into the DOT as an independent agency; combining it with other Federal agencies; retaining the ICC in its present form; or eliminating the agency. These reports will consider the cost savings to be achieved, the efficient allocation of resources, the elimination of unnecessary functions, the public interest, and responsibility for regulatory functions.

In the railroad area, which is within the jurisdiction of the Committee on Energy and Commerce, the ICC performs many, necessary public duties,

and those duties are increasing. As the recent report by the Government Accounting Office (GAO) clearly indicates, the statutory functions of the ICC relating to rail issues are important to the public interest and to a sound national transportation policy. For example, the ICC has the authority to approve, disapprove, or modify all railroad mergers. Since the House vote to terminate the ICC, major railroad mergers have been announced and more are probable. These mergers could affect every rail carrier, thousands of railroad employees, and shippers and communities in almost every State in the country.

This legislation is the first of a two-step process. I pledge to continue to work closely with Mr. KASICH, Mr. MINETA, and members of our committees to craft further legislation in the near future that will preserve the essential rail regulation functions now carried out by the ICC while determining whether those functions should be carried out by a different agency.

It is no secret that I have been an outspoken critic of the Commission's actions from time to time. But my criticism of its decisions does not take away from my strong belief that we must maintain the ICC's independence and unbiased decisionmaking in an open forum, regardless of whether the functions performed by the ICC remain there or are moved elsewhere. Congress needs to examine the evidence in this matter to best serve the public interest. This legislation is a strong first step in carrying out the will of the House.

0 1340

Mr. Speaker, I strongly urge my colleagues to support this legislation. I submit for the RECORD correspondence with the gentleman from Ohio (Mr. KASICH) on these matters.

The correspondence referred to is as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 11, 1994.

Hon. JOHN R. KASICH,
Member of Congress, Longworth House Office
Building, Washington, DC.

DEAR JOHN: I am writing in response to your June 22 letter, written together with the co-sponsors of your amendments to the transportation appropriations bill to: (1) eliminate appropriations for the Interstate Commerce Commission (ICC) for fiscal year 1995, and (2) appropriate \$18 million for the Department of Transportation, primarily for severance pay to ICC employees.

Under Rule X of the House of Representatives, the Committee on Energy and Commerce has exclusive jurisdiction of railroads and rail labor and thus has jurisdiction of the ICC's rail functions. The Committee has exercised its legislative and oversight jurisdiction of the ICC's rail activities in numerous instances over the years.

While I have been an extremely vocal critic of the ICC's decisions from time to time, I do not share the view that the agency should be abolished or that its independent authority should be transferred to another entity. As the recent report by the General Accounting Office (GAO) clearly indicates,

The statutory functions of the ICC relating to rail issues are important to the public interest. To sound national transportation policy. To railroads (including Amtrak) and their employees, and CO shippers, communities, state and local governments, and other varied interests throughout the country. While the Staggers Act, which was considered and adopted by the Committee on Energy and Commerce after lengthy and careful consideration, deregulated many aspects of the rail industry, the law retained many important regulatory and adjudicatory functions of the ICC of rail transactions and activities. Summarily abolishing the agency that has sole authority to perform these essential functions—as the amendment adopted by the House would do—would be detrimental to numerous public and private interests and would violate public confidence in the manner in which governmental deliberations that affect a broad spectrum of interests are made.

Despite my personal views on the subject, I am certainly mindful of the result of the recent House proceedings. However, I am not clear as to what the votes really mean. During floor debate, proponents of the amendment clearly stated that some, if not all, of the ICC's statutory responsibilities are important and should be retained, notwithstanding the clear effect of the amendments. For example, you stated that "[t]he only real activity that goes on in the Interstate Commerce Commission anymore essentially has to do with railroads . . . [comprising] about 37 percent of the operations." Later, you added that "[w]e are going to be able to maintain the essential functions of this operation . . ." Mr. Condit went even further by stating: ". . . we are not going to weaken the regulations or the standards. We are not going to weaken those at all. Most of them have been eliminated, but the ones that have not been eliminated, that have not been eliminated (sic), will be carried out by the Department of Transportation."

These and other statements are at odds with the actual provisions adopted by the House in that they assume a transfer and preservation of some or all of the ICC's statutory responsibilities. As Rep. Oxley, the Ranking Republican of the Subcommittee on Transportation and Hazardous Materials, stated: "If this amendment succeeds, only two results are assured: One, the immediate termination of many ICC employees, and, two, the effective impounding of any remaining ICC funds without DOT being able to use them. That is due to the fact that even if DOT has plenty of money in its account after this amendment, DOT still will not have any legal authority to spend those funds on ICC functions. Only an authorization statute can do that."

As Mr. Oxley concluded, ". . . this amendment produces no real economy-just organizational chaos."

Your letter states that the recent proceedings represent only the first step in a two-step process and that you are willing to be "partners" in fashioning "2 reasoned and orderly transfer of the ICC's functions." I appreciate your candor in conceding that the amendments offered and adopted in the appropriations bill will not result in a reasoned and orderly transfer of the ICC's functions. As you know, the amendments would produce highly undesirable and wasteful results.

In view of the House votes and in order to avoid the adverse effects of allowing your amendments to be enacted, I am willing to do what I can to fashion legislation that would produce a reasoned and orderly transfer of the ICC's functions. However, I believe there are several considerations that must be taken into account prior to proceeding.

First, I will not acquiesce or participate in a process that involves legislating in an appropriations bill. If you insist on a strategy that violates the Rules of the House, I trust you will understand my unalterable opposition to any such approach.

Second, I cannot speak in any manner for the Public Works Committee regarding these matters. Any "reasoned and orderly" consideration of these issues under the Rules clearly requires agreement and action by our sister Committee respecting such ICC authorities that are within its jurisdiction.

Third, I do not support using such transfer legislation. To effect substantive changes in railroad law or regulation. Any authorizing legislation to be considered should achieve any transfer of authority without diminishing the ability to perform current rail functions. I also believe that the independent nature of the ICC is extremely important and believe any transfer of authority to another entity should allow for continuation of processes that preserve such independence.

I believe that any reasoned and deliberative legislative approach to these issues in our Committee likely will require more time than is available during the remainder of this Congress. While I understand your desire to resolve these matters expeditiously, I cannot in good faith assure you that our Committee or Subcommittee, not to mention the Public Works Committee, the House, the Senate, and its Commerce Committee, will be able to consider and process appropriate legislation given other priorities during an election year. A possible approach to demonstrate my commitment to moving forward might be a written request to the ICC, the Department of Transportation, and the Office of Management and Budget (consistent with provision 3 of your bill, H.R. 3127) to report to the Committee within a reasonable period of time on how to accomplish any orderly transition. I suspect that continuation of the ICC's appropriation for another fiscal year would be necessary under this scenario, but if we are working together toward a common goal, I hope this will not pose any problem. The alternative is a level of chaos that will pose serious problems for all of us.

Sincerely,

JOHN D. DINGELL,
Chairman.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 22, 1994.

Hon. JOHN D. DINGELL,
Chairman, House Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Last week the House voted to pass our bipartisan amendment to the Transportation Appropriations bill eliminating funding for the Interstate Commerce Commission. As you know, this amendment was just the first step in a two-step process to transfer the agency's functions to the Department of Transportation. The second step involves legislation implementing the transfer and authorizing the Secretary of Transportation to spend appropriated dollars for severance and other transition costs. Because the Energy and Commerce Committee has jurisdiction over the ICC, we're writing to express our willingness to be partners with you in fashioning a reasoned and orderly transfer of the ICC's functions.

By its vote last week, the House demonstrated its resolve to terminate one agency of the federal bureaucracy. It is imperative that the will of the House be realized. Although we recognize the complexities of such a transfer, we believe that by working together we can overcome whatever obstacles may arise. As you may know, Mr. Ka-

sich has introduced H.R. 3127, which would complete the process that the House set in motion last week. We hope you will consider this legislation as you seek the best method of achieving the transfer.

If we can be of assistance in any way, please contact us. Our staff members are available at any time. They are the following: for Mr. Kasich, Marie Wheat at 6-7270; for Mr. Hefley, Brian Reardon at 5-4422; for Mr. Condit, Steve Jones at 5-6131; for Mr. DeLay, Glen LeMunyon at 5-5941; for Mr. Cox, Ben Cohen 55611; and for Mr. Kennedy, Philippe Houdard at 5-5111.

Thank you for your cooperation. We look forward to hearing from you in the near future.

Sincerely,

JOHN R. KASICH,
TOM DELAY,
JOEL HEFLEY,
CHRIS COX,
GARY CONDIT,
JOE KENNEDY.

Mr. Speaker, I make the observation that we will be coming forward with changes in the way the ICC is positioned, where it is located, how it will function, but we will seek at the time we do so, first of all, to work together with my good friend, the gentleman from California, and with the ranking minority members both of the subcommittee and the committee, and with Members similarly situated on the Committee on Public Works and Transportation. It is important that we resolve those issues in a way which ends the turmoil and the discord which has existed on these matters, but it is important, as we do so, we come forward with a package which preserves the open, collegial consideration of important questions and preserves the independent way in which those decisions are made.

Mr. MINETA, Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. SWIFT).

(Mr. SWIFT asked and was given permission to revise and extend his remarks.)

Mr. SWIFT. Mr. Speaker, last November, the House passed H.R. 2178, the Hazardous Materials Transportation Act Amendments of 1994. Today, we consider the legislation as amended by the other body which includes the text of S. 1640. It represents the efforts of the Committee on Energy and Commerce, the Committee on Public Works and Transportation and the other body.

Each year, the Department of Transportation estimates that over 500,000 movements of hazardous materials occur each day in the United States. This adds up to over 4 billion tons of hazardous materials moved each year. As such, the transportation of hazardous materials is a matter of great concern because of the serious threat it poses to the public, to property, and to the environment.

The legislation will assist the Department of Transportation in its efforts to regulate the transportation of hazardous materials. H. R. 2178 as amended provides a 3-year authorization and establishes important pro-

grams for the training of both hazardous materials employees and the emergency responders that handle the unfortunate aftermath of accidents.

In addition, it allows the Secretary of Transportation to exempt foreign offerors of hazardous materials from the registration requirements under the act. This was in response to concerns expressed by the administration that foreign governments would begin to impose registration requirements on U.S. companies that offer hazardous materials shipments overseas that might be far more expensive and cumbersome than our own. This could significantly hamper U.S. participation in foreign markets. In addition, the beneficiaries of this program—that is, the States, Indian tribes, and local governments—are already exempted from these fees. It would be inequitable to require foreign governments to register when the beneficiaries of the program do not have to. Take note that foreign carriers operating in the U.S. will still have to register.

Next, this legislation establishes time limits for the administration to respond to requests for preemption determinations and exemption applications. Until now, no limits have been in place and there has been concern that these administrative determinations were not being considered in a timely fashion.

Finally; this legislation asks the Department of Transportation to determine if open-head fiber drums can be safely used for domestic transport of liquid hazardous materials.

H.R. 2178 will allow the Department of Transportation to continue its efforts to ensure that the transportation of hazardous materials whether it is by rail or other means occurs safely.

Finally, I am pleased that the legislation reflects agreements reached by the Public Works and Transportation Committee and the other body with regard to the continuing and important regulatory responsibilities of the Interstate Commerce Commission as they pertain to the railroad industry.

Mr. Speaker, this is a good piece of legislation. I urge my colleagues to support H.R. 2178.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to our distinguished colleague, the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I rise in support of H.R. 2178. This revised version of the bill represents a House-Senate agreement on reauthorizing the safety activities of the Department of Transportation concerning transportation of hazardous materials. It also represents the product of very diligent work by our chairman, the gentleman from Michigan [Mr. DINGELL], our subcommittee chairman, the gentleman from Washington [Mr. SWIFT], our subcommittee ranking member, the gentleman from Ohio [Mr. OXLEY], and by our colleagues on both sides of the aisle from the Public Works Committee.

Hazardous materials transportation usually attracts attention only when there is an accident of some sort. What most of us fail to realize is that literally hundreds of everyday items vital to consumers and to American businesses could not exist without hazardous materials transportation to get the needed commodities to the manufacturing sites. Consequently, hazardous materials transportation is a vital link in the functioning of our industrial economy.

The reauthorization in this bill makes relatively modest adjustments to the Hazardous Materials Transportation Act, since Congress extensively overhauled that law in 1990. I am also pleased to report that the House-Senate agreement retains virtually all of the key features of the House-passed bill. The legislation addresses a number of issues, including the promptness of DOT rulings on preemption matters, railroad tank car safety, and how to apply international standards to hazardous materials packaging.

The second part of H.R. 2178 is a new addition from the Senate—a package of trucking deregulation provisions based on the Exon-Pachwood bill. My colleagues from the Public Works Committee can best describe these provisions. But the bottom line is clear: it permits an immediate 30 per cent reduction in the funds for the Interstate Commerce Commission.

In addition, the bill mandates a study of the future of the ICC. The Department of Transportation is to make recommendations during Fiscal Year 1995 on the best disposition of the ICC's remaining regulatory functions. Any and all of the following options are available: elimination, transfer to DOT or other Cabinet agency, creation of an autonomous agency within DOT-much as the Federal Energy Regulatory Commission is affiliated with the Department of Energy—retention of functions in an independent agency, or combination with another agency. This will give the authorizing committees and the Congress a blueprint for an orderly process to deal with the ICC's regulatory functions. We will have eliminated almost one-third of its budget immediately in this legislation, and we hope that further economies can be realized in the future, when Congress turns to implementing the DOT recommendations.

Mr. SHUSTER. Mr. Speaker, I rise in strong support of H.R. 2178, the Hazardous Materials Transportation Authorization Act of 1994. I would like to take this opportunity to expand upon certain aspects of title II, the Trucking Industry Regulatory Reform Act of 1994.

The Trucking Industry Regulatory Reform Act completes the year-long series of reforms to the trucking industry undertaken by the Committee on Public Works and Transportation. The first was the Negotiated Rates Act of 1993, which settled the terrible undercharge crisis that faced our Nation's transportation industry. The second was preemption of State regulation of intrastate trucking contained in section 601 of the federal Aviation Adminis-

tration Act of 1994, which will save our economy billions in lower intrastate freight charges. And the third of course is the Trucking Industry Regulatory Reform Act of 1994, which we are considering today. Together, these three acts have restructured our Nation's trucking industry to eliminate costly and needless regulation and promote greater efficiency, thus benefiting our Nation as a whole.

The Trucking Industry Regulatory Reform Act modifies or eliminates numerous unnecessary and costly regulatory functions performed by the ICC. Most importantly, this act goes a long way toward eliminating the wasteful and unnecessary filed-rate doctrine at the Interstate Commerce Commission. The filed-rate doctrine—which required that all motor carriers file tariffs containing their rates with the ICC and obligated shippers to pay the rate contained in the filed tariffs—is one of the last vestiges of the past era of interstate trucking regulation. It was the existence of the filed-rate doctrine that led to the undercharge crisis that was resolved by the Negotiated Rates Act.

Section 266 eliminates tariff filings for individually determined rates; that is, all rates that are not set by rate bureaus. This will eliminate the tariff filing requirement for up to 90 percent of the 1.4 million tariffs filed annually. Most importantly, this section eliminates once and for all the filed-rate doctrine for individually determined rates.

The result of these changes is that for individually determined rates, there will no longer be an obligation for carriers to file any tariff containing rates with the ICC or anywhere else and there will no longer be any obligation on the part of a shipper to pay any filed rate. For effected rates, the link between tariff filings and charges is severed. Henceforth, all individually determined rates will be set by free market negotiations between carriers and shippers.

Section 206 also adds new subparagraphs (3) and (4) to section 10762(a) of title 49 to clarify the rights and responsibilities between carriers and shippers regarding billing disputes. First, the shipper is given the right to be provided with a copy of the rates applicable to his shipment upon his request to the carrier. Second, upon request of the shipper, the ICC shall resolve disputes over rate applicability or reasonableness. Third, in the event that a carrier seeks to collect charges beyond those originally billed and collected from the shipper, the carrier may request that the ICC resolve the matter, and in any case, such request for additional charges must be made within 180 days of the receipt of the original bill. Finally, new subparagraph (4) provides that a shipper which contests the charges originally billed must do so within 180 days from receipt of such original bill. Of course, the parties are free to settle any disputes without federal intervention or having their settlement approved by the ICC.

In sum, new paragraphs (3) and (4) permit shippers and carriers to continue to have the ICC resolve rate disputes that arise from the market negotiations. There is no intention to create any new functions of responsibilities for the ICC, but instead to clarify rate dispute resolution mechanisms in light of the elimination of the filed-rate doctrine for individually determined rates.

Paragraph (3) does not anticipate the possibility of future undercharge claims merely be-

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cause it contains a dispute settlement mechanism for instances when carriers seek to collect charges in addition to those billed and collected. Any claim for additional charges would not be the result of an undercharge, but rather because a carrier believes the rate it reached with the shipper is different than the rate the shipper believes was agreed to.

There is no possibility that a carrier—or its successor in interest—may seek additional charges from a shipper because the carrier had filed or possessed a tariff containing a particular rate and negotiated a lower rate with a shipper. Nor will an undercharge claim be possible because a carrier kept a rate on file with itself or elsewhere.

Simply stated, the possibility of a negotiated rate undercharge has been eliminated because there is no longer any obligation for a carrier to file a rate with the ICC or anywhere else and no further obligation for a shipper to pay that rate. All individually negotiated rates are to be determined and proven by evidence of market negotiations. Any rates kept or published by carriers are merely evidence of such negotiations.

Furthermore, new paragraphs (3) and (4) set a statute of limitations of 180 days for all rate disputes, thus shortening the timeframe for billing disputes to be raised at all. The purpose of this shortened statute of limitations is to streamline billing disputes and prevent claims by shippers or carriers that the amount billed was incorrect far in the future.

Two additional aspects of new paragraphs (3) and (4) require explanation.

First, the second sentence of new paragraph (3), which permits the ICC to hear challenges to rate applicability or reasonableness upon request of the shipper and new paragraph (4), which states that when the shipper challenges the charges originally billed, he must do so within 180 days of receipt of the original bill, are intended to cover exactly the same circumstances. Challenges to rate reasonableness and applicability are the same as shippers "contest[ing] the charges" and subject to the 180 day statute of limitations contained in paragraph (4). Paragraph (4) is intended to modify the second sentence of paragraph (3) to ensure that all shipper rate challenges are brought within the 180 day period.

Second, the third sentence of paragraph (3) which permits a carrier or its successor, in the event that it brings a claim for charges in addition to those billed and filed, to do so before the ICC, is intended to have the ICC determine undercharge claims at the election of the carrier or the shipper, and is not intended to restrict the election of forum to the carrier only.

Tariff filings remain for motor-water tariffs in noncontiguous domestic trade, household goods carriers, and rates filed by rate bureaus. Rate bureau filings were continued to permit smaller shippers the option of using rate bureaus. If carriers discount rate bureau tariffs, however, such rates will then become individually determined rates for classifications, mileage guides, or other governing tariffs, a participating carrier must properly participate in the tariff in order to collect its rates. If a carrier does not have a proper power of attorney to participate in the governing tariff, no other rate can be collected.

Sections 207 and 203 eliminate all entry standards for the motor common and contract carriers other than compliance with Depart-

ment of Transportation and ICC safety and insurance requirements. In particular, the granting of operating authority based on public convenience and necessity is ended. Since entry was eased in 1980, the ICC has rarely, if ever, found a proposed service inconsistent with the public convenience and necessity.

Section 210 directs the preparation of two reports to Congress analyzing alternatives to the current structure of the ICC. First, a comprehensive review of all of the ICC's functions and second, a study of possible changes to the ICC from its current status and integrating its functions into existing agencies.

These two studies are intended to formally examine the need and efficiencies gained from altering the ICC's current status as an independent agency. There has been substantial concern raised about statutorily eliminating the ICC before a comprehensive review of the need to sunset the agency and the formulation of a plan to continue all of its identified statutory functions. Thus, these studies are intended to identify the need for the ICC's functions, the efficacy of altering the ICC's current status as an independent agency, and to present Congress with a comprehensive summary of all issues and alternatives for its future consideration.

One final provision, section 211, merits highlighting. This section preempts State regulation of fares of intrastate bus passenger service on interstate routes. Currently, a State has 4 months to rule on a fare petition affecting intrastate bus passenger service being performed by an intercity bus operator as part of interstate service. If the State does not act or denies the carrier's petition, the carrier can appeal to the ICC, which must render a decision within 3 months of filing an appeal. Virtually all rate cases appealed to the ICC have been decided in favor of the carrier. While section 11501(e) (1)-(4) and 11501(e)(6) referred to a "rate, rule, or practice" and the preemption language in new section 10905 references "fares," no difference in meaning is intended. The preemption is intended to cover all the technical tariff issues included in a rate filing. At a time when intercity bus operators are struggling to survive due to intense competition from low-cost Mares and the automobile, elimination of this unnecessary procedural hoop to change fares is warranted. It will permit bus operators to respond to market forces immediately in terms of setting their fares and help to ensure the future of intercity bus service in this country.

Because all sections of this act—other than sections 207 and 203—are effective on the date of enactment of this bill, I urge the ICC to act as quickly as possible to establish transition rules for these new procedures.

Mr. DELAY. Mr. Speaker, I can hardly believe it. I have been working for trucking deregulation for 16 years—my entire political career—and lo and behold, over the last 2 weeks, two of the biggest deregulation measures pass this House under suspension of the rules. My, how times have changed.

Over 7 years ago, I introduced trucking deregulation legislation that essentially does exactly what the House has passed over the last 2 weeks. Improved efficiency, increased competition, and reduced paperwork resulting from complete economic reform of the trucking industry will save billions in business logistic costs and those savings will be passed on to the consumer.

Last week, during consideration of H.R. 2739, the Aviation Infrastructure Investment Act Conference Report, Congress basically made swiss cheese out of States' intrastate regulations. Essentially, through that legislation, Congress told State regulators to hang up their regulatory robes since there is nothing more to replate. This is the best news for the American consumer since the trucking deregulatory efforts of 1980.

Today, the House considers a bill of equal importance, legislation that essentially eliminates all trucking functions from the ICC.

As you may know, this legislation came about because of the historic vote on the House floor several months ago when the House voted to eliminate the ICC and transfer its remaining function to the Department of Transportation. The House overwhelmingly voted to zero-out the ICC. After that historic vote, the Senate was the target for every special interest group in the country interested in saving the Interstate Commerce Commission. It became apparent that elimination of the ICC was not assured. At that point, Senator EXON and PAKKWOOD offered legislation that essentially eliminated the trucking functions at the ICC and cut their funding by about one-third.

The text of that legislation is included in the Hazardous Materials Transportation Act amendments under consideration today.

Mr. Speaker, these regulations that we are eliminating today have, in the past, been the life blood of Federal regulators. Times truly have changed since all sides of the issue have come together to create this deregulation legislation.

These subtle trucking deregulation efforts have not gone unnoticed. I commend the efforts of all parties responsible for bringing this legislation to the floor. The American consumer will benefit greatly from the passage of these deregulatory measures since the savings generated from the trucking companies will be passed on to the consumer. Trucking companies save because they will no longer spend their time, effort and money filing useless tariff documents with the ICC.

H.R. 2178 is an excellent compromise since it accomplishes all of the trucking deregulation I have been pushing for 16 years. I applaud the committee's efforts, look forward to working for more transportation deregulation next year, and urge the adoption of the legislation before the House today.

Mr. RAHALL. Mr. Speaker, the legislation pending before the House consists of two titles, the first of which is based on a bill previously passed by this body that would reauthorize the Hazardous Materials Transportation Act. The second title of the pending legislation deals with an issue which has not yet been considered by this body and involves the further reform of interstate motor carrier regulation. This second title is being considered as a means to begin to address the House vote, during consideration of the fiscal year 1995 transportation appropriations bill, to eliminate funding for the Interstate Commerce Commission.

It is important to note that title I of this bill contains all of the elements of the original House-passed version of H.R. 2178 relating to the reauthorization of the Hazardous Materials Transportation Act. In this regard, some modifications to the House language have been made by the Senate in consultation with the House Committees on Public Works and

Transportation and Energy and Commerce. In addition, this measure contains a number of other provisions which originated with the Senate. Ultimately, however, the primary purpose of title I of the pending bill is to reauthorize the act through fiscal year 1997.

Among the amendments made to the Hazardous Materials Transportation Act by this legislation are three in particular which I have advanced in my capacity as chairman of the Subcommittee on Surface Transportation.

The first of these provisions modifies the training grant programs of the act. Currently, the act provides for two types of training grants: Under section 117A for training public sector hazmat employees like fire fighters and police through grants to the States, and under section 118 for training private sector hazmat employees, such as truckers.

With respect to the section 117A State grant program, the Surface Transportation Subcommittee received testimony that these grants are of an insufficient amount to provide for adequate training, and, that they are not always used by the States to train the public sector employee group that is in the front line in responding to hazardous material incidents: fire fighters.

For this reason, the bill proposes a new supplemental program through which the Secretary may make grants to qualifying organizations engaged solely in fighting fires for the purpose of training fire fighting personnel to respond to hazardous materials accidents and incidents. The International Association of Fire Fighters would be one such qualifying organization.

Further, the bill would greatly expand the current authorization for the section 118 grants used for training of hazmat employees engaged in the loading, unloading, handling, storage and transportation of hazardous materials and emergency response.

In my view, the existing authorization is simply inadequate to provide proper training for the thousands upon thousands of employees involved with hazardous materials in the motor carrier, railroad, airline and maritime industries.

The second provision seeks to further address the question of whether or not a centralized computer tracking system for all hazardous materials in transportation should be required.

Under such a system, shipper would enter information about hazardous materials into a computerized data center at both the commencement and completion of each shipment. In the event of an incident, this information would be immediately available to police and fire fighters.

The 1990 reauthorization legislation ailed on the National Academy of Sciences to study the matter. That study did not recommend the immediate establishment of a central reporting System and computerized telecommunications System. It did, however, recommend that the Department of Transportation test prototype automated information systems.

To advance this proposal, H.R. 2178 provides for the establishment of one or more pilot projects involving motor carriers in order to demonstrate the feasibility of establishing a and operating computerized telecommunications emergency response information technologies. These projects would be conducted under the auspices of the Intelligent Vehicle-Highway Systems Act of 1991.

In this regard, I would note that the Federal Railroad Administration is currently undertaking a pilot project of this nature involving a railroad in Houston, TX. Consideration should be given to expanding this project through the inclusion of motor carriers under the pilot project program provided for by H.R. 2178.

The third provision advanced by the Surface Transportation Subcommittee would require the Secretary of Transportation to initiate a rulemaking to examine whether fibre drums for the domestic transportation of liquid hazardous materials can comply with statutory standard, and provide an equal or greater level of safety, than the regulations promulgated by DOT which are scheduled to take effect on October 1, 1995.

In this regard, I would note that section 105(d)(2) of the Hazardous Materials Transportation Act gives the Secretary of Transportation discretionary authority to issue standards applicable to the domestic transportation of hazardous materials consistent with standards adopted by an international body, with the adoption of such international-based standards for the purposes of domestic commerce not required by law.

The Secretary has promulgated regulations applicable to the domestic transportation of hazardous materials in a proceeding known as HM-181 based on the recommendations of a committee of the United Nations formed to develop requirements applicable to international commerce, with such regulations effective October 1, 1996.

Pursuant to the HM-181 regulations, certain types of packaging, including open-headed fiber drum packaging used for liquid hazardous materials, will no longer be acceptable for domestic commerce in the United States, despite the demonstrated safety of such fiber drum packaging technology.

However, fiber drum packaging for liquid hazardous materials is an exclusive American technology, and due to the lack of experience with it among the international community, may not have been duly considered in the formulation of standards pursuant to HM-181.

In addition, several Nations other than the United States continue to provide for the regulation of hazardous materials transportation within their borders utilizing standards not based on the recommendations of the United Nations Committee.

Because of these concerns, we have included a provision in H.R. 2178 that requires the Transportation Department to reexamine the issue, and if it determines that fiber drums for the domestic transportation of liquid hazardous materials can comply with the statutory standards, and provide an equal or greater level of safety than the HM-181 regulations, the agency could decide to allow the drums to continue to be used for domestic liquid hazardous materials transportation.

Before I leave this issue, I do want to commend our colleague, JOHN SPATT of South Carolina, for originally bringing it to the attention of the Surface Transportation Subcommittee. I would further note that during the Senate's consideration of this legislation on August 11, 1994, Senator HOLLINGS and Senator EXON engaged in a colloquy on this provision of the bill and I would like to note that the understanding they reached is one which I am in complete agreement with.

As I mentioned earlier, title II of H.R. 2178 concerns the further reform of interstate motor

carrier regulation. While this provision originated with the Senate, it represents a position acceptable to the leadership of the House Committee on Public Works and Transportation and was devised in consultation with the administration as well as representatives of the trucking and shipping community.

Mr. Speaker, on June 15 of this year, the House by a vote of 234 to 192 eliminated all funding for the Interstate Commerce Commission in its version of the fiscal year 1995 Transportation Appropriation Bill.

In my view, based on statements made on the House floor that day, the primary motivation Members had in seeking to eliminate funding for the Commission was grounded in reducing the budget deficit rather than invoking regulatory changes.

However, even the most casual observer of this issue understands that budgetary savings can only result by eliminating aspects of the Commission's responsibilities.

The fact of the matter is that eliminating funding for the ICC and further transportation regulatory reform are intertwined issues.

In the aftermath of the House vote, it fell to the leadership of the House and Senate authorizing committees to determine how to reconcile the House vote to terminate the ICC under the guise of budget deficit reduction, and the fact that budgetary savings would only result by the elimination of certain Commission functions.

The result of these deliberations, which included the administration, the Appropriations Committees and House sponsors of the amendment to eliminate the ICC's funding, was added by the Senate as title II of H.R. 2178.

The reforms envisioned by this legislation would eliminate the obligation of individual motor carriers to file rates with the ICC, eliminate the requirement of motor carriers engaged in interstate commerce to obtain a certificate of public convenience and necessity from the ICC as it relates to entry while preserving the Commission's authority to require compliance with safety and financial responsibility requirements; provide the Commission with limited authority to provide for other exemptions from motor carrier regulation; and preempt State laws governing interstate motor carriers of passengers as they relate to the regulation of intrastate fares. In addition, title II requires the ICC and the Secretary of Transportation to report to the Congress with recommendations on future organizational options for the Commission and its authorities.

With respect to these reforms, I would like to make it clear that this legislation in no way eliminates the ICC's authority as it relates to motor carrier safety fitness and insurance requirements. Further, the Commission would be prohibited from utilizing the exemption authority provided in the bill to eliminate regulation of these and a number of other areas, including those relating to antitrust immunity for joint line rates and routes, classification of commodities, uniform bills of lading and standardized mileage guides.

Finally, while the bill would preempt State regulation of intrastate fares for the transportation of passengers by bus by an interstate motor carrier of passengers, it clearly provides for a continued State role with respect to proposals to discontinue service. Those of us from the rural areas of this Nation are painfully aware of the dramatic loss of intercity bus

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service, that resulted after the enactment of the bus deregulation bill in 1982. However, in light of the financial difficulties major bus companies such as Greyhound are experiencing, with this legislation it is my hope that by providing for increased flexibility as it relates to fares, existing service to rural areas will be preserved and perhaps enhanced.

Mr. Speaker, the intention of these regulatory reforms is to reduce the ICC's budget by approximately one-third while providing for the public interest to continue to be served in the area of interstate motor carrier regulation.

This is indeed a comprehensive measure before us, concerning two distinct and separate matters, but it is one which deserves the support of the House.

Mr. OXLEY. Thank you, Mr. Speaker. I rise in strong support of H.R. 2178. This legislation to reauthorize the safety activities of the Department of Transportation with respect to hazardous materials transportation has had a strong bipartisan consensus behind it throughout the legislative process. The version we are considering today is the equivalent of a conference report, because it represents a House-Senate agreement on the final configuration of hazardous materials legislation the House approved last fall.

The Hazardous Materials Transportation Act was extensively revised in legislation enacted in 1990. Therefore, this new reauthorization makes relatively minor adjustments to the statute, recognizing that the 1990 law is still being implemented. Most of the improvements are to process—making DOT rulings on questions of State and Federal jurisdiction more responsive and correcting certain technical flaws that have been detected since the 1990 enactment.

I want to again commend Chairman DWIGG, Subcommittee Chairman SWIFT, and our ranking member, Mr. MOORHEAD, and our colleagues on both sides of the aisle from the Public Works Committee, for their work on this legislation. The safe transportation of hazardous materials is an essential ingredient to the successful functioning of our industrial system, particularly the manufacture of many goods that involve chemical ingredients. This legislation keeps DOT on course to maintain and improve the safety of such transportation, whether by rail or motor carrier.

A second part of the House-Senate agreement on this legislation deals with further deregulation of interstate trucking, based on the Senate's Exon-Packwood bill. I support the reduction of Federal regulation wherever feasible, and I leave it to my colleagues on the Public Works Committee to describe the trucking provisions of the bill, which lie within their exclusive jurisdiction.

One provision of the trucking legislation lies within the joint jurisdiction of both the Energy and Commerce Committee and the Public Works and Transportation Committee—a study of the future disposition of the various regulatory functions of the Interstate Commerce Commission.

This study, which will be carried out by the ICC and the Department of Transportation during fiscal year 1995, is aimed at identifying all functions of the ICC that can be eliminated, and also at analyzing the best location for the ICC's remaining functions. The catalyst for this in-depth analysis of the ICC was clearly the initiative of my colleague from Ohio, Mr. KASICH, who helped shake up the status quo ap-

proach Congress had adopted in recent years regarding the ICC. Because of his appropriations amendment, we now have substantial new trucking deregulation, plus a mandate for a complete and thorough analysis of the best future institutional format for the ICC.

In studying the ICC, DOT is directed to consider all the options—deleting functions entirely, transferring them directly to a Cabinet agency such as DOT, retaining them in an autonomous agency within DOT, keeping them in a traditional independent agency, combining the ICC's functions with those of another agency, or any combination of these.

This is a sound and constructive approach which will force the Congress to examine the economic regulation of transportation. Once DOT has carried out the study, it will be up to the authorizing committees to act promptly on the DOT recommendations. In my view, this kind of congressional re-examination of Federal regulation is something we do not do often enough, and I think my colleague, Mr. KASICH, deserves considerable credit for getting the process underway.

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

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

The SPEAKER pro tempore (Mr. TRAFICANT). The question is on the motion offered by the gentleman from California (Mr. MINETA) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2178.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MINETA. 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. 2178, and the Senate amendment just concurred in.

The SPEAKER pro tempore (Mr. BROWN of California). Is there objection to the request of the gentleman from California?

There was no objection.

CONCURRING IN SENATE AMENDMENT TO H.R. 4812, TRANSFER OF OLD U.S. MINT IN SAN FRANCISCO

Mr. TRAFICANT. Mr. Speaker. I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3812) to direct the Administrator of General Services to acquire by transfer the Old U.S. Mint in San Francisco, CA, and for other purposes.

The Clerk read as follows:

Senate amendment:

Page 2, after line 6, insert:

SEC. 2. REPAIRS OF OLD U.S. MINT, SAN FRANCISCO.

Nothing in this Act shall be construed to force the General Services Administration to repair the Old U.S. Mint building prior to repairs to other Federal buildings in greater need of repair.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TRAFICANT) will be recognized for 20 minutes, and the gentleman from Wisconsin (Mr. PETRI) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker. I yield such time as he may consume to the distinguished gentleman from California (Mr. MINETA), chairman of the Committee on Public Works and Transportation.

Mr. MINETA. Mr. Speaker. I wish to first of all, thank the very fine friend and distinguished chairman of our Subcommittee on Public Buildings and Grounds, the gentleman from Ohio (Mr. TRAFICANT), for moving this bill expeditiously.

Mr. Speaker, this bill is basically the same bill that the House passed under suspension on August 8.

As I stated at that time, I would also like to commend the gentleman from California (Ms. PELOSI), my colleague, for joining me in cosponsoring this very important piece of legislation.

Mr. Speaker. H.R. 412 would transfer title to the Old U.S. Mint located in San Francisco to the General Services Administration at no cost. It will enable GSA, through the Federal buildings fund, to repair and renovate this historic landmark building.

Mr. Speaker, the Old Mint Building was constructed between 1869 and 1974. It is one of the first stone buildings constructed in San Francisco and now remains as the city's oldest stone structure. It is on the National Register of Historic Places and has been designated a national landmark building. Today it houses the Old Mint Museum where thousands of tourists and schoolchildren visit each year, as well as various administrative operations for the San Francisco Mint.

Last year, Mr. Speaker, the mint was closed because of damage caused by the Loma Prieta earthquake. Now, as it approaches its 120th birthday in November, the Old Mint needs our help.

Mr. Speaker, the legislation before us is a simple transfer of title from Treasury to the General Services Administration to accomplish the goal of rehabilitating the Old Mint to preserve one of your Nation's most endangered landmarks. The Senate amendment, which is not controversial, simply provides that nothing shall be construed to force GSA to repair the Old Mint prior to repairs to other Federal buildings in greater need of repair.

Mr. Speaker, this is an important piece of legislation and worthy of this body's prompt attention. I urge its passage, and I thank the gentleman for yielding the time.