

coast of the United States, which is the Louisiana Offshore Oil Port. I hope this legislation will help us see more of such ports off of the U.S. coast, especially in my home State of Texas.

With respect to operations of a deepwater port, the bill would require deepwater ports to only comply with regulations established in the Transportation Department's facilities operations manual instead of the various other licensing provisions that are currently required. Additionally, the bill would enable the Coast Guard to streamline the approval process for maintaining certain environmental safeguards.

Mr. HAYES. Mr. Speaker, when the U.S. House of Representatives first debated the merits of deepwater ports on June 6, 1974, Members on that day supported the concept of deepwater ports much for the same reasons that we support them here today—deepwater ports make environmental and economic common sense. This afternoon, H.R. 2940, the Deepwater Port Modernization Act, epitomizes the very essence of how this 104th Congress has tried to streamline our Federal regulatory structure to better meet the needs of the regulated community while still protecting the public interest and the environment.

H.R. 2940 will reduce the top-down, duplicate and unnecessary barriers that inhibit our Nation's only deepwater port—the Louisiana Offshore Oil Port [LOOP]—from making the business decisions required to most effectively compete in today's marketplace. This bill will make it easier for other potential deepwater ports to be constructed and operated successfully. Finally, H.R. 2940 will further improve one of the most cost effective and environmentally friendly means of transporting crude oil onshore.

The Deepwater Port Modernization Act clarifies LOOP's authority to receive oil from the Outer Continental Shelf [OCS]. Deepwater finds will significantly reduce our national dependence on imported oil and help keep more investments in oil exploration and production in Louisiana. Approximately 30 discoveries have been made by the offshore oil and gas industry on deepwater leases in the Gulf of Mexico, amounting to an estimated total of 3 to 4 billion barrels of oil. Recent discoveries have the possibility to provide yields equal to or greater than Prudhoe Bay, AK. With LOOP's proximity to the OCS and its available underused capacity, producers will have a cost effective and environmentally responsible option to transport these large oil quantities to pipelines and refineries across the Nation, particularly if the Federal Government removes unnecessary regulatory barriers.

LOOP's license allows the facility to physically double in size, but doing so has never made economic sense—until now. With such new sources of oil on the OCS and increased capacity, it is estimated that at least 200 new jobs will be created in Louisiana nearly doubling the employment at LOOP. The port's annual economic impact will also nearly double to \$62.7 million. Currently, LOOP employs more than 225 people, and has an economic impact of \$32.7 million each year on the local economy, including wages and purchases of local materials and services.

Under current law, LOOP is the only strictly regulated entity among its chief competitors. Day-to-day business decisions are inhibited and delayed due to federal requirements calling for unnecessary oversight at the highest

levels of the Federal Government. H.R. 2940 would simply regulatory activities, and enable LOOP and any new deepwater ports to respond more quickly to changing market conditions and improving technologies, as well as to pursue appropriate business opportunities, using procedures more comparable to those applicable to their competitors.

H.R. 2940 removes a redundant mandatory antitrust review for even minor changes in LOOP's license. The outdated legislative language proved unnecessary because abundant competition exists especially from ligherering operators that was not anticipated in 1974 when the Deepwater Port Act was originally enacted. Additionally, enforcement of rules will be transferred from the Department of Transportation [DOT] to local authorities, including the Louisiana Department of Transportation and Development, which support my bill.

H.R. 2940 makes a commitment to guaranteeing the efficient movement of this environmentally protective mode of transportation. I want to thank Chairman SHUSTER, Chairman BOEHLERT, Chairman COBLE, and the House leadership for bringing the Deepwater Port Modernization Act before the House, and I urge its immediate adoption.

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

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

The SPEAKER pro tempore (Mr. BEREUTER). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the bill, H.R. 2940, 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.

SNOW REMOVAL POLICY ACT OF 1996

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3348) to direct the President to establish standards and criteria for the provision of major disaster and emergency assistance in response to snow-related events, as amended.

The Clerk read as follows:

H.R. 3348

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Snow Removal Policy Act of 1996".

SEC. 2. FINDINGS.

Congress finds that—

(1) winter snow storms in recent years, and particularly in 1996, have interrupted essential public services and utilities, caused widespread disruption of vital transportation networks, stranded many motorists, and isolated many homes and businesses;

(2) the impact of the winter snow storms was of such severity and magnitude that effective response was beyond the capability of State and local governments;

(3) the policy of the Federal Emergency Management Agency for providing major dis-

aster and emergency assistance in response to snow-related events is unclear; and

(4) regulations should be promulgated for providing major disaster and emergency assistance in response to snow-related events in order to ensure the fair treatment of States and local governments that have incurred costs associated with such a response.

SEC. 3. RULEMAKING TO ESTABLISH STANDARDS AND CRITERIA FOR SNOW-RELATED EVENTS.

(a) NOTICE OF PROPOSED RULEMAKING.—The President, acting through the Director of the Federal Emergency Management Agency, shall issue a notice of proposed rulemaking to promulgate—

(1) standards and criteria for declaring a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in response to a snow-related event; and

(2) standards and criteria for providing assistance under such Act in the case of a snow-related major disaster or emergency, including reimbursement for snow removal and for debris removal and emergency protective measures.

(b) REQUIREMENT.—Rules to be promulgated under this section shall ensure that in determining the eligibility of a State or local government for assistance in connection with a snow-related event, the President will give consideration to existing capabilities of the State or local government.

(c) DEADLINES.—The President, acting through the Director of the Federal Emergency Management Agency, shall issue—

(1) a proposed rule under this section not later than 3 months after the date of the enactment of this Act; and

(2) a final rule under this section not later than 9 months after such date of enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Pennsylvania [Mr. BORSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

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

Mr. Speaker, the blizzard of 1996 swept across 12 States and the District of Columbia threatening the lives of thousands of individuals. Many of my constituents were cut off from critical facilities, such as hospitals, by record snowfalls.

At the time it appeared that the Federal response to this crisis was haphazard. Many State and local officials considered FEMA's response unfair and inconsistent with previous policy.

H.R. 3348 simply requires FEMA to set a coherent policy for responding to snow events so that Federal assistance will be more uniform and fair.

I would like to thank Mr. QUINN for bringing attention to this matter. However, as he points out, this is a bipartisan effort. More than half of the 25 cosponsors are Democrats, including Mr. TRAFICANT, Mr. MASCARA, Ms. NORTON, Mr. STUPAK, Mr. RANGEL, Mr. TOWNS, Mrs. LOWEY, and Mr. KILDEE.

FEMA has had the authority to provide assistance to clear roads in the event of severe snowstorms since 1988. Since that time, FEMA has responded to snowstorms in three winters, 1993, 1994, and 1996. In each year, the total assistance was well under \$1 million.

H.R. 3348 does not expand this authority but does require a consistent policy. The Congressional Budget Office agrees this will not result in significant new costs.

It is argued that this bill is unnecessary because FEMA is already working on a snow removal regulation.

The fact is, we need H.R. 3348 to make sure FEMA completes its work.

FEMA often starts rulemakings but does not complete them or finishes them months late.

For instance, in 1993 FEMA initiated approximately 14 new rules. Only 4 of these were completed on time—8 are still pending or have been discontinued.

H.R. 3348 makes sure this rule will happen and that it will happen quickly.

Again, I commend Mr. QUINN and the other sponsors of the legislation. I strongly support this bipartisan bill and urge its adoption.

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

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

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

Mr. BORSKI. Mr. Speaker, H.R. 3348 demonstrates the lasting impact of the blizzard of 1996 when cities throughout the northeast were faced with unprecedented snow removal costs.

My own city of Philadelphia ran up a bill of \$11 million for snow removal for which we have received Federal reimbursement of \$4 million.

Many other cities from the Canadian border to our Nation's Capital had equally staggering costs for which they were totally unprepared.

These cities looked to the Federal Emergency Management Agency for help and many were disappointed with FEMA's response.

FEMA, which has done an outstanding job under Director James Lee Witt, is currently working on a snow removal policy, which is scheduled to be released in draft form on October 1.

There are some complicated issues involved in this rulemaking, as was shown by the ranking member of the Transportation and Infrastructure Committee, the gentleman from Minnesota [Mr. OBERSTAR], during our subcommittee hearing on H.R. 3348 last week.

Mr. Speaker, I want to emphasize the tremendous job that Mr. Witt has done at FEMA. I have been involved in the oversight of FEMA for several years and it is clear that he has turned this Agency around.

Under Director Witt, there is an unprecedented level of professionalism and responsiveness.

After earlier disasters, there were numerous complaints about FEMA's lack of responsiveness.

We do not hear complaints about lack of responsiveness directed to FEMA under Director Witt.

It is because of Mr. Witt's outstanding performance at FEMA, his understanding

of the needs of State and local governments and his experience in dealing with disasters that I have full confidence in his ability to issue a fair policy on snow removal.

In fact, H.R. 3348 does no more than tell FEMA to issue a policy. It does not direct what that policy should be.

As ranking member of the Subcommittee on Water Resources, I will be working with FEMA to make sure the snow removal policy meets the needs of the entire Nation. The problems faced by Philadelphia and other northeastern cities must be addressed in a fair and consistent manner.

FEMA is in the process of issuing its policy in less than 2 weeks and I look forward to seeing the agency's proposal.

□ 1130

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

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume to associate myself with the remarks of my friend from Pennsylvania in praising James Lee Witt and his leadership of FEMA. I think he has brought very, very substantial improvements to that agency.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. QUINN], the distinguished Member who has really provided leadership in moving this legislation forward.

Mr. QUINN. Mr. Speaker, I want to begin by thanking the gentleman from Pennsylvania, Chairman SHUSTER, and the gentleman from New York, Mr. BOEHLERT, the subcommittee chair, for their assistance in moving this legislation forward, and begin by associating my remarks with the gentlemen from Pennsylvania, Mr. BORSKI and Mr. SHUSTER, and others, that Mr. Witt has done an fantastic job at FEMA.

The purpose of our legislation, as we have said from the beginning, is to move FEMA in the right direction. This is also an opportunity for me to acknowledge and to thank the gentleman from Michigan, Congressman BART STUPAK, who has worked as an advocate of this legislation on the other side of the aisle, as well as the others mentioned in Mr. SCHUSTER's opening remarks: Mr. David Rodham, the President-elect of the National Emergency Managers Association, for his early support; and especially the Water Resource Subcommittee staff, who were a great help in promoting this bipartisan measure from the beginning.

Mr. Speaker, I introduced this legislation earlier this year in the interest of developing a new, clear, concise snow removal policy. Last year, as we mentioned, in cities and towns in my district like Buffalo and Lackawanna, Cheektowaga, West Seneca, and Lancaster, all of those towns and cities endured 36 inches of snow in less than 24 hours.

When I tried to find help for these communities I ran into an astonishing

maze of bureaucracy. It seemed that no one could give me a straight answer as to whether these towns and cities would be eligible for any kind of assistance.

Now, I know some of my colleagues are thinking, "Mr. QUINN, you are from Buffalo, and it snows in Buffalo; you ought to expect it." And we do expect it. But as I discovered, no city, not even Buffalo, NY, can prepare for a storm of that proportion in any budget or with any amount of planning.

I am proud of what we were able to accomplish in Buffalo as a community to get ourselves out of that terrible mess. It might have taken other cities weeks to clean up, but Buffalo and western New York had our traffic bans and our travel advisories lifted within 3 days.

Regardless of how much one prepares going into a winter season, a storm such as the one we experienced in the Northwest and the mid-Atlantic region States last winter cannot be accounted for in any budget.

We worked with New York Governor Pataki and the National Emergency Managers Association to clarify the Federal snow removal policy and to help our communities cut through the bureaucratic redtape. The purpose, Mr. Speaker, of this legislation is to reduce the confusion, the ambiguity, and the lack of criteria we dealt with over this past winter.

The bill promotes a clear, concise and simple plan that will benefit everyone, from the Congress to FEMA to our local communities. Our thoughts and prayers go out to those people along the East Coast who were recently devastated by Hurricane Fran. Hurricane Fran illustrated why we as a Nation must reach out to our fellow Americans inflicted with natural disasters such as earthquakes, fires, floods, tornadoes, and hurricanes.

FEMA has a definitive policy and guidelines in place to deal with all of those natural disasters. Currently in their regulations there is no discernible Federal snow emergency policy. The blizzards we face across the Nation pose no less a threat to our lives and property than those of the other terrible disasters. Clear-cut trigger points would let States and local governments determine whether an emergency declaration is warranted or not and to what extent the Federal Government would be involved.

I believe, Mr. Speaker, and others who have cosponsored and supported the bill, that this is an opportunity for us as Federal legislators to provide meaningful help to our constituencies.

In closing, Mr. Speaker, in these times of tight budgets where all of us have been asked to make tough decisions on the allocation of funds, the supporters of this legislation are not looking for a handout. The legislation is only a straightforward attempt to come up with a policy that will assist our communities in understanding the Federal Government's policy concerning snow removal. Our local mayors

have asked for our help and our governors have asked for our help. Let us do something to help our local leaders.

This legislation does not create more government bureaucracy. This is an attempt to make the Government regulations we have already in place more understandable.

I want to conclude by making two points perfectly clear, Mr. Speaker. The first is that FEMA, who has done a great job, has had nearly 6 months to issue and to clarify these regulations; and, second, this legislation does not ask FEMA to expand the scope of the Federal involvement in snow emergencies, it simply asks FEMA to clarify the policy so that emergency managers in our district can understand them a little better.

I believe the bill is an example of responsible good government, and I urge my colleagues to vote "yes" on H.R. 3348.

Mr. BORSKI. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. STUPAK] who is a prime sponsor of the bill on our side of the aisle.

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, H.R. 3348 is an extremely important bipartisan piece of legislation for those citizens and communities that experience difficult winters year after year. In my district, which includes the Upper Peninsula of Michigan and the northern section of the Lower Peninsula, residents endured snow for 8 consecutive months last winter. And I may add that last Friday the first snowflakes of this winter fell.

In my area, in my district, we recorded a total snow accumulation of 321 inches or nearly 27 feet. If my colleagues can imagine for a moment, that level of snow would completely bury the typical two-story family home and would nearly reach the ceiling of this House Chamber.

Whether the cause of the disaster is flooding, fire, hurricane, like the recent devastation in North Carolina caused by Hurricane Fran, or snow, we gauge the impact of a weather event in terms of the number of people it affects and the magnitude of its financial impact. The winter of 1995-96 was not a single storm but rather a series of record-breaking storms.

The total accumulation of record-breaking snowfalls pushed road crews and local communities to the brink of financial disaster. The financial havoc these storms wreaked on my district will be felt for years to come. The storm caused snow and flood damage to roads and structures, curtailed agricultural planting, delayed home building and tourism, and induced other detrimental personal and financial effects.

As a result, local communities in northern Michigan faced budget overruns of at least \$10 million. Many local governments do not have the reserves to tap for this type of unexpected disaster. They must increase their taxes,

cut their community programs and services, or even curtail road repair and maintenance, causing layoffs and other future community and regional hardships.

The Snow Removal Policy Act will finally clarify FEMA's regulations regarding snow-related emergencies, giving communities the opportunity for relief from winter's violent and deadly storms.

I want to emphasize, however, that despite the clarification in these guidelines, no Federal assistance can be provided if the Governor of the State does not make a request for financial or disaster aid. Regardless of the nature of the extent of any natural disaster, the decision to ask for Federal help would remain with the State's chief executive.

In the winter of 1993-94 my district received financial help from FEMA. I am pleased with that response, but this legislation is needed so there is no further delay in putting forth these guidelines.

Mr. Speaker, I want to offer my thanks to my distinguished colleagues, the gentleman from New York, Mr. BOEHLERT, the gentlemen from Pennsylvania, Mr. BORSKI and Mr. SHUSTER, the gentleman from Minnesota, Mr. OBERSTAR, for their assistance and guidance on this legislation. I want to especially thank my friend, the gentleman from New York [Mr. QUINN], for sponsoring this important bipartisan legislation and working with me on it.

Mr. Speaker, I urge the passage of H.R. 3348.

Mr. BORSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the committee, a gentleman who knows a thing or two about snow himself.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time.

We, too, on the other side of Lake Superior have a lot of snow, in the range of 130 to 140 inches a year. I am afraid the gentleman from Michigan gets the benefit of the prevailing wind passing over the 30,000 square miles of Lake Superior and dumping the excess moisture on the upper peninsula.

I think that the Federal policy on snow removal in disaster assistance situations should be clarified, and FEMA is moving to do that. I do not think this legislation is necessary. In just 3 weeks, FEMA, in their testimony before our committee, committed by October 1 to have an NPRM, a Notice of Proposed Rulemaking, published in the Federal Register, complete the 60-day comment period, and have a final rule in place by mid-December, in time for the snow season.

I think that is quite fair, and I think that the agency is moving along appropriately and there will be plenty of time for comment on their regulations. It just does not seem necessary to legislate what the agency is already doing.

I understand the arguments this is a push, this is a nudge, this is a shove from the Congress to FEMA to stay on track and do their job, but frankly, I am really concerned about disaster creep. We are seeing the spread of Federal responsibility to more and more types of situations that can be called or can somehow qualify as disasters.

Most of these calls come from State government, from local government, who preach to the Federal Government balance your budget. We hear this from the Governors all the time: Balance your budget, Federal Government. But then as soon as they have an earthquake, a tornado, a hurricane, heavy snow, they have their hand out to the Federal Government to come in and bail them out. But in the years when they do not have hurricanes or earthquakes or tornadoes, I do not see them coming back to the Federal Government and saying here is a downpayment for your good will on helping us out in times of disaster.

In the case of snow, snow is different from hurricanes. They come with some suddenness and unpredictability. Earthquakes come with great unpredictability. In the northern country we know the glacier retreated 10,000 years ago and every December it makes a return appearance, or at least a return effort, and we are prepared for it.

Now, I can understand when there is an occasional extraordinary event, a multi-State occurrence that dumps unprecedented amounts of snow and the economy is disrupted, the travel is interrupted for long periods of time. That makes a case for what FEMA is doing trying to develop a common policy. But I am concerned that this legislative push is moving us into ever more responsibility and ever greater expenditures and outlays of extraordinary amounts of Federal funds.

Someone may think that is strange coming from one who is advocating increasing our investment in infrastructure, but I think that is where we need to put those investments to make our economy more efficient.

So I just say my piece, express my concern, set a mark out there for those Governors and local government officials who come to Washington preaching to us about balance your budget, but help us out when we have a problem, to understand the broader responsibilities of the Federal Government and to shoulder more and more of their own financial obligations under circumstances of this kind.

I think we need to be careful about expansion of Federal disaster policies. I think that we can and we shall watch very closely FEMA's commitment to promulgating the NPRM on October 1 and getting a final rule out in December, and I will join with the chairman in any initiative needed to prod them along that route.

I just wish we did not have to move on legislation, but I will certainly not stand in its way, and I appreciate the cooperative spirit we have had with the

majority in scheduling hearings and hearing the issue, bringing these matters forth.

I understand the genuine concerns of our colleague from upstate New York, the gentleman from Michigan, and others who have concerns about snow removal policy and the application of the disaster assistance rules.

□ 1145

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mr. BOEHLERT], chairman of the Subcommittee on Water Resources and Environment.

Mr. BOEHLERT. Mr. Speaker, I wish to pay particular credit to the gentleman from New York [Mr. QUINN], my colleague, for his leadership on this issue.

When Mother Nature rears her ugly head, whether it is an earthquake on the West Coast or a storm off the coast of Florida or a heavy winter snowstorm, it can create havoc.

Mr. Speaker, we are not trying to micromanage for FEMA, an Agency for which I have the highest regard. I think James Lee Witt is doing a magnificent job. But we are asking the Agency to come up with a coherent policy so that we can give guidance to our constituents and our communities in the event of disaster.

I thank the gentleman from New York [Mr. QUINN] for his leadership in bringing this issue forward. I commend the chairman and the ranking member for participating in this exercise and providing the leadership necessary to move this legislation forward.

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

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

The SPEAKER pro tempore (Mr. BE-REUTER). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the bill, H.R. 3348, 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.

INTERMODAL SAFE CONTAINER TRANSPORTATION ACT AMENDMENTS OF 1996

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4040) to amend title 49, United States Code, relating to intermodal safe container transportation.

The Clerk read as follows:

H.R. 4040

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intermodal Safe Container Transportation Act Amendments of 1996".

SEC. 2. REFERENCES TO TITLE 49.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. DEFINITIONS.

Section 5901 is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) except as otherwise provided in this chapter, the definitions in sections 10102 and 13102 of this title apply.";

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(3) by inserting after paragraph (5) the following new paragraph:

"(6) 'gross cargo weight' means the weight of the cargo, packaging materials (including ice), pallets, and dunnage."

SEC. 4. NOTIFICATIONS AND CERTIFICATIONS.

Section 5902 is amended to read as follows:

"§ 5902. Notifications and certifications

"(a) PRIOR NOTIFICATION.—

"(1) IN GENERAL.—If the first carrier to which any loaded container or trailer having a projected gross cargo weight of more than 29,000 pounds is tendered for intermodal transportation is a motor carrier, the person tendering the container or trailer shall give the motor carrier a notification of the projected gross cargo weight and a reasonable description of the contents of the container or trailer before the tendering of the container or trailer. The notification may be transmitted electronically or by telephone.

"(2) APPLICABILITY.—This subsection applies to any person within the United States who tenders a container or trailer subject to this chapter for intermodal transportation if the first carrier is a motor carrier.

"(b) CERTIFICATION.—

"(1) IN GENERAL.—A person who tenders a loaded container or trailer with an actual gross cargo weight of more than 29,000 pounds, to a first carrier for intermodal transportation shall provide a certification of the contents of the container or trailer in writing, or electronically, before or when the container or trailer is so tendered.

"(2) CONTENTS OF CERTIFICATION.—The certification required by paragraph (1) shall include the following:

"(A) The actual gross cargo weight.

"(B) A reasonable description of the contents of the container or trailer.

"(C) The identity of the certifying party.

"(D) The container or trailer number.

"(E) The date of certification or transfer of data to another document, as provided for in paragraph (3).

"(3) TRANSFER OF CERTIFICATION DATA.—A carrier who receives a certification may transfer the information contained in the certification to another document or to electronic format for forwarding to a subsequent carrier. The person transferring the information shall state on the forwarded document the date on which the data was transferred and the identity of the party who performed the transfer.

"(4) SHIPPING DOCUMENTS.—For purposes of this chapter, a shipping document, prepared by the person tendering a container or trailer to a first carrier, that contains the information required by paragraph (2) meets the requirements of paragraph (1).

"(5) USE OF 'FREIGHT ALL KINDS' TERM.—The term 'Freight All Kinds' or 'FAK' may not be used for the purpose of certification under this subsection after December 31, 2000, as a description required under paragraph (2)(B) for a trailer or container if the weight of any commodity in the trailer or container equals or exceeds 20 percent of the

total weight of the contents of the trailer or container. This subsection does not prohibit the use of such term after December 31, 2000, for rating purposes.

"(6) SEPARATE DOCUMENT MARKING.—If a separate document is used to meet the requirements of paragraph (1), it shall be conspicuously marked 'INTERMODAL CERTIFICATION'.

"(7) APPLICABILITY.—This subsection applies to any person, domestic or foreign, who first tenders a container or trailer subject to this chapter for intermodal transportation within the United States.

"(c) FORWARDING CERTIFICATIONS TO SUBSEQUENT CARRIERS.—

"(1) GENERAL RULE.—A carrier, agent of a carrier, broker, customs broker, freight forwarder, warehouse, or terminal operator shall forward the certification provided under subsection (b) to a subsequent carrier transporting the container or trailer in intermodal transportation before or when the container or trailer is tendered to the subsequent carrier.

"(2) PRESUMPTION OF NO CERTIFICATION REQUIRED.—If no certification is received by the subsequent carrier before or when the container or trailer is being tendered to it, the subsequent carrier may presume that no certification is required.

"(3) LIMITATION ON CONSTRUCTION OF FORWARDING.—The act of forwarding the certification may not be construed as a verification or affirmation of the accuracy or completeness of the information in the certification.

"(4) LIABILITY.—

"(A) IN GENERAL.—If a person inaccurately transfers the information on the certification or fails to forward the certification to a subsequent carrier, then that person is liable to any person who incurs any bond, fine, penalty, cost (including storage), or interest charge incurred as a result of the inaccurate transfer of information or failure to forward the certification.

"(B) LIEN.—A subsequent carrier incurring a bond, fine, penalty, or cost (including storage), or interest charge as a result of the inaccurate transfer of the information or the failure to forward the certification shall have a lien against the contents of the container or trailer under section 5905 in the amount of the bond, fine, penalty, or cost (including storage), or interest charge and all court costs and legal fees incurred by the carrier as a result of such inaccurate transfer or failure.

"(5) NOTICE TO LEASED OPERATORS.—If a motor carrier knows that the gross cargo weight of an intermodal container or trailer subject to the certification requirements of subsection (b) would result in a violation of applicable State gross vehicle weight laws—

"(A) a motor carrier must inform the operator of a vehicle which is leased by the vehicle operator to a motor carrier which transports an intermodal container or trailer of the gross cargo weight of the container or trailer as certified to the motor carrier pursuant to subsection (b);

"(B) the notice must be provided to the operator prior to the operator being tendered the container or trailer;

"(C) the notice required by this subsection must be in writing, but may be transmitted electronically;

"(D) the motor carrier shall bear the burden of proof to establish that it tendered the required notice to the operator; and

"(E) if the operator of a leased vehicle transporting a container or trailer subject to this chapter should receive a fine because of a violation of a State's gross vehicle weight laws or regulations and lessee motor carrier cannot establish that it tendered to the operator the notice required by this section, the