

migration/diffusion; (3) the development and application of modern computer technologies for the collection and management of large volumes of scientific and other data characterizing the various environmental problems located in or affecting activities within the region; (4) environmental technology transfer; and (5) public education about the many regional environmental issues, problems and hazards.

SEC. 539. ACID MINE DRAINAGE MITIGATION, NEW RIVER, WEST VIRGINIA

Acid mine drainage from abandoned coal mines is perhaps the single most serious water quality problem in many parts of the Appalachian Region. In fact, nationwide, over 12,000 miles of rivers and streams and over 180,000 acres of lakes and reservoirs are contaminated due to acidic and toxic drainage from abandoned mines. Because of the magnitude of the problems associated with acid mine drainage from abandoned coal mines, and the lack of progress made to date in addressing this issue, H.R. 3592 as passed by the House authorized the Corps of Engineers to undertake certain demonstration projects aimed at abatement and mitigation of acid mine drainage caused by abandoned mines, as well as degradation caused by the lack of sanitary wastewater treatment facilities. As modified by the Conference Committee, the provision is limited to the Corps providing technical assistance for these projects. Under the Conference Agreement, \$1.5 million is authorized for the Corps to provide technical assistance for projects in the New River, West Virginia.

In conducting these activities, it is intended for the Corps to focus on Dunloup Creek, Manns Creek, Wolf Creek and Piney Creeks of the New River watershed. In this regard, the Corps is to cooperate with the Federal entity with administrative jurisdiction over the lands within such watersheds, the National Park Service, and if appropriate, with the West Virginia Division of Environmental Protection.

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. GUTKNECHT). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and agree to the conference report on the Senate bill, S. 640.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

□ 1645

NATIONAL TRANSPORTATION
SAFETY BOARD AMENDMENTS
OF 1996

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3159) to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

TITLE I—NTSB AMENDMENTS

SEC. 101. SHORT TITLE.

This title may be cited as the "National Transportation Safety Board Amendments of 1996".

SEC. 102. FOREIGN INVESTIGATIONS.

Section 1114 of title 49, United States Code, is amended—

(1) by striking "(b) and (c)" in subsection (a) and inserting "(b), (c), and (e)"; and

(2) by adding at the end the following:

"(e) FOREIGN INVESTIGATIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose records or information relating to its participation in foreign aircraft accident investigations; except that—

"(A) the Board shall release records pertaining to such an investigation when the country conducting the investigation issues its final report or 2 years following the date of the accident, whichever occurs first; and

"(B) the Board may disclose records and information when authorized to do so by the country conducting the investigation.

"(2) SAFETY RECOMMENDATIONS.—Nothing in this subsection shall restrict the Board at any time from referring to foreign accident investigation information in making safety recommendations."

SEC. 103. PROTECTION OF VOLUNTARY SUBMISSION OF INFORMATION.

Section 1114(b) of title 49, United States Code, is amended by adding at the end the following:

"(3) PROTECTION OF VOLUNTARY SUBMISSION OF INFORMATION.—Notwithstanding any other provision of law, neither the Board, nor any agency receiving information from the Board, shall disclose voluntarily provided safety-related information if that information is not related to the exercise of the Board's accident or incident investigation authority under this chapter and if the Board finds that the disclosure of the information would inhibit the voluntary provision of that type of information."

SEC. 104. TRAINING.

Section 1115 of title 49, United States Code, is amended by adding at the end the following:

"(d) TRAINING OF BOARD EMPLOYEES AND OTHERS.—The Board may conduct training of its employees in those subjects necessary for the proper performance of accident investigation. The Board may also authorize attendance at courses given under this subsection by other government personnel, personnel of foreign governments, and personnel from industry or otherwise who have a requirement for accident investigation training. The Board may require non-Board personnel to reimburse some or all of the training costs, and amounts so reimbursed shall be credited to the appropriation of the 'National Transportation Safety Board, Salaries and Expenses' as offsetting collections."

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 1118(a) of title 49, United States Code, is amended—

(1) by striking "and"; and

(2) by inserting before the period at the end of the first sentence the following: ", \$42,400,00 for fiscal year 1997, \$44,400,000 for fiscal year 1998, and \$46,600,000 for fiscal year 1999."

TITLE II—INTERMODAL TRANSPORTATION

SEC. 201. SHORT TITLE.

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

SEC. 202. 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 repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49 of the United States Code.

SEC. 203. DEFINITIONS.

Section 5901 (relating to definitions) 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:

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

SEC. 204. NOTIFICATION AND CERTIFICATION.

(a) PRIOR NOTIFICATION.—Subsection (a) of section 5902 (relating to prior notification) is amended—

(1) by striking "Before a person tenders to a first carrier for intermodal transportation a" and inserting "If the first carrier to which any";

(2) by striking "10,000 pounds (including packing material and pallets), the person shall give the carrier a written" and inserting "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";

(3) by striking "trailer." and inserting "trailer before the tendering of the container or trailer.";

(4) by striking "electronically," and inserting "electronically or by telephone."; and

(5) by adding at the end thereof the following: "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.—Subsection (b) of section 5902 (relating to certification) is amended to read as follows:

"(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—

"(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; and

"(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 electric 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 who tenders 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 section 5902(b) after December 31, 2000, as a commodity description 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 the term after that date 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.—Subsection (c) of section 5902 (relating to forwarding certifications to subsequent carriers) is amended—

(1) by striking "transportation." and inserting "transportation before or when the loaded intermodal container or trailer is tendered to the subsequent carrier. If no certification is received by the subsequent carrier before or when the container or trailer is tendered to it, the subsequent carrier may presume that no certification is required."; and

(2) by adding at the end thereof the following: "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 for any such fine, penalty, cost (including storage), or interest incurred as a result of the inaccurate transfer of information or failure to forward the certification. A subsequent carrier who incurs a bond, fine, penalty, or cost (including storage), or interest 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 and all court costs and legal fees incurred by the carrier as a result of such inaccurate transfer or failure."

(d) LIABILITY.—Section 5902 is amended by redesignating subsection (d) as subsection (e), and by inserting after subsection (c) the following:

"(d) LIABILITY TO OWNER OR BENEFICIAL OWNER.—If—

"(1) a person inaccurately transfers information on a certification required by subsection (b)(1), or fails to forward a certification to the subsequent carrier;

"(2) as a result of the inaccurate transfer of such information or a failure to forward a certification, the subsequent carrier incurs a bond, fine, penalty, or cost (including storage), or interest; and

"(3) that subsequent carrier exercises its rights to a lien under section 5905,

then that person is liable to the owner or beneficial owner, or to any other person paying the amount of the lien to the subsequent carrier, for the amount of the lien and all costs related to the imposition of the lien, including court costs and legal fees incurred in connection with it."

(e) NONAPPLICATION.—Subsection (e) of section 5902, as redesignated, is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2), as redesignated, the following:

"(1) The notification and certification requirements of subsections (a) and (b) of this section do not apply to any intermodal container or trailer containing consolidated shipments loaded by a motor carrier if that motor carrier—

"(A) performs the highway portion of the intermodal movement; or

"(B) assumes the responsibility for any weight-related fine or penalty incurred by any other motor carrier that performs a part of the highway transportation."

SEC. 205. PROHIBITIONS.

Section 5903 (relating to prohibitions) is amended—

(1) by inserting after "person" a comma and the following: "To whom section 5902(b) applies.";

(2) by striking subsection (b) and inserting the following:

"(b) TRANSPORTING PRIOR TO RECEIVING CERTIFICATION.—

"(1) PRESUMPTION.—If no certification is received by a motor carrier before or when a loaded intermodal container or trailer is tendered to it, the motor carrier may presume that the gross cargo weight of the container or trailer is less than 29,001 pounds.

"(2) COPY OF CERTIFICATION NOT REQUIRED TO ACCOMPANY CONTAINER OR TRAILER.—Notwithstanding any other provision of this chapter to the contrary, a copy of the certification required by section 5902(b) is not required to accompany the intermodal container or trailer."

(3) by striking "10,000 pounds (including packing materials and pallets)" in subsection (c)(1) and inserting "29,000 pounds"; and

(4) by adding at the end the following:

"(d) NOTICE TO LEASED OPERATORS.—

"(1) IN GENERAL.—If a motor carrier knows that the gross cargo weight of an intermodal container or trailer subject to the certification requirements of section 5902(b) would result in a violation of applicable State gross vehicle weight laws, then—

"(A) the motor carrier shall give notice to the operator of a vehicle which is leased by the vehicle operator to a motor carrier that transports an intermodal container or trailer of the gross cargo weight of the container or trailer as certified to the motor carrier under section 5902(b);

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

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

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

"(2) REIMBURSEMENT.—If the operator of a leased vehicle transporting a container or trailer subject to this chapter is fined because of a violation of a State's gross vehicle weight laws or regulations and the lessee motor carrier cannot establish that it tendered to the operator the notice required by paragraph (1) of this subsection, then the operator shall be entitled to reimbursement from the motor carrier in the amount of any fine and court costs resulting from the failure of the motor carrier to tender the notice to the operator."

SEC. 206. LIENS.

Section 5905 (relating to liens) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL.—If a person involved in the intermodal transportation of a loaded container or trailer for which a certification is required by section 5902(b) of this title is required, because of a violation of a State's gross vehicle weight laws or regulations, to post a bond or pay a fine, penalty, cost (including storage), or interest resulting from—

"(1) erroneous information provided by the certifying party in the certification to the first carrier in violation of section 5903(a) of this title;

"(2) the failure of the party required to provide the certification to the first carrier to provide it;

"(3) the failure of a person required under section 5902(c) to forward the certification to forward it; or

"(4) an error occurring in the transfer of information on the certification to another document under section 5902(b)(3) or (c), then the person posting the bond, or paying the fine, penalty, costs (including storage), or interest has a lien against the contents equal to the amount of the bond, fine, penalty, cost (including storage), or interest incurred, until the person receives a payment of that amount from the owner or beneficial owner of the contents, or from the person responsible for making or forwarding the certification, or transferring the information from the certification to another document."

(2) by inserting a comma and "or the owner or beneficial owner of the contents," after "first carrier" in subsection 9(b)(1); and

(3) by striking "cost, or interest." in subsection (b)(1) and inserting "cost (including storage), or interest. The lien shall remain in effect until the lien holder has received payment for all costs and expenses described in subsection (a) of this section."

SEC. 207. PERISHABLE AGRICULTURAL COMMODITIES.

Section 5906 (relating to perishable agricultural commodities) is amended by striking "Sections 5904(a)(2) and 5905 of this title do" and inserting "Section 5905 of this title does".

SEC. 208. EFFECTIVE DATE.

(a) IN GENERAL.—Section 5907 (relating to regulations and effective date) is amended to read as follows:

"§5907. Effective date

"This chapter shall take effect 180 days after the date of enactment of the Intermodal Safe Container Transportation Amendments Act of 1996."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 59 is amended by striking the item relating to section 5907 and inserting the following:

"5907. Effective date".

SEC. 209. RELATIONSHIP TO OTHER LAWS.

(a) IN GENERAL.—Chapter 59 is amended by adding at the end thereof the following:

"§5908. Relationship to other laws

"Nothing in this chapter affects—

"(1) chapter 51 (relating to transportation of hazardous material) or the regulations promulgated under that chapter; or

"(2) any State highway weight or size law or regulation applicable to tractor-trailer combinations."

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by adding at the end thereof the following:

"5908. Relationship to other laws".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Illinois [Mr. LIPINSKI] 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 House passed legislation (H.R. 3159) to reauthorize the National Transportation Safety Board last July 22, by a vote of 400-0.

The Senate passed similar legislation last week. The only difference in the Senate bill, as it relates to NTSB, is that the Senate deleted a House provision extending the term of the NTSB chairman. This change is acceptable to us.

In addition, the Senate added the text of H.R. 4040, the intermodal containers bill, which passed the House by voice vote.

This bill has no controversy and I urge its adoption.

ADDITIONAL POINTS ON NTSB

The NTSB is a relatively small agency but the work it does, the accident reports it issues, and the recommendations it makes have contributed to the improvements in safety that we have seen.

However, the recent tragedies involving Valuejet and TWA demonstrate

once again what an important role the NTSB plays.

The bill would allow NTSB to offer its training classes to non-NTSB employees and collect a reasonable reimbursement fee.

In addition, the bill authorizes NTSB to keep confidential some safety-related information that it would like the airlines to voluntarily provide.

It is important to note that the information that would be kept confidential is information that is not revealed by the airlines now so withholding it is not denying the public anything they now hear about. If the Board did not ensure its confidentiality, the airlines would not give it to the NTSB so the public would lose the benefit of the safety knowledge this information would provide to the Board.

ADDITIONAL POINTS ON INTERMODAL CONTAINERS

The bill makes several critical changes to the 1992 Intermodal Safe Container Act to permit that act to be effectively implemented by ocean shipping lines, railroads, and trucking companies.

This legislation will ensure that intermodal container transportation does not cause violations of our highways' weight laws and also that commerce is not unduly burdened.

It is critical that this bill pass swiftly because the regulations implementing the 1992 bill will go into effect January 1.

This legislation is completely bipartisan and is strongly supported by a comprehensive intermodal coalition of ocean shipping lines, railroads, trucking companies, and shippers, as well as DOT.

I want to thank TOM PETRI, SUSAN MOLINARI, and HOWARD COBLE for their cooperation in swiftly drafting this intermodal bill.

I also want to thank my Democratic colleagues JIM OBERSTAR and NICK RAHALL as well as BOB WISE and BOB CLEMENT for their cooperation and support in putting together and agreeing to quickly move this bill.

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

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

Mr. Speaker, I join the chairman in expressing my strong support for H.R. 3159, the National Transportation Safety Board Amendments of 1996. This legislation reauthorizes the NTSB for 3 years, and makes a number of changes requested by the NTSB to allow the Board to continue its excellent work.

The NTSB is probably the most respected Government entity in the United States. In recent months, we have witnessed two devastating aircraft crashes that have focused the Nation's attention on the NTSB's work. In the most difficult of circumstances, the NTSB works with local, State and Federal entities as well as with the families of accident victims. And the Board is not just involved in aviation—the NTSB leads investigations of accidents

in every mode of transportation. As we discuss this reauthorization on the floor today, it is important for us to recognize the public service performed by the Board. They are a critical element of our national transportation system.

Mr. Speaker, as requested by the NTSB, H.R. 3159 enables the Board to fully participate in foreign investigations by providing protection from Freedom of Information Act requests for a 2-year period. Our intention is not to keep information from the public. Rather, the measure simply enhances the NTSB's access to information that will lead to improvements in aviation safety.

The bill also encourages data sharing programs among the FAA, NTSB, and the aviation community by prohibiting the Board from disclosing voluntarily provided safety information. By sharing information before an accident occurs, we can save lives. The legislation establishes a framework which will enable this to occur.

Mr. Speaker, the legislation we are considering today contains higher funding levels than those contained in the introduced bill. This slightly higher authorization in the outyears, along the lines of an amendment offered by Mr. OBERSTAR during committee markup, will enable the NTSB to increase its work force by some 20 employees. In recent months, with the ValuJet crash in the Florida Everglades and the TWA crash last week off Long Island, it has become even clearer to me that the NTSB needs every resource it can get. I want to thank the ranking member of the committee, Mr. OBERSTAR, for his leadership on this issue, and both Chairman SHUSTER and Chairman DUNCAN for their willingness to work with us. The higher funding level makes this a better bill for the American people.

Mr. Speaker, I urge adoption of the legislation, and reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN], the distinguished chairman of the subcommittee.

Mr. DUNCAN. Mr. Speaker, let me first thank the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the full Committee on Transportation and Infrastructure, for yielding, and for his strong leadership in the area of transportation safety, and on this specific legislation as well.

Likewise, I want to also thank the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the full committee, and the ranking member of the subcommittee, the gentleman from Illinois [Mr. LIPINSKI], all of whom we have worked with so closely and so well together this year on this legislation and on so many, many other things.

Mr. Speaker, I rise in strong support of H.R. 3159, as amended by the Senate. This legislation would authorize appropriations for fiscal years 1997, 1998, and

1999 for the National Transportation Safety Board, \$42.4 million for the first year, \$44.4 million for the second year, and \$46.6 million for the third year.

The work of this agency is so very important, and the importance of that work has been emphasized most recently in the very tragic accidents that we have had, unfortunately, in this country. This legislation is virtually identical to the House bill reported favorably by the full Committee on Transportation and Infrastructure and passed unanimously by this House.

The Aviation Subcommittee, which I have the privilege of chairing, held a joint hearing earlier this year regarding the requests and needs of the NTSB. I think we produced a very conservative bill, a good bill, that also allows some expansion of the NTSB activities in regard to working with the families of victims of some of these aviation accidents.

Mr. Speaker, I also would like to say that I want to commend Chairman Jim Hall of the NTSB for the outstanding work that he has done. I believe the work of the NTSB, its accident reports, its recommendations, have been one of the main reasons why the transportation safety trend in this Nation is improving so favorably.

H.R. 3159 includes many of the statutory changes requested by the NTSB which will help them in their efforts to conduct transportation-related investigations and promoting transportation safety. I think it is a good bill and one that deserves the support of all Members.

Mr. LIPINSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the full committee.

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

I want to express my great appreciation for the leadership Mr. Lipinski has demonstrated on our side on the Aviation Subcommittee on this and other aviation issues, and express again my appreciation for the cooperation that we have had in the bipartisan fashion from Chairman SHUSTER and Chairman DUNCAN on particularly this issue.

For the National Transportation Safety Board, safety is not a partisan issue. It never has been within our committee, it never has been treated that way, and this legislation moves forward in that spirit.

There is probably no entity in the Federal Government that has contributed so importantly to safety in all modes of transportation as the NTSB. Year after year, their recommendations, following upon investigation of accidents, of tragedies, and on many other occasions their studies, based upon reviewing the history of transportation incidents, have resulted in improvements in highway truck travel, marine safety, rail safety, and aviation safety, pipeline safety. We owe this very small Federal Government agency

a huge debt of gratitude. Its work is best appreciated every day when millions of takeoffs and landings occur across this country without incident.

The bill before us is almost identical to the House-passed bill reauthorizing the National Transportation Safety Board. It also includes the Intermodal Safe Container Transportation Amendments Act of 1996, which we passed last week.

The bill includes a number of provisions requested by the NTSB and included in the House-passed bill to help NTSB in its accident investigation work or to encourage transportation entities to share important safety information with the NTSB without suffering a competitive disadvantage. These are important initiatives. They will help the safety board address potential safety problems before lives are lost.

I have consistently maintained that the accident investigations conducted and the safety recommendations offered by the NTSB have made the lives of all Americans safer in every mode of travel.

In addition, it is not well understood that the NTSB is often asked to participate, and often times to take the lead, in investigation of accidents overseas, particularly in aviation. The NTSB, for example, right now is participating in the investigation of the aircraft accident that occurred off the coast of the Dominican Republic.

The NTSB does all of this work with an extraordinarily small staff, for the workload they undertake, of only 350 people. This particular year, the demands have been very heavy upon the NTSB as their investigators were literally required to be in two places at once.

I recently talked to one of the NTSB investigators who had not been home to his family in over 2 months, going from the ValueJet crash to the TWA crash and literally spending his entire time on travel.

The investments that we make in the NTSB are an investment in the future safety of every mode of travel. We cannot quantify the value of this agency's work with any degree of accuracy. Many people would say, well, if they had done this work, maybe the accidents would have been avoided anyway. I don't think so. I know better. I believe that, because I have seen the recommendations, and I know our committee has acted on the recommendations of the NTSB, and the FAA has accepted over 85 percent of the recommendations made by the NTSB in aviation safety, and that the result has been to improve safety for the air-traveling public.

We have worked together in the committee to improve the funding level for NTSB, not to increase the size of bureaucracy, but to modestly increase the size of the work force from 350 to 370 employees and to maintain that level of employment throughout the duration of this authorization. This in-

crease will allow the board to add specialists in rail, highway, avionics, and human factors.

The people employed by the NTSB, I must emphasize, are highly trained, skilled specialists in metallurgy, for example, in avionics, in electronics, in all these technical fields that require very meticulous investigative skills to detect the smallest deviation from normal, to get to the cause of a complex accident such as the ValuJet that went down in the Florida Everglades or the TWA 747 that went down in the waters off Long Island.

We have come to expect also that the NTSB will treat the families of victims of crashes in a very sympathetic and sensitive and informative manner. This is another dimension of the work of the NTSB, not envisioned when it was created in 1967 when the Congress separated the NTSB out of the Department of Transportation and created it as an independent safety board, but this has come to be an important role of the NTSB.

We know, and families have come to expect, that they will be treated with the dignity and the understanding and the sympathy and sensitivity that they deserve in those very tragic and heart-felt moments after the loss of a loved one.

The bill also deals with legislation that we passed last week to correct the widely recognized shortcomings of the 1992 Intermodal Safe Container Transportation Act. With broad support from a consensus of transportation interests, the 1992 law was intended to encourage compliance with U.S. highway weight limits by ensuring that the party who first tenders cargo for intermodal shipment would be responsible for verifying the weight of that container and providing appropriate documentation.

□ 1700

However, as so often happens, the 1992 law did not go into effect. DOT could not write regulations to make it work. So the parties went back to the drawing board and, through negotiations and give and take on all sides, reached an agreement on how to achieve the goals of the 1992 act without disrupting the flow of cargo.

The bill raises the weight threshold from 10,000 to 29,000 pounds, and that dramatically reduces the number of affected containers but still ensure that shippers will identify containers likely to cause highway weight violations.

These amendments also clarify that description of a container's contents must be more specific than "freight all kinds", a term of art in the trade, when 20 percent or more of the weight is from one commodity.

This is a very important initiative. It is legislation that we have passed that now deserves to be enacted and signed into law by the President, and I urge passage of this legislation.

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

Mr. LIPINSKI. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, as my chairman noted the retirement of a very dear friend and colleague of our committee staff, we have a retirement on our side of Dara Gideos, who is retiring from the committee but not retiring from work. She is going on to a new assignment with a very important association where she will have a new responsibility as an executive assistant.

She has been a role model on our committee staff for dedication to duty, unrelenting hard work, long hours, weekends during crunch time. She has demonstrated exceptional organizational skills, actually organizing the materials in the Subcommittee on Aviation staff room so that we can find what we need when we need it.

She is a willing volunteer who has gone beyond her assigned duties to see the jobs that need to be done and plunged in to do them no matter what the issue or the hour. She has brought zest and sparkle to her job, to our committee staff, and she has a special talent of giving a lift to everyone who works with her.

We will miss Dara very, very much but we wish her well in her new career.

Mr. Speaker, I submit for the RECORD a congratulatory letter from myself to Dara.

COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,

Washington, DC, September 26, 1996.

Ms. DARA GIDEOS,
Falls Church, VA.

DEAR DARA: Congratulations on a truly exciting, as well as earned and richly deserved, opportunity to serve as Executive Assistant to the President of the General Aviation Manufacturers Association. They are fortunate to have you and you will reflect great credit on GAMA, as you have done on our Committee on Transportation and Infrastructure, and specifically the Aviation Subcommittee. You have been superb: a role model for dedication to duty, unrelenting hard work, particularly those long hours, evenings and weekends during "crunch" time and for your exceptional organizational skills.

What has especially impressed me and your colleagues is the initiative you have taken to reach beyond your assigned responsibilities, to learn Surface, as well as Aviation, issues in depth so that you could handle a wide range of inquiries directed to the Committee each day. On your own inspiration, you became the Committee's self-taught graphics specialist and produced exceptional materials for the various needs of the professional staff.

You have always been so willing to volunteer beyond your assigned duties, and to see what jobs needed to be done and plunge in to help to do them no matter what the issue or hour of the day.

Above all, we will miss your sparkle, the zest you brought to the Committee and that special talent of giving a lift to everyone who came to know you.

On many occasions I have quoted: "Success is getting what you want, happiness is wanting what you get"—you have earned both. I join all your many friends on the Committee in wishing you every success and happiness in your future endeavors.

Warmest personal regards.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Ranking Democratic Member.

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

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume, and I certainly want to join in wishing Dara well. She not only has performed in a superb way, but I also understand that she was one of the best players on our committee's softball team, so we are certainly going to miss that as well.

Mr. Speaker, with that, I urge our colleagues to support this bipartisan legislation.

Mr. RAHALL. Mr. Speaker, the Senate amendments to H.R. 3159, legislation which would reauthorize the National Transportation Safety Board, contain provisions that are similar to a bill, H.R. 4040, passed by this body last week aimed at promoting greater compliance with our highway truck weight laws.

As we prepare to send this legislation to the President, I want to take this opportunity to note that the amendments to the Intermodal Safe Container Act of 1992 is the product of a consensus reached between the shipping, motor carrier and railroad industries. In this regard, I want to commend these entities for their good faith negotiations and willingness to compromise on what is today a product that is truly in the public interest.

Mr. Speaker, in 1992 we passed legislation to encourage compliance with U.S. highway weight limits by requiring that an entity which ships containerized cargo verify the weight of the containers. These containers often are transported in an intermodal fashion, from ship to truck, or ship to railroad to truck, with final delivery made by trucks subject to our highway weight laws. The truckers must depend on the accuracy of the weight certification in determining their compliance with highway weight limits. Yet, if those certifications are inaccurate, and the trucker is found to be overweight, it is the trucker who must pay the fine even though he or she had no involvement in the packing of the container.

Since 1992, DOT has attempted to issue regulations implementing the 1992 act. While a final rule has been devised, DOT has delayed its implementation due to shortcomings it cannot administratively address due to the language of the 1992 law.

The pending bill seeks to address these deficiencies by first, while continuing to require the shipper to certify the weight of the containers, the certification could be incorporated into shipping papers and may be in electronic form. If the certification is not made, or is incorrect, the shipper is liable for any violations which may occur of our highway weight laws.

And second, the weight threshold for container certification under this bill is set at 29,001 pounds. This limit, it is my understanding from both DOT and industry, is a more appropriate threshold than what is in current law. These are the major aspects of the legislation. I believe they will enhance compliance with our highway weight laws, and urge the adoption of this measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 3159, the National Transportation Safety Board [NTSB]

Authorization Act, and in support of the Senate amendments.

This bill provides a total of \$133.5 million over 3 years for the activities of the NTSB. This funding level will allow the NTSB to hire an additional 20 employees to investigate transportation accidents.

Given the recent crashes of a ValueJet flight in Florida and a TWA flight off the coast of Long Island, reauthorization of the National Transportation Safety Board and specifically, the hiring of 20 additional inspectors, are both timely and necessary.

This measure also prohibits the NTSB from releasing certain information on transportation accidents that occur overseas; exempts the NTSB from Freedom of Information Act requests for certain voluntarily provided safety information; allows the NTSB to charge fees for employees of other agencies to attend NTSB accident investigation classes; and clarifies implementation of the Intermodal Safe Container Transportation Act.

I urge my colleagues to adopt the Senate amendments and pass the NTSB authorization and make our highway and skyways safer and more secure.

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

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3159.

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

A motion to reconsider was laid on the table.

CORRECTING ENROLLMENT OF H.R. 3159, NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS OF 1996

Mr. SHUSTER. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 221) correcting the enrollment of H.R. 3159, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON RES. 221

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 3159, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 5902(b) proposed to be inserted in title 49, United States Code, by section 204(b), strike "electric" and insert "electronic".

(2) In section 204(e)(1), by inserting after "respectively" the following: ", and by moving the text of paragraph (2), as so redesignated down 1 line and to the left, flush full measure and indenting such paragraph".

(3) In section 205(1), by inserting "in subsection (a)" before "a comma".

(4) In paragraph (4) of section 5905(a) proposed to be inserted in title 49, United States Code, by section 206, after "(c).", move the remainder of the text of the paragraph down 1 line and to the left flush full measure.

(5) In section 206(2), by striking "(9)(1)" and inserting "(b)(1)".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

W. EDWARDS DEMING FEDERAL BUILDING

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3535) to redesignate a Federal building in Suitland, MD, as the "W. Edwards Deming Federal Building."

The Clerk read the title of the bill.

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

Mr. TRAFICANT. Mr. Speaker, reserving the right to object, I will not object, and I would ask the gentleman from Maryland for an explanation of the bill.

Mr. GILCHREST. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Speaker, I rise in support of H.R. 3535, a bill designating the Federal building in Suitland, MD, as the W. Edwards Deming Federal Building.

Dr. William Edwards Deming was a renowned expert on business management. He began his public service career with the Department of Agriculture as a physicist, in 1927. He then moved to the Bureau of Census to become the mathematical advisor to the chief of the population division, where he developed and designed statistical sampling techniques for use in the national census. His interest in quality and management led him to introduce sampling as a quality measurement technique for punch card verification and other processing in the 1940 census.

It is a fitting tribute to name this Census Bureau facility in his honor.

This bill has bipartisan support and I would like to thank my colleagues on both sides of the aisle for their assistance in bringing this measure forward.

I urge my colleagues to support this bill.

Mr. TRAFICANT. Mr. Speaker, under my reservation of objection, I yield to the ranking member of our committee, the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. OBERSTAR. Mr. Speaker, I support H.R. 3535, a bill to designate the Federal building in the Suitland Federal Center, 4700 Silver Hill Rd., Suitland, MD as the W. Edwards Deming Federal Building.

Mr. Deming, who died in 1993, was honored throughout the world as the quality management guru. Dr. Deming began his career as a