Mrs. SCHROEDER. Madam Speaker, I find it amazing that we cannot come to this House floor and discuss the chief officer of this House and different violations that have been alleged of this chief officer that has put a cloud over this House. I find that astounding. I have never, never in my 24 years seen these kinds of rules enforced on the House floor, and I am stunned that the leadership seems so insistent on gagging us in this body. No wonder this body has created such cynicism.

## CONCERNING RELEASE OF REPORT PAID FOR BY TAXPAYERS' MONEY

(Mr. WAXMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAXMAN. Madam Speaker, I yield to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Madam Speaker, I thank the gentleman from California for yielding to me.

Basically what I was trying to do is, I had a whole list of editorials that have been written across the country dealing with this report that we have been trying to get released for over a month.

Mr. understanding of the ruling of the Chair is that we cannot even talk about what the editorial said. I find that fairly astonishing, that they tell us we can go outside and talk about it, but we cannot talk about it on the floor.

Mr. WAXMAN. Madam Speaker, if I can reclaim my time, I would mention to the gentlewoman and others that the so-called Committee on Government Reform and Oversight has been issuing reports scathingly attacking the administration without any evidence. They keep on saying, ''The report says that,'' and that is their justification for their accusations, both on the Travel Office, and they are going to try to do something on the FBI files, a very, very partisan hatchet job.

Those reports are being issued without evidence, but a report that we have paid for with taxpayers' money we are not allowed to see, and the public is being kept from having those reports available to us.

Mrs. SCHROEDER. I thank the gentleman from California.

The SPEAKER pro tempore. The gentleman's time has expired.

## POINT OF ORDER

Mr. LINDER. Point of order, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINDER. The gentleman's time has expired, but the point of order is the same one, that he is referring to matters against the rules of the House.

The SPEAKER pro tempore. The Chair will sustain the point of order, and requests that all Members show respect for and abide by the rules of the House.

Mr. WAXMAN. Madam Speaker, I would like to be heard on the point of order before the Speaker rules on the point of order.

The SPEAKER pro tempore. The Chair has already ruled on the point of order.

Mr. WAXMAN. I guess that is it: The sentence first, and then we will have the trial later.

## PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. Does the gentleman from California [Mr. WAXMAN] have a parliamentary inquiry he wishes to make?

Mr. WAXMAN. I do, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state it,

Mr. WAXMAN. As I understand it, Madam Speaker, the House of Representatives has spent around half a million, maybe more, to ask for a report to be submitted to our committees. Why can that not be made public, and why is that inappropriate to say on the House floor?

The SPEAKER pro tempore. Prior rulings of the Speaker have sustained the point of order in this and prior Congresses that press accounts relating to matters currently before the Standards of Official Conduct Committee are not a proper subject for debate on the floor. That is why the gentleman from Georgia's point of order was sustained.

Mr. WAXMAN. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. WAXMAN. There is a ruling that we as Members of the House of Representatives may not speak in protest over the committee's refusal to make this report public?

The SPEAKER pro tempore. The duty of the Chair is to enforce the rules of the House as they are written and have been interpreted. The rules of the House, as the Chair has ruled in this and prior Congresses, make it out of order for any Member to refer to any subject currently before the Standards Committee, whether through the Members' own words, or through the recitation of words printed in any other medium outside the floor of this House, except when a question of privilege is pending.

The Chair will continue to abide by and enforce the rules of the House.

## ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. LINDER. Madam Speaker, pursuant to clause 2, rule IX, I hereby give notice of my intention to offer a question of privileges of the House.

The SPEAKER pro tempore. The gentleman will state the form of the resolution.

Mr. LINDER. Madam Speaker:

Whereas, a complaint filed against Representative Gephardt alleges House Rules have been violated by Representative Gephardt's concealment of profits gained through a complex series of real estate tax exchanges and;

Whereas, the complaint also alleges possible violations of banking disclosure and campaign finance laws or regulations and;

Whereas, the Committee on Standards of Official Conduct has in other complex matters involving complaints hired outside counsel with expertise in tax laws and regulations and;

Whereas, the Committee on Standards of Official Conduct is responsible for determining whether Representative Gephardt's financial transactions violated standards of conduct or specific rules of the House of Representatives; and

Whereas, the complaint against Representative Gephardt has been pending before the committee for more than seven months and the integrity of the ethics process and the manner in which Members are disciplined is called into question; and

Whereas, on Friday, September 20, 1996 the ranking Democrat of the Ethics Committee, Representative James McDermott in a public statement suggested that cases pending before the committee in excess of 60 days be referred to an outside counsel; now be it

Resolved that the committee on Standards of Official Conduct is authorized and directed to hire a special counsel to assist in the investigation of the charges filed against the Democrat Leader Representative Richard Gephardt.

Resolved that all relevant material presented to, or developed by, the committee to date on the complaint be submitted to a special counsel, for review and recommendation to determine whether the committee should proceed to a preliminary inquiry.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair in the legislative schedule within 2 legislative days. The Chair will announce that designation at a later time.

A determination as to whether the resolution constitutes a question of privileges will be made at that later time.

## CORRECTIONS CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Corrections Calendar. The Clerk will call the first bill on the Corrections Calendar.

## SMALL BUSINESS REGULATORY RELIEF ACT OF 1996

The Clerk called the bill (H.R. 3153) to amend title 49, United States Code, to exempt from regulation the transportation of certain hazardous materials by vehicles with a gross vehicle weight rating of 10,000 pounds or less.

The Clerk read the bill, as follows:

H.R. 3153

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

**SECTION 1. EXEMPTION OF CERTAIN HAZARDOUS MATERIAL TRANSPORTATION FROM REGULATION.**

Section 5117 of title 49, United States Code, is amended by redesignating subsections (c) and (d) as subsections (d) and (c), respectively, and by inserting after subsection (b) the following:

''(c) STATUTORY EXEMPTION. This chapter and regulations prescribed under this chapter shall not apply to—

''(1) any vehicle with a gross vehicle weight rating of 10,000 pounds or less transporting a substance or material—

''(A) designated as a hazardous material under this chapter (or the Hazardous Materials Transportation Act) on or before January 1, 1996; and

''(B) for which placarding of a motor vehicle was not required as of January 1, 1996, under regulations prescribed under this chapter (or the Hazardous Materials Transportation Act); and

''(2) any vehicle with a gross vehicle weight rating of 10,000 pounds or less transporting a substance or material designated as a hazardous material under this chapter after January 1, 1996, unless the Secretary determines that the hazardous material poses a significant risk to health and safety or property.''.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. PETRI

Mr. PETRI. Madam Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Petri: Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Small Business Transport Correction Advancement Act of 1996''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the Secretary of Transportation is considering, as part of a proposed rulemaking, expanding the exceptions provided for transportation of small quantities of hazardous materials from unnecessary and burdensome regulations;

(2) the Secretary has found that certain businesses, and especially small businesses, carry small quantities of hazardous materials;

(3) small businesses are critical in creating jobs in the United States economy and can be significantly affected by Federal regulations; and

(4) regulatory relief for small businesses transporting relatively small quantities of hazardous materials should be promptly acted on and the Secretary has stated an intention to issue a final rule to provide this regulatory relief by December 31, 1996.

**SEC. 3. MATERIALS OF TRADE EXCEPTIONS FROM HAZARDOUS MATERIALS TRANSPORTATION REQUIREMENTS.**

(a) DEADLINE FOR ISSUANCE OF FINAL RULE.—Not later than December 31, 1996, the Secretary of Transportation shall issue, under the rulemaking proceeding under docket number HM–200, entitled ''Hazardous Materials in Intrastate Transportation'', a final rule relating to materials of trade exceptions from chapter 51 of title 49, United States Code, and regulations issued pursuant thereto. The final rule shall substantially address the materials of trade exceptions contained in the proposed rule relating to hazardous materials in intrastate transportation published in the Federal Register on March 20, 1996 (61 Fed. Reg. 11489–11490).

(b) EFFECTIVE DATE.—The final rule issued under subsection (a) shall become effective not later than 90 days after date of publication of the final rule.

(c) TRAINING OF INSPECTORS.—Before the effective date of the final rule issued under subsection (a), the Secretary shall provide sufficient training of inspectors to provide for implementation of the final rule.

**SEC. 4. FARM-RELATED EXCEPTIONS FROM HAZARDOUS MATERIALS TRANSPORTATION REQUIREMENTS.**

Any provision of a final rule relating to intrastate transportation of hazardous materials issued under the rulemaking proceeding under docket number HM–200 that prohibits States from granting exceptions for not-for-hire intrastate transportation by farmers and farm-related service industries shall not take effect with respect to not-for-hire intrastate transportation by farmers and farm-related service industries before the earlier of—

(1) the date of the enactment of a law which authorizes appropriations to carry out chapter 51 of title 49, United States Code, for fiscal year 1998; or

(2) the 180th day following the effective date of the final rule.

Mr. PETRI (during the reading). Madam Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. PETRI] and the gentleman from Minnesota [Mr. OBERSTAR] will each control 30 minutes.

The chair recognizes the gentleman from Wisconsin [Mr. PETRI] .

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

Madam Speaker, the amendment in the nature of a substitute directs the Secretary of Transportation to issue, under an ongoing rulemaking proceeding, a rule relating to materials of trade exceptions to hazardous materials regulations. This provision was adopted by the Committee on Transportation and Infrastructure on September 12, 1996.

The amendment also provides that any rule extending Federal hazardous materials regulation to intrastate transportation relating to farm vehicles which does not allow for State exceptions, cannot take effect prior to the reauthorization of the Hazardous Materials Program or 180 days after the effective date of the final rule, whichever is earlier.

On March 20, 1996, the Department of Transportation proposed that businesses which carry small amounts of hazardous materials in the course of their business meet reduced regulatory requirements. This proposal is part of a larger rulemaking, known as HM–200, concerning Federal regulation of intrastate transportation—but the materials of trade exception would apply to both intrastate and interstate transportation. DOT has stated its intention to issue a final rule on HM–200 by the end of this year.

However, should that be delayed because other aspects of HM–200 may be controversial, then DOT must at least complete this portion of the rulemaking which can provide sensible relief to small businesses now regulated.

This bill does not interfere in the rulemaking process and it does not prescribe the contents of the final rule. It only directs when that process must be concluded.

I applaud the efforts of the Transportation Department in seeking to provide relief to small businesses through the proposed rule.

Section 4 of the amendment is of great importance to many farming communities and States. Several States which have adopted the Federal hazardous materials rules for transportation within their State have provided for various exceptions for farm vehicles.

If States are preempted from continuing to grant such exceptions in a final rule issued under the pending HM–200 rulemaking, this provision in section 4 of the amendment ensures that the Congress has an adequate opportunity to carefully consider the effects of such a rule and whether legislative action is necessary. I want to note that in this amendment a regulation that prohibits States from granting exceptions means a regulation that prohibits, limits or changes the status quo in current practices or authorities of the States.

I appreciate the cooperation demonstrated by Congressman OBERSTAR, Congressman RAHALL, and, of course, Chairman SHUSTER in fashioning this amendment. Several members of the committee, including Congressman EWING, Congressman POSHARD, and Congressman BARCIA—and well as Congressman BUYER and other members representing rural, farming districts—have been instrumental in bringing to our attention the farm vehicle issue.

I urge the House to approve the amendment and H.R. 3153.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of the amendment in the nature of a substitute to H.R. 3153 offered by the gentleman from Wisconsin, the chairman of the subcommittee.

Again, I want to commend our chairman, the gentleman from Pennsylvania [Mr. SHUSTER], and the chairman of the subcommittee, the gentleman from Wisconsin [Mr. PETRI], for the splendid working relationship we have had throughout this rather complex and at times contentious issue, not contentious among Members, but contentious among those affected by the issue, and to come to a meeting of the minds and an agreement on how to proceed. We have, I think, a very fair and workable and, most importantly, a good piece of policy here.

Madam Speaker, as we proceed with this issue, we have to keep the objective in mind. That is, management of

hazardous materials in transportation. Hazardous materials are regulated as they move among the States simply because they are potentially dangerous. Federal involvement is an important element to assure that citizens across the country receive equal treatment and the same level of protection.

The Department of Transportation should not grant exemptions from its standards unless the Department is convinced that the exemption will not reduce the margin of safety.

The substitute amendment before us deals with two exemptions now under consideration by the Department of Transportation. First, the substitute directs DOT to complete expeditiously that part of its HM–200 rulemaking related to hazardous materials of trade. DOT proposes exceptions in response to comments it received on the broader, more controversial intrastate rulemaking.

Many businesses use small quantities of hazardous materials in conducting their principal business. Among those are lawn care companies, pest control companies, swimming pool service companies, and many of those are very small businesses.

□ 1230

They are family owned, they have very few employees, and they present unique cases. It was appropriate for the Department to understand their unique circumstances and undertake to alleviate heavy burdens, while at the same time assuring that public safety will be protected.

The proposed rules would exempt those companies from complying with a limited number of transportation regulations, including training and incident reporting requirements, under controlled conditions. To qualify, a company would have to meet 3 basic criteria. First, the affected materials would include only those normally carried on a motor vehicle in relatively small quantities. The exemption should be limited with respect to both the quantity per package and the total quantity per motor vehicle. Second, to qualify for the exemption, a company would have to use either the manufacturer's original packaging or packaging of equal or greater strength. Third, to qualify, the motor vehicle operator would have to be aware of the materials that are on board and be familiar with the materials of trade regulations. I think that is a fair requirement to impose upon small companies. These regulations are not burdensome. These requirements and exceptions are not serious exceptions from public safety, either.

The chairman's substitute directs DOT to complete action on the proposal in an expeditious fashion. The substitute, though, does not dictate the outcome of DOT's rulemaking. That was very important for me and I think for our side and for the Department, that under the substitute the DOT should have complete discretion in making its final decision as to whether an exemption can be granted without sacrificing safety.

The substitute also addresses the concerns of farmers and farm-related service industries who operate pursuant to State exceptions. The substitute provides that if the final rule for HM–200 relating to intrastate transportation prohibits States from granting exceptions for not-for-hire intrastate transportation by farmers and farm-related service industries, in that circumstance, the rule would not take effect for those entities until either the reauthorization of the HazMat program or until 180 days after the effective date of the final rule, whichever is sooner. That is an important distinction. I had initially proposed that the rule not take effect for 270 days after the initiation of the rulemaking. We now have a compromise that is fair, 180 days after the effective date of the final rule. The practical effect of this language is that it takes the application of the HazMat rulemaking well past planting season next year for farmers and well past the summer season for farmers so that they can continue to operate under existing rules and laws without any changes while the full effect of any change adopted by the Department of Transportation is evaluated by the farming community and while Congress then will have time to more fully consider both the safety implications, the regulatory burden, and, if necessary, take additional legislative action.

So the provision that we are including in this legislation preserves the integrity of the rulemaking process, not prejudging its outcome, allowing it to proceed to completion, but providing a safety valve for those who are either adversely affected by it because they are the operators or those who may be adversely affected by a spill that will cause harm to the environment or to health and safety.

Neither the materials of trade nor the farmers and farm-related services provision predetermines the outcome of DOT's rulemaking. The rulemaking process goes forward including thorough consideration of all relevant comments in support of and in opposition to the proposed exceptions. I think this is a fair outcome.

We have had extensive discussion with Chairman SHUSTER and Chairman PETRI, with the gentleman from West Virginia, Mr. RAHALL, our ranking member on the Subcommittee on Surface Transportation, the gentleman from Illinois, Mr. POSHARD, of our committee, the gentleman from Michigan, Mr. BARCIA, of our committee, and the gentleman from Illinois Mr. EWING, on the Republican side also of our committee. And we have had very good discussion with farmers and farm-related entities who also have a stake in the outcome of this legislation and in the outcome of this rulemaking.

Madam Speaker, I reserve the balance of my time.

Mr. PETRI. Madam Speaker, I yield 5 minutes to the gentleman from Texas [Mr. DELAY], the sponsor of the legislation.

Mr. DELAY. Madam Speaker, I want to commend the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Wisconsin [Mr. PETRI] for working on this bill and understanding how important this bill is to so many people. I also want to thank the gentleman from California [Mr. WAXMAN] along with the gentlewoman from Nevada [Mrs. VUCANOVICH] who are both on the Corrections Day Advisory Group, for helping us work through this legislation.

Madam Speaker, I am very pleased to speak in favor of H.R. 3153, the Small Business Transport Correction Advancement Act. This bill, the product of months of meetings and negotiations and hard work, will provide countless small businesses with much needed commonsense relief from excessive Federal regulations.

The gentleman from California [Mr. CONDIT] and I introduced H.R. 3153 to try to fix what I think is a ridiculous situation where the drivers of small vehicles carrying small quantities of relatively benign substances such as nail polish remover and spray paint are being required to retain complex shipping papers for at least a year, mark containers on a daily basis and undergo training on how to handle these substances.

While DOT's hazardous materials regulations do serve a worthwhile purpose, everyone agrees that they were not intended to cover the transport of a spare can of gasoline in a gardener's pickup truck.

Earlier this year, DOT proposed a materials of trade exception from HazMat regulations for small businesses that transport small quantities of hazardous materials as part of their business. While we are pleased to see that the Department shares our concern that small businesses are being unnecessarily heavily regulated, we were disturbed that this proposal was attached to a much larger and more controversial proposed rule dealing with intrastate regulation which has been on the docket since 1987.

Based on DOT's assertion that it expects to issue its final rule on December 31 of this year, H.R. 3153 simply acts as an insurance policy, setting December 31 as the deadline by which the Department must issue a final rule establishing a materials of trade exception.

If DOT succeeds in issuing a final rule by this date, then this bill will not be necessary. But if the bigger issue of intrastate regulation requires additional discussion, then at least small businesses will not be held hostage to that separate debate.

Currently this bill has 58 cosponsors and is a bipartisan bill. Further, a diverse coalition of over 20 organizations, ranging from the National Federation of Independent Business and the National Restaurant Association to the

Society of American Florists and Walt Disney, have come together in support of this bill.

H.R. 3153 will help roofers, painters, plumbers, housekeepers and cosmetic supply salespeople, among many others. I urge my colleagues to support this bill as a prime example of how this Congress is trying to provide commonsense relief to the small businesses of this country, which are also the biggest job creators in this country.

Mr. OBERSTAR. Madam Speaker, I yield myself 2 minutes, and I yield to the gentleman from Illinois [Mr. POSHARD] for purposes of a colloquy.

Mr. POSHARD. Madam Speaker, H.R. 3153 has been amended to delay implementation of the Department of Transportation final rule under docket No. HM–200 for not-for-hire intrastate transportation by farmers and farm-related service industries, if the final rule does not allow States to grant exceptions.

Is it the understanding of the gentleman that this rulemaking, as explained in notice of proposed rulemaking in the March 20, 1996 Federal Register, will allow for a 1-year transition period from the date of publication of the rule?

Mr. OBERSTAR. That is my understanding and the gentleman has stated the issue correctly.

Mr. POSHARD. Further, it is the understanding of the gentleman that the amendment to H.R. 3153 is accepted for the purpose for providing sufficient time for Congress to study and address this issue as it relates to farmers and farm-related service industries?

Mr. OBERSTAR. Again the gentleman has stated the issue correctly. That is the understanding and that is the purpose of this amendment to H.R. 3153.

Mr. POSHARD. I thank the gentleman from Minnesota for yielding.

Mr. OBERSTAR. Madam Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Madam Speaker, I would like to thank personally the gentleman from Minnesota [Mr. OBERSTAR], the ranking minority member of the Committee on Transportation and Infrastructure, in no uncertain terms for his efforts and cooperation in regard to this legislation.

As we have mentioned, H.R. 3153 pertains to proposed regulations for the transportation of hazardous materials. The Department of Transportation has for some time been working on uniform nationwide regulations for the interstate transportation of hazardous materials.

H.R. 3153 is a bipartisan measure that will not only help bring this process to its conclusion but will ensure that effective State exceptions for intrastate transportation of such materials will not be immediately prohibited upon the effective date of the final rule.

This will allow for congressional scrutiny next year while not burdening the Nation's farmers with costly mandates that have been determined to be superfluous at the State and local level.

Madam Speaker, I would also like to acknowledge the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the Committee on Transportation and Infrastructure, and the gentleman from Wisconsin [Mr. PETRI], the chairman of the subcommittee, for their support as well as the hard work of the gentleman from Illinois [Mr. EWING], the gentleman from Michigan [Mr. BARCIA], the gentleman from Illinois [Mr. LAHOOD], and the gentleman from Indiana [Mr. BUYER] on this issue, and, of course, the gentleman from Texas [Mr. DELAY], the sponsor of the bill itself.

Mr. EWING. The gentleman from Illinois [Mr. LAHOOD] and I are neighbors in the congressional districts of central Illinois, so we know how important this legislation is to the Committee on Agriculture. It has been my pleasure to work with these gentleman as well as the gentleman from Michigan [Mr. BARCIA] who is a fellow colleague on the Committee on Transportation and Infrastructure, and they, along with the gentleman from Indiana [Mr. BUYER], have been an integral part of this process and their support is much appreciated.

Mr. PETRI. Madam Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. LAHOOD].

Mr. LAHOOD. Madam Speaker, I rise in support of H.R. 3153 which, through the hard work of Congressmen TOM EWING and STEVE BUYER, has been amended to provide relief for farmers and agricultural drivers from the Department of Transportation's rulemaking of the transportation of hazardous materials.

I want to thank the gentleman from Illinois [Mr. EWING], the gentleman from Indiana [Mr. BUYER], the gentleman from Illinois [Mr. POSHARD], the gentleman from Wisconsin [Mr. PETRI], and the gentleman from Pennsylvania [Mr. SHUSTER] for spearheading this important effort that will help protect farmers from unnecessary regulation.

□ 1245

Unfortunately, neither could be present today due to long-standing prior commitments, but I believe they deserve our sincere thanks for moving this forward.

I also want to thank Congressman OBERSTAR for being so helpful to the agricultural community.

Their leadership on this issue has been extremely valuable. Absent substantial modifications, the HM–200 rulemaking presently being proposed by the U.S. DOT/Research and Special Programs Administration would supersede every State exception granted to the agriculture industry for transfer of agricultural production materials, such as fertilizers, and fuel from retail-to-farm and from farm-to-farm.

The agreement contained in section 4 of H.R. 3143 would provide relief for farmers and retailers, and allow States to do exactly what they are now doing, until after Congress has had a chance to review, and correct if necessary, DOT's final rule.

The agreement in the bill today would continue the current practice regarding the transportation of agricultural products until after Congress passes a reauthorization of the Hazardous Materials Transportation Safety Act, or through the 1998 planting season.

All of the congressional supporters of H.R. 3799 and H.R. 4102, the Farm Transportation Regulatory Relief Act, realize that agriculture has unique needs and operates under critical seasonal time pressures.

Burdening farmers with unnecessary bureaucratic requirements such as having to placard their trucks, carry shipping documents, and provide a 24-hour emergency response phone number will only impede farmers' ability to efficiently plant and care for their crops. These regulations, Madam Speaker, will not improve rural highway safety—they will only hurt our Nation's farmers.

Mr. BUYER. Madam Speaker, the matter before us today is a perfect example of how this institution can work effectively and in a bipartisan manner to combat bad policy. I am grateful to Mr. EWING, Mr. POSHARD, and Mr. BARCIA for their strong support and diligent efforts in this matter. In addition, I appreciate the assistance and cooperation of Chairman SHUSTER, Ranking Minority Member OBERSTAR, Subcommittee Chairman PETRI, Subcommittee Ranking Member RAHALL, and Majority Whip DELAY.

For the past few months a bipartisan effort has undertaken a cause to address a little known proposed regulation, HM–200, regarding the Federal Hazardous Materials Transportation Act that would most likely cost the average farmer between $2,000 to $3,000. The overall impact of the regulation could exceed $7 billion for the agriculture industry.

The Department of Transportation's [DOT] proposed regulation would supercede every State exception granted to the agriculture industry in the transferring of agricultural production material from either retail-to-farm or from farm-to-farm. Besides the regulatory burdens of such a mandate, the enforcement is even less practical.

On June 27, 1996, I spoke during consideration of the fiscal year 1997 Transportation appropriations bill regarding HM–200. The next day many farmers, members of the agriculture industry, and colleagues contacted my office expressing opposition to HM–200. As a result, I introduced H.R. 3799, a bill that seeks to provide the States with the authority to grant exceptions to the agriculture industry. Soon afterwards, 48 of our colleagues joined my in sending a bipartisan letter to Dr. D.K. Sharma, administrator of the Research and Special Programs Administration of the Department of Transportation, in opposition to the proposed rule.

Madam Speaker, many States have had in place for years exceptions that allow retailers and farmers to transport regulated agrichemicals to the farms without having to placard their trucks, carry shipping documents, and provide a 24-hour emergency response

phone number. The rural, local transportation of agrichemicals under these exceptions has allowed agribusinesses and farmers to move product efficiently and safely during the farming season. In fact, most of these chemicals are transferred during a short 2 to 4 week period.

Without the same exceptions that have been granted for the industry in the transfer of such chemicals in the past, farmers will have to abide by time consuming, burdensome, and costly regulations. Such regulations will not make our rural roads safer, but only increase the cost of doing business, cause confusion, and require farmers to complete useless paperwork. The penalty for not abiding by the regulations can run $2,500 to $10,000 per violation.

Our bipartisan effort believes the one-size-fits-all approach fails to recognize the unique seasonal and rural nature of this business. Second, by States already allowing such exceptions, they have weighed the concerns and found the risks to be minimal. Finally, the goal of these efforts has been to allow States the right to continue to provide exceptions for the transfer of such chemicals from retail-to-farm and from farm-to-farm if they so decide.

To farmers, this proposed regulation represents another heavyhanded Federal regulation that is not needed, but inhibits farmers' ability to produce food for our Nation and the world. To me this is bigger—more intrusive—government. This is a perfect example of Washington bureaucrats not following the intent of Congress. When bureaucrats who have most likely never worked on a farm make rules that affect the industry the result is often bad policy.

Madam Speaker, at every step, this effort has gotten stronger and stronger. Last week, Congressmen EWING, POSHARD, BARCIA, and I introduced H.R. 4102 which is legislation that is more narrow than the original bill, H.R. 3799. Today, the language included in H.R. 3153 is a giant step in the right direction. Specifically, this bill would prohibit the final rule by the Department of Transportation under the rulemaking proceedings from prohibiting States from granting exceptions for farmers and farm-related service industries before the enactment of HAZMAT reauthorization or until the 180th day following the effective date of the final rule.

This bill provides Congress the opportunity to address this matter when Congress reauthorizes the HAZMAT during the 105th Congress, thus, allowing Congress to write responsible legislation while prohibiting the DOT from prohibiting farmers and those in the agricultural industry from transporting such chemicals if their respective States allow.

Again, I thank all those who participated in this bipartisan effort.

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

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

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered on the committee amendment in the nature of a substitute and on the bill.

The question is on the amendment in the nature of a substitute offered by the gentleman from Wisconsin [Mr. PETRI].

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and (three-fifths having voted in favor thereof) the bill was passed.

The title of the bill was amended so as to read: ''A bill to direct the Secretary of Transportation to issue a final rule relating to materials of trade exceptions from hazardous materials transportation requirements.''

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material in the RECORD on H.R. 3153.

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

There was no objection.

## TRAFFIC SIGNAL SYNCHRONIZATION PROJECTS

The Clerk called the bill (H.R. 2988), to amend the Clean Air Act to provide that traffic signal synchronization projects are exempt from certain requirements of Environmental Protection Agency rules.

The Clerk read the bill, as follows:

H.R. 2988

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

**SECTION. 1. TRAFFIC SIGNAL SYNCHRONIZATION PROJECTS.**

Section 176(c)(4) of the Clean Air Act is amended by adding the following at the end thereof:

''(D) Traffic signal synchronization projects shall be exempt from regional emissions analysis requirements and from requirements under rules of the Administrator for determining the conformity to State or Federal implementation plans of transportation plans, programs, and projects funded or approved under title 23 of the United States Code or the Federal Transit Act.''.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE.

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: strike out all after the enacting clause and insert:

**SECTION. 1. TRAFFIC SIGNAL SYNCHRONIZATION PROJECTS.**

Section 176(c)(4) (42 U.S.C. 7506(c)(4)) of the Clean Air Act is amended by adding the following at the end thereof:

''(D) Compliance with the rules of the Administrator for determining the conformity of transportation plans, programs, and projects funded or approved under title 23 of the United States Code or the Federal Transit Act to State or Federal implementation plans shall not be required for traffic signal synchronization projects prior to the funding, approval or implementation of such projects. The supporting regional emissions analysis for any conformity determination made with respect to a transportation plan, program, or project shall consider the effect on emissions of any such project funded, approved, or implemented prior to the conformity determination.''.

Mr. SCHAEFER (during the reading). Madam Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from California [Mr. WAXMAN] will each control 30 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SCHAEFER].

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

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

Mr. SCHAEFER. Madam Speaker, H.R. 2988 was introduced by the gentleman from California, Congressman MCKEON, and has been endorsed by the Bipartisan Speaker's Advisory Group on Corrections. It has the support of both the majority and minority of the House Commerce Committee, and was passed out of the committee on a voice vote.

I would like to thank Mr. MCKEON for bringing this issue to the committee's attention, as well as the Speaker's Advisory Group and the minority for its work on this issue.

The issue that H.R. 2988 seeks to address is narrow, but nonetheless important. Currently, EPA requires that nearly all transportation projects be reviewed to determine if they ''conform'' to the State's implementation plan for compliance with the Clean Air Act. This includes traffic synchronization projects, even though most, if not all, synchronization projects lower vehicle emissions. By requiring that these projects be reviewed before they can be implemented, some projects may be delayed by a year or more, resulting in an increase in vehicle emissions.

H.R. 2988 would allow synchronization projects to proceed as soon as they are approved and funded, before conformity determinations are made. Nothing in this bill, however, would relieve a jurisdiction from its responsibility to conduct a regional emissions analysis at a later date, if one is deemed necessary by EPA.

H.R. 2988 will streamline the approval process for traffic synchronization projects and act to speed up