

billion and a big increase for one of the most wasteful, least effective organizations in the entire Federal Government. This organization is the Job Corps, and it is presently spending more than \$25,000 per year per Job Corps student. Yet the GAO has confirmed that very few Job Corps students, only about 4 percent, end up in jobs for which they were trained. For this \$25,000 per year per student, we could give each of these young people a \$1,000 a month allowance, send them to some expensive private school and still save money. They would probably think they had almost gone to heaven. This money will be approved because there are more than 110 Job Corps centers spread politically all over the country, and because most people mistakenly assume that this money is going to underprivileged young people. Yet the kids are not getting this money. The only ones really benefiting are wealthy government contractors and the bureaucrats who are running the program.

SUPPORT MOLLOHAN AMENDMENT FOR A FAIR AND ACCURATE CENSUS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the debate over the census should be about how to get a fair and an accurate count in the year 2000. We need to make sure that everyone counts in this country, everyone. The Census Bureau consulted the experts at the National Academy of Sciences, who recommended a plan to use the latest scientific methods to supplement the traditional head count. It would also save taxpayers millions of dollars. A more accurate, less costly census, that is the plan that the Democrats support. But the Republicans in this body want to overrule the experts.

That is a bad idea. The census is too important to fall victim to partisan politics. The census data directly affects decisions made on funding for education, veterans services, public health care, the environment and housing. In America, every family should count. Every child should count. Every senior should count. Every veteran should count.

Support a fair and an accurate census. Support the Mollohan amendment.

CENSUS MUST FOLLOW CONSTITUTIONAL MANDATE

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

Mr. EWING. Mr. Speaker, the last speaker talked about the census. There is one overriding requirement for the census, that it follow the constitutional mandate for an actual count. Now, all the great things that have been said about doing it the other way

really do not follow the constitutional mandate. It is easy to get up and say, "Well, it will cost less money. We are going to count everybody."

Of course we want to count everybody. That is the issue. We do not believe you will get an accurate count by sampling. The Constitution does not provide for a count by sampling. It requires an actual enumeration. So the Democrats do not want to follow the Constitution. The Republicans do. We believe that is the requirement. We are willing to pay the cost. We want an accurate count.

AMERICA NEEDS A FAIR AND ACCURATE CENSUS

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, the census is America's family portrait. I would like to bring attention to my staff. We thought we would take a family portrait. Unfortunately, this is what my staff would look like after a Republican census. If the Republicans have their way, some of my staff will disappear, because the Republicans do not want a fair and accurate census. Republicans are absolutely satisfied with certain people not being counted because it preserves their political power.

In the year 2000, the only way we are going to make sure that every man, woman and child is included in America's family portrait is by putting Republican racial fearmongering aside and let the Census Bureau do its job. America needs a fair and accurate census.

MANAGED CARE REFORM

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

Mr. GEJDENSON. Mr. Speaker, just in case there are any questions left about what is wrong with health care in America and the failure of the Republican proposal in this House, my family has had another opportunity to see America's present health care system up close and personal.

My brother, who runs the dairy farm that we live on, woke up one morning with the right side of his face paralyzed from blind tick palsy. He had no sensation on the right side of his face. "Silly brother," Ike thought, "this was serious." So he went to the emergency room. But not his insurance company. They rejected the claim.

Americans are being injured and harassed by the present system. We need to applaud President Clinton for his efforts to move health care forward and let doctors and hospitals make decisions about health care and not the profits of the managed care companies.

CAMPAIGN FINANCE REFORM

(Mr. FARR of California asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I rise to point out that last night we had quite a victory in this House on campaign finance reform. We had a victory on an amendment, a small step. It is not the answer. The answer is comprehensive campaign reform. People fail to realize that in the elections last time, running for this seat in the House of Representatives cost over half a billion dollars for all the candidates. That was what was reported, because there are a lot of ads done by independent agencies that are not reported.

So, Mr. Speaker, if we are going to have meaningful campaign finance reform, we are going to have to put limits on what candidates can spend. That amendment is up today. We are going to have a great debate and we are going to see whether this House can live up to what it has done in 1991, 1992 and 1993, when we passed comprehensive campaign reform that really put limits on campaigns. Shays-Meehan is a step in the right direction, but it is not the answer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. DICKEY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

REQUIRING OSHA TO RECOGNIZE THAT ELECTRONIC FORMS AND PAPER COPIES PROVIDE THE SAME LEVEL OF ACCESS TO INFORMATION

Mr. BALLENGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4037) to require the Occupational Safety and Health Administration to recognize that electronic forms of providing Material Safety Data Sheets provide the same level of access to information as paper copies and to improve the presentation of safety and emergency information on such Data Sheets, as amended.

The Clerk read as follows:

H.R. 4037

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

SECTION 1. ELECTRONIC ACCESS.

In the administration and enforcement of the regulation on Hazard Communication, published at 29 C.F.R. Sec. 1910.1200, the Secretary shall provide that an employer complies with the requirement of maintaining and making readily accessible to employees material safety data sheets (MSDS) for each hazardous chemical if such employer makes the MSDS available through electronic access, so long as—

(1) the electronic system for retrieving MSDS's is reasonably and readily available to employees in their work areas throughout their work shifts and to representatives of the employees upon reasonable request;

(2) the electronic system is capable of providing a paper copy of a retrieved MSDS without unreasonable delay;

(3) employees are adequately trained in the use of the electronic system for retrieving MSDS's; and

(4) the electronic system provides a means of retrieving information contained in MSDS's in case of a temporary power or equipment failure or other emergency.

SEC. 2. DISPLAY OF SAFETY INFORMATION.

(a) GENERAL RULE.—Under the regulation on Hazard Communication, published at 29 C.F.R. Sec. 1910.1200, each chemical manufacturer, importer, or distributor shall prominently display worker safety information described in subsection (b) by either—

(1) attaching to the first page of each material safety data sheet a container label (or facsimile thereof) which includes, at a minimum, the information described in subsection (b); or

(2) attaching to the first page of each material safety data sheet the information described in subsection (b).

(b) INFORMATION.—The information required by subsection (a) shall include—

(1) the manufacturer's, importer's, or distributor's name, address, and emergency telephone number (including the hours of operation);

(2) the identity of the chemical, using the trade name or chemical name and potentially hazardous ingredients of the chemical;

(3) appropriate hazard warnings, with immediate hazards listed first;

(4) instructions for safe handling and precautionary measures to avoid injury from hazards; and

(5) first aid instructions in case of contact or exposure which require immediate treatment before medical treatment is available. Information required under paragraph (5) should be targeted to the technical level of the audience and information required by this subsection shall be presented with the least technical language appropriate.

(c) EFFECTIVE DATE.—The requirements of subsection (a) shall apply to material safety data sheets for new or reformulated chemicals beginning 18 months after the date of the enactment of this Act and shall apply to all other material safety data sheets beginning 36 months after such date.

SEC. 3. STUDY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor shall initiate a study that assesses and measures the comprehensibility of hazard warnings to industrial workers. Upon completion of the study, the Secretary shall prepare a report and make it available to chemical manufacturers and importers which prepare material safety data sheets.

SEC. 4. REPORT ON AGREEMENT.

The Secretary of Labor shall report to the House Committee on Education and the Workforce and the Senate Labor Committee upon United States entry into any international agreement regarding the format or contents of material safety data sheets or labeling of hazardous chemicals with recommendations for changes to the requirements of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from Indiana (Mr. ROEMER) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BALLENGER).

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

First let me acknowledge and commend the two sponsors of H.R. 4037, the gentlewoman from Texas (Ms. GRANGER) and the gentleman from Indiana (Mr. ROEMER). I appreciate the work that both of them and their staffs have done in making this a bipartisan bill and in working with everyone involved so that we can bring this bill to the House floor today.

OSHA's Hazard Communication Standard is one of OSHA's most important but also most troublesome regulations. A lot of complaints that we hear about, about the paperwork burden and the nit-picky paperwork violations from OSHA are because of the Hazard Communication Standard. The idea of the standard is a good one, to make sure that employers and employees know what chemicals they are working with and how to safely handle them. But the implementation of this standard has long been a source of complaint, and OSHA has not been exactly quick to fix the problems.

H.R. 4037 addresses two of the problems that have been the source of these complaints for years. Under the Hazard Communication Standard, each chemical product must have a Material Safety Data Sheet, or better known as an MSDS that is written by the producer or importer of the chemical, and which must contain a variety of information about the chemical involved and the potential hazards it may present. Those Material Safety Data Sheets, or MSDS, are then forwarded down through the chain of commerce all the way to the retailer or user of the product. Each employer who uses or sells any products containing chemicals for which there have been any studies showing potential health or safety hazards must maintain these Material Safety Data Sheets in his or her workplace. OSHA estimates that there are over 650,000 chemical products covered by the Hazard Communication Standard. Others have estimated that there are Material Safety Data Sheets in circulation for over a million different products. Your typical small business can easily have a couple of thousand of these MSDS Data Sheets on hand. And an MSDS Data Sheet can easily be 10 or more pages long. It is little wonder that failure to have all of the required MSDS Data Sheets on hand has been one of the most frequently cited of all OSHA's regulations.

The first part of H.R. 4037 makes clear that an employer's obligation to have these Safety Data Sheets readily accessible may be met by electronic access to the MSDS Data Sheets.

□ 1030

The advantage of using the electronic system to access these sheets are overwhelming, particularly for small employers. For a couple of hundred dollars a year, a small businessman can subscribe to an electronic service that

maintains all of the MSDS sheets through which he can instantly call up the desired information. Instead of going through piles of paper and filing cabinets and looseleaf folders, the employee can simply type in the name of the product and access the information.

OSHA does not prohibit electronic systems from accessing material, the safety data sheets, but the regulation and OSHA's enforcement policy suggests that employers should maintain copies of MSDS sheets, whether or not they are also in the electronic system. As a result, many employers simply maintain paper copies, despite the fact that the electronic system would be more useful and effective.

H.R. 4037 makes it clear that electronic access systems, whether maintained in-house or by third parties, are permitted, so long as four conditions are met: First, the electronic system is reasonably and readily available to employees and upon request to union representatives of the employees; second, the electronic system can produce paper copies of the MSDS, if requested, without unreasonable delay; third, employees are adequately trained in the use of the electronic system; and, fourth, the electronic system provides a means of retrieving information contained in the MSDS in case of temporary power or equipment failure. Thus, for example, an employer whose electronic system used as an Internet connection could receive information contained in the MSDS via telephone in the event of computer or power failure until the Internet connection is restored.

A second complaint about the hazard communications standard has been the fact that the MSDS sheets are not easily used by most employees or employers, both because of the amount of information they include and because they are often written in technical language. Suppliers of these MSDS point out that the sheets are used for a variety of purposes, including emergency response personnel and health care providers, so more detailed and technical information in the Material Safety Data Sheet is important.

H.R. 4037 attempts to strike a balance between these two concerns. It does not require change in either the format of the MSDS or in the type of information provided by this MSDS. Instead, it requires that summary emergency information with the information most useful to the employee be attached to the front of the MSDS. That information is the same as is often provided in the product label.

So the bill provides that either the label or the text of the label should be attached to the front of the Material Safety Data Sheet. But the label or the text of the label must include certain basic information about chemicals, including emergency contacts.

Finally, concerns were raised about the effect of H.R. 4037 on efforts under

way to reach an international agreement on a standardized form for presenting information on chemicals. Now, I appreciate that concern, and as we continue the move into the global marketplace, it makes sense to standardize as much as possible the presentation of hazard information.

On the other hand, we do not know at this point when the international effort will conclude or what it might provide. So H.R. 4037 requires that the Secretary of Labor, if an international agreement is reached, recommend to this committee and to the Senate Labor Committee any changes in the law necessary to make it consistent with international agreement.

Mr. Speaker, H.R. 4037 is a simple but important step towards improving this OSHA regulation.

Again I want to thank the gentleman from Indiana (Mr. ROEMER) and the gentlewoman from Texas (Ms. GRANGER) for their efforts to move this bill, and I urge my colleagues to support this bill.

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

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

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

Mr. ROEMER. Mr. Speaker, I rise today in strong support of this common sense legislation. First of all, I, too, want to applaud the gentleman from North Carolina (Mr. BALLENGER) and the gentlewoman from Texas (Ms. GRANGER) for their work and their cooperation and their bipartisanship on this very common sense bill.

The bottom line, Mr. Speaker, for me is we need to work in a bipartisan, common sense way to prevent the 6,000 people that are killed in the workplace every year and the 70,000 workers that are hurt in the workplace every year. There are things we can do, working across the aisle, Democrats and Republicans, to use common sense, and in this case technology, to prevent those deaths and those injuries.

This bill, I think, goes a long way toward providing that common sense and that usage of technology by updating these MSDSs. We now can encourage our small businesses and big businesses to use the CD-ROMs. Instead of merely using what they have used over the decades and through years and years of paperwork, the Material Safety Data Sheets, that have all kinds of complexities and paperwork and sheets of data that are faxed from one employer to another and back and forth, and you cannot even read them once they are faxed back and forth, we want to bring OSHA into the new century and the next century and use the kind of technology, Internet services, fax-on-demand, electronic services, and, yes, CD-ROMs, to make sure we try to use technology to prevent the 6,000 people that are killed every year and the 70,000 people that are injured in the workplace. So this uses technology,

and it uses it in a very, very fair, common sense and efficient manner.

Secondly, we want to use the common sense with that technology to prevent these injuries and deaths. Too often in these sheets of paper we do not use common sense and things read "avoid ocular contact." Avoid ocular contact? Why can we not just say "keep out of the eyes." That is the kind of common sense language that I think we all need to use, whether we are speaking on the House floor or whether we are trying to prevent injury and death in the workplace.

So this bill goes a long way towards using that common sense, toward permitting the use of technology and the Internet and CD-ROMs, and toward working with a diverse group of people and interest groups in this town and throughout the country.

We have worked with the AFL-CIO, we have worked with the Department of Labor, we have worked with the Chemical Manufacturers Association and the Small Business Coalition for MSDS reform led by the NFIB. All of these groups have worked with the gentlewoman from Texas (Ms. GRANGER) and the gentleman from North Carolina (Mr. BALLENGER) to put together this bipartisan legislation and try to move this country forward toward protecting our workers with technology and common sense.

So I strongly applaud this bipartisan work, this good work product, this use of technology, this use of better English language to help our workers understand the dangers of the workplace.

Finally, I want to conclude by saying, Mr. Speaker, that this is the third bill this year where we have passed incremental changes to OSHA that try to do things to ensure better morale, better productivity and a safer workplace.

We passed H.R. 2877, which prohibited OSHA from setting quotas for citations and fines. We should not have quotas for citations and fines. This committee worked together to prohibit that practice.

We passed 2864, which allows state OSHA agencies to consult with businesses to improve their safety programs. This kind of consultation and proactive way, rather than just doing penalties, will also improve the way OSHA tries to protect the workers with common sense and technology and proactive ways of working with our businesses, rather than just simply going in and fining them.

In conclusion, Mr. Speaker, I want to say I am very proud to have worked with the Republicans and Democrats to get this legislation up before the body today. I am very proud to have worked in a bipartisan way to pass two previous pieces of legislation that reflect the same kind of things in this bill, the common sense and the use of technology, and also very proud to do some things in this body that reach out to States like Indiana and North Carolina, that reach out to States like

Texas and California and New York, to do what we all want to do, increase productivity, keep this economy rolling along, and, yes, protect the worker in the workplace. That is what this common sense legislation will achieve.

I thank again the gentlewoman from Texas (Ms. GRANGER) and the gentleman from North Carolina (Mr. BALLENGER), to the staff on my side of the Committee on Education and the Workplace, and to my staff member Ryan Dvorak for his hard work.

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

Mr. BALLENGER. Mr. Speaker, I yield three minutes to the gentlewoman from Texas (Ms. GRANGER).

(Ms. GRANGER asked and was given permission to revise and extend her remarks.)

Ms. GRANGER. Mr. Speaker, many times on many occasions we come to this floor in the hope of solving a crisis. Today we come in the hope of preventing one. H.R. 4037 is a simple bill with a simple premise, to protect the safety and security of America's workers.

Let me give you an example of how this bill will make a difference in the lives of working people everywhere. Under current law, when a chemical is spilled in the workplace, the workers have to plow through a Material Safety Data Sheet to find instructions on how to clean up the spill and minimize danger. Unfortunately, these forms are, as the gentleman from Indiana (Mr. ROEMER) said, generally written in legal terms, not common sense terms, that can straightforwardly protect the safety of our workers.

Our bill ensures that at the beginning of each MSDS form there will be an emergency overview that lays out in layman's terms what needs to be done in the case of a chemical spill in the workplace.

Moreover, our bill allows these important forms to be kept through an electronic communication systems, like a fax-on-demand system, Internet service or CD-ROM. These will make them more convenient, more accessible, and, the most important thing, they will make them more effective for our workers.

I want to thank the gentleman from North Carolina (Chairman BALLENGER) for his hard work on this issue and for his willingness to bring this bill to the floor. I would also like to thank the gentleman from Indiana (Mr. ROEMER), who cosponsored this legislation with me, and, as the Congressman said, in particular, we would like to thank our staff, in my case Lisa Helfman who worked on my staff and Ryan Dvorak on the staff of the gentleman from Indiana (Mr. ROEMER), for their hard work in bringing this forward.

We often speak of issues in terms of right or left. This is an issue that is truly right versus wrong. It is right to give our workers the protections they need, since it is always the right time to do the right thing.

I urge my colleagues to pass H.R. 4037 today.

Mr. GOODLING. Mr. Speaker, H.R. 4037 makes two simple but important changes to OSHA's regulation on Hazard Communication.

First, H.R. 4037 clarifies the law with regard to the acceptable use of electronic systems for maintaining "material safety data sheets," which employers are required to maintain and make available to employees by the Hazard Communication standard.

To anyone who has looked at the amount of information required of the typical business by the Hazard Communication standard, it should be evident that an electronic system of keeping that information is preferable to a paper system. And yet OSHA continues to suggest a preference for paper copies of material safety data sheets by putting conditions on the use of electronic systems that it does not put on paper copies.

By encouraging employers, especially small employers, to use electronic systems for maintaining material safety data sheets, H.R. 4037 will make a real impact in reducing OSHA's paperwork burden on employers.

Second, H.R. 4037 requires that summary and emergency information be attached to the front page of the material safety data sheet. This is to make the information more useful and useable for employers and employees.

Mr. Speaker, I want to commend the sponsors of H.R. 4037, Representative GRANGER and Representative ROEMER, for their work on this bipartisan bill, as well as Subcommittee Chairman BALLENGER. H.R. 4037 will help make one Federal regulation a little more sensible and compliance a little easier. I urge my colleagues to support H.R. 4037.

Mr. ROEMER. Mr. Speaker, today, the House of Representatives will pass H.R. 4037, a bill of which I am an original cosponsor. I would like to thank my colleagues, Representative KAY GRANGER and Representative CASS BALLENGER, and all of the cosponsors, for their bipartisan efforts to help create and pass this common sense OSHA reform legislation.

Under current law, every business in the country must maintain documentation about the chemicals they keep at a work site. These documents are called Material Safety Data Sheets (MSDS's) and while originally intended to provide critical health and safety information about dangerous chemicals, they have become cumbersome technical documents that can be up to twenty pages long, and are the causes of frequent paperwork violation citations.

H.R. 4037 has three main points. First, it would allow businesses the choice to access the information contained on an MSDS through electronic communications services, like a fax-on-demand system, internet service, or a CD-ROM. This type of service eliminates an enormous amount of regulatory paperwork, while actually increasing access to the information. Current MSDS service companies can provide instantaneous access to critical chemical information, expert technical advice, and coordination with emergency responders. The current paper system can do none of those.

Second, H.R. 4037 would require all MSDS to have an emergency overview at the beginning of the document that lists emergency contacts, hazard warnings, and first aid information. This emergency overview would allow both employers and employees to have immediate access to the most critical information on

an MSDS. Currently, this information can be buried near the end of the document, behind pages of confusing technical information.

Finally, the bill instructs the Occupational Safety and Health Administration (OSHA) to conduct a study on the technical level of language used to write MSDS's. Presently, some documents still say things like: "Avoid ocular contact," instead of: "Keep out of eyes." OSHA would make the results of their study available to MSDS writers to provide guidance and improve their quality.

To achieve this bipartisan piece of legislation, we have worked in good faith with every interested party to address the concerns of the AFL-CIO, the Chemical Manufacturers Association, the Department of Labor, and the small business Coalition for Material Safety Data Sheet Reform. Again, I thank my colleagues for their cooperation and hard work on H.R. 4037. I look forward to working with the Senate to ensure its eventual enactment into law.

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

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

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from North Carolina (Mr. BALLENGER) that the House suspend the rules and pass the bill, H.R. 4037, 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.

GENERAL LEAVE

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4037.

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

There was no objection.

□ 1045

OCEAN SHIPPING REFORM ACT OF 1998

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 414) to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes, as amended.

The Clerk read as follows:

S. 414

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 "Ocean Shipping Reform Act of 1998".

SEC. 2. EFFECTIVE DATE.

Except as otherwise expressly provided in this Act, this Act and the amendments made by this Act take effect May 1, 1999.

TITLE I—AMENDMENTS TO THE SHIPPING ACT OF 1984

SEC. 101. PURPOSE.

Section 2 of the Shipping Act of 1984 (46 U.S.C. App. 1701) is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) striking "needs." in paragraph (3) and inserting "needs; and";

(3) adding at the end thereof the following:

"(4) to promote the growth and development of United States exports through competitive and efficient ocean transportation and by placing a greater reliance on the marketplace.".

SEC. 102. DEFINITIONS.

Section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702) is amended by—

(1) striking "the government under whose registry the vessels of the carrier operate;" in paragraph (8) and inserting "a government;";

(2) striking paragraph (9) and inserting the following:

"(9) 'deferred rebate' means a return by a common carrier of any portion of freight money to a shipper as a consideration for that shipper giving all, or any portion, of its shipments to that or any other common carrier over a fixed period of time, the payment of which is deferred beyond the completion of service for which it is paid, and is made only if the shipper has agreed to make a further shipment or shipments with that or any other common carrier.";

(3) striking paragraph (10) and redesignating paragraphs (11) through (27) as paragraphs (10) through (26);

(4) striking "in an unfinished or semi-finished state that require special handling moving in lot sizes too large for a container," in paragraph (10), as redesignated;

(5) striking "paper board in rolls, and paper in rolls." in paragraph (10) as redesignated and inserting "paper and paper board in rolls or in pallet or skid-sized sheets.";

(6) striking "conference, other than a service contract or contract based upon time-volume rates," in paragraph (13) as redesignated and inserting "agreement";

(7) striking "conference." in paragraph (13) as redesignated and inserting "agreement and the contract provides for a deferred rebate arrangement.";

(8) by striking "carrier." in paragraph (14) as redesignated and inserting "carrier, or in connection with a common carrier and a water carrier subject to subchapter II of chapter 135 of title 49, United States Code.";

(9) striking paragraph (16) as redesignated and redesignating paragraphs (17) through (26) as redesignated as paragraphs (16) through (25), respectively;

(10) striking paragraph (17), as redesignated, and inserting the following:

"(17) 'ocean transportation intermediary' means an ocean freight forwarder or a non-vessel-operating common carrier. For purposes of this paragraph, the term—

"(A) 'ocean freight forwarder' means a person that—

"(i) in the United States, dispatches shipments from the United States via a common carrier and books or otherwise arranges space for those shipments on behalf of shippers; and

"(ii) processes the documentation or performs related activities incident to those shipments; and

"(B) 'non-vessel-operating common carrier' means a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier.";

(11) striking paragraph (19), as redesignated and inserting the following: