in the future disasters that we know are likely to occur. These initiatives, rather modest in this bill, will translate into millions of dollars of savings.

There are, however, a couple of concerns that I have about the legislation. Both House and Senate bills require non-profit entities to seek loans from the Small Business Administration as a precondition of assistance. But, certain non-profits are singled out not for what they do but for who they are. Libraries, museums and shelters should not be discriminated against in this fashion. It is not a fatal flaw in the bill, not one that would cause me to oppose it, but one that I hope can be revisited and fixed in the future.

Second, the bill authorizes funding only for the next three fiscal years. I believe that oversight of this program will demonstrate its value, and that there will be a continuing need to work with communities for many years. I look forward to working to extend this program.

The Senate has removed language requiring the establishment of a President's Council on Domestic Terrorism and Preparedness within the Executive Office of the President. The gentlewoman has again devoted tireless hours and very deep personal conviction to this legislation. This is not something that she has undertaken as a gesture, but as a matter of very deep conviction. I have been greatly persuaded by her activism, by her profound self-assurance based on case studies and careful analysis of the situation and the failure of the existing system to perform as intended.

I support the establishment of the President's council. I worked to mediate between the subcommittee and the Office of Management and Budget and White House staff. I think under the circumstances this is a sound, reasonable, responsible initiative. As the gentlewoman has said to me, in years to come after she enters retirement, she does not want to look back on a tragedy and say, ''That could have been prevented. I could have done something while I was in Congress.'' She tried her hardest to do something, Mr. Speaker. But, the Senate has refused to acquiesce. That is unfortunate, but the unwillingness of the Senate causes us to accept the agreement on mitigation and address terrorism preparedness at a later date.

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

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

I would like to comment that I understand there has been some byplay among our staffs, perhaps, on an issue of whether or not we are going to move to the next bill which is strongly supported by the gentleman from West Virginia (Mr. RAHALL). It has been suggested to me that there might be some tactics on both our parts to delay this. That is not my style. I am quite prepared once we dispose of this to move ahead with the gentleman from West Virginia's legislation because it is the right thing to do. If we have anything else we need to fight out, we can do that later.

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

Mrs. FOWLER. Mr. Speaker, I rise in strong support of this important legislation.

In 1992, Hurricane Andrew slammed into the coast of Florida resulting in total losses exceeding $30 billion. Andrew is the costliest major disaster in U.S. history.

Of course, Floridians are not the only ones at risk from natural disasters. In the past 10 years every State and territory in the Union has been adversely impacted by a natural disaster.

This Nation simply can't afford to keep exposing our people and their property to these disasters.

In the past, Congress has focused on assisting the victims of disasters after the damage is done: Since 1989, Congress has spent over $25 billion on disaster relief.

Our emphasis needs to change. H.R. 707 significantly increases Federal assistance for projects that prevent damage before hurricanes and other disasters strike.

This money can be used for such projects as strengthening schools, providing shelters for evacuees, and hurricane-proofing homes. If used in the right way, such spending should decrease overall Federal spending by reducing the disaster relief needed after a disaster hits.

With more emphasis on mitigation we will have less to fear from natural disasters and reduce the threat to our families and property.

I want to thank Mr. BOEHLERT for all his work on this bill as well as the ranking member of the subcommittee Mr. TRAFICANT.

I also want to thank Chairman SHUSTER and the ranking minority member of the full committee, Mr. OBERSTAR, for their support and encouragement.

While I am very pleased to support final passage of H.R. 707, I am disappointed that the Senate failed to retain a section of the bill establishing a President's council to coordinate domestic terrorism preparedness programs.

There is clearly more work that needs to be done to prepare and protect the public from man-caused disasters. I have no doubt that the next Congress will continue to grapple with this important issue.

Regardless of this omission, this is still an excellent bill and I urge my colleagues to support H.R. 707.

I want to thank my subcommittee staff: Marcus Peacock, Charlie Ziegler, Miki White, Denise Beshaw, and Dan Shulman for their dedication and hard work throughout the year in getting this legislation passed.

Mr. TRAFICANT. Mr. Speaker, I rise in strong support of H.R. 707, the Disaster Mitigation Amendments Act of 2000. The amendments establish a predisaster mitigation grant program, make it easier for states to administer the Federal program, and enhance state efforts to prepare for and respond to disasters.

Before I continue, I would like to thank Chairman SHUSTER and Ranking Democratic Member OBERSTAR for their assistance on this legislation. I also would like to commend and thank Chairman FOWLER for her leadership, her hard work and her willingness to listen to all the stakeholders, the Administration and Members, in an effort to make this the best legislation it could be. She indeed has done an admirable job.

The Disaster Mitigation Act of 2000 is about being prepared for natural disasters. By establishing and funding a pre-disaster mitigation program, we can lessen the human and financial losses associated with natural disasters such as hurricanes, floods, and earthquakes.

This bill also simplifies the Federal-State relationship in providing Federal disaster assistance. It encourages States to be more active in providing assistance, and to assume responsibility for administering benefits where the state chooses to do so. It also protects the taxpayer by encouraging those communities suffering from repetitive losses to undertake efforts to reduce those losses. But it also protects the local community by establishing a 3-year limitation on FEMA's ability to review an assistance grant for compliance with law and regulation.

It is my understanding that there were some Members of the other body that had some concerns about the part of the bill that contained the Council for Terrorism Preparedness. I am sorry that we were not able to work out those concerns. We missed a tremendous opportunity to help organize and prepare for any future terrorist attacks against our nation. I am disappointed about that. I hope we will have a chance in the future to pass a bill on terrorism preparedness.

Mr. Speaker, disaster mitigation is such an extremely important and urgent issue for our country. I support the Disaster Mitigation Act of 2000, and urge my colleagues to support it.

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

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

The SPEAKER pro tempore. 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 House amendment to the Senate amendment to the bill, H.R. 707.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHUSTER. 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. 707, the bill just passed.

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

There was no objection.

MOTOR CARRIER FUEL COST EQUITY ACT OF 2000

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4441) to amend title 49, United States Code, to provide a mandatory fuel surcharge for transportation provided by certain motor carriers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4441

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 ''Motor Carrier Fuel Cost Equity Act of 2000''.

SEC. 2. MANDATORY FUEL SURCHARGE.

(a) IN GENERAL.—Chapter 137 of title 49, United States Code, is amended by adding at the end the following:

"§ 13714. Fuel surcharge

''(a) MANDATORY FUEL SURCHARGE.—

''(1) ASSESSMENT OF SURCHARGE.—Any motor carrier, broker, or freight forwarder subject to jurisdiction under chapter 135 regularly providing truck-load transportation service shall assess under each contract or agreement for such service the payor of transportation charges a surcharge under this section, or a surcharge or other fuel cost adjustment permitted under section 13715, for fuel used in the transportation provided to such payor commencing when an increase in the price of such fuel surpasses the benchmark in paragraph (2). A surcharge assessed under this section by the motor carrier, broker, or freight forwarder shall be calculated on the basis of mileage or percentage of revenue (whichever basis the motor carrier, broker, or freight forwarder elects) and shall be the amount necessary to compensate the motor carrier, broker, or freight forwarder or other person responsible for paying for fuel for the difference in the price of fuel between the Current Fuel Price and the Fuel Price Norm determined under paragraph (2).

''(2) BENCHMARK.—

''(A) IN GENERAL.—The benchmark referred to in paragraph (1) is the difference between the Current Fuel Price and the Fuel Price Norm, when such difference exceeds $0.05.

''(B) CURRENT FUEL PRICE.—The Current Fuel Price referred to in paragraph (1) and subparagraph (A) shall be determined from the latest weekly Energy Information Administration's Average Retail On-Highway Diesel Prices, National U.S. Average, as published by the Department of Energy.

''(C) FUEL PRICE NORM.—The Fuel Price Norm referred to in paragraph (1) and subparagraph (A) shall be determined by calculating the latest 52-week average of the Average Retail On-Highway Diesel Prices referred to in subparagraph (B).

''(b) IMPLEMENTATION.—The surcharge referred to in subsection (a)(1) shall be—

''(1) calculated on the date the shipment is tendered to the motor carrier, broker, or freight forwarder;

''(2) itemized separately on the motor carrier, broker, or freight forwarder's invoices; and

''(3) paid by the payor of the related transportation charges.

''(c) FACTORS.—For purposes of calculating a surcharge under this section—

''(1) average fuel economy is 5 miles per gallon for calendar year 2000 and shall be determined on January 1 of such year thereafter by the Secretary of Transportation; and

''(2) mileage means the number of paid miles driven as determined under the Department of Defense, Military Traffic Management Command's 'Defense Table of Official Distances'.

''(d) LIMITATION ON AUTHORITY.—Notwithstanding any other provision of this part, any action to enforce this section under section 14704 may only be brought by the motor carrier, broker, or freight forwarder that provided the transportation services against the payor of the transportation charges or by the payor of the transportation charges against the motor carrier, broker, of freight forwarder that provided the transportation services. In such action, a court shall only have the authority to determine whether a fuel surcharge assessed under this section has been assessed or paid. A court shall not have the authority in such action to review any other charges imposed by the provider of the transportation services. Neither the Secretary of Transportation nor the Surface Transportation Board shall have regulatory or enforcement authority relating to provisions of this section.

''(e) EFFECTIVE PERIOD.—Subsections (a) through (d) and section 13715 shall be in effect beginning the 60th day following the date of enactment of this section and ending September 30, 2003.

"§ 13715. Negotiated fuel adjustments

''(a) IN GENERAL.—Nothing in section 13714 shall be construed to abrogate provisions relating to fuel cost adjustments in any transportation contract or agreement in effect on the date of enactment of the Motor Carrier Fuel Cost Equity Act of 2000 and any renewal of such a contract or agreement thereafter. Nothing in this section and sections 13714 and 14102 shall be construed to prohibit any motor carrier, broker, or freight forwarder from including any reasonable privately negotiated fuel cost adjustment provision in any contract or agreement to provide transportation.

''(b) CONTINUATION OF AUTHORITY.—Nothing in section 13714 shall impair the ability of any person to enter into any contract or agreement after the date of enactment of the Motor Carrier Fuel Cost Equity Act of 2000 that provides for a fuel adjustment under this section or section 13714 during any period in which no fuel surcharge is required under section 13714.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 137 of such title is amended by adding at the end the following:

''13714. Fuel surcharge.

''13715. Negotiated fuel adjustments.''.

SEC. 3. CONFORMING AMENDMENT.

Section 14102 of title 49, United States Code, is amended by adding at the end the following:

''(c) MANDATORY PASS-THROUGH TO COST BEARER.—

''(1) IN GENERAL.—A motor carrier, broker, or freight forwarder providing transportation or service using motor vehicles not owned by it and using fuel not paid for by it—

''(A) shall pass through to the person responsible for paying for fuel any fuel surcharge required pursuant to section 13714, or fuel cost adjustment permitted under section 13715, or provided for in transportation contracts or agreements;

''(B) shall disclose in writing to the person responsible for paying for fuel the amount of all freight rates and charges and fuel surcharges under section 13714 and fuel cost adjustments permitted under section 13715 applicable to such transportation or service; and

''(C) is prohibited from—

''(i) intentionally reducing compensatory transportation costs (other than the fuel surcharge) to the person responsible for paying for fuel for the purpose of adjusting for or avoiding the pass through of the fuel surcharge; and

''(ii) intentionally imposing a fuel cost adjustment in accordance with section 13715 for the purpose of avoiding any payment under this section or section 13714.

''(2) LIMITATION ON AUTHORITY.—Notwithstanding any other provision of this part, the person responsible for paying for fuel may only bring an action to enforce this section under section 14704 against the motor carrier, freight forwarder, or broker providing the transportation services with vehicles not owned by it. Neither the Secretary of Transportation nor the Surface Transportation Board shall have regulatory or enforcement authority relating to provisions of this subsection.

''(3) EFFECTIVE PERIOD.—Paragraphs (1) and (2) shall be in effect beginning the 60th day following the date of enactment of this section and ending September 30, 2003.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from West Virginia (Mr. RAHALL) 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.

Today, the House is considering H.R. 4441, the Motor Carrier Fuel Cost Equity Act of 2000. Earlier this year, the Subcommittee on Ground Transportation held a hearing to examine the price spikes in gasoline and diesel markets. At this meeting, a number of options were discussed to bring relief to those hardest hit by those spikes, such as enabling truckers to negotiate rates that reflect their increased fuel costs. Three months later, the subcommittee convened a panel of truck drivers, shippers and representatives from motor carriers and other transportation intermediaries to hear testimony on the gentleman from West Virginia's (Mr. RAHALL) bill, H.R. 4441, to require a mandatory fuel surcharge.

The Committee on Transportation and Infrastructure then worked for several months to address the concerns raised and to craft a bill we could all support. The bill we are considering today includes numerous changes to the original bill.

In July, the Subcommittee on Ground Transportation approved a substitute amendment by voice vote and later that day the full committee approved the subcommittee's amendment unanimously, which is generally the way our committee works. H.R. 4441 helps trucking companies and particularly independent operators weather the diesel fuel price spikes in the same way that the large trucking companies have been able to do for years. By including a fuel surcharge as part of the total transportation bill, these small business truckers, these independent truckers, will not see their already slim margins disappear when the price of diesel fuel rises sharply and suddenly.

This bill, as amended in committee, has my support. I urge its passage here today.

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

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

Mr. Speaker, I would first like to express my deep appreciation to the gentleman from Pennsylvania (Mr. SHUSTER) for bringing this piece of legislation to the floor. I commend the statesmanlike manner in which he has just conducted himself in the statement he made prior to consideration of this bill. I have known that to be true through our many years of work together on the Committee on Transportation and Infrastructure. We have worked in a very gentlemanly manner and in a bipartisan manner, I might add, as well. I commend the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for his support of this legislation and his help as well.

It is supported, as the chairman has said, by a bipartisan group of Members, including the assistant whip on the majority side the gentleman from Missouri (Mr. BLUNT). This bill seeks to address a real and pressing crisis facing an important segment of our trucking industry. That problem is twofold: First, owner-operators are being hit hard by high diesel fuel prices and simply do not have the market clout to negotiate the same sort of arrangement

that the larger companies can to offset those costs. Unable to cope with high diesel prices, many owner-operators are simply unable to continue in business. In fact, fuel prices were the primary factor in the 1,365 trucking company bankruptcies which occurred during the first 6 months of this year. Second, coupled with a national driver shortage, just-in-time deliveries are being threatened, fewer transportation alternatives for shippers are available, and consumers could face a rise in the price of various goods and commodities.

As such, the pending legislation provides owner-operators, shippers and consumers with a safety net by ensuring that any fuel surcharges assessed are ultimately passed on to the entity which actually purchases the fuel. And just what is a fuel surcharge? It is a long established practice in the industry under which a shipper pays to the trucking companies the difference between what is deemed to be a baseline cost of diesel fuel and any sudden and dramatic increases in the cost of that fuel, such as what we are experiencing today. Independent owner-operators, however, are not in the position to negotiate fuel surcharges or, where they exist, be paid the fuel surcharge. And when you consider that two-thirds of the trucking operations in the country today operate six or fewer trucks, we are talking about a sizable segment of the industry.

The pending legislation, as originally introduced, would have imposed a mandatory fuel surcharge program. It has been modified to fully take into account privately negotiated fuel surcharge programs. No existing fuel surcharge arrangement would be abrogated and any future privately negotiated programs of this nature would not be precluded.

Let me repeat. Any current and future privately negotiated fuel surcharge agreements are fully respected by the pending legislation. And I repeat that a third time. Past, current or future privately negotiated fuel surcharge agreements are fully respected.

The essential feature of this bill is that it provides a private right of action as a means to ensure that the entity which actually pays for the fuel receives the surcharge. No Federal Government enforcement. No cost to the taxpayers. Just simply equity and fairness.

Mr. Speaker, America watched the economies of Britain and France thrown into chaos on the issue of diesel fuel prices. I have already noted the large number of industry bankruptcies taking place in this country.

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Coupled with a shortage of up to 80,000 truck drivers, we have a formula for disaster in the making.

I might add that high fuel prices have also had a devastating effect on the Nation's port drivers as well. Their poor working condition has come to the attention of the Teamsters Union, which is exploring ways to organize these truck drivers and is working to bring public attention to their plight.

In conclusion, Mr. Speaker, I say let us strike a blow for the little guy, the small businessman, and for the integrity of our economy by passing the pending legislation.

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

Mr. SHUSTER. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. PETRI), the distinguished chairman of the Subcommittee on Ground Transportation.

Mr. PETRI. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for yielding me this time.

Mr. Speaker, I rise to speak on H.R. 4441, the bill before us today. Before I do, I just think I would like to take a minute to point out that this may be the last piece of legislation that comes out of the subcommittee that I have had the privilege of chairing for the last 6 years. Under the rules that have been set in the House since 1994, we have term limits for chairmen and subcommittee chairmen, so I will not be chairing that subcommittee in the next Congress, should I be fortunate enough to be reelected.

During those 6 years I have had the opportunity to work with a remarkable ranking Democrat on that subcommittee, and that is my colleague from West Virginia (Mr. RAHALL). Our committee has been, I think, the most productive committee, as a whole, in the Congress of the United States over this period of time, and that is something that no one person could bring about. Only a group of people working cooperatively together were able to accomplish that.

That means that that is a bipartisan accomplishment, and I think that while we clearly do not agree on everything that this committee has to deal with or this Congress has to deal with, we all agree, regardless of party on our Committee on Transportation and Infrastructure, on the importance of transportation infrastructure and transportation investment and a need to keep up on the public side of the ledger with investment and needed infrastructure to keep our economy strong and growing; and we have worked together, industry, labor, the safety community, the environmental community, in this effort.

The door has always been open of our chairman, of the gentleman from West Virginia (Mr. RAHALL), and I hope I can say that of myself, to listen to different people with ideas on legislation and to do what we could to bring them together to a common productive result.

This legislation before us today is just one example of that spirit. Its prime author is a member of the minority party; but it is before us today, and I think it is going to receive bipartisan support. It came out of a hearing that our committee had, or perhaps a series of hearings on the fuel crisis; meeting with industry groups and the Teamsters Union and others to explore different ideas about what we could do as a Congress to react to this crisis to help the little guy, to help the person who does not have the power in the marketplace to impose pass-through clauses and provisions as some of the larger truckers do, so that they are not overwhelmed by swings in energy prices, but do have an opportunity to adjust and to continue in business; and that is the basic purpose of the act before us.

This reflects, I think, the sensitivity and the concern that my colleague, the gentleman from West Virginia (Mr. RAHALL), and that we all have to try to do something constructive in this area. I think that this crisis continues. I am sure, regardless of what happens in the upcoming election, our committee will be eager and responsive to deal with the problems that people in the transportation sector have.

The bill before us, H.R. 4441, as has been mentioned, seeks to ease the effect of sudden and dramatic increases in the cost of fuel on the trucking industry by ensuring that these added costs can be recovered. Under the provisions of the bill, the spike in the price of diesel fuel will trigger a mandatory surcharge to be assessed to the party paying for the transportation costs of the motor carrier transporting the goods. This automatic surcharge is imposed when there is a 5 cent disparity between the latest week's national average and the previous year's national average for diesel fuel. In this way, those businesses hit hardest by surges in the fuel market will be able to recoup additional costs by passing them along to the shipper as part of the total bill.

This past July, the Committee on Transportation and Infrastructure approved a substitute amendment that represents a bipartisan effort to perfect the original text of the bill. This substitute permits companies to include privately negotiated fuel adjustments; and, second, it clarifies the provision and provides the right to sue to collect the surcharge; and, third, it includes a sunset provision that terminates the mandatory surcharge at the end of budget year 2003. At that point, Congress will be able to review the effectiveness of the bill before us.

Mr. Speaker, our committee is the largest committee in the Congress; our subcommittee is the largest subcommittee in the Congress. The potential for chaos, or at least disorder and delay, was perhaps great; but in fact the cooperation and the achievement instead have been great. We hear a lot about the decline of civility and an increase of partisan bickering in this Congress; and I think the fact of the matter is, those who go about their business quietly achieving results sometimes are lost among the din but are, in truth, a growing number. This committee has prospered in this Congress. Members have sought to be on

the committee. The fact that people seek to be on this committee shows that most Members of this House, when given the chance, want to be a part of a productive team.

So I just want to say that as we conclude the second session of this Congress with the passage of this important legislation, H.R. 4441, I appreciate the spirit that has enabled us to reach this point; and I commend it to some other committees in this Congress.

Mr. RAHALL. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I certainly want to commend the gentleman from Wisconsin (Mr. PETRI) for his excellent statement and say to him as well that it has been my pleasure to serve with him for the last 6 years under his chairmanship of the Subcommittee on Ground Transportation. It has truly been an enjoyable experience, not necessarily the position where my chair is; but certainly serving next to the gentleman from Wisconsin (Mr. PETRI) has been a delight. He has always held comprehensive and very timely hearings on not only this issue but other issues. He has spoken of the bipartisanship of our committee and the camaraderie, and I certainly salute him and wish him Godspeed.

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

Mr. RAHALL. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member of our committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from West Virginia (Mr. RAHALL) for yielding me this time.

Mr. Speaker, I, first of all, want to congratulate our full committee chairman, the gentleman from Pennsylvania (Mr. SHUSTER), on his superb leadership over these 6 years. This may not be the last bill we bring to the floor of the House. We certainly have plenty of time for another bill on pipeline safety. We could do that yet. But over the years of his chairmanship, he has done a superb job reconciling differences; bringing people together; building America; investing in the Nation's future; strengthening the Nation's infrastructure. It has been an extraordinary record of achievement, not only in our field of transportation and related issues but also I think, as the gentleman from Wisconsin (Mr. PETRI) alluded to, in a time when politics is rife and rancor is rampant both inside and outside this body, the Committee on Transportation and Infrastructure has proceeded in a cooperative, bipartisan spirit of understanding and keeping our eye on the objective and doing something good for America.

In addition, in the last Congress this committee handled more than 24 percent of all the bills enacted into law. So far in this Congress, at least in this session of the Congress, nearly a third of all the bills that moved through the House moved through this committee and about 25 percent of all of those were enacted into law. That is an extraordinary record. One does not get those just by being good scouts. It is done by working together, resolving differences, coming to the floor with a unified product that can win the respect and the majority vote in the House.

This bill before us today, the Motor Carrier Fuel Cost Equity Act of 2000, is an example. I commend the chairman of the subcommittee, the gentleman from Wisconsin (Mr. PETRI), the gentleman from West Virginia (Mr. RAHALL), the ranking member of the subcommittee, who initiated the legislation and whose sensitivity to the problems of this segment of the trucking industry has made it possible for us to be here today. He listened. He understood the problems. He told the small motor carriers who have less influence in transportation markets than the larger motor carriers that he would initiate legislation on their behalf; would take the action; would first get a hearing and then see if we could draft legislation, which he did. Now we are here on this floor today, and I hope this bill moves not only through our body but the other body and on to the President for signature into law.

Fuel costs represent a larger proportion of small carriers' operating budgets. Assuming that freight rates are based on true costs, it is obvious small carriers have greater difficulty passing along price increases that represent a larger portion of their operating costs than do the large carriers.

Data provided in 1998 by carriers with $3 million or more in annual revenue show that fuel costs represent only 5 to 6 percent of large carrier operating budgets. Those percentages may be one or two points higher today due to recent price increases. Owner-operators typically do not report cost information to the Department of Transportation. We understand, however, from our discussions with the industry that fuel costs really represent about 30 percent of an owner-operator's operating budget. Obviously, those conditions put the smaller carriers at a disadvantage in a fuel price inflationary era such as we are now experiencing. Seventy percent of owner-operators have lease arrangements with larger carriers, and they ought to be treated fairly by the carriers they lease to. This bill requires that the fuel surcharge paid by shippers be passed on through to whoever is paying for fuel under the lease arrangement. Most often, that is the independent owner-operator.

So the gentleman from West Virginia deserves high praise for recognizing the very real and personal hardships faced by independent truckers and their families, brought on by these higher fuel prices. The gentleman has been out in the highways and the byways and listened to those who drive the trucks, listened to those who face the financial cost price squeeze and recognize that independent truckers should be treated fairly when the Nation goes through the kind of fuel price spikes that we have been experiencing these last several months.

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This bill goes a long way toward providing the kind of relief that those hard-pressed, hard-working men and women need in these difficult times. I urge the passage of this legislation.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the chairman for yielding time to me, and thank him and the ranking member for their support of this legislation. I certainly am appreciative that the gentleman from West Virginia (Mr. RAHALL) saw this problem and drafted legislation, and I was glad to join him as one of the early cosponsors of this bill, H.R. 4441.

This Motor Carrier Fuel Cost Equity Act is a bill that is really designed to bring temporary emergency relief to an industry that, maybe more than any other industry in the country, has been caught in a devastating situation by these rapid increases in fuel prices.

This is an industry where the cost of fuel is everything, and it is an industry where so many trucks are operated by the people who own those trucks. Their entire livelihood is dependent on what happens in that truck that month. Their entire livelihood is dependent on what the repair costs of the trucks are, what the fuel costs, what the tire costs are.

Many of these owner-operators, I see them in my district, are husband-and-wife driving teams, sometimes with a child that is not ready for school yet riding right along with them and seeing the country.

But their plans were made, their bids were offered, their arrangements were entered into anticipating a much lower cost in the price of fuel, so we have seen this huge increase in fuel in the last several months. Over 70 percent of motor carriers have six or fewer trucks. These are men and women who haul almost all of our produce, livestock, consumer goods, building materials, raw materials. They are the indispensable engine that drives this economy. They fill in the gaps where people need a load taken here or taken there, where people have not really adequately planned to have everything they needed done done, but there is an independent owner-operator there ready to do that job.

As they have seen these fuel prices go up 70 percent, reaching record high prices in just the last month, thousands of truckers have gone out of business. Fuel prices are only predicted to go even higher in the next few months, putting in peril the future of thousands of small businessmen and businesswomen.

Safety is an issue as they are more and more stressed to pay the bills with

the bids that they have out there. They have many problems. This bill helps small businesses at no cost to taxpayers. There is no Federal enforcement. It helps truckers cope with the high cost of diesel by ensuring that any fuel charge assessed is paid to the person who actually purchased the fuel.

We need to end this series of bankruptcies among small truckers. We need to be sure that we keep competition in this marketplace. Competition is ultimately what keeps prices down and makes our economy work. I am wholeheartedly in support of this bill.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his opposition to H.R. 4441, the Motor Carrier Fuel Cost Equity Act. This legislation would require any motor carrier, broker or freight forwarder regularly providing truckload transportation service, to assess the payer of transportation a fuel surcharge whenever an increase in the price of fuel surpasses the benchmark difference between the current fuel price and the fuel price norm by five cents.

Most assuredly, this Member is very concerned about truckers, especially small and independent trucking firms, regarding the burden of high costs of fuel. However, H.R. 4441 is very ill-considered legislation because it decreases the pressure on the petroleum industry to keep prices down by placing the burden of higher prices on consumers across America. This tactic is clearly a mistake. Federal regulations requiring companies to forward increased prices to consumers will not decrease fuel prices. This Member is committed to helping the small and independent truckers who are hurting from higher gasoline prices by working to decrease the price of fuel.

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

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

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 4441, 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. SHUSTER. 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. 707 and H.R. 4441.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

S. 2438, de novo;

H.R. 208, by the yeas and nays;

H.R. 762, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

PIPELINE SAFETY IMPROVEMENT ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2438.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the Senate bill, S. 2438.

The question was taken.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 232, nays 158, not voting 42, as follows:

[Roll No. 519]

YEAS—232

Aderholt
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Biggert
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capuano
Castle
Chabot
Chambliss
Clement
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Cramer
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
Delahunt
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
King (NY)
Kingston
Kuykendall
LaHood
Lampson
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Maloney (CT)
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Millender-McDonald
Miller, Gary
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—158

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrett (WI)
Becerra
Bereuter
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Cardin
Chenoweth-Hage
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dingell
Dixon
Doggett
Engel
Evans
Filner
Forbes
Frank (MA)
Frelinghuysen
Ganske
Gejdenson
Gephardt
Gordon
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Moore
Morella
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Peterson (MN)
Phelps
Porter
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shays
Sherman
Sherwood
Skelton
Smith (NJ)
Smith (WA)
Snyder
Stabenow
Strickland
Stupak
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Wamp
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—42

Archer
Barr
Blagojevich
Bliley
Bono
Brown (FL)
Campbell
Carson
Cook
Crane
Danner
Eshoo
Etheridge
Farr
Fattah
Ford
Franks (NJ)
Gutierrez
Hoekstra
Jefferson
Kasich
Klink
Knollenberg
Kolbe
Largent
Lazio
McCollum
McIntosh
Meeks (NY)
Miller (FL)