

trailer containing consolidated shipments loaded by a motor carrier if that motor carrier—

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

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

SEC. 205. PROHIBITIONS.

Section 5903 (relating to prohibitions) is amended—

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

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

“(b) TRANSPORTING PRIOR TO RECEIVING CERTIFICATION.—

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

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

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

(4) by adding at the end the following:

“(d) NOTICE TO LEASED OPERATORS.—

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

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

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

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

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

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

SEC. 206. LIENS.

Section 5905 (relating to liens) is amended—

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

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

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

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

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

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

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

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

SEC. 207. PERISHABLE AGRICULTURAL COMMODITIES.

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

SEC. 208. EFFECTIVE DATE.

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

“§ 5907. Effective date

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

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

“5907. Effective date”.

SEC. 209. RELATIONSHIP TO OTHER LAWS.

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

“§ 5908. Relationship to other laws

“Nothing in this chapter affects—

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

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

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

“5908. Relationship to other laws”.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT—PM 170

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments since March 25, 1996, concerning the national emergency with respect to Angola that was declared in Executive Order 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to Angola, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to the National Union for the Total Independence of Angola (“UNITA”). United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Department of the Treasury’s Office of Foreign Assets Control (OFAC) issued the UNITA (Angola) Sanctions Regulations (the “Regulations”) (58 *Fed. Reg.* 64904) to implement the President’s declaration of a national emergency and imposition of sanctions against Angola (UNITA). There have been no amendments to the Regulations since my report of March 25, 1996.

The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare

parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by United States persons, or involving the use of U.S.-registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: *Airports*: Luanda and Katumbela, Benguela Province; *Ports*: Luanda and Lobito, Benguela Province; and Namibe, Namibe Province; and *Entry Points*: Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. The OFAC has worked closely with the U.S. financial community to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and notices to electronic bulletin boards. This educational effort has resulted in frequent calls from banks to assure that they are not routing funds in violation of these prohibitions. United States exporters have also been notified of the sanctions through a variety of media, including special fliers and computer bulletin board information initiated by OFAC and posted through the U.S. Department of Commerce and the U.S. Government Printing Office. There have been no license applications under the program.

3. The expenses incurred by the Federal Government in the 6-month period from March 26, 1996, through September 25, 1996, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Angola (UNITA) are reported to be about \$227,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 19, 1996.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 12:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2679. An act to revise the boundary of the North Platte National Wildlife Refuge, to expand the Pettaquamscutt Cover National Wildlife Refuge, and for other purposes.

H.R. 3060. An act to implement the Protocol on Environmental Protection to the Antarctic Treaty.

H.R. 3553. An act to amend the Federal Trade Commission Act to authorize appropriations for the Federal Trade Commission.

H.R. 3816. An act making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes.

S. 533. An act to clarify the rules governing removal of cases to Federal court, and for other purposes.

S. 677. An act to repeal a redundant venue provision, and for other purposes.

At 12:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3396. An act to define and protect the institution of marriage.

At 2:55 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 2977) to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. HYDE, Mr. GEKAS, Mr. FLANAGAN, Mr. CONYERS, and Mr. REED as the managers of the conference on the part of the House.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the senate:

H.R. 2594. An act to amend the Railroad Unemployment Insurance Act to reduce the waiting period for benefits payable under that act, and for other purposes.

H.R. 2940. An act to amend the Deepwater Port Act of 1974.

H.R. 3348. An act to direct the president to establish standards and criteria for the provision of major disaster and emergency assistance in response to snow-related events.

H.R. 3923. An act to amend title 49, United States Code, to require the National Transportation Safety Board and individual air carriers to take actions to address the needs of families of passengers involved in aircraft accidents.

At 4:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House of Representatives having proceeded to reconsider the bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortions, returned by the President of the United States with his objections, to the House of Representa-

tives, in which it originated; that the said bill pass, two-thirds of House of Representatives agreeing to pass the same.

MEASURES PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

S.J. Res. 61. Joint resolution granting the consent of Congress to the Emergency Management Assistance Compact.

The following bill, previously received from the House of Representatives for the concurrence of the senate, was read the first and second times by unanimous consent and placed on the calendar:

H.R. 3640. An act to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4109. A communication from the President of the United States, transmitting, a request relative to the Department of Transportation; to the Committee on Appropriations.

EC-4110. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report regarding the H-1 Upgrades Program; to the Committee on Armed Services.

EC-4111. A communication from the Secretary of Defense, transmitting, a report concerning U.S. military personnel; to the Committee on Armed Services.

EC-4112. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule regarding limes and avocados grown in Florida (received on September 18, 1996); to the Committee on Agriculture, Nutrition, and Forestry.

EC-4113. A communication from the Administrator of the Department of Agriculture, transmitting, pursuant to law, a rule entitled "Title 7 Part 1789, Use of Consultants Funded by Borrowers," (RIN 0572-AB17), received on September 18, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4114. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a rule (received on September 16, 1996); to the Committee on Commerce, Science, and Transportation.

EC-4115. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, three rules including one entitled "Stability and Control of Medium and Heavy Vehicles" (RIN 2127-AG06, 2127-AF90, 2115-AE47), received on September 16, 1996; to the Committee on Commerce, Science, and Transportation.

EC-4116. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, twelve rules including one entitled "Airworthiness Directives; American Champion Aircraft