

For these reasons, we seriously urge the amendment to Senate Bill 752 incorporated by Proposal No. 1 herein or, as a last resort, the amendment to such Bill as incorporated by Proposal No. 2, herein, in the event you cannot personally oppose the pending legislation.

Very truly yours,

ROBERT H. BINGHAM,
General Counsel for Milk Producers Marketing Company,
A Co-operative Corporation.

PROPOSAL No. 1

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

That at the end of section 203 (b) (5) of the Interstate Commerce Act delete the semicolon and add the following language: ", subject to the following conditions and limitations:

(i) That such cooperative association or federation shall have been determined to be qualified under the said Agricultural Marketing Act by the Farm Credit Administration, or by such other office, bureau, service, division, commission or board in the Executive branch to which authority to make such determination may have been transferred or retransferred by the President;

(ii) That any such cooperative association or federation which performs interstate transportation for nonmembers who are neither farmers, cooperative associations or federations thereof, except transportation otherwise exempt under this part, shall notify the Commission of its intent to perform such transportation prior to the commencement thereof;

(iii) That any interstate transportation performed by such a cooperative association or federation of cooperative associations for nonmembers who are neither farmers, cooperative associations, nor federations thereof for compensation, except transportation otherwise exempt under this part, shall be limited to that which is incidental to its primary transportation operation and necessary for its effective performance and shall in no event exceed 15 per centum of its total interstate transportation services in any fiscal year, measured in terms of tonnage;

(iv) That, for the purposes hereof, notwithstanding any other provision of law, transportation performed for or on behalf of the United States or any agency or instrumentality thereof shall be deemed to be transportation performed for a nonmember;

(v) That in no event shall any such cooperative association or federation which is required hereunder to give notice to the Commission transport interstate for compensation in any fiscal year of such association or federation a quantity of property for nonmembers which, measured in terms of tonnage, exceeds the total quantity of property transported interstate for itself and its members in such fiscal year;

Provided, however, That, subject to Section 210, if any such cooperative association, federation or predecessor in interest was so qualified and in bona fide operation as a common carrier by motor vehicle on ----- over the route or routes or within the territory for which application is made and has so operated since that time, or if engaged in furnishing seasonal service only, was in bona fide operation on ----- during the season ordinarily covered by its operation, except in either instance as to interruptions of service over which the applicant or its predecessor in interest had no control, the Commission shall issue such certificate without requiring further proof that public convenience and necessity will be served by such operation, and without further proceedings, if application for such certificate is made to the Commission as provided in section 206(b) of this part and within one hundred twenty days after this Act shall take effect. The application for such certificate shall be decided in accordance with the procedure provided for in section 207(a) of this part and such certificate shall be issued or denied accordingly. Pending the determination of any such application the continuance of such operation shall be lawful: *Provided further,* That this paragraph shall not be so construed as to require any such carrier lawfully engaged in operation solely within any State to obtain from the Commission a certificate authorizing the transportation by such carrier of passengers or property in interstate or foreign commerce between places within such state if there be a board in such state having authority to grant or approve such certificates and if such carrier has obtained such certificate from such board.