

Such transportation shall, however, be otherwise subject to the jurisdiction of the Commission under this chapter; *And provided further*, That in no event shall any provision of this section be construed to permit the transportation of any commodity regulated under the Explosives and Combustibles Act, as codified June 25, 1948, as amended, [18 U.S.C. § 831, *et seq.*] by any such cooperative association or federation, unless there is in force and effect with respect to such cooperative association or federation a certificate of public convenience and necessity issued by the Commission authorizing the carriage of such commodities, and no such certificate shall be issued to such cooperative association or federation except in accordance with the procedure provided for in section 207(a), and then only to the extent that such service is or will be required by the present or future public convenience and necessity, as shall have been proved by reliable, probative, and substantial evidence."

PROPOSAL No. 2

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 no transportation service rendered for any nonmembers who are neither farmers, cooperative associations or federations thereof, shall exceed 35 per centum of the total gross dollar revenues of any such cooperative association or federation from all operations during any fiscal year;

(iv) That any transportation service rendered by such cooperative association or federation for nonmembers who are neither farmers, cooperative associations or federations thereof, shall be restricted to agricultural commodities, processed or unprocessed, whether or not otherwise exempt under this section, and to those commodities reasonably related to the production, processing, distribution and marketing of agricultural products, or which would otherwise promote, foster or develop the activities contemplated by the said Agricultural Marketing Act, *Provided, however*, that in no event shall any cooperative association or federation transport any commodity subject to the provisions of the Explosives and Combustibles Act, codified June 25, 1948, as amended [18 U.S.C. § 831, *et seq.*]."

(Whereupon, at 3:10 p.m., the hearing was adjourned.)

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