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# H. R. 2178

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IN THE SENATE OF THE UNITED STATES

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Transportation

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Committee discharged

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## AN ACT

To amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1994, 1995, 1996, and 1997, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND REFERENCE.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Hazardous Materials Transportation Act Amendments of  
6 1993”.

7 (b) **REFERENCE.**—Whenever in this Act an amend-  
8 ment or repeal is expressed in terms of an amendment  
9 to, or repeal of, a section or other provision, the reference

1 shall be considered to be made to a section or other provi-  
2 sion of the Hazardous Materials Transportation Act.

3 **SEC. 2. REGISTRATION.**

4 Section 106(c) (49 U.S.C. App. 1805(c)) is amended  
5 by adding at the end the following:

6 “(16) AUTHORITY OF SECRETARY TO WAIVE  
7 MANDATORY FILING REQUIREMENT.—The Secretary  
8 may waive the filing of a registration statement, or  
9 the payment of a fee, required under this subsection,  
10 or both, for any person not domiciled in the United  
11 States who solely offers hazardous materials for  
12 transportation to the United States from a place  
13 outside the United States if the country of which  
14 such person is a domiciliary does not require persons  
15 domiciled in the United States who solely offer haz-  
16 ardous materials for transportation to the foreign  
17 country from places in the United States to file reg-  
18 istration statements, or to pay fees, for making such  
19 an offer.”.

20 **SEC. 3. TIME FOR SECRETARIAL ACTION.**

21 (a) SECTION 107.—Section 107(a) (49 U.S.C. App.  
22 1806(a)) is amended by inserting at the end the following:  
23 “The Secretary shall issue or renew the exemption for  
24 which an application was filed or deny such issuance or  
25 renewal within 180 days of the first day of the month fol-

1 lowing the date of the filing of such application or the  
2 Secretary shall publish a statement in the Federal Reg-  
3 ister of the reason why the Secretary's decision on the ex-  
4 emption is delayed with an estimate of the additional time  
5 necessary before the decision is made.”

6 (b) SECTION 112.—Section 112(c)(1) (49 U.S.C.  
7 App. 1811(c)(1)) is amended by inserting after the second  
8 sentence the following: “The Secretary shall issue a deci-  
9 sion on an application for a determination within 180 days  
10 of the date of the publication of the notice of having re-  
11 ceived such application or the Secretary shall publish a  
12 statement in the Federal Register of the reason why the  
13 Secretary's decision on the application is delayed with an  
14 estimate of the additional time necessary before the deci-  
15 sion is made.”

16 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

17 Section 115(a) (49 U.S.C. App. 1812(a)) is amended  
18 to read as follows:

19 “(a) IN GENERAL.—There is authorized to be appro-  
20 priated for carrying out this title (other than sections 117,  
21 117A, 118, and 121) not to exceed \$18,000,000 for fiscal  
22 year 1994, \$18,540,000 for fiscal year 1995, \$19,100,000  
23 for fiscal year 1996, and \$19,670,000 for fiscal year  
24 1997.”.

1 **SEC. 5. TRAINING.**

2 (a) SUPPLEMENTAL PUBLIC SECTOR TRAINING  
3 GRANTS.—Section 117A (49 U.S.C. App. 1815) is amend-  
4 ed by adding at the end the following:

5 “(j) SUPPLEMENTAL TRAINING GRANTS.—

6 “(1) IN GENERAL.—In order to further the pur-  
7 poses of subsection (b), relating to training public  
8 sector employees to respond to accidents and inci-  
9 dents involving hazardous materials, the Secretary  
10 shall make grants to national nonprofit employee or-  
11 ganizations engaged solely in fighting fires for the  
12 purpose of training individuals with statutory re-  
13 sponsibility to respond to hazardous materials acci-  
14 dents and incidents.

15 “(2) USE OF FUNDS.—Funds granted to an or-  
16 ganization under this subsection may be used—

17 “(A) to identify regions or locations in  
18 which fire departments are in need of hazard-  
19 ous materials training;

20 “(B) to prioritize such needs and develop  
21 a means for evaluating specific training needs;

22 “(C) to train instructors to conduct haz-  
23 ardous materials response training programs  
24 and evaluate the efficacy of such training pro-  
25 grams;

1           “(D) to purchase training equipment for  
2           such training programs; and

3           “(E) to disseminate on a nationwide basis  
4           the data developed, and the findings derived  
5           from projects carried out, under this subsection.

6           “(3) USE OF TRAINING COURSES.—The Sec-  
7           retary may only make a grant to an organization  
8           under this subsection in a fiscal year if the organiza-  
9           tion enters into an agreement with the Secretary to  
10          use in such fiscal year—

11           “(A) a course or courses developed or iden-  
12          tified under section 117A(g); or

13           “(B) other courses which the Secretary de-  
14          termines are consistent with the objectives of  
15          this subsection;

16          for training individuals with statutory responsibility  
17          to respond to accidents and incidents involving haz-  
18          ardous materials.

19           “(4) TERMS AND CONDITIONS.—The Secretary  
20          may impose such additional terms and conditions on  
21          grants to be made under this subsection as the Sec-  
22          retary determines are necessary to protect the inter-  
23          ests of the United States and to carry out the objec-  
24          tives of this subsection.

1       “(k) REPORTS.—Not later than September 30, 1997,  
2 the Secretary shall submit to Congress a report on the  
3 allocation and uses of training grants authorized under  
4 subsection (b) for fiscal years 1993 through fiscal year  
5 1996 and grants authorized under subsection (j) and sec-  
6 tion 118 for fiscal years 1995 and 1996. Such report shall  
7 identify the ultimate recipients of training grants and in-  
8 clude a detailed accounting of all grant expenditures by  
9 grant recipients, the number of employees trained under  
10 the grant programs, and an evaluation of the efficacy of  
11 training programs carried out.”.

12       (b) FUNDING.—Section 117A(i)(2) (49 U.S.C. App.  
13 1815(i)(2)) is amended—

14           (1) by inserting “(A) GENERAL PROGRAM.—”  
15       before “There”;

16           (2) by indenting subparagraph (A), as so des-  
17       ignated, and moving subparagraph (A) 2 ems to the  
18       right; and

19           (3) by adding at the end the following new sub-  
20       paragraph:

21           “(B) SUPPLEMENTAL PROGRAM.—

22                   “(i) FROM FEES.—There shall be  
23       available to the Secretary for carrying out  
24       subsection (j), from amounts in the ac-  
25       count established pursuant to subsection

1 (h), \$250,000 per fiscal year for each of  
2 fiscal years 1995, 1996, 1997, and 1998.

3 “(ii) FROM GENERAL REVENUES.—In  
4 addition to amounts made available under  
5 clause (i), there is authorized to be appro-  
6 priated to the Secretary for carrying out  
7 subsection (j) \$1,000,000 per fiscal year  
8 for each of fiscal years 1995, 1996, 1997,  
9 and 1998.”.

10 (c) HAZMAT EMPLOYEE TRAINING PROGRAM.—Sec-  
11 tion 118 (49 U.S.C. App. 1816) is amended—

12 (1) in subsection (a) by striking “may” and in-  
13 sserting “shall, subject to the availability of funds  
14 under subsection (d),”;

15 (2) in subsection (b) by striking “National” and  
16 all that follows through “Labor” and inserting “Sec-  
17 retary”;

18 (3) in subsection (c) by inserting “hazmat em-  
19 ployee” after “nonprofit”; and

20 (4) by striking subsection (d) and inserting the  
21 following:

22 “(d) FUNDING.—There is authorized to be appro-  
23 priated to the Secretary to carry out this section  
24 \$3,000,000 per fiscal year for each of fiscal years 1995,  
25 1996, 1997, and 1998.”.

1 (d) CONFORMING AMENDMENTS.—Section 117A(h)  
2 (49 U.S.C. App. 1815(h)) is amended—

3 (1) in paragraph (2)(H) by striking “and sec-  
4 tion 118”;

5 (2) in paragraph (6)(B)(i) by striking “and sec-  
6 tion 118”; and

7 (3) in paragraph (6)(B)(iii) by striking “and  
8 section 118”.

9 **SEC. 6. COMPUTERIZED TELECOMMUNICATION DATA CEN-  
10 TER PILOT PROJECTS.**

11 (a) GRANTS.—The Secretary of Transportation may  
12 make grants to 1 or more persons, including a State or  
13 local government or department, agency, or instrumental-  
14 ity thereof, to carry out a pilot project to demonstrate the  
15 feasibility of establishing and operating computerized tele-  
16 communications emergency response information tech-  
17 nologies that are used—

18 (1) to identify the contents of shipments of haz-  
19 ardous materials transported by motor carriers;

20 (2) to permit retrieval of data on shipments of  
21 hazardous materials transported by motor carriers;

22 (3) to link systems that identify, store, and  
23 allow the retrieval of data for emergency response to  
24 incidents and accidents involving transportation of  
25 hazardous materials by motor carrier; and



1           (4) to provide information to facilitate re-  
2           sponses to accidents and incidents involving hazard-  
3           ous materials shipments by motor carriers either di-  
4           rectly or through linkage with other systems.

5           (b) SELECTION OF CARRIERS.—The pilot project to  
6           be carried out under this section must involve 2 or more  
7           motor carriers of property. One of the motor carriers se-  
8           lected to participate in the project must be a carrier that  
9           transports mostly hazardous materials. The other motor  
10          carrier selected must be a regular-route common carrier  
11          that specializes in transporting less than truck-load ship-  
12          ments. The motor carriers selected may be engaged in  
13          multimodal movements of hazardous materials with other  
14          motor carriers, rail carriers, or water carriers.

15          (c) TERMS AND CONDITIONS.—The Secretary may  
16          impose such terms and conditions on grants to be made  
17          under this section as the Secretary determines are nec-  
18          essary to protect the interests of the United States and  
19          to carry out the objectives of this section.

20          (d) COORDINATION.—To the maximum extent prac-  
21          ticable, the Secretary of Transportation shall coordinate  
22          a pilot project to be carried out under this section with  
23          any existing Federal, State, and local government projects  
24          and private projects which are similar to the pilot project  
25          to be carried out under this section. The Secretary may

1 require that a pilot project under this section be carried  
2 out in conjunction with such similar Federal, State, and  
3 local government projects and private projects.

4 (e) FEDERAL SHARE.—The Federal share of the cost  
5 of a pilot project carried out under this section shall be  
6 100 percent, unless the grantee selected to carry out such  
7 project agrees to a lower Federal share.

8 (f) REPORT.—Not later than December 31, 1997, the  
9 Secretary of Transportation shall transmit to Congress a  
10 report on the results of pilot projects carried out under  
11 this section.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated to carry out this section  
14 \$1,000,000 for each of fiscal years 1995 and 1996. Such  
15 sums shall remain available until expended.

16 **SEC. 7. STUDY OF HAZARDOUS MATERIALS TRANSPOR-**  
17 **TATION BY MOTOR CARRIERS NEAR FED-**  
18 **ERAL PRISONS.**

19 (a) STUDY.—The Secretary of Transportation shall  
20 conduct a study to determine the safety considerations of  
21 transporting hazardous materials by motor carriers in  
22 close proximity to Federal prisons, particularly those hous-  
23 ing maximum security prisoners. Such study shall include  
24 an evaluation of the ability of such facilities and the des-  
25 ignated local planning agencies to safely evacuate such

1 prisoners in the event of an emergency and any special  
2 training, equipment, or personnel that would be required  
3 by such facility and the designated local emergency plan-  
4 ning agencies to carry out such evacuation. Such study  
5 shall not apply to or address issues concerning rail trans-  
6 portation of hazardous materials.

7 (b) REPORT.—Not later than 1 year after the date  
8 of the enactment of this Act, the Secretary of Transpor-  
9 tation shall transmit to Congress a report on the results  
10 of the study conducted under this section, along with the  
11 Secretary’s recommendations for any legislative or regu-  
12 latory changes to enhance the safety regarding the trans-  
13 portation of hazardous materials by motor carriers near  
14 Federal prisons.

15 **SEC. 8. USE OF FIBRE DRUM PACKAGING.**

16 (a) INITIATION OF RULEMAKING PROCEEDING.—Not  
17 later than the 60th day following the date of the enact-  
18 ment of this Act, the Secretary of Transportation shall  
19 initiate a rulemaking proceeding to determine whether the  
20 requirements of section 105(a) of the Hazardous Materials  
21 Transportation Act as they pertain to openhead fiber  
22 drum packaging can be met for the domestic transpor-  
23 tation of liquid hazardous materials (with respect to those  
24 classifications of liquid hazardous materials transported  
25 by such drums pursuant to regulations in effect on Sep-

1 tember 30, 1991) with standards other than the perform-  
2 ance oriented packaging standards adopted under docket  
3 number HM-181 contained in part 178 of title 49, Code  
4 of Federal Regulations.

5 (b) ISSUANCE OF STANDARDS.—If the Secretary of  
6 Transportation determines, as a result of the rulemaking  
7 proceeding initiated under subsection (a), that a packag-  
8 ing standard other than the performance oriented packag-  
9 ing standards referred to in subsection (a) will provide an  
10 equal or greater level of safety for the domestic transpor-  
11 tation of liquid hazardous materials than would be pro-  
12 vided if such performance oriented packaging standards  
13 were in effect, the Secretary shall issue regulations which  
14 implement such other standard and which take effect be-  
15 fore October 1, 1996.

16 (c) COMPLETION OF RULEMAKING PROCEEDING.—  
17 The rulemaking proceeding initiated under subsection (a)  
18 shall be completed before October 1, 1995.

19 (d) LIMITATIONS.—

20 (1) LIMITATION ON APPLICABILITY.—The pro-  
21 visions of subsections (a), (b), and (c) shall not  
22 apply to packaging for those hazardous materials  
23 regulated by the Department of Transportation as  
24 poisonous by inhalation under the Hazardous Mate-  
25 rials Transportation Act.

1           (2) LIMITATION OF STATUTORY CONSTRUC-  
2           TION.—Nothing in this section shall be construed to  
3           prohibit the Secretary of Transportation from issu-  
4           ing or enforcing regulations for the international  
5           transportation of hazardous materials.

6 **SEC. 9. BUY AMERICA.**

7           (a) COMPLIANCE WITH BUY AMERICAN ACT.—None  
8           of the funds made available under this Act may be ex-  
9           pended in violation of sections 2 through 4 of the Act of  
10          March 3, 1933 (41 U.S.C. 10a–10c; popularly known as  
11          the “Buy American Act”), which are applicable to those  
12          funds.

13          (b) SENSE OF CONGRESS; REQUIREMENT REGARD-  
14          ING NOTICE.—

15               (1) PURCHASE OF AMERICAN-MADE EQUIPMENT  
16               AND PRODUCTS.—In the case of any equipment or  
17               products that may be authorized to be purchased  
18               with financial assistance provided under this Act, it  
19               is the sense of Congress that entities receiving such  
20               assistance should, in expending such assistance, pur-  
21               chase only American-made equipment and products.

22               (2) NOTICE TO RECIPIENTS OF ASSISTANCE.—  
23               In providing financial assistance under this Act, the  
24               Secretary of Transportation shall provide to each re-

1 recipient of the assistance a notice describing the  
2 statement made in paragraph (1) by Congress.

3 (c) PROHIBITION OF CONTRACTS.—If it has been fi-  
4 nally determined by a court or Federal agency that any  
5 person intentionally affixed a label bearing a “Made In  
6 America” inscription, or any inscription with the same  
7 meaning, to any product sold in or shipped to the United  
8 States that is not made in the United States, such person  
9 shall be ineligible to receive any contract or subcontract  
10 made with funds provided pursuant to this Act, pursuant  
11 to the debarment, suspension, and ineligibility procedures  
12 described in sections 9.400 through 9.409 of title 48, Code  
13 of Federal Regulations.

14 (d) RECIPROCITY.—

15 (1) GENERAL RULE.—Except as provided in  
16 paragraph (2), no contract or subcontract may be  
17 made with funds authorized under this Act to a  
18 company organized under the laws of a foreign coun-  
19 try unless the Secretary of Transportation finds that  
20 such country affords comparable opportunities to  
21 companies organized under laws of the United  
22 States.

23 (2) EXCEPTIONS.—

24 (A) WAIVER AUTHORITY.—The Secretary  
25 of Transportation may waive the provisions of

1 paragraph (1) if the products or services re-  
2 quired are not reasonably available from compa-  
3 nies organized under the laws of the United  
4 States. Any such waiver shall be reported to  
5 Congress.

6 (B) LIMITATION ON APPLICABILITY.—  
7 Paragraph (1) shall not apply to the extent that  
8 to do so would violate the General Agreement  
9 on Tariffs and Trade or any other international  
10 agreement to which the United States is a  
11 party.

12 **SEC. 10. TECHNICAL AMENDMENTS.**

13 (a) PACKAGING.—

14 (1) Sections 103(5)(B), 103(6)(A)(iii), and  
15 109(c) (49 U.S.C. App. 1802(5)(B), 1802(6)(A)(iii),  
16 1808(c)) are each amended by striking “packages”  
17 and inserting “packaging”.

18 (2) Sections 105(a)(3), 105(a)(4)(B)(v),  
19 110(a)(1), and 120 (49 U.S.C. App. 1804(a)(3),  
20 1804(a)(4)(B)(v), 1809(a)(1), 1818) are each  
21 amended by striking “a package or container” and  
22 inserting “packaging and a container”.

23 (3) Section 106(c)(1)(B) (49 U.S.C. App.  
24 1805(c)(1)(B)) is amended by striking “a bulk pack-

1       age” and inserting “bulk packaging” and by striking  
2       “the package” and inserting “the bulk packaging”.

3       (b) OTHER.—Section 105(a)(3) (49 U.S.C. App.  
4 1804(a)(3)) is amended by inserting “hazardous mate-  
5 rials” after “shipped” and section 105(e)(1) (49 U.S.C.  
6 App. 1804(e)(1)) is amended by inserting “, or a compo-  
7 nent of a container or package,” after “package”.

Passed the House of Representatives November 21,  
1993.

Attest:                   DONNALD K. ANDERSON,  
*Clerk.*