

103D CONGRESS
2D SESSION

H. R. 4778

To codify without substantive change recent laws related to transportation and
to improve the United States Code.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 1994

Mr. BROOKS introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To codify without substantive change recent laws related to transportation and
to improve the United States Code.

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

3 **SECTION 1. TITLE 18, UNITED STATES CODE.**

4 Section 2333(b) of title 18, United States Code, is amended by striking
5 “section 902(i), (k), (l), (n), or (r) of the Federal Aviation Act of 1958 (49
6 U.S.C. App. 1472(i), (k), (l), (n), or (r))” and substituting “section 46314,
7 46502, 46505, or 46506 of title 49”.

8 **SEC. 2. TITLE 49, UNITED STATES CODE.**

9 Title 49, United States Code, is amended as follows:

10 (1) In section 112(e), strike “the date of the enactment of this sec-
11 tion” and substitute “October 24, 1992”.

1 (2)(A) Strike section 335.

2 (B) In the analysis of chapter 3, strike the item related to section
3 335.

4 (3) In section 5115(b)(1)(C), strike “126” and substitute “126(g)”.

5 (4) In section 5318(e), insert “Uniform” before “Relocation”.

6 (5) In section 5326(a)(3), strike “regulations” and substitute
7 “guidelines”.

8 (6) In section 5331(a)(3), strike “subchapter III of chapter 201 or
9 section 31306” and substitute “section 20140 or 31306”.

10 (7) In section 11301(b)(1), strike “subchapter I of chapter 2A, chap-
11 ter 2B, and subchapter I of chapter 2D of title 15” and substitute “the
12 Securities Act of 1933 (15 U.S.C. 77a et seq.), the Securities Ex-
13 change Act of 1934 (15 U.S.C. 78a et seq.), and the Investment Com-
14 pany Act of 1940 (15 U.S.C. 80a-1 et seq.)”.

15 (8) In section 20136(2), strike “subsection” and substitute “sec-
16 tion”.

17 (9) In section 22108(a)(3), insert “under this subsection” after “ap-
18 propriated”.

19 (10) Section 24501 is amended as follows:

20 (A) In subsection (f), strike “(f) EXEMPTION FROM ADDI-
21 TIONAL TAXES.—(1)” through the end of paragraph (1) and sub-
22 stitute the following:

23 “(f) EXEMPTION FROM ADDITIONAL TAXES.—(1) In this subsection—

24 “(A) ‘additional tax’ means a tax or fee—

25 “(i) on the acquisition, improvement, ownership, or operation of
26 personal property by Amtrak Commuter; and

27 “(ii) on real property, except a tax or fee on the acquisition of
28 real property or on the value of real property not attributable to
29 improvements made, or the operation of those improvements, by
30 Amtrak Commuter.

31 “(B) ‘Amtrak Commuter’ includes a rail carrier subsidiary of Am-
32 trak Commuter and a lessor or lessee of Amtrak Commuter or one of
33 its rail carrier subsidiaries.”.

34 (B) In subsection (f)(2), insert “, even if that use is indirect”
35 after “transportation”.

36 (11) In section 24904(a)(2), insert “, by condemnation or other-
37 wise,” after “acquire”.

38 (12) Section 32304(a)(14) is amended as follows:

39 (A) Insert “the Northern Mariana Islands,” after “Puerto
40 Rico,”.

41 (B) Strike “the Canal Zone,”.

(13) Section 32904(b) is amended as follows:

(A) Redesignate paragraphs (3)–(6) as paragraphs (5)–(8), respectively.

(B) Strike “(b) SEPARATE CALCULATIONS FOR PASSENGER AUTOMOBILES MANUFACTURED DOMESTICALLY AND NOT DOMESTICALLY.—(1)” through the end of paragraph (2) and substitute the following:

“(b) SEPARATE CALCULATIONS FOR PASSENGER AUTOMOBILES MANUFACTURED DOMESTICALLY AND NOT DOMESTICALLY.—(1)(A) Except as provided in paragraphs (6) and (7) of this subsection, the Administrator shall make separate calculations under subsection (a)(1)(B) of this section for—

“(i) passenger automobiles manufactured domestically by a manufacturer (or included in this category under paragraph (5) of this subsection); and

“(ii) passenger automobiles not manufactured domestically by that manufacturer (or excluded from this category under paragraph (5) of this subsection).

“(B) Passenger automobiles described in subparagraph (A)(i) and (ii) of this paragraph are deemed to be manufactured by separate manufacturers under this chapter.

“(2) In this subsection (except as provided in paragraph (3)), a passenger automobile is deemed to be manufactured domestically in a model year if at least 75 percent of the cost to the manufacturer is attributable to value added in the United States or Canada, unless the assembly of the automobile is completed in Canada and the automobile is imported into the United States more than 30 days after the end of the model year.

“(3)(A) In this subsection, a passenger automobile is deemed to be manufactured domestically in a model year, as provided in subparagraph (B) of this paragraph, if at least 75 percent of the cost to the manufacturer is attributable to value added in the United States, Canada, or Mexico, unless the assembly of the automobile is completed in Canada or Mexico and the automobile is imported into the United States more than 30 days after the end of the model year.

“(B) Subparagraph (A) of this paragraph applies to automobiles manufactured by a manufacturer and sold in the United States, regardless of the place of assembly, as follows:

“(i) A manufacturer that began assembling automobiles in Mexico before model year 1992 may elect, during the period from January 1, 1997, through January 1, 2004, to have subparagraph (A) of this paragraph apply to all automobiles manufactured by that manufacturer

beginning with the model year that begins after the date of the election.

“(ii) For a manufacturer that began assembling automobiles in Mexico after model year 1991, subparagraph (A) of this paragraph applies to all automobiles manufactured by that manufacturer beginning with the model year that begins after January 1, 1994, or the model year beginning after the date the manufacturer begins assembling automobiles in Mexico, whichever is later.

“(iii) A manufacturer not described in clause (i) or (ii) of this subparagraph that assembles automobiles in the United States or Canada, but not in Mexico, may elect, during the period from January 1, 1997, through January 1, 2004, to have subparagraph (A) of this paragraph apply to all automobiles manufactured by that manufacturer beginning with the model year that begins after the date of the election. However, if the manufacturer begins assembling automobiles in Mexico before making an election under this subparagraph, this clause does not apply, and the manufacturer is subject to clause (ii) of this subparagraph.

“(iv) For a manufacturer that does not assemble automobiles in the United States, Canada, or Mexico, subparagraph (A) of this paragraph applies to all automobiles manufactured by that manufacturer beginning with the model year that begins after January 1, 1994.

“(v) For a manufacturer described in clause (i) or (iii) of this subparagraph that does not make an election within the specified period, subparagraph (A) of this paragraph applies to all automobiles manufactured by that manufacturer beginning with the model year that begins after January 1, 2004.

“(C) The Secretary of Transportation shall prescribe reasonable procedures for elections under subparagraph (B) of this paragraph.

“(4) In this subsection, the fuel economy of a passenger automobile that is not manufactured domestically is deemed to be equal to the average fuel economy of all passenger automobiles manufactured by the same manufacturer that are not manufactured domestically.”.

(C) In paragraph (5)(B), as redesignated by subparagraph (A) of this paragraph, strike “paragraph (2)(A)(i) and exclude under paragraph (2)(A)(ii)” and substitute “paragraph (1)(A)(i) and exclude under paragraph (1)(A)(ii)”.

(D) In paragraph (6)(A), as redesignated by subparagraph (A) of this paragraph, strike “paragraph (2)(A)” and substitute “paragraph (1)(A)”.

(14) Section 32916(b) is amended as follows:

1 (A) In paragraph (1), in the matter before clause (A), strike
 2 “section 32904(b)(4)” each place it appears and substitute “sec-
 3 tion 32904(b)(6)”.

4 (B) In paragraph (1)(E), strike “section 32904(b)(1)(A)” and
 5 substitute “section 32904(b)(2)”.

6 (C) In paragraph (2), strike “section 32904(b)(4)” and sub-
 7 stitute “section 32904(b)(6)”.

8 (15) Section 33101(2) is amended as follows:

9 (A) Strike “sections 33102(c)(1) and” and substitute “section”.

10 (B) Add at the end “of this title”.

11 (16) Section 40104 is amended as follows:

12 (A) Insert at the beginning of the text of the section the follow-
 13 ing:

14 “(a) DEVELOPING CIVIL AERONAUTICS AND AIR COMMERCE.—”.

15 (B) Strike “section” and substitute “subsection”.

16 (C) Add at the end the following new subsection:

17 “(b) DEVELOPING AND CONSTRUCTING CIVIL SUPERSONIC AIRCRAFT.—

18 The Secretary of Transportation may develop and construct a civil super-
 19 sonic aircraft.”.

20 (17) Section 40110(a) is amended as follows:

21 (A) In the matter before clause (1), strike “may”.

22 (B) In clause (1)—

23 (i) strike “acquire,”; and

24 (ii) insert “may acquire services or, by condemnation or
 25 otherwise,” after “obligation,”.

26 (C) In clause (2), insert “may” before “dispose”.

27 (D) In clause (3), insert “may” before “construct”.

28 (18) In section 44502(b), insert “Government” before “money may
 29 be expended”.

30 (19) Section 47104(c) is amended to read as follows:

31 “(c) EXPIRATION OF AUTHORITY.—After June 30, 1994, the Secretary
 32 may not incur obligations under subsection (b) of this section, except for
 33 obligations of amounts—

34 “(1) remaining available after that date under section 47117(b) of
 35 this title; or

36 “(2) recovered by the United States Government from grants made
 37 under this chapter if the amounts are obligated only for increases
 38 under section 47108(b)(2) and (3) of this title in the maximum amount
 39 of obligations of the Government for any other grant made under this
 40 title.”.

41 (20) Section 47110(b)(2) is amended to read as follows:

“(2)(A) if the cost is incurred after the grant agreement is executed and is for airport development or airport planning carried out after the grant agreement is executed;

“(B) if the cost is incurred after June 1, 1989, by the airport operator (regardless of when the grant agreement is executed) as part of a Government-approved noise compatibility program (including project formulation costs) and is consistent with all applicable statutory and administrative requirements; or

“(C) if the Government’s share is paid only with amounts apportioned under section 47114(c)(1)(A) and (2) of this title and if the cost is incurred—

“(i) during the fiscal year ending September 30, 1994;

“(ii) before a grant agreement is executed for the project but according to an airport layout plan the Secretary approves and all applicable statutory and administrative requirements that would apply to the project if the agreement had been executed; and

“(iii) for work related to a project for which a grant agreement previously was executed during the fiscal year ending September 30, 1994;”.

(21) Section 47114(c) is amended as follows:

(A) In paragraph (1)(B), strike “\$400,000” and substitute “\$500,000”.

(B) In paragraph (3)—

(i) insert “(A)” after “(3)”;

(ii) strike “The” and substitute “Except as provided in subparagraph (B) of this paragraph, the”;

(iii) strike “44” each place it appears and substitute “49.5”;

(iv) strike “paragraph” and substitute “subparagraph”; and

(v) insert after subparagraph (A) the following new subparagraph:

“(B) If a law limits the amount subject to apportionment to less than \$1,900,000,000 for a fiscal year, the total of all amounts apportioned under paragraphs (1) and (2) of this subsection may not be more than 44 percent of the amount subject to apportionment for that fiscal year. If this subparagraph requires reduction of an amount that otherwise would be apportioned under this subsection, the Secretary shall reduce proportionately the amount apportioned to each sponsor of an airport under paragraphs (1) and (2) until the 44 percent limit is achieved.”.

1 (22) Section 47115 is amended by adding at the end the following
2 new subsection:

3 “(f) MINIMUM AMOUNT TO BE CREDITED.—(1) In a fiscal year, at least
4 \$325,000,000 of the amount made available under section 48103 of this
5 title shall be credited to the fund. The amount credited is exclusive of
6 amounts that have been apportioned in a prior fiscal year under section
7 47114 of this title and that remain available for obligation.

8 “(2) In a fiscal year in which the amount credited is less than
9 \$325,000,000, the total amount calculated under paragraph (3) of this sub-
10 section shall be reduced by an amount that, when credited to the fund, to-
11 gether with the amount credited under paragraph (1) of this subsection,
12 equals \$325,000,000.

13 “(3) For a fiscal year, the total amount that may be reduced in carrying
14 out paragraph (2) of this subsection is the total of the amounts determined
15 under sections 47114(c)(1)(A) and (2) and (d) and 47117(e) of this title.
16 Each amount shall be reduced by an equal percentage to achieve the reduc-
17 tion.”.

18 (23) Section 47117(e) is amended as follows:

19 (A) In paragraph (1)(A), strike “10” and substitute “5”.

20 (B) In paragraph (1)(C), strike “2.5” and substitute “1.5”.

21 (C) In paragraph (1)(D), strike “.5” and substitute “.75”.

22 (D) In paragraph (2), strike “2.5” and substitute “1.5”.

23 (24) Section 47119(b) is amended as follows:

24 (A) Redesignate clause (3) as clause (4).

25 (B) Strike clause (2) and substitute the following:

26 “(2) on approval of the Secretary, not more than \$200,000 of the
27 amount that may be distributed for the fiscal year from the discre-
28 tionary fund established under section 47115 of this title—

29 “(A) to a sponsor of a nonprimary commercial service airport
30 to pay project costs allowable under section 47110(d) of this title;
31 and

32 “(B) to a sponsor of a reliever airport for the types of project
33 costs allowable under section 47110(d), including project costs al-
34 lowable for a commercial service airport that each year does not
35 have more than .05 percent of the total boardings in the United
36 States;

37 “(3) for use by a primary airport that each year does not have more
38 than .05 percent of the total boardings in the United States, any part
39 of amounts that may be distributed for the fiscal year from the discre-
40 tionary fund and small airport fund to pay project costs allowable
41 under section 47110(d) of this title; or”.

(25) In section 47531, strike “sections 47528” and substitute “section 47528”.

(26) Section 48103 is amended as follows:

(A) Strike “\$15,966,700,000” and substitute “\$15,413,157,000”.

(B) Strike “1993” and substitute “1994”.

SEC. 3. TECHNICAL CHANGES TO OTHER LAWS.

Effective July 5, 1994—

(1) Section 708 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210, 90 Stat. 31) is repealed.

(2) Section 144 of the Surface Transportation Act of 1982 (Public Law 97–424, 96 Stat. 2129) is repealed.

(3) The schedule of laws repealed contained in section 7(b) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1395), related to the Act of December 22, 1987 (Public Law 101–202), is amended by striking out—

(i) “, 106” in the Section column;

(ii) “, 1329–433” in the Statutes at Large Page column; and

(iii) “, 2311” in the U.S. Code Section column.

Except with respect to the provisions of law restated as section 31111 of title 49, United States Code, as enacted by the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 993), the provisions of law within the purview of section 106 of the Act of December 22, 1987 (Public Law 101–202, 101 Stat. 1329–433), shall be effective as if Public Law 103–272 had not been enacted.

SEC. 4. EFFECTIVE DATE.

The amendments made by sections 2(3)–(6), (8)–(12), (15)–(18), (21)(B), and (25) of this Act shall take effect on July 5, 1994.

SEC. 5. LEGISLATIVE PURPOSE AND CONSTRUCTION.

(a) NO SUBSTANTIVE CHANGE.—This Act restates, without substantive change, laws enacted before July 12, 1994, that were replaced by those sections. Those sections may not be construed as making a substantive change in the laws replaced. Laws enacted after July 11, 1994, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

(b) REFERENCES.—A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) CONTINUING EFFECT.—An order, rule, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) ACTIONS AND OFFENSES UNDER PRIOR LAW.—An action taken or an offense committed under a law replaced by this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) INFERENCES.—An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a caption or catch line of the provision.

(f) SEVERABILITY.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

SEC. 6. REPEALS.

(a) INFERENCES OF REPEAL.—The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

(b) REPEALER SCHEDULE.—The laws specified in the following schedule are repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

Schedule of Laws Repealed
Statutes at Large

| Date | Chapter or Public Law | Section | Statutes at Large | | U.S. Code | |
|-----------------|-----------------------|--------------------------|-------------------|------------------------|------------|------------------------------------------------------------|
| | | | Volume | Page | Title | Section |
| 1972 Oct. 20 | 92-513 | 503 | | | 15 | 2003 |
| 1982 Sept. 3 | 97-248 | 505, 507, 508, 513 | 96 | 677, 679, 682, 689. | 49 App. | 2204, 2206, 2207, 2212 |
| 1993 Dec. 8 | 103-182 .. | 371 | 107 | 2057 | 15 | 2003 |
| 1994 May 26 | 103-260 .. | 101-107, 109 | 108 | 698, 700 | 49 App. | 2204, 2204(note), 2206, 2206(note), 2207, 2212 |

