

103^D CONGRESS
2^D SESSION

H. R. 4778

IN THE SENATE OF THE UNITED STATES

OCTOBER 5 (legislative day, SEPTEMBER 12), 1994

Received

AN ACT

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 11, UNITED STATES CODE.**

4 Section 365 of title 11, United States Code, is amended as follows:

5 (1) In subsection (d)(6)(C), strike “section 101 of the Federal Avia-
6 tion Act of 1958 (49 App. U.S.C. 1301)” and substitute “section
7 40102(a) of title 49”.

8 (2) In subsection (p), strike “section 101(3) of the Federal Aviation
9 Act of 1958” and substitute “section 40102(a) of title 49”.

10 **SEC. 2. TITLE 18, UNITED STATES CODE.**

11 Title 18, United States Code, is amended as follows:

12 (1) In section 2333(b), strike “section 902(i), (k), (l), (n), or (r) of
13 the Federal Aviation Act of 1958 (49 U.S.C. App. 1472(i), (k), (l), (n),
14 or (r))” and substitute “section 46314, 46502, 46505, or 46506 of title
15 49”.

16 (2) In section 2340(3), strike “section 101(38) of the Federal Avia-
17 tion Act of 1958 (49 U.S.C. App. 1301(38))” and substitute section
18 46501(2) of title 49”.

19 **SEC. 3. TITLE 23, UNITED STATES CODE.**

20 Title 23, United States Code, is amended as follows:

1 (1) In section 103(i)(3), strike “the Federal Transit Act” and sub-
2 stitute “chapter 53 of title 49”.

3 (2) In section 108(d)(2)(F), strike “section 4(f) of the Department
4 of Transportation Act” and substitute “section 303 of title 49”.

5 (3) In section 127(d)(2)(A), strike “sections 411, 412, and 416 of
6 the Surface Transportation Assistance Act of 1982 (49 U.S.C. App.
7 2311, 2312, and 2316)” and substitute “sections 31111–31114 of title
8 49”.

9 (4) In section 133(b)(2), strike “the Federal Transit Act” and sub-
10 stitute “chapter 53 of title 49”.

11 (5) Section 134 is amended as follows:

12 (A) In subsections (h)(5) and (i)(3) and (4), strike “the Federal
13 Transit Act” and substitute “chapter 53 of title 49”.

14 (B) In subsection (i)(5), strike “section 9 of the Federal Transit
15 Act” wherever it appears and “section 8(o) of the Federal Transit
16 Act” and substitute “section 5336 of title 49” and “section
17 5306(a) of title 49”, respectively.

18 (C) In subsections (k)–(m), strike “the Federal Transit Act”
19 wherever it appears” and substitute “chapter 53 of title 49”.

20 (D) In subsection (k), strike “Federal Transit Act funds” and
21 substitute “chapter 53 funds”.

22 (6) Section 135 is amended as follows:

23 (A) In subsection (f)(2), strike “the Federal Transit Act” and
24 substitute “chapter 53 of title 49”.

25 (B) In subsection (h), strike “section 8 of the Federal Transit
26 Act, United States Code” and “section 8 of such Act” and sub-
27 stitute “sections 5303–5306 and 5323(k) of title 49” and “sec-
28 tions 5303–5306 and 5323(k)”, respectively.

29 (7) in section 141(b), strike “section 411(j) of the Surface Transpor-
30 tation Assistance Act of 1982 (49 U.S.C. App. 2311(j))” and sub-
31 stitute “section 31112 of title 49”.

32 (8) In section 303(c), strike “the Federal Transit Act” and sub-
33 stitute “chapter 53 of title 49”.

34 (9) In section 303(d), strike “the Federal Transit Act” and “such
35 Act” and substitute “chapter 53 of title 49” and “chapter 53”, respec-
36 tively.

37 (10) In section 307(e)(13), strike “section 26(a)(I) of the Federal
38 Transit Act” and substitute “section 5313(a) of title 49”.

39 **SEC. 4. TITLE 26, UNITED STATES CODE.**

40 Section 9503(e)(3)(A) of the Internal Revenue Code of 1986 (26 U.S.C.
41 9503(e)(3)(A)) is amended by striking “paragraph (1) or (3) of subsection

1 (a), or paragraph (1) or (3) of subsection (b), of section 21 of the Federal
2 Transit Act” and substituting “section 5338(a)(1) or (b)(1) of title 49”.

3 **SEC. 5. TITLE 39, UNITED STATES CODE.**

4 Section 5402(g)(1)(A) of title 39, United States Code, is amended by
5 striking “section 401 of the Federal Aviation Act of 1958 (49 U.S.C.
6 1371)” and substituting “section 41102(a) of title 49”.

7 **SEC. 6. TITLE 49, UNITED STATES CODE.**

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

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

11 (2) In section 321, strike “, respectively”.

12 (3) Section 5103(b)(2) is amended as follows:

13 (A) Strike “include” and substitute “be conducted under section
14 553 of title 5, including”.

15 (B) Strike “presentations” and substitute “presentation”.

16 (4) In section 5104(a)(1), insert “applicable” after “each”.

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

18 (6) In section 5125(a) and (b)(1), insert “and unless authorized by
19 another law of the United States” after “section”.

20 (7) Section 5307(d) is amended as follows:

21 (A) In clause (1)(D), strike “chapter” and substitute “section”.

22 (B) In clause (1)(E)(iii), strike “Buy-American” and substitute
23 “Buy America”.

24 (8) In section 5318(e), insert “Uniform” before “Relocation”.

25 (9) In section 5320(g)(2), strike “paragraph (1)(C) of this section”
26 and substitute “paragraph (1)(C) of this subsection”.

27 (10) Section 5323 is amended as follows:

28 (A) in the catchline for subsection (j), strike “AMERICAN” and
29 substitute “AMERICA”.

30 (B) Add at the end of the section the following:

31 “(l) PREAWARD AND POSTDELIVERY REVIEW OF ROLLING STOCK PUR-
32 CHASE.—The Secretary of Transportation shall prescribe regulations requir-
33 ing a preaward and postdelivery review of a grant under this chapter to buy
34 rolling stock to ensure compliance with Government motor vehicle safety re-
35 quirements, subsection (j) of this section, and bid specifications require-
36 ments of grant recipients under this chapter. Under this subsection, inde-
37 pendent inspections and review are required, and a manufacturer certifi-
38 cation is not sufficient.”.

39 (11) In section 5326(a)(3), strike “regulations” and substitute
40 “guidelines”.

1 (12) In section 5327(c)(1), strike “of that Act” and substitute “or
2 that Act”.

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

5 (14) In section 5337(a)(4), strike “section 5336(B)(2)(A)” and sub-
6 stitute “section 5336(b)(2)(A) of this title”.

7 (15) In the catchline of section 5565, insert “**certain**” after “**con-**
8 **verting**”.

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

14 (17) In section 11348(a), strike “(l)(1)” and substitute “(m)(1)”.

15 (18) In section 11706(d), strike “that limitation periods” and sub-
16 stitute “those limitation periods”.

17 (19) In section 20136(2), strike “subsection” and substitute “sec-
18 tion”.

19 (20) In section 22108(a)(3), insert “under this subsection” after
20 “appropriated”.

21 (21) Section 24501 is amended as follows:

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

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

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

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

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

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

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

38 (22) In section 24904(a)(2), insert “, by condemnation or other-
39 wise,” after “acquire”.

40 (23) Sections 30141(c)(4)(A) and 30165(a) are amended as follows:

1 (A) Strike “section 30112” and substitute “any of sections
2 30112”.

3 (B) Insert “any of” before “those sections” each place it ap-
4 pears.

5 (24) In section 30166(h), strike “the judicial” and substitute “any
6 judicial”.

7 (25) In section 30308(b), strike “appropriated” and substitute “au-
8 thorized”.

9 (26) In section 31501(l), strike “section 203(f)” and substitute “sec-
10 tion 3(f)”.

11 (27) In section 32101, the matter before clause (1) is amended to
12 read as follows:

13 “In this part (except chapter 329 and except as provided in section
14 33101)—”.

15 (28) Item 32309 in the analysis of chapter 323 is amended to read
16 as follows:

“32309. Civil penalty for labeling violations.”.

17 (29) Section 32304(a)(11) is amended to read as follows:

18 “(11) ‘passenger motor vehicle’ has the same meaning given that
19 term in section 32101(10) of this title, except that it includes any
20 multi-purpose vehicle or light duty truck when that vehicle or truck is
21 rated at not more than 8,500 pounds gross vehicle weight.”.

22 (30) Section 32304(a)(14) is amended as follows:

23 (A) Insert “the Northern Mariana Islands,” after “Puerto
24 Rico,”.

25 (B) Strike “the Canal Zone,”.

26 (31) In the catchline of section 32309, strike “**Criminal**” and sub-
27 stitute “**Civil**”.

28 (32) In section 32505(b)(3), strike “the judicial” and “was con-
29 ducted” and substitute “any judicial” and “is conducted”, respectively.

30 (33) In section 32703(3), strike “public”.

31 (34) Section 32705(c)(2)(A) is amended to read as follows:

32 “(A) the lessee’s mileage disclosure requirements under paragraph
33 (1) of this subsection; and”.

34 (35) In section 32706(e)(3), strike “the judicial” and “was con-
35 ducted” and substitute “any judicial” and “is conducted”, respectively.

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

37 (A) Redesignate paragraphs (3)–(6) as paragraphs (5)–(8), re-
38 spectively.

39 (B) Strike “(b) SEPARATE CALCULATIONS FOR PASSENGER
40 AUTOMOBILES MANUFACTURED DOMESTICALLY AND NOT DO-

1 MESTICALLY.—(1)” through the end of paragraph (2) and sub-
2 stitute the following:

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

8 “(i) passenger automobiles manufactured domestically by a manufac-
9 turer (or included in this category under paragraph (5) of this sub-
10 section); and

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

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

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

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

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

33 “(i) A manufacturer that began assembling automobiles in Mexico
34 before model year 1992 may elect, during the period from January 1,
35 1997, through January 1, 2004, to have subparagraph (A) of this
36 paragraph apply to all automobiles manufactured by that manufacturer
37 beginning with the model year that begins after the date of the elec-
38 tion.

39 “(ii) For a manufacturer that began assembling automobiles in Mex-
40 ico after model year 1991, subparagraph (A) of this paragraph applies
41 to all automobiles manufactured by that manufacturer beginning with

1 the model year that begins after January 1, 1994, or the model year
2 beginning after the date the manufacturer begins assembling auto-
3 mobiles in Mexico, whichever is later.

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

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

17 “(v) For a manufacturer described in clause (i) or (iii) of this sub-
18 paragraph that does not make an election within the specified period,
19 subparagraph (A) of this paragraph applies to all automobiles manu-
20 factured by that manufacturer beginning with the model year that be-
21 gins after January 1, 2004.

22 “(C) The Secretary of Transportation shall prescribe reasonable proce-
23 dures for elections under subparagraph (B) of this paragraph.

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

28 (C) In paragraph (5)(B), as redesignated by subparagraph (A)
29 of this paragraph, strike “paragraph (2)(A)(i) and exclude under
30 paragraph (2)(A)(ii)” and substitute “paragraph (1)(A)(i) and ex-
31 clude under paragraph (1)(A)(ii)”.

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

35 (37) In Section 32908(b)(1), insert “on the automobile” after
36 “maintain the label”.

37 (38) In section 32909(a)(1), strike “section 32901–32904” and sub-
38 stitute “any of sections 32901–32904”.

39 (39) In section 32910(b), strike “the judicial” and “was conducted”
40 and substitute “any judicial” and “is conducted”, respectively.

1 (40) In section 32911(a), strike “, and 32917(b)” and substitute “,
2 32917(b), and 32918”.

3 (41) Section 32913(b)(1) is amended as follows:

4 (A) In the catchline, strike “PENALTY REDUCTION” and sub-
5 stitute “CERTIFICATION”.

6 (B) Strike “the penalty should be reduced” and substitute “a
7 reduction in the penalty is necessary”.

8 (42) Section 32916(b) is amended as follows:

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

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

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

16 (43)(A) Section 32918 is redesignated as section 32919.

17 (B) Insert after section 32917 the following:

18 **“§ 32918. Retrofit devices**

19 “(a) DEFINITION.—In this section, the term ‘retrofit device’ means any
20 component, equipment, or other device—

21 “(1) that is designed to be installed in or on an automobile (as an
22 addition to, as a replacement for, or through alteration or modification
23 of, any original component, equipment, or other device); and

24 “(2) that any manufacturer, dealer, or distributor of the device rep-
25 resents will provide higher fuel economy than would have resulted with
26 the automobile as originally equipped,

27 as determined under regulations of the Administrator of the Environmental
28 Protection Agency. The term also includes a fuel additive for use in an
29 automobile.

30 “(b) EXAMINATION OF FUEL ECONOMY REPRESENTATIONS.—The Fed-
31 eral trade Commission shall establish a program for systematically examin-
32 ing fuel economy representations made with respect to retrofit devices.
33 Whenever the Commission has reason to believe that any representation
34 may be inaccurate, the Commission shall request the Administrator to
35 evaluate, in accordance with subsection (c) of this section, the retrofit device
36 with respect to which the representation was made.

37 “(c) EVALUATION OF RETROFIT DEVICES.—(1) On application of any
38 manufacturer of a retrofit device (or prototype of a retrofit device), on re-
39 quest of the Commission under subsection (b) of this section, or on the mo-
40 tion of the Administrator, the Administrator shall evaluate, in accordance
41 with regulations prescribed under subsection (e) of this section, any retrofit

1 device to determine whether the retrofit device increases fuel economy and
 2 to determine whether the representations, if any, made with respect to the
 3 retrofit device are accurate.

4 “(2) If under paragraph (1) of this subsection, the Administrator tests,
 5 or causes to be tested, any retrofit device on the application of a manufactur-
 6 er of the device, the manufacturer shall supply, at the manufacturer’s
 7 expense, one or more samples of the device to the administrator and shall
 8 be liable for the costs of testing incurred by the Administrator. The proced-
 9 ures for testing retrofit devices so supplied may include a requirement for
 10 preliminary testing by a qualified independent testing laboratory, at the ex-
 11 pense of the manufacturer of the device.

12 “(d) RESULTS OF TESTS AND PUBLICATION IN FEDERAL REGISTER.—
 13 (1) The Administrator shall publish in the Federal Register a summary of
 14 the results of all tests conducted under this section, together with the Ad-
 15 ministrator’s conclusions as to—

16 “(A) the effect of any retrofit device on fuel economy;

17 “(B) the effect of the device on emissions of air pollutants; and

18 “(C) any other information the Administrator determines to be rel-
 19 evant in evaluating the device.

20 “(2) The summary and conclusions shall also be submitted to the Sec-
 21 retary of Transportation and the Commission.

22 “(e) REGULATIONS ESTABLISHING TESTS AND PROCEDURES FOR EVAL-
 23 UATION OF RETROFIT DEVICES.—The Administrator shall prescribe regula-
 24 tions establishing—

25 “(1) testing and other procedures for evaluating the extent to which
 26 retrofit devices affect fuel economy and emissions of air pollutants; and

27 “(2) criteria for evaluating the accuracy of fuel economy representa-
 28 tions made with respect to retrofit devices.”.

29 (C) In the analysis of chapter 329, strike item 32918 and sub-
 30 stitute—

“32918. Retrofit devices.

“32919. Preemption.”.

31 (44) Section 33101(2) is amended as follows:

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

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

34 (45) In section 33106(b)(3), strike “subparagraph (2)(B) or (C) of
 35 this paragraph” and substitute “paragraph (2)(B) or (C) of this sub-
 36 section”.

37 (46) In section 40102(a)(30), strike “subparts I and III” and sub-
 38 stitute “this subpart and subpart III”.

39 (47) Section 40104 is amended as follows:

1 (A) Insert at the beginning of the text of the section the follow-
2 ing:

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

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

5 (C) Add at the end the following:

6 “(b) DEVELOPING AND CONSTRUCTING CIVIL SUPERSONIC AIRCRAFT.—
7 The Secretary of Transportation may develop and construct a civil super-
8 sonic aircraft.”.

9 (48) Section 40110(a) is amended as follows:

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

11 (B) In clause (1)—

12 (i) strike “acquire,”; and

13 (ii) strike “services or” and substitute “may acquire serv-
14 ices, or, by condemnation or otherwise,”.

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

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

17 (49) In section 41103(a), strike “all-property” and substitute “all-
18 cargo”.

19 (50) Section 41110(e) is amended to read as follows:

20 “(e) CONTINUING REQUIREMENTS.—(1) hold a certificate issued under
21 section 41102 of this title, an air carrier must continue to be fit, willing,
22 and able to provide the transportation authorized by the certificate and to
23 comply with this part and regulations of the Secretary.

24 “(2) After notice and an opportunity for a hearing, the Secretary shall
25 amend, modify, suspend, or revoke any part of a certificate issued under
26 section 41102 of this title if the Secretary finds that the air carrier—

27 “(A) is not fit, willing, and able to provide the transportation author-
28 ized by the certificate and to comply with this part and regulations of
29 the Secretary; or

30 “(B) does not file reports necessary for the Secretary to decide if
31 the carrier is complying with the requirements of clause (A) of this
32 paragraph.”.

33 (51)(A) Chapter 413 is amended by adding immediately after section
34 41311 the following:

35 **“§ 41312. Ending or suspending foreign air transportation**

36 “(a) GENERAL.—An air carrier holding a certificate issued under section
37 41102 of this title to provide foreign air transportation—

38 “(1) may end or suspend the transportation to a place under the cer-
39 tificate only when the carrier gives at least 90 days notice of its inten-
40 tion to end or suspend the transportation to the Secretary, any commu-

1 nity affected by that decision, and the State authority of the State in
2 which a community is located; and

3 “(2) if it is the only air carrier holding a certificate to provide non-
4 stop or single-plane foreign air transportation between 2 places, may
5 end or suspend the transportation between those places only when the
6 carrier gives at least 60 days notice of its intention to end or suspend
7 the transportation to the Secretary and each community directly af-
8 fected by that decision.

9 “(b) TEMPORARY SUSPENSION.—The Secretary may authorize the tem-
10 porary suspension of foreign air transportation under subsection (a) of this
11 section when the Secretary finds the suspension is in the public interest.”.

12 (B) The analysis of chapter 413 is amended by adding immediately
13 after item 41311 the following:

“41312. Ending or suspending foreign air transportation.”.

14 (52) The chapter heading for chapter 417 is amended to read as fol-
15 lows:

16 **“CHAPTER 417—OPERATIONS OF CARRIERS”.**

17 (53) In section 41715(d)(1), strike “41731(a)(3)” and substitute
18 “41731(a)(4)”.

19 (54) In section 44502(b), insert “Government” before “money may
20 be expended”.

21 (55) In section 44701(d) and (e), strike “section 44702–44716” and
22 substitute “any of sections 44702–44716”.

23 (56) In sections 44711(a)(2)(B), (5), and (7) and 46310(b), insert
24 “any of sections” before “44702–44716”.

25 (57) In section 44937, strike “44906(a)(1) or (b)” and substitute
26 “44906”.

27 (58) In section 45105(a), strike “section 45102(a)(1)(A)” and sub-
28 stitute “section 45102(a)(1)”.

29 (59) Section 45302 is amended by adding at the end the following:

30 “(e) EFFECTIVE DATE.—A fee may not be imposed under this section be-
31 fore the date on which the regulations prescribed under sections 44111(d),
32 44703(f)(2), and 44713(d)(2) of this title take effect.”.

33 (60) In section 46301—

34 (A) in subsection (a)(1)(A), strike “section 41301–41306” and
35 “section 44701(a)” and substitute “any of sections 41301/41306”
36 and “any of sections 44701(a)”, respectively;

37 (B) in subsections (a)(1)(A), (d)(2), and (f)(1)(A)(i), strike
38 “section 44701(a)” and substitute “any of sections 44701(a)”;
39 and

1 (C) in subsection (c)(1)(A), strike “section 41301–41306” and
2 substitute “any of sections 41301–41306”.

3 (61) In section 46502(a)(2)(B) and (b)(1)(B), insert “notwithstand-
4 ing section 3559(b) of title 18,” before “if the death”.

5 (62) In section 47101(a)(12), strike “Act” and substitute “sub-
6 chapter”.

7 (63) Section 47104(c) is amended to read as follows:

8 “(c) EXPIRATION OF AUTHORITY.—After September 30, 1996, the Sec-
9 retary may not incur obligations under subsection (b) of this section, except
10 for obligations of amounts—

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

13 “(2) recovered by the United States Government from grants made
14 under this chapter if the amounts are obligated only for increases
15 under section 47108(b)(2) and (3) of this title in the maximum amount
16 of obligations of the Government for any other grant made under this
17 title.”.

18 (64) Section 47110(b)(2) is amended to read as follows:

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

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

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

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

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

36 “(iii) for work related to a project for which a grant agreement
37 previously was executed during the fiscal year ending September
38 30, 1994.”.

39 (65) In section 47113(a)(2), strike “section 8(c) of the Act (15
40 U.S.C. 637(c))” and “under section 8(c)” and substitute “section 8(d)
41 of the Act (15 U.S.C. 637(d))” and “under section 8(d)”, respectively.

1 (66) Section 47114(c) is amended as follows:

2 (A) in paragraph (1)(B), strike “\$400,000” and substitute
3 “\$500,000”.

4 (B) In paragraph (3)—

5 (i) insert “(A)” after “(3)”;

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

8 (iii) strike “44” each place it appears and substitute
9 “49.5”;

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

12 (v) insert after subparagraph (A) the following new sub-
13 paragraph:

14 “(B) If a law limits the amount subject to apportionment to less than
15 \$1,900,000,000 for a fiscal year, the total of all amounts apportioned under
16 paragraphs (1) and (2) of this subsection may not be more than 44 percent
17 of the amount subject to apportionment for that fiscal year. If this subpara-
18 graph requires reduction of an amount that otherwise would be apportioned
19 under this subsection, the Secretary shall reduce proportionately the amount
20 apportioned to each sponsor of an airport under paragraphs (1) and (2)
21 until the 44 percent limit is achieved.”.

22 (67) Section 47115 is amended by adding at the end the following:

23 “(f) MINIMUM AMOUNT TO BE CREDITED.—(1) In a fiscal year, at least
24 \$325,000,000 of the amount made available under section 48103 of this
25 title shall be credited to the fund. The amount credited is exclusive of
26 amounts that have been apportioned in a prior fiscal year under section
27 47114 of this title and that remain available for obligation.

28 “(2) In a fiscal year in which the amount credited under subsection (a)
29 of this section is less than \$325,000,000, the total amount calculated under
30 paragraph (3) of this subsection shall be reduced by an amount that, when
31 credited to the fund, together with the amount credited under subsection
32 (a), equals \$325,000,000.

33 “(3) For a fiscal year, the total amount available to reduce to carry out
34 paragraph (2) of this subsection is the total of the amounts determined
35 under sections 47114(c)(1)(A) and (2) and (d) and 47117(e) of this title.
36 Each amount shall be reduced by an equal percentage to achieve the reduc-
37 tion.”.

38 (68) Section 47117(e) is amended as follows:

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

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

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

- 1 (D) In paragraph (2), strike “2.5” and substitute “1.5”.
- 2 (69) Section 47119(b) is amended as follows:
- 3 (A) Redesignate clause (3) as clause (4).
- 4 (B) Strike clause (2) and substitute the following:
- 5 “(2) on approval of the Secretary, not more than \$200,000 of the
- 6 amount that may be distributed for the fiscal year from the discre-
- 7 tionary fund established under section 47115 of this title—
- 8 “(A) to a sponsor of a nonprimary commercial service airport
- 9 to pay project costs allowable under section 47110(d) of this title;
- 10 and
- 11 “(B) to a sponsor of a reliever airport for the types of project
- 12 costs allowable under section 47110(d), including project costs al-
- 13 lowable for a commercial service airport that each year does not
- 14 have more than .05 percent of the total boarding in the United
- 15 States;
- 16 “(3) for use by a primary airport that each year does not have more
- 17 than .05 percent of the total boardings in the United States, any part
- 18 of amounts that may be distributed for the fiscal year from the discre-
- 19 tionary fund and small airport fund to pay project costs allowable
- 20 under section 47110(d) of this title; or”.
- 21 (70) In section 47128(c), strike “subsection (b)(2) or (3)” and sub-
- 22 stitute “subsection (b)(1)(B) or (C)”.
- 23 (71) Section 47504(c) is amended as follows:
- 24 (A) in Paragraph (1)(A), add “and” after the semicolon.
- 25 (B) In paragraph (1)(B), strike the semicolon and substitute a
- 26 period.
- 27 (C) Redesignate paragraph (1)(C) and (D) as paragraph (2)(C)
- 28 and (D).
- 29 (D) In paragraph (2)(A)(iii), strike “and”.
- 30 (E) In paragraph (2)(B)(iii), strike the period and substitute a
- 31 semicolon.
- 32 (F) In paragraph (2)(C) and (D), as redesignated, strike “an
- 33 airport operator or unit of local government referred to in clause
- 34 (A) or (B) of this paragraph” and substitute “to an airport opera-
- 35 tor and unit of local government referred to in paragraph (1)(A)
- 36 or (1)(B) of this subsection”.
- 37 (72)(A) Chapter 475 is amended by inserting after section 47509 the
- 38 following:
- 39 **“§ 47510. Tradeoff allowance**
- 40 “Notwithstanding another law or a regulation prescribed or order issued
- 41 under that law, the tradeoff provisions contained in appendix C of part 36

1 of title 14, Code of Federal Regulations, apply in deciding whether an air-
2 craft complies with subpart 1 of part 91 of title 14.”.

3 (B) The analysis of chapter 475 is amended by inserting immediately
4 after item 47509 the following:
“47510. Tradeoff allowance.”.

5 (73) Section 47531 is amended as follows:

6 (A) Strike “sections 47528” and substitute “section 47528”.

7 (B) Insert “any of” before “those”.

8 (C) Insert “any of sections” before “44702–44716”.

9 (74) In section 47532, insert “any of” before “sections”.

10 (75) In section 60109(a)(2), strike “60102(c)” and substitute
11 “60102(e)”.

12 (76) In section 60112(d), add “, including suspended or restricted
13 use of the facility physical inspection, testing, repair, replacement, or
14 other appropriate action” after “action”.

15 (77) Section 60117(i) is amended as follows:

16 (A) Insert “(1)” before “After”.

17 (B) Add at the end the following:

18 “(2) In consultation with the Occupational Safety and Health administra-
19 tion, the Secretary shall establish procedures to notify the Administration
20 of any pipeline accident in which an excavator that has caused damage to
21 a pipeline may have violated a regulation of the Administration.”.

22 (78) The chapter heading for chapter 701 is amended to read as fol-
23 lows:

24 **“CHAPTER 701—COMMERCIAL SPACE LAUNCH**
25 **ACTIVITIES”.**

26 (79) The chapter heading for chapter 801 is amended to read as fol-
27 lows:

28 **“CHAPTER 801—BILLS OF LADING”.**

29 (80) In section 40110(b)(2)(A), insert “notwithstanding section
30 1341(a)(1) of title 31,” before “lease”.

31 (81) Section 41734(g)(2) is amended to read as follows:

32 “(2) the authority to be transferred is being used to provide air serv-
33 ice to another eligible place.”.

34 **SEC. 7. TECHNICAL CHANGES TO OTHER LAWS.**

35 (a) Effective July 5, 1994—

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

38 (2) Section 232A of the Act of October 12, 1984 (Public Law 98–
39 473, 98 Stat. 2031), is repealed.

1 (3) Section 4 of the Act of July 5, 1994 (Public Law 103-272, 108
2 Stat. 1360), is amended as follows:

3 (A) In subsection (f)(1)(H), insert “of the 2d sentence” after
4 “end”.

5 (B) Subsection (f)(1)(N) is repealed.

6 (C) Subsection (j)(5)(B) is amended to read as follows:

7 “(B) In the analysis of chapter 1, strike the 2 items 110 and item
8 111 and substitute—

“110. Saint Lawrence Seaway Development Corporation.

“111. Bureau of Transportation Statistics.”.

9 (D) Subsection (k)(3) is amended to read as follows:

10 “(3) In section 41902(b)—

11 “(A) strike clause (2);

12 “(B) redesignate clauses (3) and (4) as clauses (2) and (3), re-
13 spectively; and

14 “(C) in clause (2), as redesignated, strike ‘clauses (1) and (2)’
15 and substitute ‘clause (1)’.”.

16 (E) Subsection (r)(1) is amended by striking “the Urban Mass
17 Transportation Act of 1964,” and substituting “the Federal Tran-
18 sit Act,”.

19 (4) Section 5 of the Act of July 5, 1994 (Public Law 103-272, 108
20 Stat. 1374), is amended as follows:

21 (A) In subsection (e)(11), strike “‘section’ and” and substitute
22 “‘section 1679a(c)(2)’ and”.

23 (B) In subsection (f)(1), strike “the Urban Mass Transpor-
24 tation Act of 1964” wherever it appears and substitute “the Fed-
25 eral Transit Act”.

26 (C) In subsection (f)(2), strike “the Urban Mass Transportation
27 Act of 1964,” wherever it appears and substitute “the Federal
28 Transit Act,”.

29 (D) In subsection (m)(25)(A), strike “the Urban Mass Trans-
30 portation Act of 1964” and substitute “the Federal Transit Act”.

31 (5) The schedule of laws repealed contained in section 7(b) of the
32 Act of July 5, 1994 (Public Law 103-272, 108 Stat. 1395), related
33 to the Act of December 22, 1987 (Public Law 100-202), is amended
34 by striking out—

35 (A) “, 106” in the Section column;

36 (B) “, 1329-433” in the Statutes at Large Page column; and

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

38 Except with respect to the provisions of law restated as section 31111
39 of title 49, United States Code, as enacted by the Act of July 5, 1994
40 (Public Law 103-272, 108 Stat. 993), the provisions of law within the

1 purview of section 106 of the Act of December 22, 1987 (Public Law
2 100–202, 101 Stat. 1329–433), shall be effective as if Public Law
3 103–272 had not been enacted.

4 (b) Effective August 23, 1994, section 101 of the Airport Improvement
5 Program Temporary Extension Act of 1994 (Public Law 103–260, 108
6 Stat. 698) is repealed.

7 (c) Effective August 26, 1994, section 119(d) (2) and (3) of the Hazard-
8 ous Materials Transportation Authorization Act of 1994 (Public Law 103–
9 311, 108 Stat. 1680) is amended to read as follows:

10 “(2) Section 5116(i)(1) is amended by striking ‘and section 5107(e)
11 of this title’.

12 “(3) Section 5116(i)(3) is amended by striking ‘5107(e),
13 5108(g)(2),’ and substituting ‘5108(g)(2).’”

14 (d) Section 9001(1)(D) of the Solid Waste Disposal Act (42 U.S.C.
15 6991(1)(D)) is amended to read as follows:

16 “(D) pipeline facility (including gathering lines)—

17 “(i) which is regulated under chapter 601 of title 49, Unit-
18 ed States Code, or

19 “(ii) which is an intrastate pipeline facility regulated under
20 State laws as provided in chapter 601 of title 49, United
21 States Code,

22 and which is determined by the Secretary to be connected to a
23 pipeline or to be operated or intended to be capable of operating
24 at pipeline pressure or as an integral part of a pipeline.”

25 (e) The Comprehensive Environmental Response, Compensation, and Li-
26 ability Act of 1980 (42 U.S.C. 9601 et seq.) is amended as follows:

27 (1) In section 101(26), strike “pipeline” and substitute “a hazardous
28 liquid pipeline facility”.

29 (2) In section 107(c)(1)(C), strike “pipeline” and substitute “haz-
30 arduous liquid pipeline facility”.

31 **SEC. 8. REPEAL OF OTHER LAWS.**

32 (1) The last proviso of the 1st paragraph and the words after the last
33 semicolon in the 2d paragraph under the heading “Civil Aeronautics Admin-
34 istration” in section 301 of the Act of June 3, 1948 (ch. 400, 62 Stat. 323,
35 324), are repealed.

36 (2) The 1st paragraph related to the transfer of aircraft and equipment
37 and the last proviso of the 2d paragraph under the heading “Civil Aero-
38 nautics Administration” in section 301 of the Act of July 20, 1949 (ch.
39 354, 63 Stat. 464), are repealed.

40 (3) The 1st paragraph related to the transfer of aircraft and equipment
41 and the last proviso of the 2d paragraph under the heading “Civil Aero-

1 nautics Administration”, and the proviso of the paragraph under the head-
2 ing “Civil Aeronautics Board”, in section 301 of the Act of September 6,
3 1950 (ch. 896, 64 Stat. 621, 622, 624), are repealed.

4 (4) The 1st paragraph related to the transfer of aircraft and equipment
5 and the last proviso of the 2d paragraph under the heading “Civil Aero-
6 nautics Administration”, and the proviso of the paragraph under the head-
7 ing “Civil Aeronautics Board”, in section 301 of the Act of Oct. 22, 1951
8 (ch. 533, 65 Stat. 587, 588, 589), are repealed.

9 (5) the 1st paragraph related to the transfer of aircraft and equipment
10 and the last proviso of the 2d paragraph under the heading “Civil Aero-
11 nautics Administration” in section 301 of the Act of July 10, 1952 (ch.
12 651, 66 Stat. 562), are repealed.

13 (6) Sections 404(f), 814, 815, and 901 of the Rail Passenger Service Act
14 (Public Law 91-518, 84 Stat. 1327, 1341) are repealed.

15 (7) Section 7(c) of the Noise Control Act of 1972 (Public Law 92-574,
16 86 Stat. 1241) is repealed.

17 (8) Section 46 of the Airline Deregulation Act of 1978 (Public Law 95-
18 504, 92 Stat. 1754) is repealed.

19 (9) Section 316 of the Surface Transportation Assistance Act of 1978
20 (Public Law 95-599, 92 Stat. 2751) is repealed.

21 (10) Sections 207 and 210 of the National Driver Register Act of 1982
22 (Public Law 97-364, 96 Stat. 1745, 1747) are repealed.

23 (11) Section 144 of the Surface Transportation Assistance Act of 1982
24 (Public Law 97-424, 96 Stat. 2129) is repealed.

25 (12) Section 8 of the Civil Aeronautics Board Sunset Act of 1984 (Public
26 Law 98-443, 98 Stat. 1706) is repealed.

27 (13) The Act of October 11, 1984 (Public Law 98-466, 98 Stat. 1825),
28 is repealed.

29 (14) Sections 108(c) and 307 of the Pipeline Safety Reauthorization Act
30 of 1988 (Public Law 100-561, 102 Stat. 2809, 2817) are repealed.

31 (15) Sections 1 and 15(a), (c), (e), (f), and (g)(2) of the Sanitary Food
32 Transportation Act of 1990 (Public Law 101-500, 104 Stat. 1213, 1218,
33 1219, 1220, 1221) are repealed.

34 (16) Sections 1, 8, and 10 of the Independent Safety Board Act Amend-
35 ments of 1990 (Public Law 101-641, 104 Stat. 4654, 4657, 4658) are re-
36 pealed.

37 (17) Sections 11 and 13 of the Amtrak Authorization and Development
38 Act (Public Law 102-533, 106 Stat. 3520, 3522) are repealed.

39 (18) Section 319 of the Department of Transportation and Related Agen-
40 cies Appropriations Act, 1994 (Public Law 103-122, 107 Stat. 1222) is re-
41 pealed.

1 **SEC. 9. EFFECTIVE DATE.**

2 The amendments made by sections 6(2)–(15), (19)–(35), (37)–(39), (41),
3 (44)–(52), (54)–(62), (65), (66)(B), (70), (73)–(76), and (78)–(81) of this
4 Act shall take effect on July 5, 1994.

5 **SEC. 10. LEGISLATIVE PURPOSE AND CONSTRUCTION.**

6 (a) NO SUBSTANTIVE CHANGE.—This Act restates, without substantive
7 change, laws enacted before September 26, 1994, that were replaced by this
8 Act. This Act may not be construed as making a substantive change in the
9 laws replaced. Laws enacted after September 25, 1994, that are inconsistent
10 with this Act supersede this Act to the extent of the inconsistency.

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

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

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

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

24 (f) SEVERABILITY.—If a provision enacted by this Act is held invalid, all
25 valid provisions that are severable from the invalid provision remain in ef-
26 fect. If a provision enacted by this Act is held invalid in any of its applica-
27 tions, the provision remains valid for all valid applications that are severable
28 from any of the invalid applications.

29 **SEC. 11. REPEALS.**

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

33 (b) REPEALER SCHEDULE.—The laws specified in the following schedule
34 are repealed, except for rights and duties that matured, penalties that were
35 incurred, and proceedings that were before the date of enactment of this
36 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, 511	15	2003, 2011
1975 Dec. 22.	94-163 .	301 "Sec. 511"	89	915	15	2011
1980 Feb. 18.	96-193 .	305	94	57	49 App.	2125
1982 Sept. 3.	97-248 .	505, 507, 508, 513	96	677, 679, 682, 689.	49 App.	2204, 2206, 2207, 2212
1992 Oct. 24.	102-508	304(c)	106	3308	49	1682(note)
1993 Dec. 8.	103-182	371	107	2127	15	2003
1994 May 26.	103-260	102-107, 109	108	698, 700	49 App.	2204, 2204(note), 2206(note), 2207, 2212
July 5 ...	103-272	4(c)	108	1361

Passed the House of Representatives October 3,
1994.

Attest: DONNALD K. ANDERSON,
Clerk.

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