

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1140

To amend title 49, United States Code, to terminate the Interstate Commerce Commission and establish the United States Transportation Board within the Department of Transportation, and to redistribute necessary functions within the Federal Government, reduce regulation, achieve budgetary savings, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 9 (legislative day, JULY 10), 1995

Mr. EXON (for himself, Mr. HOLLINGS, and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend title 49, United States Code, to terminate the Interstate Commerce Commission and establish the United States Transportation Board within the Department of Transportation, and to redistribute necessary functions within the Federal Government, reduce regulation, achieve budgetary savings, 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.**

4 This Act may be cited as the “Transportation Regu-  
5 latory Streamlining Act of 1995”.

1 **SEC. 2. DECLARATION OF FINDINGS.**

2 The Congress of the United States finds that—

3 (1) safe, sound, and competitive surface trans-  
4 portation industries are vital to maintaining this  
5 country's position as a leader in the emerging global  
6 economy;

7 (2) Federal regulation of the railroad (freight  
8 and passenger), motor (freight, passenger, and  
9 household goods), pipeline (for transportation of  
10 commodities other than oil, water, or gas), domestic  
11 water carrier, and related transportation (broker  
12 and freight forwarder) industries is currently admin-  
13 istered by the Interstate Commerce Commission  
14 under statutes that are outdated and should be re-  
15 vised to reflect the more limited current transpor-  
16 tation regulatory concerns and needs;

17 (3) the Interstate Commerce Commission,  
18 which has served as the regulator of the Nation's  
19 surface transportation systems with distinction for  
20 over 107 years, but change is required.

21 (4) in addition, the existing overlap of federal  
22 licensing responsibilities for the motor carrier indus-  
23 try, between the Department of Transportation and  
24 the Interstate Commerce Commission, has created  
25 uncertainty, duplication, and waste;

1           (5) accordingly, jurisdiction over licensing of  
2 the motor carrier, broker, and freight forwarder in-  
3 dustries should be transferred to the Secretary of  
4 Transportation and should be limited to matters of  
5 safety, insurance coverage, and the continuing fit-  
6 ness of persons to operate in such industries;

7           (6) certain other responsibilities over the motor  
8 carrier industry, including (A) enforcement of the  
9 provisions of the North American Free Trade Agree-  
10 ment (NAFTA) for operations of Mexican carriers in  
11 the United States, and (B) oversight of trucking in-  
12 dustry practices relating to household goods move-  
13 ments, owner-operator leases, lumping laws, and li-  
14 ability for injury, loss, and damage should also be  
15 transferred to the Secretary of Transportation;

16           (7) because active regulation of the domestic  
17 water carrier industry currently is not needed, Fed-  
18 eral responsibility over that industry should be lim-  
19 ited to the retention of residual, preemptive jurisdic-  
20 tion and should also be transferred to the Secretary  
21 of Transportation;

22           (8) jurisdiction over the rail and pipeline carrier  
23 industries should be transferred to a new independ-  
24 ent entity within the Department of Transportation,

1 to be known as the United States Transportation  
2 Board;

3 (9) the United States Transportation Board  
4 should also be assigned to perform the existing adju-  
5 dicatory responsibilities of the Interstate Commerce  
6 Commission relating to (A) arrangements between  
7 the National Railroad Passenger Corporation and  
8 the Nation's freight railroads, (B) certain inter-  
9 modal water-rail or water-motor transportation, (C)  
10 the rates charged by motor carriers and freight for-  
11 warders to individual householders for household  
12 goods moves, (D) collective action by motor carriers  
13 to establish classifications and mileage guides, (E)  
14 pooling by motor carriers, (F) intercarrier disputes  
15 in the intercity bus industry, and (G) undercharge  
16 claims arising out of past motor carrier transpor-  
17 tation;

18 (10) Federal economic regulation of passenger  
19 railroad transportation, other than supervision of ar-  
20 rangements between the National Railroad Pas-  
21 senger Corporation and the Nation's freight rail-  
22 roads, is no longer needed;

23 (11) legislative changes to eliminate unneeded  
24 transportation regulation, terminate the Interstate  
25 Commerce Commission, and achieve the transfer of

1 remaining regulatory functions provided for herein  
2 should be implemented so as to ensure continuity  
3 and with the least amount of disruption to the re-  
4 maining regulatory and adjudicatory functions con-  
5 sistent with achieving the objectives of this Act.

6 **SEC. 3. DEFINITIONS.**

7 As used in this Act—

8 (1) “Board” refers to the United States Trans-  
9 portation Board;

10 (2) “Commission” refers to the Interstate Com-  
11 merce Commission;

12 (3) “Department” refers to the Department of  
13 Transportation;

14 (4) “Freight forwarder” includes both a freight  
15 forwarder of household goods and a freight for-  
16 warder of other property;

17 (5) “Motor carrier” includes a motor carrier of  
18 property, including household goods, and a motor  
19 carrier of passengers; and

20 (6) “Secretary” refers to the Secretary of  
21 Transportation;

22 **SEC. 4. AMENDMENT OF TITLE 49.**

23 Except as otherwise expressly provided, whenever in  
24 this Act an amendment or repeal is expressed in terms  
25 of an amendment to, or repeal of, a section or other provi-

1 sion, the reference shall be considered to be made to a  
 2 section or other provision of title 49 of the United States  
 3 Code.

4 **SEC. 5. PURPOSE.**

5 The purposes of this Act are to enhance competition,  
 6 ensure service, safety, and efficiency in the railroad, motor  
 7 carrier, pipeline, water carrier, and related transportation  
 8 industries, while providing protection to users of these var-  
 9 ious transportation modes where competition is not suffi-  
 10 cient to ensure nondiscriminatory treatment at reasonable  
 11 rates, and to enhance efficiency in government.

12 **SEC. 6. EFFECTIVE DATE.**

13 This Act and the amendments made by this Act take  
 14 effect 120 days after the date of enactment of this Act.

TABLE OF TITLES

Title I—Transfer of Certain Functions to the Secretary of Transportation  
 Title II—Establishment of United States Transportation Board and Transfer of  
 Certain Functions to That Board  
 Title III—Revisions to Subtitle IV of Title 49, United States Code  
 Title IV—Additional Subtitle IV Provisions  
 Title V—Amendments to Other Laws  
 Title VI—Termination of The Interstate Commerce Commission

15 TITLE I—TRANSFER OF CERTAIN FUNCTIONS  
 16 TO THE SECRETARY OF TRANSPORTATION

17 **SEC. 101. TRANSFERS TO THE SECRETARY.**

18 There are transferred from the Interstate Commerce  
 19 Commission to the Secretary—

1           (1) the personnel employed in connection with  
2 those functions transferred to the Secretary by this  
3 Act; and

4           (2) the assets, liabilities, contracts, property,  
5 records, and unexpended balance of appropriations,  
6 authorizations, allocations, and other funds em-  
7 ployed, held, or used in connection with the func-  
8 tions transferred to the Secretary under this Act,  
9 arising from such functions or available, or to be  
10 made available, in connection with such functions.  
11 Unexpended funds transferred pursuant to this sub-  
12 section shall be used only for the purpose for which  
13 the funds were originally appropriated.

14 TITLE II—ESTABLISHMENT OF UNITED  
15 STATES TRANSPORTATION BOARD AND  
16 TRANSFER OF CERTAIN FUNCTIONS TO  
17 THAT BOARD

18 **SEC. 201. ESTABLISHMENT OF THE UNITED STATES TRANS-**  
19 **PORTATION BOARD.**

20           (a) IN GENERAL.—Chapter 1 is amended by adding  
21 at the end thereof the following new section:

22 **“§ 113. United States Transportation Board**

23           “(a) There is hereby established within the Depart-  
24 ment of Transportation a regulatory body, to be known  
25 as the United States Transportation Board. The Board

1 is to be composed of 5 members, appointed by the Presi-  
2 dent by and with the advice and consent of the Senate,  
3 who serve 5-year staggered terms. Not more than 3 mem-  
4 bers may be appointed from the same political party.

5 “(b) For purposes of chapter 9 of title 5, United  
6 States Code, the Board shall be deemed to be an independ-  
7 ent regulatory agency.

8 “(c) For purposes of section 552b of title 5, United  
9 States Code, the Board shall be deemed to be an agency.

10 “(d) In the performance of their functions, the mem-  
11 bers, employees, and other personnel of the Board shall  
12 not be responsible to or subject to the supervision or direc-  
13 tion of any officer, employee, or agent of any other part  
14 of the Department.

15 “(e) Attorneys designated by the Chairman of the  
16 Board may appear for, and represent the Board in, any  
17 civil action brought in connection with any function car-  
18 ried out by the Board pursuant to this Act or as otherwise  
19 authorized by law.

20 “(f) In each annual authorization and appropriation  
21 request under this Act, the Secretary shall identify the  
22 portion thereof intended for the support of the Board and  
23 include a statement by the Board (1) showing the amount  
24 requested by the Board in its budgetary presentation to  
25 the Secretary and the Office of Management and Budget,



1 and (2) an assessment of the budgetary needs of the  
2 Board. Whenever the Board submits to the Secretary, the  
3 President, or the Office of Management and Budget, any  
4 legislative recommendation or testimony, or comments on  
5 legislation, prepared for submission to Congress, the  
6 Board shall concurrently transmit a copy thereof to the  
7 appropriate committees of Congress.”.

8 (b) TRANSITION.—In the event that one or more  
9 Board members required by this Act to be appointed by  
10 and with the advice and consent of the Senate shall not  
11 have entered office upon the effective date of this Act, ex-  
12 isting Interstate Commerce Commissioners shall fill the  
13 vacant Board member positions in order of their existing  
14 terms of office to act as Board members until the positions  
15 are filled as provided in this Act. The rights of any current  
16 Commissioner to remain in office shall be extinguished  
17 upon the date of enactment of this legislation.

18 **SEC. 202. ASSIGNMENT OF RESPONSIBILITIES TO THE**  
19 **BOARD.**

20 (a) The Board shall have jurisdiction and regulatory  
21 responsibility under subtitle IV of title 49, United States  
22 Code, over (1) the rail and pipeline carrier industries, (2)  
23 intermodal water-rail or water-motor joint-rate transpor-  
24 tation in non-contiguous domestic trade, (3) the rates  
25 charged by motor carriers and freight forwarders to indi-

1 vidual householders for household goods moves, (4) collec-  
2 tive action by motor carriers to establish classifications  
3 and mileage guides, (5) pooling by motor carriers, (6)  
4 intercarrier disputes in the intercity bus industry, and (7)  
5 resolution of issues related to rate undercharge and over-  
6 charge claims for motor carrier transportation.

7 (b) The jurisdiction and responsibilities of the Inter-  
8 state Commerce Commission to supervise arrangements  
9 between the National Railroad Passenger Corporation and  
10 the Nation's freight railroads are also transferred to the  
11 Board.

12 (c) The Board shall have jurisdiction over any other  
13 matter which the Secretary may assign to the Board after  
14 public notice and opportunity for comment.

15 **SEC. 203. RIGHT OF SECRETARY.**

16 The Secretary may participate in any proceeding be-  
17 fore the Board. The Secretary shall comply with rules of  
18 procedure or general applicability governing the timing or  
19 intervention or participation in such proceeding or activity  
20 and, upon intervening or participating therein, shall com-  
21 ply with rules of procedure of general applicability govern-  
22 ing the conduct thereof. The participation of the Secretary  
23 in any proceeding or activity shall not affect the obligation  
24 of the Board to assure procedural fairness to all partici-  
25 pants.

1 **SEC. 204. TRANSFERS TO THE BOARD.**

2 There are transferred from the Interstate Commerce  
3 Commission to the Board for appropriate allocation by the  
4 Chairman of the Board—

5 (1) the personnel necessary to perform or sup-  
6 port the functions transferred by this title and the  
7 amendments made thereby; and

8 (2) the assets, liabilities, contracts, property,  
9 records, and unexpended balance of appropriations,  
10 authorizations, allocations, and other funds em-  
11 ployed, held, used, arising from, available or to be  
12 made available, of any office the functions, powers,  
13 and duties of which are transferred to the Board.

14 **SEC. 205. ACCESS TO INFORMATION.**

15 The Secretary, each office of the Department, and  
16 each Federal agency, shall provide to the Board, upon re-  
17 quest, such existing information in the possession of the  
18 Department or other Federal agency as the Board deter-  
19 mines is necessary to carry out its responsibilities under  
20 the Interstate Commerce Act as amended herein.

21 **SEC. 206. STUDY ON THE AUTHORITY TO COLLECT**  
22 **CHARGES.**

23 In addition to other user fees that the Board may  
24 impose, the Board shall complete, within 6 months after  
25 the date of enactment of this Act, a study on the authority  
26 necessary to assess and collect fees and annual charges

1 in any fiscal year in amounts equal to all of the costs in-  
2 curred by the Board in that fiscal year.

3 **SEC. 207. AUTHORITY OF THE CHAIRMAN AND THE BOARD.**

4 (a) Subject to the general policies, decisions, findings,  
5 and determinations of the Board, the Chairman of the  
6 Board is responsible for administering the Board. The  
7 Chairman may delegate the powers granted under this  
8 subsection to an officer, employee, or administrative unit  
9 of the Board. The Chairman shall—

10 (1) appoint and supervise, other than regular  
11 and full time employees in the immediate offices of  
12 another member, the officers and employees of the  
13 Board, including attorneys to provide legal aid and  
14 service to the Board and its members, to represent  
15 the public interest in investigations and proceedings  
16 of the Board, and to represent the Board in any  
17 case in court;

18 (2) appoint the heads of major administrative  
19 units with the approval of the Board;

20 (3) distribute Board business among officers  
21 and employees and administrative units of the  
22 Board;

23 (4) prepare requests for appropriations for the  
24 Board and submit those requests to the Secretary of

1 Transportation and Congress with the prior approval  
2 of the Board; and

3 (5) supervise the expenditure of funds allocated  
4 by the Board for major programs and purposes.

5 (b) The Board shall submit to Congress copies of  
6 budget estimates, requests, and information (including  
7 personnel needs), legislative recommendations, prepared  
8 testimony for congressional hearings, and comments on  
9 legislation at the same time they are sent to the Secretary.  
10 An officer of an agency may not impose conditions on or  
11 impair communications by the Board with Congress, or  
12 a committee or member of Congress, about the informa-  
13 tion.

14 (c) The Chairman shall prepare an annual budget for  
15 the Board, which shall be submitted by the President to  
16 the Congress without revision, together with the Presi-  
17 dent's annual budget for the Board.

18 **SEC. 208. PERSONNEL TRANSITION.**

19 (a) Each transferred employee shall be guaranteed a  
20 position with the same status, tenure, and pay as that held  
21 on the day immediately preceding the transfer. Each such  
22 employee holding a permanent position shall not be invol-  
23 untarily separated or reduced in grade or compensation  
24 for 1 year after the date of transfer, except for cause.

1 (b) If any office or administration within the Depart-  
2 ment of Transportation to which Interstate Commerce  
3 Commission employees are transferred determines, after  
4 the end of the 1-year period beginning on the date the  
5 transfer of functions to such office or administration is  
6 completed, that a reorganization of the combined work  
7 force is required, that reorganization shall be deemed a  
8 “major reorganization” for purposes of affording affected  
9 employees retirement under section 8336(d)(2) or  
10 8414(b)(1)(B) of title 5, United States Code.

11 (c) Transferred employees shall receive notice of their  
12 position assignments no later than 120 days after the ef-  
13 fective date of their transfer.

14 (d) Notwithstanding all other laws and regulations,  
15 the Department of Transportation shall place all Inter-  
16 state Commerce Commission employees separated from  
17 the Commission as a result of this Act on the DOT reem-  
18 ployment priority list (competitive service) or the priority  
19 employment list (excepted service).

20 TITLE III—REVISIONS TO SUBTITLE IV OF  
21 TITLE 49, UNITED STATES CODE

22 SEC. 301. Subtitle IV is amended—

23 (1) by striking “Interstate Commerce Commis-  
24 sion” each place it appears (including chapter and

1 section headings) and inserting “United States  
2 Transportation Board”;

3 (2) by striking “Commission” each place it ap-  
4 pears in reference to the Interstate Commerce Com-  
5 mission (including chapter and section headings)  
6 and inserting “Board”;

7 (3) by striking “Commissioner” each place it  
8 appears in reference to a member of the Interstate  
9 Commerce Commission (including chapter and sec-  
10 tion headings) and inserting “Board member”;

11 (4) by striking “Commissioners” each place it  
12 appears in reference to members of the Interstate  
13 Commerce Commission (including chapter and sec-  
14 tion headings) and inserting “members”;

15 (5) by striking “this subtitle” each place it ap-  
16 pears and inserting “this part”; and

17 (6) by inserting before section 10101 the follow-  
18 ing:

19 “PART A—RAIL AND PIPELINE CARRIERS”.

20 SEC. 302. Section 10101 is amended to read as fol-  
21 lows:

22 **“§ 10101. Transportation policy**

23 “(a) Except where policy has an impact on rail car-  
24 riers, in which case the principles of section 10101a of  
25 this title shall govern, to ensure the development, coordi-

1 nation, and preservation of a transportation system that  
2 meets the transportation needs of the United States, in-  
3 cluding the United States Postal Service and national de-  
4 fense, it is the policy of the United States Government  
5 to provide for the impartial regulation of the modes of  
6 transportation; and in regulating those modes—

7           “(1) to recognize and preserve the inherent ad-  
8 vantage of each mode of transportation;

9           “(2) to promote safe, adequate, economical, and  
10 efficient transportation;

11           “(3) to encourage sound economic conditions in  
12 transportation, including sound economic conditions  
13 among carriers;

14           “(4) to encourage the establishment and main-  
15 tenance of reasonable rates for transportation, with-  
16 out unreasonable discrimination or unfair or de-  
17 structive competitive practices;

18           “(5) to cooperate with each State and the offi-  
19 cials of each State on transportation matters; and

20           “(6) to encourage fair wages and working con-  
21 ditions in the transportation industry.”.

22 SEC. 302A. Section 10101a is amended by adding—

23           “(15) to provide expeditious remedies for traffic  
24 and facilities lacking effective transportation com-  
25 petition.”



1 SEC. 303. Section 10102 is amended by—

2 (1) striking paragraphs (1), (5), (8), (9), (10),  
3 (11), (12), (16), (17), (18), (19), (25), (27), and  
4 (30) through (33);

5 (2) renumbering the remaining paragraphs as  
6 paragraphs (1) through (16), respectively;

7 (3) striking paragraph (3) (as redesignated)  
8 and inserting

9 “(3) ‘carrier’ means a pipeline carrier and a rail  
10 carrier;”;

11 (4) inserting “common carrier” after “railroad”  
12 in paragraph (11) (as redesignated);

13 (5) striking “, fare,” in paragraph (B) (as re-  
14 designated);

15 (6) striking “of passengers or property or  
16 both,” in paragraph (15)(A) (as redesignated) and  
17 inserting “of property;” and

18 (7) striking “passengers and” in paragraph  
19 (15)(B) (as redesignated).

20 SEC. 304. (a) Chapter 101 is amended by striking  
21 section 10103 and inserting the following:

22 **“§10103. Remedies are exclusive**

23 “Except as otherwise provided in this part, the rem-  
24 edies provided under this part are exclusive and preempt

1 the remedies provided under any Federal or State stat-  
2 ute.”.

3 (b) The chapter analysis of chapter 101 is amended  
4 by striking “cumulative” in the item relating to section  
5 10103 and inserting “exclusive”.

6 SEC. 305. Section 10305 is amended by—

7 (1) striking “a division,” in the first sentence  
8 of subsection (a);

9 (2) striking “matter required to be referred to  
10 a joint board under section 10341 of this title, or a”  
11 in the second sentence of subsection (a);

12 (3) striking subsection (b) and redesignating  
13 subsection (c) as subsection (b);

14 (4) striking “A division,” in the first sentence  
15 of subsection (b), as redesignated, and inserting  
16 “An”; and

17 (5) striking “a division,” in the second sentence  
18 of that subsection and inserting “an”.

19 SEC. 306. Section 10306 is amended by—

20 (1) striking the first comma and “a division,”  
21 in subsection (a);

22 (2) striking “a division,” each place it appears  
23 in subsections (b) and (d);

1           (3) striking “by an individual admitted to prac-  
2           tice under section 10308 of this title” in subsection  
3           (b) and inserting “through its representative.”; and  
4           (4) striking subsection (f).

5           SEC. 307. Section 10309 is amended by striking  
6           “Interstate and Foreign Commerce” in subsection (a) and  
7           inserting “Transportation and Infrastructure”.

8           SEC. 308. Section 10310 is amended by striking “rail  
9           carrier” in paragraph (1) of subsection (b) and inserting  
10          “carrier”.

11          SEC. 309. Section 10321 is amended by—

12           (1) striking subsection (b) and inserting the fol-  
13          lowing:

14          “(b) The Board may obtain from carriers providing  
15          transportation and service subject to this part, and from  
16          persons controlling, controlled by, or under common con-  
17          trol with those carriers to the extent that the business of  
18          that person is related to the management of the business  
19          of those carriers, information the Board decides is nec-  
20          essary to carry out this part.”; and

21           (2) striking “a board” in subsection (c)(2) and  
22          inserting “an employee board”.

23          SEC. 310. Section 10326 is amended by striking “or  
24          a division,” in subsection (a).

25          SEC. 311. Section 10327 is amended by—

1 (1) striking “in rail carrier proceedings” in the  
2 heading;

3 (2) striking subsection (a) and inserting the fol-  
4 lowing:

5 “(a) This section applies to all matters before the  
6 United States Transportation Board except that other sec-  
7 tions of this subtitle supersede this section to the extent  
8 that they are inconsistent with the provisions of this sec-  
9 tion related to deadlines.”;

10 (3) striking “A division,” in subsection (b) and  
11 inserting “An”;

12 (4) striking “, or a division designated by the  
13 Commission,” in subsection (c);

14 (5) striking “or that division” in subsection (c);

15 (6) striking “a division,” in subsection (d);

16 (7) striking “or division designated by the Com-  
17 mission” in subsection (e)(1);

18 (8) striking “(g)(2) or” in subsection (e)(2);

19 (9) striking “a division or board” in the first  
20 sentence of subsection (f)(1) and inserting “an em-  
21 ployee board”;

22 (10) striking “a board” in the second sentence  
23 of subsection (f)(1) and inserting “an employee  
24 board”;

1           (11) striking “(1)” in subsection (g), redesignating subparagraphs (A) through (C) in subsection  
2           (g)(1) as paragraphs (1) through (3), and striking  
3           paragraph (2);

4           (12) striking “and an action of a designated division under subsection (c) of this section” in subsection (h); and

5           (13) striking “and an action of a designated division under subsection (c) of this section” in subsection (i).

6           SEC. 312. Section 10328 is amended by striking  
7           “(a)” and by striking subsection (b).

8           SEC. 313. Section 10329 is amended by—

9           (1) striking “(1)” in subsection (a) and by striking paragraph (2) of subsection (a);

10           (2) striking “common” and “subchapter I of” in subsection (a);

11           (3) striking the second sentence in subsection (b);

12           (4) striking “(1)” in subsection (c) and by striking paragraphs (2) and (3);

13           (5) striking “notices of the Commission shall be served as follows: (1) A” in subsection (c) and inserting “a”;

1           (6) striking “, express, sleeping car,” in sub-  
2           section (c);

3           (7) striking subsection (d) and (e) and inserting  
4           the following:

5           “(d) In a proceeding involving the lawfulness of clas-  
6           sifications, rates, or practices of a rail carrier that has  
7           not designated an agent under this section, service of no-  
8           tice of the Board on an attorney in fact who filed the tariff  
9           for the carrier constitutes service of notice on the carrier.

10          “(e) In a proceeding involving the lawfulness of clas-  
11          sifications, rates, or practices, service of notice of the sus-  
12          pension of a tariff on the attorney that filed the tariff,  
13          at the address shown in the tariff, constitutes service of  
14          notice on all carriers that are parties to that tariff.”

15          SEC. 315. Section 10330 is amended by—

16               (1) striking “subchapter I of” in the first sen-  
17               tence of subsection (a);

18               (2) striking subsection (b); and

19               (3) redesignating subsection (c) as subsection  
20               (b).

21          SEC. 315. (a) The following sections are repealed:

22               (1) 10302.

23               (2) 10304.

24               (3) 10308.

25               (4) 10322.

1 (5) 10341 through 10344.

2 (6) 10361 through 10364.

3 (7) 10381 through 10388.

4 (b)(1) The index for subchapter I of chapter 103 is  
5 amended by striking out the items relating to sections  
6 10302, 10303, 10304, 10308, and inserting in lieu thereof  
7 the following:

“10302. Repealed.

“10303. Secretary of the Board; public records.

“10304. Repealed.

“10308. Repealed.”.

8 (2) The index for subchapter II of chapter 103 is  
9 amended by striking out the items relating to sections  
10 10322, 10324, 10327, 10329, and inserting in lieu thereof  
11 the following:

“10322. Repealed.

“10324. Board action.

“10327. Board action and appellate procedure.

“10329. Service of notice in Board proceedings.”.

12 (3) The index for subchapter III of chapter 103 is  
13 amended by striking out the items relating to sections  
14 10341, 10342, 10343, 10344, and inserting in lieu thereof  
15 the following:

“10341. Repealed.

“10342. Repealed.

“10343. Repealed.

“10344. Repealed.”.

16 (4) The index for subchapter IV of chapter 103 is  
17 amended by striking out the items relating to sections  
18 10361, 10362, 10363, 10364, and inserting in lieu thereof  
19 the following:

“10361. Repealed.  
 “10362. Repealed.  
 “10363. Repealed.  
 “10364. Repealed.”.

1           (5) The index for subchapter V of chapter 103 is  
 2 amended by striking out the items relating to sections  
 3 10381, 10382, 10383, 10384, 10385, 10386, 10388, and  
 4 inserting in lieu thereof the following:

“10381. Repealed.  
 “10382. Repealed.  
 “10383. Repealed.  
 “10384. Repealed.  
 “10385. Repealed.  
 “10386. Repealed.  
 “10388. Repealed.”.

5           SEC. 316. Chapter 105 is amended by striking the  
 6 subchapter headings.

7           SEC. 317. Section 10501 is amended by—

8                   (1) striking “Subject to this chapter and other  
 9 law, the” in subsection (a), and inserting “The”;

10                   (2) inserting “of property” after “transpor-  
 11 tation” in subsection (a);

12                   (3) striking “express carrier, sleeping car car-  
 13 rier,” in subsection (a)(1);

14                   (4) striking “passengers or” in subsection  
 15 (b)(1);

16                   (5) striking “subchapter” in subsection (c) and  
 17 inserting “chapter” and by striking “(1) the trans-  
 18 portation is deemed to be subject to the jurisdiction  
 19 of the Commission pursuant to section



1 11501(b)(4)(B) of this title, or (2)” in subsection  
2 (c); and

3 (6) striking “and of State authorities (to the  
4 extent such authorities are authorized to administer  
5 the standards and procedures of this subtitle pursu-  
6 ant to this section and section 11501(b) of this  
7 title)” in subsection (d).

8 SEC. 318. Section 10503 is amended by—

9 (1) striking “passengers or” each place it ap-  
10 pears in subsection (a)(2); and

11 (2) striking “passengers,” in subsection  
12 (a)(2)(B).

13 SEC. 319. Section 10505 is amended by—

14 (1) striking “rail carrier and motor carrier”  
15 from the section heading;

16 (2) striking subsection (a) and inserting the fol-  
17 lowing:

18 “(a) In a matter subject to the jurisdiction of the  
19 United States Transportation Board under this chapter,  
20 the Board shall exempt a person, class of persons, or a  
21 transaction or service from the application of a provision  
22 of this title, when the Board finds that the application  
23 of that provision in whole or in part—

1           “(1) is not necessary to carry out the transpor-  
2           tation policy of section 10101 or section 10101a of  
3           this title; and

4           “(2) either (A) the transaction or service is of  
5           limited scope, or (B) the application of a provision  
6           of this title is not needed to protect shippers from  
7           the abuse of market power.”;

8           (3) striking subsection (d) and inserting the fol-  
9           lowing:

10          “(d) The Board shall revoke an exemption in whole  
11          or in part, to the extent that application of a provision  
12          of this subtitle to the person, class, or transportation is  
13          necessary to carry out the transportation policy of section  
14          10101 or section 10101a of this title. The Board shall con-  
15          clude a proceeding under this subsection within 180 days.  
16          In acting upon a request for revocation, the Board shall  
17          not consider product or geographic competition. If a re-  
18          quest for revocation under this subsection is accompanied  
19          by a complaint seeking monetary damages for a violation  
20          of a provision of the subchapter by a railroad, and the  
21          Board does not render a final decision on such request  
22          within 180 days after the filing of the revocation request  
23          and complaint, then any monetary damages which the  
24          Board may award at the conclusion of the proceeding shall

1 be calculated from the 181st day following the filing of  
2 the revocation request and complaint.”;

3 (4) striking subsection (f) and inserting the fol-  
4 lowing:

5 “(f) The Board may exercise its authority under this  
6 section to exempt transportation that is provided by a car-  
7 rier as a part of a continuous intermodal movement.”; and

8 (5) striking subsection (g) and inserting the fol-  
9 lowing:

10 “(g) The Board may not exercise its authority under  
11 this section to relieve a carrier of its obligation to protect  
12 the interests of employees as required by this part.”.

13 SEC. 320. (a) The following sections are repealed:

14 (1) 10502.

15 (2) 10504.

16 (3) 10521 through 10531.

17 (4) 10541 through 10544.

18 (5) 10561.

19 (b) The index for chapter 105 is amended by striking  
20 the items relating to sections 10502, 10504, 10521  
21 through 10531, 10541 through 10544, and 10561 and in-  
22 serting in lieu thereof the following:

“10502. Repealed.

“10504. Repealed.

“10521. Repealed.

“10522. Repealed.

“10523. Repealed.

“10524. Repealed.

“10525. Repealed.

“10526. Repealed.  
 “10527. Repealed.  
 “10528. Repealed.  
 “10529. Repealed.  
 “10530. Repealed.  
 “10531. Repealed.  
 “10541. Repealed.  
 “10542. Repealed.  
 “10543. Repealed.  
 “10544. Repealed.  
 “10561. Repealed.”.

1        SEC. 321. Section 10701 is amended by—

2            (1) redesignating subsection (c) as subsection  
3            (b);

4            (2) striking “common” in subsection (b) as so  
5            redesignated;

6            (3) striking “Commission under subchapter I or  
7            III of chapter 105” in subsection (b) as so redesignated and inserting “Board under chapter 105”;

8            (4) striking “the jurisdiction of the Commission  
9            under either of those subchapters” in subsection (b)  
10            as so redesignated and inserting “jurisdiction either  
11            under chapter 105 of this part or under part B of  
12            this subtitle”; and  
13            this subtitle”; and

14            (5) striking subsections (d) through (f).

15        SEC. 322. Section 10701a is amended by—

16            (1) striking “subchapter I of” in subsection (a);

17            (2) striking “lesser of the percentages described  
18            in clauses (i) and (ii) of section 10707a(e)(2)(A) of  
19            this title” in subparagraphs (2)(A)(i) and (2)(B)(i)

1 of subsection (b), and inserting “percentage de-  
2 scribed in section 10707a(d)(2)(A)”;

3 (3) adding at the end of subsection (b) the fol-  
4 lowing:

5 “(4) The United States Transportation Board  
6 shall establish simplified and expedited procedures  
7 for the determination of rate reasonableness cases  
8 for small shippers in which a stand-alone case pres-  
9 entation is impractical;” and

10 (4) striking subsection (c).

11 SEC. 323. Section 10702 is amended by—

12 (1) striking “(a) A common” in subsection (a)  
13 and inserting “A”;

14 (2) beginning with “service,” in paragraph (2)  
15 of subsection (a) striking all that follows and insert-  
16 ing “service.”; and

17 (3) striking subsections (b) and (c).

18 SEC. 324. Section 10703 is amended by—

19 (1) striking “, express, sleeping car,” in para-  
20 graph (1) of subsection (a);

21 (2) striking paragraphs (3) and (4) of sub-  
22 section (a); and

23 (3) replacing “Commission under subchapter I,  
24 II (insofar as motor carriers of property are con-

1 cerned), or III of” in subsection (b) with “Board  
2 under”.

3 SEC. 325. Section 10704 is amended by—

4 (1) striking “subchapter I of” and “(including  
5 a maximum or minimum rate, or both)” in the first  
6 sentence of subsection (a)(1);

7 (2) striking “subchapter” in the first sentence  
8 of subsection (a)(2) and inserting “chapter”;

9 (3) striking the third sentence of subsection  
10 (a)(2);

11 (4) striking paragraph (3) of subsection (a) and  
12 redesignating paragraph (4) as (3);

13 (5) striking “within 180 days after the effective  
14 date of the Staggers Rail Act of 1980 and” and  
15 “thereafter” in subsection (a)(3), as redesignated;

16 (6) striking subsections (b), (c), (d) and (e);

17 (7) redesignating subsection (f) as subsection  
18 (b);

19 (8) striking “on its own initiative or” in sub-  
20 section (b) as redesignated; and

21 (9) striking the last sentence of subsection (b),  
22 as redesignated.

23 SEC. 326. Section 10705 is amended by—

24 (1) striking “subchapter I, II (except a motor  
25 common carrier of property), or III of”, and “(in-

1 cluding maximum or minimum rates or both)” and  
2 “common” in paragraph (1) of subsection (a);

3 (2) striking paragraph (3) of subsection (a);

4 (3) striking subsections (b) and (h) and redesi-  
5 gnating subsections (c) through (g) as subsections  
6 (b) through (f);

7 (4) striking “or (b)” and “, water carrier, or  
8 motor common carrier of property” in subsection  
9 (b), as redesignated;

10 (5) striking “tariff” in subsection (d), as redesi-  
11 gnated, and inserting “proposed rate change”;

12 (6) striking “, water common carrier, or motor  
13 common carrier of property” in subsection (d), as  
14 redesignated;

15 (7) striking “or (b)” and “on its own initiative  
16 or” in the first sentence of subsection (e)(1) as re-  
17 designated;

18 (8) striking “if the proceeding is brought on  
19 complaint or within 18 months after the commence-  
20 ment of a proceeding on the initiative of the Com-  
21 mission” in the second sentence of subsection (e)(1),  
22 as redesignated; and

23 (9) striking “subsection (f)” in subsection (f),  
24 as redesignated, and inserting “subsection (e)”.

25 SEC. 327. Section 10706 is amended by—

1           (1) striking “subsection—” and all that follows  
2           in subsection (a)(1) and inserting “subsection, ‘affil-  
3           iate’ means a person controlling, controlled by, or  
4           under common control or ownership with another  
5           person and ‘ownership’ refers to equity holdings in  
6           a business entity of at least 5 percent.”;

7           (2) striking the first sentence of subsection  
8           (a)(2)(A) and inserting “A rail carrier providing  
9           transportation subject to the jurisdiction of the  
10          United States Transportation Board under chapter  
11          105 of this title that is a party to an agreement of  
12          at least 2 rail carriers that relates to classifications  
13          or rules related to car service and car hire, or proce-  
14          dures for joint consideration, initiation, or establish-  
15          ment of them, shall apply to the Board for approval  
16          of that agreement under this subsection.”;

17          (3) striking “or rate” in the first sentence of  
18          subsection (a)(3)(A);

19          (4) striking all of subsection (a)(3)(A) after the  
20          first sentence and inserting “Such an organization  
21          may not permit a rail carrier to discuss, to partici-  
22          pate in agreements related to, or to vote on rates  
23          proposed by another rail carrier.”;

24          (5) striking subsection (a)(3)(B);



1           (6) redesignating paragraphs (3) (C) and (D)  
2 of subsection (a) as paragraphs (3) (B) and (C);

3           (7) striking “consider” in subsection  
4 (a)(3)(B)(ii)(II), as redesignated, and inserting  
5 “considered”;

6           (8) striking “subchapter I of” in subsection  
7 (a)(5)(A);

8           (9) striking “the effective date of the Staggers  
9 Rail Act of 1980” in subsection (a)(5)(C), and in-  
10 sserting “October 1, 1980”;

11           (10) striking subsections (b), (c), and (d) and  
12 redesignating subsections (e) through (g) as sub-  
13 sections (b) through (d);

14           (11) striking the first sentence of subsection  
15 (c), as redesignated, and inserting “The Board may  
16 review an agreement approved under subsection (a)  
17 of this section and shall change the conditions of ap-  
18 proval or terminate it when necessary to comply with  
19 the public interest.”;

20           (12) striking “subsection (a), (b), or (c) of this  
21 section.” in subsection (d), as redesignated and in-  
22 sserting “subsection (a).”; and

23           (13) striking subsections (h) and (i).

24           SEC. 328. Section 10707 is amended by—

1           (1) striking the first sentence of subsection (a)  
2           and inserting “When a new individual or joint rate  
3           or individual or joint classification, rule, or practice  
4           related to a rate is proposed by a rail carrier provid-  
5           ing transportation subject to the jurisdiction of the  
6           United States Transportation Board under chapter  
7           105 of this title, the Board may begin a proceeding,  
8           on complaint of an interested party, to determine  
9           whether the proposed rate, classification, rule, or  
10          practice violates this part.”;

11          (2) striking “days, except that this paragraph  
12          shall not apply to general rate increases under sec-  
13          tion 10706 of this title.” in subsection (d)(2) and in-  
14          serting “days.”; and

15          (3) striking subsection (d)(3) and redesignating  
16          subsection (d)(4) as (d)(3).

17          SEC. 329. Section 10707a is amended by—

18          (1) striking “Commencing with the fourth quar-  
19          ter of 1980, the” in subsection (a)(2)(B) and insert-  
20          ing “The”;

21          (2) striking “subchapter I of chapter 105 of  
22          this title may” in subsection (b)(1) and inserting  
23          “chapter 105 of this title is authorized to”;

1           (3) inserting a period after “involved” in para-  
2 graph (1) of subsection (b) and striking the remain-  
3 der of the paragraph;

4           (4) striking “may not” in subsection (b)(3) and  
5 inserting “is not authorized to”;

6           (5) striking “(A)” and “or (B) inflation based  
7 rate increases under section 10712 of this title appli-  
8 cable to that rate” in subsection (b)(3);

9           (6) striking subsections (c), (d) and (e), redesi-  
10 gnating subsections (f), (g), and (h) as subsections  
11 (d), (e), and (f), and inserting after subsection (b)  
12 the following:

13           “(c) In determining whether a rate is reasonable, the  
14 Board shall consider, among other factors, evidence of the  
15 following:

16           “(1) the amount of traffic which is transported  
17 at revenues which do not contribute to going concern  
18 value and efforts made to minimize such traffic;

19           “(2) the amount of traffic which contributes  
20 only marginally to fixed costs and the extent to  
21 which, if any, rates on such traffic can be changed  
22 to maximize the revenues from such traffic; and

23           “(3) the carrier’s mix of rail traffic to deter-  
24 mine whether one commodity is paying an unreason-  
25 able share of the carrier’s overall revenues.”; and

1           (7) by striking subsection (d), as redesignated,  
2           and inserting the following:

3           “(d)(1) A finding by the Commission that a rate in-  
4           crease exceeds the increase authorized under this section  
5           does not establish a presumption that the rail carrier pro-  
6           posing such rate increase has or does not have market  
7           dominance over the transportation to which the rate  
8           applies.

9           “(2)(A) If a rate increase authorized under this sec-  
10          tion in any year results in a revenue-variable cost percent-  
11          age for the transportation to which the rate applies that  
12          is equal to or greater than 20 percentage points above the  
13          revenue-variable cost percentage applicable under section  
14          10709(d) of this title, the Board may on complaint of an  
15          interested party, begin an investigation proceeding to de-  
16          termine whether the proposed rate increase violates this  
17          subtitle.

18          “(B) In determining whether to investigate or not to  
19          investigate any proposed rate increase that results in a  
20          revenue-variable cost percentage for the transportation to  
21          which the rate applies that is equal to or greater than the  
22          percentage described in subparagraph (A) of this para-  
23          graph (without regard to whether such rate increase is au-  
24          thorized under this section), the Board shall set forth its

1 reasons therefor, giving due consideration to the following  
2 factors:

3 “(i) the amount of traffic which is transported  
4 at revenues which do not contribute to going concern  
5 value and efforts made to minimize such traffic;

6 “(ii) the amount of traffic which contributes  
7 only marginally to fixed costs and the extent to  
8 which, if any, rates on such traffic can be changed  
9 to maximize the revenues from such traffic; and

10 “(iii) the impact of the proposed rate or rate in-  
11 crease on the attainment of the national energy  
12 goals and the rail transportation policy under section  
13 10101a of this title, taking into account the rail-  
14 roads’ role as a primary source of energy transpor-  
15 tation and the need for a sound rail transportation  
16 system in accordance with the revenue adequacy  
17 goals of section 10704 of this title.

18 This subparagraph shall not be construed to change exist-  
19 ing law with regard to the nonreviewability of such deter-  
20 mination.”.

21 SEC. 330. Section 10708 is amended by—

22 (1) striking subsection (a)(1) and inserting the  
23 following:

24 “(a)(1) The United States Transportation Board  
25 may begin a proceeding to determine the lawfulness of a

1 proposed rate, classification, rule, or practice on applica-  
2 tion of an interested party when a new individual or joint  
3 rate or individual or joint classification, rule, or practice  
4 affecting a rate is proposed by a pipeline carrier subject  
5 to the Board’s jurisdiction under chapter 105 of this  
6 part.”;

7 (2) striking “an express, sleeping car, or” in  
8 the third sentence of subsection (b) and inserting  
9 “a”; and

10 (3) striking subsections (d) through (g).

11 SEC. 331. Section 10709 is amended by—

12 (1) adding at the end of subsection (a) the fol-  
13 lowing: “In making a determination under this sec-  
14 tion, the Board shall not consider the existence of  
15 product or geographic competition.”;

16 (2) striking “subchapter I of” in the first sen-  
17 tence of subsection (b); and

18 (3) striking subsection (d) and inserting the  
19 following:

20 “(d) DETERMINATIONS OF RATE CHALLENGES.—

21 “(1) 180 PERCENT SAFE HARBOR.—In making  
22 a determination under this section, the Board shall  
23 find that the rail carrier establishing the challenged  
24 rate does not have market dominance over the trans-  
25 portation to which the rate applies if such rail car-

1       rier proves that the rate charged results in a reve-  
2       nue-variable cost percentage for such transportation  
3       that is less than 180 percent.

4               “(2) METHODOLOGY.—For purposes of deter-  
5       mining the revenue-variable cost percentage for a  
6       particular transportation, variable costs shall be de-  
7       termined by using the carrier’s costs, calculated  
8       using the Uniform Railroad Costing System (or an  
9       alternative cost finding methodology adopted by the  
10      Board in lieu thereof), with use of the current cost  
11      of capital for calculating the return on investment,  
12      and indexed quarterly to account for current wage  
13      and price levels in the region in which the carrier  
14      operates.

15              “(3) BURDEN OF PROOF; REBUTTAL.—A rail  
16      carrier may meet its burden of proof under this sub-  
17      section by so establishing its variable costs, but a  
18      shipper may rebut that showing by evidence of such  
19      type, and in accordance with such burden of proof,  
20      as the Board may prescribe.

21              “(4) NO PRESUMPTIONS CREATED.—A finding  
22      by the Board that a rate charged by a rail carrier  
23      results in a revenue-variable cost percentage for the  
24      transportation to which the rate applies that is equal

1 to or greater than 180 percent does not establish  
2 a presumption that—

3 “(A) such rail carrier has or does not have  
4 market dominance over such transportation, or  
5 “(B) the proposed rate exceeds or does not  
6 exceed a reasonable maximum.”.

7 SEC. 332. Section 10711 is amended by—

8 (1) striking “Sections 10701 (a) and (b),  
9 10707, 10709, 10727, and 10728 of this title,” and  
10 inserting “Sections 10701(a), 10707, and 10709 of  
11 this title,”; and

12 (2) striking “10701(c), 10726,” in paragraph  
13 (1) and inserting “10701(b)”;

14 SEC. 333. Section 10713 is amended by—

15 (1) striking “subchapter I of” in the first sen-  
16 tence of subsection (a);

17 (2) striking subsection (b)(1) and inserting the  
18 following:

19 “(b)(1) A summary of each contract for the transpor-  
20 tation of agricultural commodities and fertilizer entered  
21 into under this section shall be filed with the Board, con-  
22 taining such nonconfidential information as the Board  
23 prescribes. The Board shall publish special rules for such  
24 contracts in order to assure that the essential terms of  
25 the contract are available to the general public. The par-



1 ties to any such contract shall supply a copy of the full  
2 contract to the Board upon request.”;

3 (3) inserting “ and fertilizer” in subsection  
4 (b)(2)(A) after “agricultural commodities”;

5 (4) striking “in tariff format” in subsection  
6 (b)(2)(D);

7 (5) striking subsection (b)(2)(D);

8 (6) striking “other than a contract for the  
9 transportation of agricultural commodities (including  
10 forest products and paper),” in subsection (d)(2)(A)  
11 and inserting “for the transportation of agricultural  
12 commodities and fertilizer,”;

13 (7) striking “the case of a contract for the  
14 transportation of agricultural commodities (including  
15 forest products and paper), in” in subsection  
16 (d)(2)(B);

17 (8) inserting “of agricultural commodities and  
18 fertilizer” after “filed by a shipper” in subsection  
19 (d)(2)(B);

20 (9) striking the last sentence of subsection  
21 (d)(2)(B);

22 (10) striking “A contract that is approved by  
23 the Commission” in subsection (i)(1) and inserting  
24 “If the shipper in writing expressly waives all rights

1 and remedies under this part for the transportation  
2 covered by the contract, a contract”;

3 (11) striking subsections (j), (l), and (m), and  
4 redesignating subsection (k) as subsection (j); and

5 (12) inserting “and fertilizer” after “commod-  
6 ities” in subsection (j), as redesignated.

7 SEC. 334. Section 10730 is amended by—

8 (1) striking subsections (a) and (b);

9 (2) striking “(c)”;

10 (3) striking “rail carrier” and inserting “car-  
11 rier”; and

12 (4) striking “subchapter I of”.

13 SEC. 335. (a) The following sections are repealed:

14 (1) Section 10705a.

15 (2) Section 10710.

16 (3) Section 10712.

17 (4) Sections 10721 through 10726.

18 (5) Section 10728.

19 (6) Sections 10731 through 10735.

20 (b)(1) The index for subchapter I of chapter 107 is  
21 amended by striking the items relating to sections 10704,  
22 10705, 10705a, 10710, and 10712 and inserting in lieu  
23 thereof the following:

“10704. Authority and criteria: rates, classifications, rules, and practices pre-  
scribed by United States Transportation Board;

“10705. Authority: through routes, joint classifications, rates, and divisions pre-  
scribed by United States Transportation Board;

“10705a. Repealed.

“10710. Repealed.  
 “10712. Repealed.”.

1           (2) The index for Subchapter II of chapter 107 is  
 2 amended by striking the items relating to sections 10721  
 3 through 10726, 10728, and 10731 through 10735 and in-  
 4 serting in lieu thereof the following:

“10721. Repealed;  
 “10722. Repealed;  
 “10723. Repealed;  
 “10724. Repealed;  
 “10725. Repealed;  
 “10726. Repealed;  
 “10728. Repealed;  
 “10731. Repealed;  
 “10732. Repealed;  
 “10733. Repealed;  
 “10734. Repealed;  
 “10735. Repealed.”.

5           SEC. 336. Section 10741 is amended by—

6           (1) striking “common” in the heading and  
 7 wherever it appears in the section;

8           (2) striking “subchapter I of” in subsection (a);

9           (3) striking subsection (c) and inserting the fol-  
 10 lowing:

11           “(c) A carrier providing transportation subject to the  
 12 jurisdiction of the Board under chapter 105 of this title  
 13 may not subject a freight forwarder providing service sub-  
 14 ject to jurisdiction under part B of this subtitle to unrea-  
 15 sonable discrimination whether or not the freight for-  
 16 warder is controlled by that carrier.”;

17           (4) striking “subchapter I of” in subsection (e);

1 (5) striking subsection (f)(1) and inserting the  
2 following: “(1) contracts under section 10713 of this  
3 title;”;

4 (6) striking paragraphs (2) and (3) of sub-  
5 section (f) and redesignating paragraphs (4) and (5)  
6 as (2) and (3) respectively; and

7 (7) striking “paragraphs (2), (3), and (4)” in  
8 subsection (f) and inserting “paragraph (2)”.

9 SEC. 337. Section 10742 is amended by—

10 (1) striking “common” wherever it appears;

11 (2) striking “subchapter I or III of” and “pas-  
12 sengers and”; and

13 (3) striking “either of those subchapters.” and  
14 inserting “Part A or B of this subtitle.”.

15 SEC. 338. Section 10744 is amended by—

16 (1) striking “, motor, or water common” in the  
17 first sentence of subsection (a)(1);

18 (2) striking “or express” in the first sentence of  
19 subsection (b);

20 (3) striking paragraph (2) of subsection (c) and  
21 renumbering paragraph (3) as paragraph (2); and

22 (4) striking “or express” in subsection (c)(2),  
23 as redesignated.

24 SEC. 339. Section 10745 is amended by striking  
25 “subchapter I of”.

1 SEC. 340. Section 10747 is amended by—

2 (1) striking the first and second sentences and  
3 inserting the following: “A carrier providing trans-  
4 portation or service subject to the jurisdiction of the  
5 United States Transportation Board under chapter  
6 105 of this title may establish a charge or allowance  
7 for transportation or service for property when the  
8 owner of the property, directly or indirectly, fur-  
9 nishes a service related to or an instrumentality used  
10 in the transportation or service. The Board may pre-  
11 scribe the maximum reasonable charge or allowance  
12 paid for such service or instrumentality furnished.”;  
13 and

14 (2) striking “on its own initiative or” in the  
15 last sentence.

16 SEC. 341. Section 10750 is amended by striking  
17 “subchapter I of”.

18 SEC. 342. (a) Sections 10743, 10746, 10748, 10749,  
19 and 10751 are repealed.

20 (b) The index for Subchapter III of chapter 107 is  
21 amended by striking the items relating to sections 10741,  
22 10743, 10746, 10748, and 10749 and inserting in lieu  
23 thereof the following:

“10741. Prohibitions against discrimination by carriers.

“10743. Repealed.

“10746. Repealed.

“10748. Repealed.

“10749. Repealed.  
“10751. Repealed.”.

1       SEC. 343. Section 10761 is amended to read as fol-  
2 lows:

3       **“§ 10761. Transportation prohibited without tariff**

4       “Except as provided in this subtitle, a carrier provid-  
5 ing transportation of agricultural products or fertilizer  
6 subject to the jurisdiction of the United States Transpor-  
7 tation Board under chapter 105 of this title shall provide  
8 that transportation only if the rate for the transportation  
9 is contained in a tariff that is in effect under this sub-  
10 chapter. A carrier subject to this subsection may not  
11 charge or receive a different compensation for that trans-  
12 portation than the rate specified in the tariff whether by  
13 returning a part of that rate to a person, giving a person  
14 a privilege, allowing the use of a facility that affects the  
15 value of that transportation, or another device.”.

16       SEC. 344. Section 10762 is amended to read as fol-  
17 lows:

18       **“§ 10762. General tariff requirements**

19       “(a)(1) Except as provided in section 10713, a car-  
20 rier providing transportation of agricultural products or  
21 fertilizer subject to the jurisdiction of the United States  
22 Transportation Board under chapter 105 of this title shall  
23 publish and file with the Board tariffs containing the

1 rates, classifications, rules, and practices related to such  
2 rates.

3 “(2) Carriers that publish tariffs under paragraph  
4 (1) of this subsection shall keep them open for public in-  
5 spection.

6 “(b)(1) The United States Transportation Board  
7 shall prescribe the form and manner of publishing, filing,  
8 and keeping tariffs open for public inspection under this  
9 section. The Board may prescribe specific charges to be  
10 identified in a tariff published by a common carrier provid-  
11 ing transportation or service subject to its jurisdiction  
12 under chapter 105, but those tariffs must identify plain-  
13 ly—

14 “(A) the places between which property will be  
15 transported;

16 “(B) privileges given and facilities allowed; and

17 “(C) any rules that change, affect, or determine  
18 any part of the published rate.

19 “(2) A joint tariff filed by a carrier providing trans-  
20 portation subject to the jurisdiction of the Board under  
21 chapter 105 shall identify the carriers that are parties to  
22 it. The carriers that are parties to a joint tariff, other than  
23 the carrier filing it, must file a concurrence or acceptance  
24 of the tariff with the Board but are not required to file

1 a copy of the tariff. The Board may prescribe or approve  
2 what constitutes a concurrence or acceptance.

3 “(c)(1) When a carrier providing transportation or  
4 service subject to the jurisdiction of the Board under chap-  
5 ter 105 of this title proposes to change a rate for transpor-  
6 tation of agricultural products or fertilizer the carrier shall  
7 publish, file, and keep open for public inspection a notice  
8 of the proposed change as required under subsections (a)  
9 and (b) of this section.

10 “(2) A notice filed under this subsection shall plainly  
11 identify the proposed change or new or reduced rate and  
12 indicate its proposed effective date. A proposed rate  
13 change resulting in an increased rate or a new rate shall  
14 not become effective for 20 days after the notice is pub-  
15 lished and a proposed rate change resulting in a reduced  
16 rate shall not become effective for 1 day after the notice  
17 is published, except that a contract authorized under sec-  
18 tion 10713 of this title shall become effective in accord-  
19 ance with the provisions of such section.

20 “(d) The Board may reduce the notice period of sub-  
21 sections (c) of this section if cause exists. The Board may  
22 change the other requirements of this section if cause ex-  
23 ists in particular instances or as they apply to special cir-  
24 cumstances.



1       “(e) The Board may reject a tariff submitted to it  
2 by a common carrier under this section if that tariff vio-  
3 lates this section or regulation of the Board carrying out  
4 this section.”.

5       SEC. 345. Section 10763 is amended by striking  
6 “subchapter I of” in subsection (a)(1).

7       SEC. 345A. Section 10767 is amended by striking  
8 subsection (a) and inserting the following:

9       “(a) REGULATIONS LIMITING REDUCED RATES.—  
10 Not later than 120 days after the date of the enactment  
11 of the Transportation Regulatory Streamlining Act of  
12 1995, the Board shall adopt or issue regulations that pro-  
13 hibit a motor carrier subject to jurisdiction under sub-  
14 chapter II of chapter 105 of this title from providing a  
15 reduction in a rate for the provision of transportation of  
16 property to any person other than—

17               “(1) the person paying the motor carrier di-  
18 rectly for the transportation service according to the  
19 bill of lading, receipt, or contract; or

20               “(2) an agency of the person paying for the  
21 transportation.”.

22       SEC. 346. (a) The following sections are repealed:

23               (1) Sections 10764 through 10767.

24               (2) Sections 10781 through 10786.

1 (b)(1) The index for Subchapter IV of chapter 107  
2 is amended by striking the items relating to sections  
3 10763, 10764, 10766, and 10767 and inserting the follow-  
4 ing:

“10763. Designation of certain routes by shippers or United States Transportation Board.

“10764. Repealed.

“10765. Repealed.

“10766. Repealed.

“10767. Repealed.”.

5 (2) The index for Subchapter V of chapter 107 is  
6 amended by striking the items relating to sections 10781  
7 through 10786 and inserting the following:

“10781. Repealed.

“10782. Repealed.

“10783. Repealed.

“10784. Repealed.

“10785. Repealed.

“10786. Repealed.”.

8 SEC. 347. Section 10901 is amended by striking  
9 “subchapter I of” in subsection (a).

10 SEC. 348. Section 10902 is amended by striking  
11 “subchapter I of” in the first sentence.

12 SEC. 349. Section 10903 is amended by striking  
13 “subchapter I of” in subsection (a).

14 SEC. 350. Section 10904 is amended by—

15 (1) striking “subchapter I of” in subsection  
16 (a)(2);

17 (2) striking subsection (d)(2);

18 (3) striking “(1)” in subsection (d); and

1           (4) striking “the application was approved by  
2           the Secretary of Transportation as part of a plan or  
3           proposal under section 333(a)-(d) of this title, or” in  
4           subsection (e)(3)(B).

5           SEC. 351. Section 10907 is amended by striking  
6 “subchapter I of” in subsection (a).

7           SEC. 352. Section 10910 is amended by—

8           (1) striking paragraph (2) of subsection (a) and  
9           inserting the following:

10           “(2) ‘railroad line’ means any line of railroad.”;

11           (2) striking “the effective date of the Staggers  
12           Rail Act of 1980” in subsection (g)(2), and inserting  
13           “October 1, 1980,”; and

14           (3) striking subsection (k) and inserting the fol-  
15           lowing:

16           “(k) The Board shall maintain such regulations and  
17           procedures as may be necessary to carry out the provisions  
18           of this section.”.

19           SEC. 353. (a) The following sections are repealed:

20           (1) Sections 10908 and 10909.

21           (2) Sections 10921 through 10936.

22           (b) The index for chapter 109 is amended by striking  
23           out the items relating to sections 10908, 10909, and  
24           10921 through 10936 and inserting the following:

“10908. Repealed.

“10909. Repealed.

“10921. Repealed.

“10922. Repealed.  
 “10923. Repealed.  
 “10924. Repealed.  
 “10925. Repealed.  
 “10926. Repealed.  
 “10927. Repealed.  
 “10928. Repealed.  
 “10929. Repealed.  
 “10930. Repealed.  
 “10931. Repealed.  
 “10932. Repealed.  
 “10933. Repealed.  
 “10934. Repealed.  
 “10935. Repealed.  
 “10936. Repealed.”.

1 (c) Chapter 109 is amended by striking the Sub-  
 2 chapter I and Subchapter II headings.

3 SEC. 354. Section 11101 is amended to read as fol-  
 4 lows:

5 **“§ 11101. Providing transportation, service, and rates**

6 “(a) A carrier providing transportation or service  
 7 subject to the jurisdiction of the Board under chapter 105  
 8 of this title shall provide the transportation or service on  
 9 reasonable request.

10 “(b) A rail carrier providing transportation service  
 11 subject to the jurisdiction of the Board under chapter 105  
 12 of this title shall provide, on reasonable written request,  
 13 common carrier rates and other common carrier service  
 14 terms. The response by a rail carrier to a request for such  
 15 rates or other service terms shall be in writing and for-  
 16 warded to the requesting person no later than 30 days  
 17 after receipt of the request. A rail carrier shall not refuse  
 18 to respond to a request under this subsection on grounds

1 that the movement at issue is subject at the time a request  
2 is made to a contract entered into under section 10713  
3 of this title.

4 “(c) Common carrier rates and service terms pro-  
5 vided pursuant to subsection (b) of this section shall be  
6 subject to the provisions of this title.

7 “(d) A rail carrier may not increase any common car-  
8 rier rates, or change any common carrier service terms,  
9 provided pursuant to subsection (b) unless at least 20  
10 days’ written notice is first provided to the person that  
11 made the request for the issue rate or service. Any such  
12 increases of changes shall be subject to provisions of this  
13 subtitle.”.

14 SEC. 354A. Section 11102 is amended to read as fol-  
15 lows:

16 **“§ 11102. Common carriage**

17 “(a) Except as otherwise expressly provided, when-  
18 ever used in chapter 105 of this title, the term ‘carrier’  
19 means ‘common carrier’.

20 “(b) For purposes of chapter 105 of this title, a com-  
21 mon carrier shall be considered to have the ability to enter  
22 into contract service, but shall be deemed to be a common  
23 carrier for purposes of common carrier obligations.”.

24 SEC. 355. Section 11103 is amended by striking  
25 “subchapter I of” in subsection (a).

1 SEC. 356. Section 11104 is amended by striking  
2 “subchapter I of” in subsection (a).

3 SEC. 357. (a) The following sections are repealed:

4 (1) Sections 11105.

5 (2) Sections 11106 through 11111.

6 (b) The index for subchapter I of chapter 111 is  
7 amended by striking out the items relating to section  
8 11102 and the items relating to sections 11106 through  
9 11111 and inserting the following:

“11106. Repealed.  
“11107. Repealed.  
“11108. Repealed.  
“11109. Repealed.  
“11110. Repealed.  
“11111. Repealed.”.

10 SEC. 358. Section 11121 is amended by—

11 (1) striking “subchapter I of” in subsection  
12 (a)(1);

13 (2) striking subsection (a)(2) and inserting the  
14 following:

15 “(2) The Board may require a rail carrier to  
16 file its car service rules with the Board.”;

17 (3) striking “, 11127,” in subsection (b); and

18 (4) adding at the end the following:

19 “(c) The Board shall consult, as it deems necessary,  
20 with the grain car council on matters within the charter  
21 of that body.”.

1 SEC. 359. Section 11124 is amended by striking  
2 “subchapter I of” in subsection (a).

3 SEC. 360. Section 11125 is amended by striking  
4 “subchapter I of” in subsection (a).

5 SEC. 361. (a) Sections 11126 and 11127 are re-  
6 pealed.

7 (b) The index for subchapter II of chapter 111 is  
8 amended by striking out the item relating to section  
9 11127, and inserting the following:

“11126. Repealed.”.

“11127. Repealed.

10 SEC. 362. Section 11128 is amended by—

11 (1) striking “sections 11123(a)(4) and  
12 11127(a)(1)(C)” and inserting “section 11123(a)”  
13 in subsection (a)(1); and

14 (2) striking “subchapter I of” in subsection  
15 (a)(2).

16 SEC. 363. Section 11141 is amended to read as fol-  
17 lows:

18 **“§ 11141. Definitions**

19 “In this subchapter—

20 “(1) ‘carrier’ and ‘lessor’ include a receiver or  
21 trustee of a carrier and lessor respectively.

22 “(2) ‘lessor’ means a person owning a railroad  
23 or a pipeline that is leased to and operated by a car-  
24 rier providing transportation subject to the jurisdic-

1 tion of the United States Transportation Board  
2 under chapter 105 of this title.

3 “(3) ‘association’ means an organization main-  
4 tained by or in the interest of a group of carriers  
5 providing transportation or service subject to the ju-  
6 risdiction of the United States Transportation Board  
7 that performs a service, or engages in activities, re-  
8 lated to transportation under this part.”.

9 SEC. 364. Section 11143 is amended by—

10 (1) striking “subchapter I or III of”; and

11 (2) striking “and may, for a class of carriers  
12 providing transportation subject to its jurisdiction  
13 under subchapter II of that chapter,”.

14 SEC. 365. Section 11144 is amended by—

15 (1) striking “, brokers,” in subsection (a)(1);

16 (2) striking “or express” and “subchapter I of”  
17 in subsection (a)(2);

18 (3) striking “, broker,” in subsection (b)(1);

19 (4) striking “broker,” in subsection (b)(2)(A);

20 (5) striking “or express” in subsection  
21 (b)(2)(C);

22 (6) redesignating subsection (d) as subsection  
23 (c); and

24 (7) striking “brokers,” in subsection (c), as re-  
25 designated.



1 SEC. 366. Section 11145 is amended by—

2 (1) striking “brokers,” in subsection (a)(1);

3 (2) striking “or express,” in subsection (a)(2);

4 (3) striking “broker,” in the first sentence of  
5 subsection (b)(1);

6 (4) striking the second sentence of subsection  
7 (b)(1); and

8 (5) striking subsection (c).

9 SEC. 367. (a) Section 11142 is repealed.

10 (b) The index for subchapter III of chapter 111 is  
11 amended by striking out the items relating to section  
12 11142 and inserting the following:

“11142. Repealed.”.

13 SEC. 368. Section 11166 is amended by—

14 (1) striking “subchapter I of” in the first sen-  
15 tence of subsection (a);

16 (2) striking the third sentence of subsection (a);  
17 and

18 (3) striking “the cost accounting principles es-  
19 tablished by the Board or under generally accepted  
20 accounting principles or the requirements of the Se-  
21 curities and Exchange Commission” in subsection  
22 (b) and inserting “the appropriate cost accounting  
23 principles”.

24 SEC. 369. (a) The following sections are repealed:

25 (1) Sections 11161 through 11164.

1           (2) Sections 11167 and 11168.

2           (b) The index for subchapter IV of chapter 111 is  
3 amended by striking out the items relating to sections  
4 11161, 11162, 11163, 11164, 11167 and 11168 and in-  
5 serting in lieu thereof the following:

“11161. Repealed.  
“11162. Repealed.  
“11163. Repealed.  
“11164. Repealed.  
“11167. Repealed.  
“11168. Repealed.”.

6           SEC. 370. (a) Sections 11301 and 11304 are re-  
7 pealed.

8           (b) The index for subchapter I of chapter 113 is  
9 amended by striking out the title and the items relating  
10 to sections 11301, 11304, and inserting the following:

“SUBCHAPTER I— SECURITY INTERESTS

“11301. Repealed.  
“11304. Repealed”.

11           SEC. 371. Section 11303 is amended by adding:

12           “(c) The Board shall collect, maintain and keep open  
13 for public inspection a railway equipment register consist-  
14 ent with the manner and format maintained at the time  
15 of enactment of this Act.”.

16           SEC. 372. (a) Sections 11321 and 11323 are re-  
17 pealed.

18           (b) The index for subchapter II of chapter 113 is  
19 amended by striking out the items relating to sections  
20 11321 and 11323 and inserting the following:

“11321. Repealed.  
“11323. Repealed.”.

1       SEC. 373. (a) Section 11322 is repealed.

2       (b) The index for subchapter II of chapter 113 is  
3 amended by striking out the item relating to section  
4 11322, and inserting the following:

“11322. Repealed.”.

5       SEC. 373. Section 11322 is amended by—

6           (1) redesignating subsections (a) and (b) as  
7 subsections (b) and (c), respectively;

8           (2) inserting before subsection (b), as redesignated, the following:

10       “(a) In this section ‘carrier’ means a rail carrier providing transportation subject to the jurisdiction of the  
11 United States Transportation Board under chapter 105  
12 of this title (except a street, suburban, or interurban electric railway not operated as a part of a general railroad  
13 system of transportation), and a corporation organized to  
14 provide transportation by rail carrier subject to that chapter.”;

18           (3) striking “as defined in section 11301(a)(1)  
19 of this title” in subsection (b) as redesignated; and

20           (4) striking “subsection (a)” and inserting  
21 “subsection (b)” in subsection (c), as redesignated.

22       SEC. 374. Section 11342 is amended by—

1 (1) striking “subchapter I, II, or III of” in the  
2 first sentence of subsection (a);

3 (2) striking “Except as provided in subsection  
4 (b) for agreements or combinations between or  
5 among motor common carriers of property, the” in  
6 the second sentence of subsection (a) and inserting  
7 “The”; and

8 (3) striking subsections (b) and (d) and redesignig-  
9 nating subsections (c) and (e) as subsections (b) and  
10 (c), respectively.

11 SEC. 375. Section 11343 is amended by—

12 (1) inserting “(except a pipeline carrier)” after  
13 “involving carriers” in subsection (a);

14 (2) striking “subchapter I (except a pipeline  
15 carrier), II, or III of” in subsection (a);

16 (3) striking paragraph (1) of subsection (d) and  
17 striking “(2)” in paragraph (2); and

18 (4) striking subsection (e).

19 SEC. 376. Section 11344 is amended by—

20 (1) striking the third sentence in subsection (a);

21 (2) striking “subchapter I of that chapter” in  
22 the last sentence of subsection (a) and inserting  
23 “chapter 105”;

1 (3) striking paragraph (2) of subsection (b) and  
2 striking “(1)” in the first paragraph of subsection  
3 (b);

4 (4) striking the fourth sentence of subsection  
5 (c);

6 (5) striking the last two sentences of subsection  
7 (d); and

8 (6) striking subsection (e).

9 SEC. 377. Section 11345 is amended by—

10 (1) striking “subchapter I of” in the first sen-  
11 tence of subsection (a);

12 (2) striking “45” in the first sentence of sub-  
13 section (b)(1) and inserting “30”;

14 (3) striking “90th” in subsection (b)(2) and in-  
15 serting “60th”;

16 (4) striking “24th” in the first sentence of sub-  
17 section (b)(3) and inserting “8th”;

18 (5) striking “180th” in the second sentence of  
19 subsection (b)(3) and inserting “90th”;

20 (6) inserting “, including comments by the Sec-  
21 retary of Transportation and the Attorney General,”  
22 before “may be filed” in the first sentence of sub-  
23 section (c)(1);

24 (7) striking the last two sentences of subsection  
25 (c)(1);

1 (8) striking “180th” in the first sentence of  
2 subsection (c)(3) and inserting “125th”;

3 (9) striking “90th” in the second sentence of  
4 subsection (c)(3) and inserting “40th”;

5 (10) inserting “, including comments by the  
6 Secretary of Transportation and the Attorney Gen-  
7 eral,” before “may be filed” in the first sentence of  
8 subsection (d)(1);

9 (11) striking the last two sentences of sub-  
10 section (d)(1); and

11 (12) striking “45th” in the second sentence of  
12 subsection (d)(2) and inserting “40th”.

13 SEC. 378. Section 11347 is amended by striking “or  
14 section 11346” in the first sentence.

15 SEC. 379. Section 11348 is amended by—

16 (1) striking “(a)” in subsection (a);

17 (2) striking subsection (b); and

18 (3) striking all after the colon and inserting  
19 “sections 504(f) and 10764, subchapter III of chap-  
20 ter 111, and sections 11901(e) and 11909.”.

21 SEC. 380. (a) The following sections are repealed:

22 (1) Sections 11345a and 11346.

23 (2) Sections 11349 and 11350.

24 (3) Sections 11361 through 11367.

1 (b)(1) The index for subchapter III of chapter 113  
2 is amended by striking out the items relating to sections  
3 11345a, 11346, 11349, and 11350 and inserting the fol-  
4 lowing:

“11345a. Repealed.  
“11346. Repealed.  
“11349. Repealed.  
“11350. Repealed.”.

5 (2) The index for subchapter IV of chapter 113 is  
6 amended by striking out the items relating to sections  
7 11361, 11362, 11363, 11364, 11365, 11366 and 11367  
8 and inserting the following:

“11361. Repealed.  
“11362. Repealed.  
“11363. Repealed.  
“11364. Repealed.  
“11365. Repealed.  
“11366. Repealed.  
“11367. Repealed.”.

9 SEC. 381. Section 11501 is amended by—

10 (1) striking subsections (a), (e), (g) and (h) and  
11 redesignating subsections (b), (c), (d), and (f) as  
12 subsections (a), (b), (c) and (d), respectively;

13 (2) striking paragraphs (2) through (6) of sub-  
14 section (a), as redesignated;

15 (3) striking “(1)” and “subchapter I of” in  
16 subsection (a), as redesignated;

17 (4) striking “subchapter I of” in subsection (b),  
18 as redesignated;

19 (5) striking “subchapter I of” in subsection  
20 (c)(1), as redesignated;

1           (6) striking “subsection (a) of this section and”  
2           in subsection (c)(2), as redesignated; and

3           (7) striking the first sentence of subsection (d),  
4           as redesignated, and inserting the following: “The  
5           Board may take action under this section only after  
6           a full hearing.”.

7           SEC. 382. Section 11503 is amended by—

8           (1) striking “subchapter I of” in subsection  
9           (a)(3); and

10          (2) striking “subchapter I of” in subsection  
11          (b)(4).

12          SEC. 383. Section 11504 is amended by—

13          (1) striking “subchapter I of” in subsection (a);

14          (2) striking subsections (b) and (c) and redesignating  
15          subsection (d) as subsection (b); and

16          (3) striking “, motor, and motor private” and  
17          “subsection (a) or (b) of” from subsection (b), as re-  
18          designated.

19          SEC. 384. (a) The following sections are repealed:

20                 (1) Section 11502.

21                 (2) Section 11503a.

22                 (3) Section 11505 through 11507.

23          (b) The index for chapter 115 is amended by striking  
24          out the items relating to sections 11502, 11503a, 11506,  
25          and 11507 and inserting the following:

“11502. Repealed.



“11503a. Repealed.  
 “11505. Repealed.  
 “11506. Repealed.  
 “11507. Repealed.”.

1       SEC. 385. Section 11701 is amended by—

2           (1) striking “, broker or freight forwarder” in  
 3       the second and fourth sentences of subsection (a);

4           (2) striking the third sentence of subsection (a);

5           (3) striking the first 2 sentences of subsection  
 6       (b) and inserting the following: “A person, including  
 7       a governmental authority, may file with the Board  
 8       a complaint about a violation of this part by a car-  
 9       rier providing transportation or service subject to  
 10       the jurisdiction of the Board under this part. The  
 11       complaint must state the facts that are the subject  
 12       of the violation.”; and

13          (4) striking “subchapter I of” in the last sen-  
 14       tence of subsection (b).

15       SEC. 386. Section 11702 is amended by—

16          (1) striking “(a)” in subsection (a);

17          (2) striking paragraphs (4) through (6) of sub-  
 18       section (a);

19          (3) striking “or 10933” in paragraph (1);

20          (4) striking paragraph (2) and inserting the fol-  
 21       lowing:

1           “(2) to enforce subchapter III of chapter 113  
2 of this title and to compel compliance with an order  
3 of the Board under that subchapter; and”;

4           (5) striking “subchapter I of” in paragraph (3);

5           (6) striking the semicolon at the end of para-  
6 graph (3) and inserting a period; and

7           (7) striking subsection (b).

8       SEC. 387. Section 11703 is amended by striking “or  
9 permit” wherever it appears in subsection (a).

10       SEC. 388. Section 11705 is amended by—

11           (1) striking “or a freight forwarder” in sub-  
12 section (a);

13           (2) striking subsection (b)(1) and inserting the  
14 following:

15       “(b)(1) A carrier providing transportation or service  
16 subject to the jurisdiction of the Board under chapter 105  
17 of this title is liable to a person for amounts charged that  
18 exceed the applicable rate for transportation or service.”;

19           (3) striking “common” and “subchapter I or  
20 III of” in subsection (b)(2);

21           (4) striking subsection (b)(3);

22           (5) striking “subchapter I or III of” in the first  
23 sentence of subsection (c)(1);

24           (6) striking the second sentence of subsection  
25 (c)(1);

1           (7) striking “subchapter I or III of” in the sec-  
2           ond sentence of subsection (c)(2);

3           (8) striking “subchapter I or III of” in the first  
4           sentence of subsection (d)(1); and

5           (9) striking “, or (D) if a water carrier, in  
6           which a port of call on a route operated by that car-  
7           rier is located” and inserting “or” before “(C)” in  
8           the fourth sentence of subsection (d)(1).

9           SEC. 389. Section 11706 is amended by—

10           (1) striking subsection (a) and inserting the fol-  
11           lowing:

12           “(a) A carrier providing transportation or service  
13           subject to the jurisdiction of the United States Transpor-  
14           tation Board under chapter 105 of this title must begin  
15           a civil action to recover charges for the transportation or  
16           service provided by the carrier within 3 years after the  
17           claim accrues.”;

18           (2) striking the first sentence of subsection (b)  
19           and inserting “A person must begin a civil action to  
20           recover overcharges under section 11705(b)(1) of  
21           this title within 3 years after the claim accrues.”;

22           (3) striking “subchapter I or III of” in the last  
23           sentence of subsection (b);

24           (4) striking “(1)” in subsection (c);

25           (5) striking paragraph (2) of subsection (c);

1           (6) striking “that limitations periods” in the  
2 first sentence of subsection (d) and inserting “those  
3 limitation periods”; and

4           (7) striking “(c)(1)” in the second sentence of  
5 subsection (d) and inserting “(c)”.

6 SEC. 390. Section 11707 is amended by—

7           (1) striking “common” in the section heading  
8 and wherever it appears in the section;

9           (2) striking “(a)(1)” in subsection (a) and in-  
10 sserting “(a)”;

11           (3) striking paragraph (2) of subsection (a);

12           (4) striking “subchapter I, II, or IV of” and  
13 “and a freight forwarder” in the first sentence of  
14 subsection (a), as amended;

15           (5) striking “or freight forwarder” in the sec-  
16 ond sentence of subsection (a), as amended;

17           (6) striking “subchapter I, II, or IV” in the  
18 second sentence of subsection (a), as amended, and  
19 inserting “chapter 105 or subject to jurisdiction  
20 under part B of this subtitle”;

21           (7) striking “, except in the case of a freight  
22 forwarder,” in the third sentence of subsection (a),  
23 as amended;

24           (8) striking “diverted under a tariff filed under  
25 subchapter IV of chapter 107 of this title.” in the

1 third sentence of subsection (a), as amended, and in-  
2 serting “diverted.”;

3 (9) striking “or freight forwarder” in the last  
4 sentence of subsection (a);

5 (10) striking “and freight forwarder” in sub-  
6 section (c)(1), and striking “contract, rule, or tariff  
7 filed with the Commission” and inserting “or rule”;

8 (11) striking paragraph (3) of subsection (c)  
9 and redesignating paragraph (4) as paragraph (3);

10 (12) striking “or freight forwarder” wherever it  
11 appears in subsection (e);

12 (13) striking “or freight forwarder’s” in sub-  
13 section (e)(2); and

14 (14) adding at the end thereof the following:

15 “(f) Within 1 year after the date of enactment of the  
16 Transportation Regulatory Streamlining Act of 1995, the  
17 Secretary shall deliver to the appropriate Congressional  
18 committees a report on the benefits of revising or modify-  
19 ing the terms or applicability of the Carmack Amendment,  
20 together with any proposed legislation making those revi-  
21 sions or modifications, if any.”.

22 SEC. 391. Section 11710 is amended by striking  
23 “subchapter I of” in subsection (a)(1).

24 SEC. 392. (a) The following sections are repealed:

25 (1) Section 11704.

1 (2) Sections 11708 and 11709.

2 (3) Sections 11711 and 11712.

3 (b) The index for chapter 117 is amended by striking  
4 out the items relating to sections 11704, 11707, 11708,  
5 11709, 11711, and 11712, and inserting in lieu thereof  
6 the following:

“11704. Repealed.

“11707. Liability of Carriers under receipts and bills of lading.

“11708. Repealed.

“11709. Repealed.

“11711. Repealed.

“11712. Repealed.

7 SEC. 393. Section 11901 is amended by:

8 (1) striking “subchapter I of” in subsection (a)  
9 and subsection (b);

10 (2) striking subsection (c) and subsections (g)  
11 through (l), and redesignating subsections (d)  
12 through (f) as (c) through (e), respectively, and sub-  
13 section (m) as (f);

14 (3) striking “11127” in subsection (d), as re-  
15 designated;

16 (4) striking “(1)” in subsection (d), as redesign-  
17 ated, and striking paragraph (2) of that subsection;

18 (5) striking “subchapter I of” each place it ap-  
19 pears in subsection (e), as redesignated;

20 (6) striking “(1)” in subsection (f), as redesign-  
21 ated, and striking paragraph (2) of that subsection;

22 and

1           (7) striking “subsection (a)–(f)” in subsection  
2           (f), as redesignated, and inserting “subsections (a)  
3           through (e)”.

4           SEC. 394. Section 11902 is amended by striking  
5           “contained in a tariff filed with the Commission under  
6           subchapter IV of chapter 107 of this title”.

7           SEC. 395. Section 11903 is amended by striking  
8           “under chapter 107 of this title” in subsection (a).

9           SEC. 396. Section 11904 is amended by—

10           (1) striking subsections (b) through (d);

11           (2) striking “(a)(1)” in subsection (a) and in-  
12           serting “(a)”;

13           (3) redesignating paragraphs (2) and (3) of  
14           subsection (a) as subsections (b) and (c), respec-  
15           tively;

16           (4) striking “(A)” and “(B)” in subsection (b),  
17           as redesignated, and inserting “(1)” and “(2)”, re-  
18           spectively;

19           (5) striking “subchapter I of” and “under  
20           chapter 107 of this title” in subsections (b) and (c),  
21           as redesignated; and

22           (6) striking “common” in subsection (c), as re-  
23           designated.

24           SEC. 397. Section 11907 is amended by striking  
25           “subchapter I of” in subsections (a) and (b).

1 SEC. 398. Section 11909 is amended by—

2 (1) striking subsections (b) through (d);

3 (2) striking “subchapter I of” in subsection (a);

4 and

5 (3) striking “(a)” in subsection (a).

6 SEC. 399. Section 11910 is amended by—

7 (1) striking paragraphs (2) through (4) of sub-  
8 section (a);

9 (2) striking “(a)(1)” in subsection (a) and in-  
10 sserting “(a)”;

11 (3) striking “(A)” and “(B)” in subsection (a)  
12 and inserting “(1)” and “(2)”, respectively;

13 (4) striking “common” in subsection (a);

14 (5) striking “subchapter I of” in subsections  
15 (a) and (d); and

16 (6) striking “or broker” in subsection (b).

17 SEC. 399A. Section 11912 is amended by striking out  
18 “11346,”.

19 SEC. 399B. Section 11914 is amended by—

20 (1) striking subsections (b) through (d);

21 (2) striking “(a)” in subsection (a);

22 (3) striking “subchapter I of” in the first sen-  
23 tence; and

24 (4) striking “11321(a) or” in the last sentence.

25 SEC. 399C. (a) The following sections are repealed:



- 1 (1) Section 11902a.
- 2 (2) Sections 11905 and 11906.
- 3 (3) Section 11908.
- 4 (4) Section 11911.
- 5 (5) Section 11913a.
- 6 (6) Section 11917.

7 (b) The index for chapter 119 is amended by striking  
8 out the items relating to sections 11902a, 11905, 11906,  
9 11908, 11911, 11913a, 11916, and 11917 and inserting  
10 in lieu thereof the following:

“11902a. Repealed.  
“11905. Repealed.  
“11906. Repealed.  
“11908. Repealed.  
“11911. Repealed.  
“11913a. Repealed.  
“11917. Repealed.”

11 SEC. 399D. Section 22101 is amended by striking  
12 “subchapter I of” in the first sentence of subsection (a);  
13 and

14 SEC. 399E. Section 24301 is amended by striking  
15 “subchapter I of” in subsection (c)(2)(B) and (d).

16 SEC. 399F. Section 31144 is amended by—

- 17 (1) striking “In cooperation with the Interstate  
18 Commerce Commission, the” in the first sentence of  
19 subsection (a) and inserting “The”;
- 20 (2) by striking “sections 10922 and 10923” in  
21 that sentence and inserting “section 13902”;

1 (3) striking “and the Commission” in sub-  
2 section (a)(1)(C); and

3 (4) striking subsection (b) and inserting the fol-  
4 lowing:

5 “(b) FINDINGS AND ACTION ON REGISTRATIONS.—

6 The Secretary shall—

7 “(1) find a registrant as a motor carrier unfit  
8 if the registrant does not meet the safety fitness re-  
9 quirements established under subsection (a) of this  
10 section; and

11 “(2) withhold registration.”.

12 TITLE IV—ADDITIONAL SUBTITLE IV

13 PROVISIONS

14 Subtitle A—Motor Carrier, Water Carrier, Broker, and  
15 Freight Forwarder Provisions

16 SEC. 401. Subtitle IV is amended by inserting after  
17 chapter 119 the following:

“PART B—MOTOR CARRIERS, WATER CARRIERS, BROKERS, AND  
FREIGHT FORWARDERS

“Chapter	Sec.
“131. General provisions .....	13101
“133. Administrative provisions .....	13301
“135. Jurisdiction .....	13501
“137. Rates .....	13701
“139. Registration .....	13901
“141. Operations of carriers .....	14101
“143. Finance .....	14301
“145. Federal-State relations .....	14501
“147. Enforcement; investigations; rights; remedies .....	14701
“149. Civil and criminal penalties .....	14901

1           **“CHAPTER 131—GENERAL PROVISIONS**

2           **“§ 13101. Transportation policy**

3           “(a) Except where policy has an impact on rail car-  
4 riers, in which case the principles of section 10101a of  
5 this title shall govern, to ensure the development, coordi-  
6 nation, and preservation of a transportation system that  
7 meets the transportation needs of the United States, in-  
8 cluding the United States Postal Service and national de-  
9 fense, it is the policy of the United States Government  
10 to provide for the impartial regulation of the modes of  
11 transportation, and—

12                   “(1) in regulating those modes—

13                           “(A) to recognize and preserve the inher-  
14 ent advantage of each mode of transportation;

15                           “(B) to promote safe, adequate, economi-  
16 cal, and efficient transportation;

17                           “(C) to encourage sound economic condi-  
18 tions in transportation, including sound eco-  
19 nomic conditions among carriers;

20                           “(D) to encourage the establishment and  
21 maintenance of reasonable rates for transpor-  
22 tation, without unreasonable discrimination or  
23 unfair or destructive competitive practices;

24                           “(E) to cooperate with each State and the  
25 officials of each State on transportation mat-  
26 ters; and

1           “(F) to encourage fair wages and working  
2           conditions in the transportation industry;

3           “(2) in regulating transportation by motor car-  
4           rier, to promote competitive and efficient transpor-  
5           tation services in order to (A) encourage fair com-  
6           petition, and reasonable rates for transportation by  
7           motor carriers of property; (B) promote Federal reg-  
8           ulatory efficiency in the motor carrier transportation  
9           system and to require fair and expeditious regu-  
10          latory decisions when regulation is required; (C)  
11          meet the needs of shippers, receivers, passengers,  
12          and consumers; (D) allow a variety of quality and  
13          price options to meet changing market demands and  
14          the diverse requirements of the shipping and travel-  
15          ing public; (E) allow the most productive use of  
16          equipment and energy resources; (F) enable efficient  
17          and well-managed carriers to earn adequate profits,  
18          attract capital, and maintain fair wages and working  
19          conditions; (G) provide and maintain service to small  
20          communities and small shippers and intrastate bus  
21          services; (H) provide and maintain commuter bus  
22          operations; (I) improve and maintain a sound, safe,  
23          and competitive privately owned motor carrier sys-  
24          tem; (J) promote greater participation by minorities

1 in the motor carrier system; and (K) promote inter-  
2 modal transportation; and

3 “(3) in regulating transportation by motor car-  
4 rier of passengers (A) to cooperate with the States  
5 on transportation matters for the purpose of encour-  
6 aging the States to exercise intrastate regulatory ju-  
7 risdiction in accordance with the objectives of this  
8 part; (B) to provide Federal procedures which en-  
9 sure that intrastate regulation is exercised in accord-  
10 ance with this part; and (C) to ensure that Federal  
11 reform initiatives enacted by section 31138 of this  
12 title and the Bus Regulatory Reform Act of 1982  
13 are not nullified by State regulatory actions.

14 “(b) This part shall be administered and enforced to  
15 carry out the policy of this section.

16 **§ 13102. Definitions**

17 “In this part—

18 “(1) ‘broker’ means a person, other than a  
19 motor carrier or an employee or agent of a motor  
20 carrier, that as a principal or agent sells, offers for  
21 sale, negotiates for, or holds itself out by solicitation,  
22 advertisement, or otherwise as selling, providing, or  
23 arranging for, transportation by motor carrier for  
24 compensation;

1           “(2) ‘carrier’ means a motor carrier, a water  
2 carrier, and a freight forwarder;

3           “(3) ‘contract carriage’ means—

4               “(A) for transportation provided before the  
5 date of enactment of the Transportation Regu-  
6 latory Streamlining Act of 1995, service pro-  
7 vided pursuant to a permit issued under former  
8 section 10923 of this subtitle;

9               “(B) for transportation provided on or  
10 after that date, service provided under an  
11 agreement entered into under section 14101(b)  
12 of this part; and

13               “(C) all other non-private carriage;

14           “(4) ‘control’, when referring to a relationship  
15 between persons, includes actual control, legal con-  
16 trol, and the power to exercise control, through or  
17 by (A) common directors, officers, stockholders, a  
18 voting trust, or a holding or investment company, or  
19 (B) any other means;

20           “(5) ‘foreign motor carrier’ means a person (in-  
21 cluding a motor carrier of property but excluding a  
22 motor private carrier)—

23               “(A)(i) which is domiciled in a contiguous  
24 foreign country; or

1           “(ii) which is owned or controlled by per-  
2           sons of a contiguous foreign country and is not  
3           domiciled in the United States; and

4           “(B) in the case of a person which is not  
5           a motor carrier of property, which provides  
6           interstate transportation of property by motor  
7           vehicle under an agreement or contract entered  
8           into with a motor carrier of property (other  
9           than a motor private carrier or a motor carrier  
10          of property described in subparagraph (A));

11          “(6) ‘foreign motor private carrier’ means a  
12          person (including a motor private carrier but exclud-  
13          ing a motor carrier of property)—

14               “(A)(i) which is domiciled in a contiguous  
15               foreign country; or

16               “(ii) which is owned or controlled by per-  
17               sons of a contiguous foreign country and is not  
18               domiciled in the United States; and

19               “(B) in the case of a person which is not  
20               a motor private carrier, which provides inter-  
21               state transportation of property by motor vehi-  
22               cle under an agreement or contract entered into  
23               with a person (other than a motor carrier of  
24               property or a motor private carrier described in  
25               subparagraph (A));

1           “(7) ‘freight forwarder’ means a person holding  
2           itself out to the general public (other than as a pipe-  
3           line, rail, motor, or water carrier) to provide trans-  
4           portation of property for compensation and in the  
5           ordinary course of its business—

6                   “(A) assembles and consolidates, or pro-  
7                   vides for assembling and consolidating, ship-  
8                   ments and performs or provides for break-bulk  
9                   and distribution operations of the shipments;

10                   “(B) assumes responsibility for the trans-  
11                   portation from the place of receipt to the place  
12                   of destination; and

13                   “(C) uses for any part of the transpor-  
14                   tation a carrier subject to jurisdiction under  
15                   part A or part B of this subtitle. Such term  
16                   does not include a person using transportation  
17                   of an air carrier subject to part A of subtitle  
18                   VII of this title;

19           “(8) ‘highway’ means a road, highway, street,  
20           and way in a State;

21           “(9) ‘household goods’ means—

22                   “(A) personal effects and property used or  
23                   to be used in a dwelling when a part of the  
24                   equipment or supply of such dwelling and simi-  
25                   lar property; except that this subparagraph



1 shall not be construed to include property mov-  
2 ing from a factory or store, except such prop-  
3 erty as the householder has purchased with in-  
4 tent to use in his dwelling and which is trans-  
5 ported at the request of, and the transportation  
6 charges paid to the carrier by, the householder;

7 “(B) furniture, fixtures, equipment, and  
8 the property of stores, offices, museums, insti-  
9 tutions, hospitals or other establishments when  
10 a part of the stock, equipment, or supply of  
11 such stores, offices, museums, institutions, hos-  
12 pitals, or other establishments and similar prop-  
13 erty; except that this subparagraph shall not be  
14 construed to include the stock-in-trade of any  
15 establishment, whether consignor or consignee,  
16 other than used furniture and used fixtures, ex-  
17 cept when transported as incidental to moving  
18 of the establishment, or a portion thereof, from  
19 one location to another; and

20 “(C) articles, including objects of art, dis-  
21 plays, and exhibits, which because of their un-  
22 usual nature or value require the specialized  
23 handling and equipment usually employed in  
24 moving household goods and similar articles; ex-  
25 cept that this subparagraph shall not be con-

1           strued to include any article, whether crated or  
2           uncrated, which does not, because of its un-  
3           usual nature or value, require the specialized  
4           handling and equipment usually employed in  
5           moving household goods;

6           “(10) ‘household goods freight forwarder’  
7           means a freight forwarder of one or more of the fol-  
8           lowing items: household goods, unaccompanied bag-  
9           gage, or used automobiles;

10           “(11) ‘motor carrier’ means a person providing  
11           motor vehicle transportation for compensation over  
12           regular or irregular routes, or both;

13           “(12) ‘motor private carrier’ means a person,  
14           other than a motor carrier, transporting property by  
15           motor vehicle when—

16                   “(A) the transportation is as provided in  
17                   section 13501 of this title;

18                   “(B) the person is the owner, lessee, or  
19                   bailee of the property being transported; and

20                   “(C) the property is being transported for  
21                   sale, lease, rent, or bailment, or to further a  
22                   commercial enterprise;

23           “(13) ‘motor vehicle’ means a vehicle, machine,  
24           tractor, trailer, or semitrailer propelled or drawn by  
25           mechanical power and used on a highway in trans-

1       portation, or a combination determined by the Sec-  
2       retary, but does not include a vehicle, locomotive, or  
3       car operated only on a rail, or a trolley bus operated  
4       by electric power from a fixed overhead wire, and  
5       providing local passenger transportation similar to  
6       street-railway service;

7           “(14) ‘non-contiguous domestic trade’ means  
8       motor-water transportation subject to jurisdiction  
9       under chapter 135 of this title involving traffic origi-  
10      nating in or destined to Alaska, Hawaii, or a terri-  
11      tory or possession of the United States;

12          “(15) ‘person’, in addition to its meaning under  
13      section 1 of title 1, includes a trustee, receiver, as-  
14      signee, or personal representative of a person;

15          “(16) ‘Single line rate’, in section 13703, refers  
16      to a rate, charge, or allowance proposed by a single  
17      motor common carrier that is applicable only over its  
18      line and for which the transportation can be pro-  
19      vided by that carrier;

20          “(17) ‘State’ means a State of the United  
21      States and the District of Columbia;

22          “(18) ‘transportation’ includes—

23           “(A) a motor vehicle, vessel, warehouse,  
24           wharf, pier, dock, yard, property, facility, in-  
25           strumentality, or equipment of any kind related

1 to the movement of passengers or property, or  
2 both, regardless of ownership or an agreement  
3 concerning use; and

4 “(B) services related to that movement, in-  
5 cluding receipt, delivery, elevation, transfer in  
6 transit, refrigeration, icing, ventilation, storage,  
7 handling, and interchange of passengers and  
8 property;

9 “(19) ‘United States’ means the States of the  
10 United States and the District of Columbia;

11 “(20) ‘vessel’ means a watercraft or other arti-  
12 ficial contrivance that is used, is capable of being  
13 used, or is intended to be used, as a means of trans-  
14 portation by water; and

15 “(21) ‘water carrier’ means a person providing  
16 water transportation for compensation.

17 **“§ 13103. Remedies are exclusive**

18 “Except as otherwise provided in this part, the rem-  
19 edies provided under this part are exclusive and preempt  
20 the remedies provided under any Federal or State statute.

21 **“CHAPTER 133—ADMINISTRATIVE PROVISIONS**

22 **“§ 13301. Powers**

23 “(a) Except as otherwise specified, the Secretary of  
24 Transportation shall carry out this part. Enumeration of  
25 a power of the Secretary in this part does not exclude an-

1 other power the Secretary may have in carrying out this  
2 part. The Secretary may prescribe regulations in carrying  
3 out this part.

4       “(b) The Secretary may obtain from carriers provid-  
5 ing, and brokers for, transportation and service subject  
6 to this part, and from persons controlling, controlled by,  
7 or under common control with those carriers or brokers  
8 to the extent that the business of that person is related  
9 to the management of the business of that carrier or  
10 broker, information the Secretary decides is necessary to  
11 carry out this part.

12       “(c)(1) The Secretary may subpoena witnesses and  
13 records related to a proceeding under this part from any  
14 place in the United States, to the designated place of the  
15 proceeding. If a witness disobeys a subpoena, the Secretary,  
16 or a party to a proceeding under this part, may petition  
17 a court of the United States to enforce that subpoena.

18       “(2) The district courts of the United States have  
19 jurisdiction to enforce a subpoena issued under this section.  
20 Trial is in the district in which the proceeding is con-  
21 ducted. The court may punish a refusal to obey a subpoena  
22 as a contempt of court.

23       “(d)(1) In a proceeding under this part, the Secretary  
24 may take the testimony of a witness by deposition and  
25 may order the witness to produce records. A party to a

1 proceeding pending under this part may take the testi-  
2 mony of a witness by deposition and may require the wit-  
3 ness to produce records at any time after a proceeding  
4 is at issue on petition and answer.

5       “(2) If a witness fails to be deposed or to produce  
6 records under paragraph (1) of this subsection, the Sec-  
7 retary may subpoena the witness to take a deposition,  
8 produce the records, or both.

9       “(3) A deposition may be taken before a judge of a  
10 court of the United States, a United States magistrate  
11 judge, a clerk of a district court, or a chancellor, justice,  
12 or judge of a supreme or superior court, mayor or chief  
13 magistrate of a city, judge of a county court, or court of  
14 common pleas of any State, or a notary public who is not  
15 counsel or attorney of a party or interested in the proceed-  
16 ing.

17       “(4) Before taking a deposition, reasonable notice  
18 must be given in writing by the party or the attorney of  
19 that party proposing to take a deposition to the opposing  
20 party or the attorney of record of that party, whoever is  
21 nearest. The notice shall state the name of the witness  
22 and the time and place of taking the deposition.

23       “(5) The testimony of a person deposed under this  
24 subsection shall be taken under oath. The person taking  
25 the deposition shall prepare, or cause to be prepared, a

1 transcript of the testimony taken. The transcript shall be  
2 subscribed by the deponent.

3 “(6) The testimony of a witness who is in a foreign  
4 country may be taken by deposition before an officer or  
5 person designated by the Secretary or agreed on by the  
6 parties by written stipulation filed with the Secretary. A  
7 deposition shall be filed with the Secretary promptly.

8 “(e) Each witness summoned before the Secretary or  
9 whose deposition is taken under this section and the indi-  
10 vidual taking the deposition are entitled to the same fees  
11 and mileage paid for those services in the courts of the  
12 United States.

13 “(f) For those provisions of this part that are speci-  
14 fied to be carried out by the United States Transportation  
15 Board, the Board shall have the same powers as the Sec-  
16 retary has under this section.

17 **“§ 13302. Intervention**

18 “Under regulations of the Secretary of Transpor-  
19 tation, reasonable notice of, and an opportunity to inter-  
20 vene and participate in, a proceeding under this part relat-  
21 ed to transportation subject to jurisdiction under sub-  
22 chapter I of chapter 135 of this title shall be given to in-  
23 terested persons.

1 **“§ 13303. Service of notice in proceedings under this**  
2 **part**

3 “(a) A motor carrier, a broker, or a freight forwarder  
4 providing transportation or service subject to jurisdiction  
5 under chapter 135 of this title shall designate in writing  
6 an agent by name and post office address on whom service  
7 of notices in a proceeding before, and of actions of, the  
8 Secretary may be made.

9 “(b) A motor carrier or broker providing transpor-  
10 tation under this part shall also file the designation with  
11 the authority of each State in which it operates having  
12 jurisdiction to regulate transportation by motor vehicle in  
13 intrastate commerce on the highways of that State. The  
14 designation may be changed at any time in the same man-  
15 ner as originally made.

16 “(c)(1) A notice to a motor carrier or broker is served  
17 personally or by mail on the motor carrier or broker or  
18 its designated agent. Service by mail on the designated  
19 agent is made at the address filed for the agent. When  
20 notice is given by mail, the date of mailing is considered  
21 to be the time when the notice is served. If a motor carrier  
22 or broker does not have a designated agent, service may  
23 be made by posting a copy of the notice at the head-  
24 quarters of the Department of Transportation.

25 “(2) A notice to a freight forwarder is served person-  
26 ally or by mail on the freight forwarder or its designated



1 agent. Service by mail on the designated agent is made  
2 at the address filed for the agent. When notice is given  
3 by mail, the date of mailing is considered to be the time  
4 when notice is served. If a freight forwarder does not have  
5 a designated agent, service may be made by posting the  
6 notice at the headquarters of the Department of Transpor-  
7 tation.

8 **“§ 13304. Service of process in court proceedings**

9       “(a) A motor carrier or broker providing transpor-  
10 tation subject to jurisdiction under chapter 135 of this  
11 title, including a motor carrier or broker operating within  
12 the United States while providing transportation between  
13 places in a foreign country or between a place in one for-  
14 eign country and a place in another foreign country, shall  
15 designate an agent in each State in which it operates by  
16 name and post office address on whom process issued by  
17 a court with subject matter jurisdiction may be served in  
18 an action brought against that carrier or broker. The des-  
19 ignation shall be in writing and filed with the Department  
20 of Transportation. If a designation under this subsection  
21 is not made, service may be made on any agent of the  
22 carrier or broker within that State.

23       “(b) A designation under this section may be changed  
24 at any time in the same manner as originally made.

1                   **“CHAPTER 135—JURISDICTION**

2       “SUBCHAPTER I—MOTOR CARRIER TRANSPORTATION

3       **“§ 13501. General jurisdiction**

4           “The Secretary of Transportation and the United  
5 States Transportation Board have jurisdiction, as speci-  
6 fied in this part, over transportation by motor carrier and  
7 the procurement of that transportation, to the extent that  
8 passengers, property, or both, are transported by motor  
9 carrier—

10           “(1) between a place in—

11                   “(A) a State and a place in another State;

12                   “(B) a State and another place in the  
13 same State through another State;

14                   “(C) the United States and a place in a  
15 territory or possession of the United States to  
16 the extent the transportation is in the United  
17 States;

18                   “(D) the United States and another place  
19 in the United States through a foreign country  
20 to the extent the transportation is in the United  
21 States; or

22                   “(E) the United States and a place in a  
23 foreign country to the extent the transportation  
24 is in the United States; and

25           “(2) in a reservation under the exclusive juris-  
26 diction of the United States or on a public highway.

1 **“§ 13502. Exempt transportation between Alaska and**  
2 **other States**

3 “To the extent that transportation by a motor carrier  
4 between a place in Alaska and a place in another State  
5 under section 13501 of this title is provided in a foreign  
6 country—

7 “(1) neither the Secretary of Transportation  
8 nor the United States Transportation Board has ju-  
9 risdiction to impose a requirement over conduct of  
10 the motor carrier in the foreign country conflicting  
11 with a requirement of that country; but

12 “(2) the motor carrier, as a condition of provid-  
13 ing transportation in the United States, shall com-  
14 ply, with respect to all transportation provided be-  
15 tween Alaska and the other State, with the require-  
16 ments of this part related to rates and practices ap-  
17 plicable to the transportation.

18 **“§ 13503. Exempt motor vehicle transportation in ter-**  
19 **minal areas**

20 “(a)(1) Neither the Secretary of Transportation nor  
21 the United States Transportation Board has jurisdiction  
22 under this subchapter over transportation by motor vehicle  
23 provided in a terminal area when the transportation—

24 “(A) is a transfer, collection, or delivery;

25 “(B) is provided by—

1           “(i) a rail carrier subject to jurisdiction  
2           under chapter 105 of this title;

3           “(ii) a water carrier subject to jurisdiction  
4           under subchapter II of this chapter; or

5           “(iii) a freight forwarder subject to juris-  
6           diction under subchapter III of this chapter;

7           and

8           “(C) is incidental to transportation or service  
9           provided by the carrier or freight forwarder that is  
10          subject to jurisdiction under chapter 105 of this title  
11          or under subchapter II or III of this chapter.

12          “(2) Transportation exempt from jurisdiction under  
13          paragraph (1) of this subsection is subject to jurisdiction  
14          under chapter 105 of this title when provided by such a  
15          rail carrier, under subchapter II of this chapter when pro-  
16          vided by such a water carrier, and under subchapter III  
17          of this chapter when provided by such a freight forwarder.

18          “(b)(1) Except to the extent provided by paragraph  
19          (2) of this subsection, neither the Secretary nor the Board  
20          has jurisdiction under this subchapter over transportation  
21          by motor vehicle provided in a terminal area when the  
22          transportation—

23                 “(A) is a transfer, collection, or delivery; and

24                 “(B) is provided by a person as an agent or  
25          under other arrangement for—

1 “(i) a rail carrier subject to jurisdiction  
2 under chapter 105 of this title;

3 “(ii) a motor carrier subject to jurisdiction  
4 under this subchapter;

5 “(iii) a water carrier subject to jurisdiction  
6 under subchapter II of this chapter; or

7 “(iv) a freight forwarder subject to juris-  
8 diction under subchapter III of this chapter.

9 “(2) Transportation exempt from jurisdiction under  
10 paragraph (1) of this subsection is considered transpor-  
11 tation provided by the carrier or service provided by the  
12 freight forwarder for whom the transportation was pro-  
13 vided and is subject to jurisdiction under chapter 105 of  
14 this title when provided for such a rail carrier, under this  
15 subchapter when provided for such a motor carrier, under  
16 subchapter II of this chapter when provided for such a  
17 water carrier, and under subchapter III of this chapter  
18 when provided for such a freight forwarder.

19 **“§ 13504. Exempt motor carrier transportation en-  
20 tirely in one State**

21 “Neither the Secretary of Transportation nor the  
22 United States Transportation Board has jurisdiction  
23 under this subchapter over transportation, except trans-  
24 portation of household goods, by a motor carrier operating  
25 solely within the State of Hawaii. The State of Hawaii

1 may regulate transportation exempt from jurisdiction  
2 under this section and, to the extent provided by a motor  
3 carrier operating solely within the State of Hawaii, trans-  
4 portation exempt under section 13503 of this title.

5 “SUBCHAPTER II—WATER CARRIER TRANSPORTATION

6 **“§ 13521. General jurisdiction**

7 “The Board has jurisdiction over transportation inso-  
8 far as water carriers are concerned—

9 “(1) by water carrier between a place in a State  
10 and a place in another State, even if part of the  
11 transportation is outside the United States;

12 “(2) by water carrier and motor carrier from a  
13 place in a State to a place in another State, except  
14 that if part of the transportation is outside the Unit-  
15 ed States, the Secretary only has jurisdiction over  
16 that part of the transportation provided—

17 “(A) by motor carrier that is in the United  
18 States; and

19 “(B) by water carrier that is from a place  
20 in the United States to another place in the  
21 United States; and

22 “(3) by water carrier or by water carrier and  
23 motor carrier between a place in the United States  
24 and a place outside the United States, to the extent  
25 that—

1           “(A) when the transportation is by motor  
2 carrier, the transportation is provided in the  
3 United States;

4           “(B) when the transportation is by water  
5 carrier to a place outside the United States, the  
6 transportation is provided by water carrier from  
7 a place in the United States to another place in  
8 the United States before transshipment from a  
9 place in the United States to a place outside  
10 the United States; and

11           “(C) when the transportation is by water  
12 carrier from a place outside the United States,  
13 the transportation is provided by water carrier  
14 from a place in the United States to another  
15 place in the United States after transshipment  
16 to a place in the United States from a place  
17 outside the United States.

18       “SUBCHAPTER III—FREIGHT FORWARDER SERVICE

19       **“§ 13531. General jurisdiction**

20           “(a) The Secretary of Transportation and the United  
21 States Transportation Board have jurisdiction, as speci-  
22 fied in this part, over service that a freight forwarder un-  
23 dertakes to provide, or is authorized or required under this  
24 part to provide, to the extent transportation is provided  
25 in the United States and is between—

1           “(1) a place in a State and a place in another  
2 State, even if part of the transportation is outside  
3 the United States;

4           “(2) a place in a State and another place in the  
5 same State through a place outside the State; or

6           “(3) a place in the United States and a place  
7 outside the United States.

8           “(b) Neither the Secretary nor the Board has juris-  
9 diction under subsection (a) of this section over service  
10 undertaken by a freight forwarder using transportation of  
11 an air carrier subject to part A of subtitle VII of this title.

12           “SUBCHAPTER IV—AUTHORITY TO EXEMPT

13 **“§ 13541. Authority to exempt transportation or serv-**  
14 **ices**

15           “(a) In any matter subject to jurisdiction under this  
16 chapter, the Secretary of Transportation or the United  
17 States Transportation Board, as applicable, shall exempt  
18 a person, class of persons, or a transaction or service from  
19 the application of a provision of this title, or use this ex-  
20 emption authority to modify a provision of this title, when  
21 the Secretary or Board finds that the application of that  
22 provision in whole or in part—

23           “(1) is not necessary to carry out the transpor-  
24 tation policy of section 13101 of this title; and



1           “(2) either (A) the transaction or service is of  
2           limited scope, or (B) the application of a provision  
3           of this title is not needed to protect shippers from  
4           the abuse of market power.

5 In a proceeding that affects the transportation of house-  
6 hold goods as defined in section 13102(8)(A), the Sec-  
7 retary or the Board shall also consider whether the exemp-  
8 tion will be consistent with the transportation policy set  
9 forth in section 13101 of this title and will not be det-  
10 rimental to the interests of individual shippers.

11           “(b) The Secretary or Board, as applicable, may,  
12 where appropriate, begin a proceeding under this section  
13 on the Secretary’s or Board’s own initiative or on applica-  
14 tion by an interested party.

15           “(c) The Secretary or Board, as applicable, may  
16 specify the period of time during which an exemption  
17 granted under this section is effective.

18           “(d) The Secretary or Board, as applicable, may re-  
19 voke an exemption, to the extent specified, on finding that  
20 application of a provision of this title to the person, class,  
21 or transportation is necessary to carry out the transpor-  
22 tation policy of section 13101 of this title.

23           “(e) This exemption authority may not be used to re-  
24 lieve a person (except a person that would have been cov-  
25 ered by a statutory exemption under subchapter II or IV

1 of chapter 105 of this title on the date of enactment of  
2 the Transportation Regulatory Streamlining Act of 1995)  
3 from the application of, and compliance with, any law,  
4 rule, regulation, standard, or order pertaining to cargo  
5 loss and damage; insurance; or safety fitness.

6 **“CHAPTER 137—RATES AND THROUGH ROUTES**

7 **“§13701. Requirements for rates, classifications,**  
8 **through routes, rules, and practices for**  
9 **certain transportation**

10 “(a) A rate, classification, rule, or practice related to  
11 transportation or service provided by a carrier subject to  
12 jurisdiction under subchapters I or III of chapter 135 of  
13 this title for transportation or service involving (1) a  
14 household goods movement paid for by the householder or  
15 (2) a joint rate for a through movement with a water car-  
16 rier in non-contiguous domestic trade must be reasonable.  
17 Through routes and divisions of joint rates for such trans-  
18 portation or service must be reasonable.

19 “(b) When the United States Transportation Board  
20 finds it necessary to stop or prevent a violation of sub-  
21 section (a), the Board shall prescribe the rate, classifica-  
22 tion, rule, practice, through route, or division of joint rates  
23 to be applied for such transportation or service.

1 **“§ 13702. Tariff requirement for certain transpor-**  
2 **tation**

3 “(a) A carrier subject to jurisdiction under sub-  
4 chapters I or III of chapter 135 of this title shall provide  
5 transportation or service under a joint rate for a through  
6 movement in non-contiguous domestic trade, or a move-  
7 ment involving household goods paid for by the house-  
8 holder, only if the rate for such transportation or service  
9 is contained in a tariff that is in effect under this section.  
10 A carrier subject to this section may not charge or receive  
11 a different compensation for that transportation or service  
12 than the rate specified in the tariff whether by returning  
13 a part of that rate to a person, giving a person a privilege,  
14 allowing the use of a facility that affects the value of that  
15 transportation or service, or another device.

16 “(b)(1) A carrier providing transportation or service  
17 subject to the requirement of subsection (a) shall publish  
18 and file with the United States Transportation Board tar-  
19 iffs containing the rates established for such transpor-  
20 tation or service except a movement involving household  
21 goods paid for by the householder. The Board may pre-  
22 scribe other information that carriers shall include in such  
23 tariffs.

24 “(2) Carriers that publish tariffs under this section  
25 shall keep them open for public inspection. A rate con-

1 tained in a tariff shall be stated in money of the United  
2 States.

3 “(c)(1) The Board shall prescribe the form and man-  
4 ner of publishing, filing, and keeping tariffs open for pub-  
5 lic inspection under this section. The Board may prescribe  
6 specific charges to be identified in a tariff published by  
7 a carrier, but those tariffs must identify plainly—

8 “(A) the carriers that are parties to it;

9 “(B) the places between which property will be  
10 transported;

11 “(C) terminal charges if a carrier providing  
12 transportation or service subject to jurisdiction  
13 under subchapter III of chapter 135 of this title;

14 “(D) privileges given and facilities allowed; and

15 “(E) any rules that change, affect, or determine  
16 any part of the published rate.

17 “(d) The Board may permit carriers to change rates,  
18 classifications, rules, and practices without filing complete  
19 tariffs that cover matter that is not being changed when  
20 the Board finds that action to be consistent with the pub-  
21 lic interest. Those carriers may publish new tariffs that  
22 incorporate changes or plainly indicate the proposed  
23 changes in the tariffs then in effect and kept open for pub-  
24 lic inspection.

1       “(e) The Board may reject a tariff submitted to it  
2 by a carrier under this section if that tariff violates this  
3 section or regulation of the Board carrying out this sec-  
4 tion.

5       “(f)(1) A carrier subject to jurisdiction under sub-  
6 chapter I or III of chapter 135 of this title providing  
7 transportation of household goods as defined in section  
8 13102(8)(A) shall maintain rates and related rules and  
9 practices in a published tariff. The tariff must be available  
10 for inspection by the Board and by shippers, upon reason-  
11 able request, at the offices of each tariff publishing agent  
12 of the carrier.

13       “(2) A carrier that maintains a tariff and makes it  
14 available for inspection as provided in paragraph (1) may  
15 not enforce the provisions of the tariff unless the carrier  
16 has given notice that the tariff is available for inspection  
17 in its bill of lading or by other actual notice to individuals  
18 whose shipments are subject to the tariff.

19       “(3) A carrier that maintains a tariff under this sub-  
20 section is bound by the tariff except as otherwise provided  
21 in this subtitle. A carrier that does not maintain a tariff  
22 as provided in this subsection may not enforce the tariff  
23 against any individual shipper except as otherwise pro-  
24 vided in this subtitle, and shall not transport household  
25 goods as so defined.

1       “(4) A carrier may incorporate by reference the rates,  
2 terms, and other conditions in a tariff in agreements with  
3 commercial shippers of household goods, as so defined, if  
4 the tariff is maintained as provided in this subsection and  
5 the agreement gives notice of the incorporation and of the  
6 availability of the tariff for inspection by the commercial  
7 shipper.

8       “(5) A complaint against a rate or related rule or  
9 practice maintained in a tariff under this subsection in  
10 violation of section 13701(a) may be filed with the Board.

11       **“§ 13703. Certain collective activities; exemption from**  
12                               **antitrust laws**

13       “(a) A motor carrier providing transportation or serv-  
14 ice subject to jurisdiction under chapter 135 of this title  
15 may enter into an agreement with one or more such car-  
16 riers establishing through routes and joint rates, rates as-  
17 sessed for the transportation of household goods move-  
18 ments paid for by the householder and concerning classi-  
19 fications divisions, rate adjustments of general application  
20 based on industry average carrier costs, with no discussion  
21 of individual markets or particular single line rates or  
22 mileage guides, rules, or procedures for joint consider-  
23 ation, initiation, or establishment of them. Such agree-  
24 ment may be submitted to the United States Transpor-  
25 tation Board for approval by any carrier or carriers which

1 are parties to such agreement and may be approved by  
2 the Board if it finds that such agreement is in the public  
3 interest. The Board may require compliance with reason-  
4 able conditions consistent with this part to assure that the  
5 agreement furthers the transportation policy set forth in  
6 section 13101 of this part. The Board may suspend and  
7 investigate the reasonableness of any classification or rate  
8 adjustment of general application filed under this section.  
9 If the Board approves the agreement, it may be made and  
10 carried out under its terms and under the conditions re-  
11 quired by the Board, and the antitrust laws, as defined  
12 in the first section of the Clayton Act (15 U.S.C. 12), do  
13 not apply to parties and other persons with respect to  
14 making or carrying out the agreement.

15       “(b) The Board may require an organization estab-  
16 lished or continued under an agreement approved under  
17 this section to maintain records and submit reports. The  
18 Board, or its delegate, may inspect a record maintained  
19 under this section, or monitor any organization’s compli-  
20 ance with this section.

21       “(c) The Board may review an agreement approved  
22 under this section, on its own initiative or on request, and  
23 shall change the conditions of approval or terminate it  
24 when necessary to meet the public interest. Action of the  
25 Board under this section (1) approving an agreement, (2)

1 denying, ending, or changing approval, (3) prescribing the  
2 conditions on which approval is granted, or (4) changing  
3 those conditions, has effect only as related to application  
4 of the antitrust laws referred to in subsection (a).

5 “(d) Agreements in effect on the date of enactment  
6 of the Transportation Regulatory Streamlining Act of  
7 1995 shall remain in effect until further order of the  
8 Board.

9 “(e) The Board shall permit joint activities under  
10 subsection (a) only for so long as the activities are in the  
11 public interest.

12 “(f) Nothing in this section shall serve as a basis for  
13 any undercharge claim.

14 “(g) Nothing in this title, the Transportation Regu-  
15 latory Streamlining Act of 1995, or any amendments or  
16 repeals made by that Act creates any obligation for a ship-  
17 per based solely on a classification that was on file with  
18 the Commission or elsewhere on the date of enactment of  
19 that Act.

20 **“§ 13704. Household goods rates—estimates; guaran-**  
21 **tees of service**

22 “(a)(1) Subject to the provisions of paragraph (2) of  
23 this subsection, a motor carrier providing transportation  
24 of household goods subject to jurisdiction under sub-  
25 chapter I of chapter 135 of this title may establish a rate



1 for the transportation of household goods which is based  
2 on the carrier's written, binding estimate of charges for  
3 providing such transportation.

4       “(2) Any rate established under this subsection must  
5 be available on a nonpreferential basis to shippers and  
6 must not result in charges to shippers which are preda-  
7 tory.

8       “(b)(1) Subject to the provisions of paragraph (2) of  
9 this subsection, a motor carrier providing transportation  
10 of household goods subject to jurisdiction under sub-  
11 chapter I of chapter 135 of this title may establish rates  
12 for the transportation of household goods which guarantee  
13 that the carrier will pick up and deliver such household  
14 goods at the times specified in the contract for such serv-  
15 ices and provide a penalty or per diem payment in the  
16 event the carrier fails to pick up or deliver such household  
17 goods at the specified time. The charges, if any, for such  
18 guarantee and penalty provision may vary to reflect one  
19 or more options available to meet a particular shipper's  
20 needs.

21       “(2) Before a carrier may establish a rate for any  
22 service under paragraph (1) of this subsection, the Sec-  
23 retary of Transportation may require such carrier to have  
24 in effect and keep in effect, during any period such rate  
25 is in effect under such paragraph, a rate for such service

1 which does not guarantee the pick up and delivery of  
2 household goods at the times specified in the contract for  
3 such services and which does not provide a penalty or per  
4 diem payment in the event the carrier fails to pick up or  
5 deliver household goods at the specified time.

6 **“§ 13705. Requirements for through routes among**  
7 **motor carriers of passengers**

8 “(a) A motor carrier of passengers shall establish  
9 through routes with other carriers of the same type and  
10 shall establish individual and joint rates applicable to  
11 them.

12 “(b) A through route between motor carriers provid-  
13 ing transportation of passengers subject to jurisdiction  
14 under subchapter I of chapter 135 must be reasonable.

15 “(c) When the United States Transportation Board  
16 finds it necessary to enforce the requirements of this sec-  
17 tion, the Board may prescribe through routes and the con-  
18 ditions under which those routes must be operated for  
19 motor carriers providing transportation of passengers sub-  
20 ject to jurisdiction under subchapter I of chapter 135.

21 **“§ 13706. Liability for payment of rates**

22 “(a) Liability for payment of rates for transportation  
23 for a shipment of property by a shipper or consignor to  
24 a consignee other than the shipper or consignor, is deter-  
25 mined under this section when the transportation is pro-

1 vided by motor carrier under this part. When the shipper  
2 or consignor instructs the carrier transporting the prop-  
3 erty to deliver it to a consignee that is an agent only, not  
4 having beneficial title to the property, the consignee is lia-  
5 ble for rates billed at the time of delivery for which the  
6 consignee is otherwise liable, but not for additional rates  
7 that may be found to be due after delivery if the consignee  
8 gives written notice to the delivering carrier before delivery  
9 of the property—

10           “(1) of the agency and absence of beneficial  
11           title; and

12           “(2) of the name and address of the beneficial  
13           owner of the property if it is reconsigned or diverted  
14           to a place other than the place specified in the origi-  
15           nal bill of lading.

16           “(b) When the consignee is liable only for rates billed  
17 at the time of delivery under subsection (a) of this section,  
18 the shipper or consignor, or, if the property is reconsigned  
19 or diverted, the beneficial owner, is liable for those addi-  
20 tional rates regardless of the bill of the lading or contract  
21 under which the property was transported. The beneficial  
22 owner is liable for all rates when the property is  
23 reconsigned or diverted by an agent but is refused or  
24 abandoned at its ultimate destination if the agent gave  
25 the carrier in the reconsignment or diversion order a no-

1 tice of agency and the name and address of the beneficial  
2 owner. A consignee giving the carrier erroneous informa-  
3 tion about the identity of the beneficial owner of the prop-  
4 erty is liable for the additional rates.

5 **“§ 13707. Billing and collecting practices**

6 “A motor carrier subject to jurisdiction under sub-  
7 chapter I of chapter 135 shall disclose, when a document  
8 is presented or transmitted electronically for payment to  
9 the person responsible directly to the motor carrier for  
10 payment or agent of such responsible person, the actual  
11 rates, charges, or allowances for any transportation serv-  
12 ice. No person may cause a motor carrier to present false  
13 or misleading information on a document about the actual  
14 rate, charge, or allowance to any party to the transaction.  
15 When the actual rate, charge, or allowance is dependent  
16 upon the performance of a service by a party to the trans-  
17 portation arrangement, such as tendering a volume of  
18 freight over a stated period of time, the motor carrier shall  
19 indicate in any document presented for payment to the  
20 person responsible directly to the motor carrier that a re-  
21 duction, allowance, or other adjustment may apply.

22 **“§ 13708. Procedures for resolving claims involving**  
23 **unfiled, negotiated transportation rates**

24 “(a) IN GENERAL.—With respect to transportation  
25 prior to the effective date of the Transportation Regu-

1 latory Streamlining Act of 1995, when a claim is made  
2 by a motor carrier of property (other than a household  
3 goods carrier) providing transportation subject to jurisdic-  
4 tion under subchapter I of chapter 135 of this title, by  
5 a freight forwarder (other than a household goods freight  
6 forwarder), or by a party representing such a carrier or  
7 freight forwarder regarding the collection of rates or  
8 charges for such transportation in addition to those origi-  
9 nally billed and collected by the carrier or freight for-  
10 warder for such transportation, the person against whom  
11 the claim is made may elect to satisfy the claim under  
12 the provisions of subsection (b), (c), or (d) , upon showing  
13 that—

14           “(1) the carrier or freight forwarder is no  
15           longer transporting property or is transporting prop-  
16           erty for the purpose of avoiding the application of  
17           this section; and

18           “(2) with respect to the claim—

19                   “(A) the person was offered a transpor-  
20                   tation rate by the carrier or freight forwarder  
21                   other than that legally on file with the former  
22                   Interstate Commerce Commission for the trans-  
23                   portation service;

1           “(B) the person tendered freight to the  
2 carrier or freight forwarder in reasonable reli-  
3 ance upon the offered transportation rate;

4           “(C) the carrier or freight forwarder did  
5 not properly or timely file with the former  
6 Interstate Commerce Commission a tariff pro-  
7 viding for such transportation rate or failed to  
8 enter into an agreement for contract carriage;

9           “(D) such transportation rate was billed  
10 and collected by the carrier or freight for-  
11 warder; and

12           “(E) the carrier or freight forwarder de-  
13 mands additional payment of a higher rate filed  
14 in a tariff.

15       If there is a dispute as to the showing under para-  
16 graph (1), such dispute shall be resolved by the  
17 court in which the claim is brought. If there is a dis-  
18 pute as to the showing under paragraph (2), such  
19 dispute shall be resolved by the United States  
20 Transportation Board. Pending the resolution of any  
21 such dispute, the person shall not have to pay any  
22 additional compensation to the carrier or freight for-  
23 warder. Satisfaction of the claim under subsection  
24 (b), (c), or (d) shall be binding on the parties, and

1 the parties shall not be subject to chapter 119 of  
2 this title.

3 “(b) CLAIMS INVOLVING SHIPMENTS WEIGHING  
4 10,000 POUNDS OR LESS.—A person from whom the ad-  
5 ditional legally applicable and effective tariff rate or  
6 charges are sought may elect to satisfy the claim if the  
7 shipments each weighed 10,000 pounds or less, by pay-  
8 ment of 20 percent of the difference between the carrier’s  
9 applicable and effective tariff rate and the rate originally  
10 billed and paid. In the event that a dispute arises as to  
11 the rate that was legally applicable to the shipment, such  
12 dispute shall be resolved by the Board.

13 “(c) CLAIMS INVOLVING SHIPMENTS WEIGHING  
14 MORE THAN 10,000 POUNDS.—A person from whom the  
15 additional legally applicable and effective tariff rate or  
16 charges are sought may elect to satisfy the claim if the  
17 shipments each weighed more than 10,000 pounds, by  
18 payment of 15 percent of the difference between the car-  
19 rier’s applicable and effective tariff rate and the rate origi-  
20 nally billed and paid. In the event that a dispute arises  
21 as to the rate that was legally applicable to the shipment,  
22 such dispute shall be resolved by the Board.

23 “(d) CLAIMS INVOLVING PUBLIC WAREHOUSE-  
24 MEN.—Notwithstanding subsections (b) and (c), a person  
25 from whom the additional legally applicable and effective

1 tariff rate or charges are sought may elect to satisfy the  
2 claim by payment of 5 percent of the difference between  
3 the carrier's applicable and effective tariff rate and the  
4 rate originally billed and paid if such person is a public  
5 warehouseman. In the event that a dispute arises as to  
6 the rate that was legally applicable to the shipment, such  
7 dispute shall be resolved by the Board.

8       “(e) EFFECTS OF ELECTION.—When a person from  
9 whom additional legally applicable freight rates or charges  
10 are sought does not elect to use the provisions of sub-  
11 sections (b), (c) or (d), the person may pursue all rights  
12 and remedies existing under this title at the time of enact-  
13 ment of the Transportation Regulatory Streamlining Act  
14 of 1995.

15       “(f) STAY OF ADDITIONAL COMPENSATION.—When  
16 a person proceeds under this section to challenge the rea-  
17 sonableness of the legally applicable freight rate or  
18 charges being claimed by a carrier or freight forwarder  
19 described in subsection (a) in addition to those already  
20 billed and collected, the person shall not have to pay any  
21 additional compensation to the carrier or freight forwarder  
22 until the Board has made a determination as to the rea-  
23 sonableness of the challenged rate as applied to the freight  
24 of the person against whom the claim is made.

25       “(g) NOTIFICATION OF ELECTION.—



1           “(1) GENERAL RULE.—A person must notify  
2 the carrier or freight forwarder as to its election to  
3 proceed under subsection (b), (c), or (d). Except as  
4 provided in paragraphs (2), (3), and (4), such elec-  
5 tion may be made at any time.

6           “(2) DEMANDS FOR PAYMENT INITIALLY MADE  
7 AFTER DECEMBER 3, 1993.—If the carrier or freight  
8 forwarder or party representing such carrier or  
9 freight forwarder initially demands the payment of  
10 additional freight charges after December 3, 1993,  
11 and notifies the person from whom additional freight  
12 charges are sought of the provisions of subsections  
13 (a) through (f) at the time of the making of such  
14 initial demand, the election must be made not later  
15 than the later of—

16                   “(i) the 60th day following the filing of an  
17 answer to a suit for the collection of such addi-  
18 tional legally applicable freight rate or charges,  
19 or

20                   “(ii) March 5, 1994.

21           “(3) PENDING SUITS FOR COLLECTION MADE  
22 BEFORE DECEMBER 4, 1993.—If the carrier or  
23 freight forwarder or party representing such carrier  
24 or freight forwarder has filed, before December 4,  
25 1993, a suit for the collection of additional freight

1 charges and notifies the person from whom addi-  
2 tional freight charges are sought of the provisions of  
3 subsections (a) through (f), the election must be  
4 made not later than the 90th day following the date  
5 on which such notification is received.

6 “(4) DEMANDS FOR PAYMENT MADE BEFORE  
7 DECEMBER 4, 1993.—If the carrier or freight for-  
8 warder or party representing such carrier or freight  
9 forwarder has demanded the payment of additional  
10 freight charges, and has not filed a suit for the col-  
11 lection of such additional freight charges, before De-  
12 cember 4, 1993, and notifies the person from whom  
13 additional freight charges are sought of the provi-  
14 sions of subsections (a) through (f), the election  
15 must be made not later than the later of—

16 “(i) the 60th day following the filing of an  
17 answer to a suit for the collection of such addi-  
18 tional legally applicable freight rate or charges,  
19 or

20 “(ii) March 5, 1994.

21 “(h) CLAIMS INVOLVING SMALL BUSINESS CON-  
22 CERNS, CHARITABLE ORGANIZATIONS, AND RECYCLABLE  
23 MATERIALS.—Notwithstanding subsections (b), (c), and  
24 (d), a person from whom the additional legally applicable  
25 and effective tariff rate or charges are sought shall not

1 be liable for the difference between the carrier's applicable  
2 and effective tariff rate and the rate originally billed and  
3 paid—

4           “(A) if such person qualifies as a small business  
5 concern under the Small Business Act (15 U.S.C.  
6 631 et seq.),

7           “(B) if such person is an organization which is  
8 described in section 501(c)(3) of the Internal Reve-  
9 nue Code of 1986 and exempt from tax under sec-  
10 tion 501(a) of such Code, or

11           “(C) if the cargo involved in the claim is recy-  
12 clable materials. In this provision, “recyclable mate-  
13 rials” means waste products for recycling or reuse in  
14 the furtherance of recognized pollution control pro-  
15 grams.

16 **“§ 13709. Additional motor carrier undercharge pro-  
17 visions**

18           “(a)(1) A motor carrier of property (other than a  
19 motor carrier providing transportation in noncontiguous  
20 domestic trade) shall provide to the shipper, on request  
21 of the shipper, a written or electronic copy of the rate,  
22 classification, rules, and practices, upon which any rate  
23 agreed to between the shipper and carrier may have been  
24 based.

1       “(2) With respect to transportation prior to the effec-  
2 tive date of the Transportation Regulatory Streamlining  
3 Act of 1995, when the applicability or reasonableness of  
4 the rates and related provisions billed by a motor carrier  
5 is challenged by the person paying the freight charges, the  
6 United States Transportation Board shall determine  
7 whether such rates and provisions are reasonable or appli-  
8 cable based on the record before it. In those cases where  
9 a motor carrier (other than a motor carrier providing  
10 transportation of household goods or in noncontiguous do-  
11 mestic trade) seeks to collect charges in addition to those  
12 billed and collected which are contested by the payor, the  
13 carrier may request that the Board determine whether any  
14 additional charges over those billed and collected must be  
15 paid. A carrier must issue any bill for charges in addition  
16 to those originally billed within 180 days of the original  
17 bill in order to have the right to collect such charges.

18       “(3) With respect to transportation prior to the effec-  
19 tive date of the Transportation Regulatory Streamlining  
20 Act of 1995, if a shipper seeks to contest the charges  
21 originally billed, the shipper may request that the Board  
22 determine whether the charges originally billed must be  
23 paid. A shipper must contest the original bill within 180  
24 days in order to have the right to contest such charges.

1       “(4) Any tariff on file with the Interstate Commerce  
2 Commission on August 26, 1994, not required to be filed  
3 after that date is null and void beginning on that date.  
4 Any tariff on file with the Interstate Commerce Commis-  
5 sion on the effective date of the Transportation Regulatory  
6 Streamlining Act of 1995 not required to be filed after  
7 that date is null and void beginning on that date.

8       “(b) If a motor carrier (other than a motor carrier  
9 providing transportation of household goods) subject to ju-  
10 risdiction under subchapter I of chapter 135 of this title  
11 had authority to provide transportation as both a motor  
12 common carrier and a motor contract carrier and a dis-  
13 pute arises as to whether certain transportation that was  
14 provided prior to the effective date of the Transportation  
15 Regulatory Streamlining Act of 1995 was provided in its  
16 common carrier or contract carrier capacity and the par-  
17 ties are not able to resolve the dispute consensually, the  
18 Board shall resolve the dispute.

19 **“§13710. Alternative procedure for resolving under-**  
20 **charge disputes**

21       “(a) GENERAL RULE.—It shall be an unreasonable  
22 practice for a motor carrier of property (other than a  
23 household goods carrier) providing transportation that  
24 was subject to jurisdiction under subchapter II of chapter  
25 105 of title, a freight forwarder (other than a household

1 goods freight forwarder), or a party representing such a  
2 carrier or freight forwarder to attempt to charge or to  
3 charge for a transportation service the difference between  
4 the applicable rate that was lawfully in effect pursuant  
5 to a tariff that was filed in accordance with chapter 107  
6 of this title by the carrier or freight forwarder applicable  
7 to such transportation service and the negotiated rate for  
8 such transportation service if the carrier or freight for-  
9 warder is no longer transporting property between places  
10 described in section 13501(1) of this title or is transport-  
11 ing property between places described in section 13501(1)  
12 of this title for the purpose of avoiding the application of  
13 this section.

14       “(b) JURISDICTION OF BOARD.—The United States  
15 Transportation Board shall have jurisdiction to make a  
16 determination of whether or not attempting to charge or  
17 the charging of a rate by a motor carrier or freight for-  
18 warder or party representing a motor carrier or freight  
19 forwarder is an unreasonable practice under subsection  
20 (a). If the Board determines that attempting to charge  
21 or the charging of the rate is an unreasonable practice  
22 under subsection (a), the carrier, freight forwarder, or  
23 party may not collect the difference described in sub-  
24 section (a) between the applicable rate and the negotiated

1 rate for the transportation service. In making such deter-  
2 mination, the Board shall consider—

3 “(1) whether the person was offered a transpor-  
4 tation rate by the carrier or freight forwarder or  
5 party other than that legally on file with the Inter-  
6 state Commerce Commission at the time of the  
7 movement for the transportation service;

8 “(2) whether the person tendered freight to the  
9 carrier or freight forwarder in reasonable reliance  
10 upon the offered transportation rate;

11 “(3) whether the carrier or freight forwarder  
12 did not properly or timely file with the Interstate  
13 Commerce Commission a tariff providing for such  
14 transportation rate or failed to enter into an agree-  
15 ment for contract carriage;

16 “(4) whether the transportation rate was billed  
17 and collected by the carrier or freight forwarder; and

18 “(5) whether the carrier or freight forwarder or  
19 party demands additional payment of a higher rate  
20 filed in a tariff.

21 “(c) STAY OF ADDITIONAL COMPENSATION.—When  
22 a person proceeds under this section to challenge the rea-  
23 sonableness of the practice of a motor carrier, freight for-  
24 warder, or party described in subsection (a) to attempt  
25 to charge or to charge the difference described in sub-

1 section (a) between the applicable rate and the negotiated  
2 rate for the transportation service in addition to those  
3 charges already billed and collected for the transportation  
4 service, the person shall not have to pay any additional  
5 compensation to the carrier, freight forwarder, or party  
6 until the Board has made a determination as to the rea-  
7 sonableness of the practice as applied to the freight of the  
8 person against whom the claim is made.

9 “(d) TREATMENT.—Subsection (a) is an exception to  
10 the requirements of section 13702, and for transportation  
11 prior to the effective date of the Transportation Regu-  
12 latory Streamlining Act of 1995 to the requirements of  
13 sections 10761(a) and 10762 of this title, relating to a  
14 filed tariff rate and other general tariff requirements.

15 “(e) NONAPPLICABILITY OF NEGOTIATED RATE DIS-  
16 PUTE RESOLUTION PROCEDURE.—If a person elects to  
17 seek enforcement of subsection (a) with respect to a rate  
18 for a transportation or service, section 13708 of this part  
19 shall not apply to such rate.

20 “(f) DEFINITIONS.—For purposes of this section, the  
21 term ‘negotiated rate’ means a rate, charge, classification,  
22 or rule agreed upon by a motor carrier or freight for-  
23 warder and a shipper through negotiations pursuant to  
24 which no tariff was lawfully and timely filed and for which  
25 there is written evidence of such agreement.



1                   **“CHAPTER 139—REGISTRATION**

2   **“§ 13901. Requirement for registration**

3           “A person may provide transportation or service sub-  
4 ject to jurisdiction under subchapter I or III of chapter  
5 135 of this title or be a broker for transportation subject  
6 to jurisdiction under subchapter I of that chapter, only  
7 if the person is currently registered under this subchapter  
8 to provide the transportation or service.

9   **“§ 13902. Registration of motor carriers**

10          “(a)(1) Except as provided in this section, the Sec-  
11 retary of Transportation shall register a person to provide  
12 transportation subject to jurisdiction under subchapter I  
13 of chapter 135 of this title as a motor carrier if the Sec-  
14 retary finds that the person is willing and able to comply  
15 with—

16               “(A) this part, the applicable regulations of the  
17 Secretary and the United States Transportation  
18 Board, and any safety requirements imposed by the  
19 Secretary,

20               “(B) the safety fitness requirements established  
21 by the Secretary under section 31144 of this title,  
22 and

23               “(C) the minimum financial responsibility re-  
24 quirements established by the Secretary pursuant to  
25 sections 13906 and 31128 of this title.

1       “(2) The Secretary shall consider and, to the extent  
2 applicable, make findings on, any evidence demonstrating  
3 that the registrant is unable to comply with the require-  
4 ments of subparagraph (A), (B), or (C) of paragraph (1).

5       “(3) The Secretary shall find any registrant as a  
6 motor carrier under this section to be unfit if the reg-  
7 istrant does not meet the fitness requirements under para-  
8 graph (1) of this subsection and shall withhold registra-  
9 tion.

10       “(4) The Secretary may hear a complaint from any  
11 person concerning a registration under this subsection  
12 only on the ground that the registrant fails or will fail  
13 to comply with this part, the applicable regulations of the  
14 Secretary and the Board, the safety requirements of the  
15 Secretary, or the safety fitness or minimum financial re-  
16 sponsibility requirements of paragraph (1) of this sub-  
17 section.

18       “(b) Notwithstanding any other provision of law, any  
19 motor carrier providing transportation of shipments  
20 weighing 100 pounds or less transported in a motor vehi-  
21 cle in which no one package exceeds 100 pounds operating  
22 one or more commercial motor vehicles with a gross vehicle  
23 weight rating of 10,000 pounds or more shall be subject  
24 to commercial motor vehicle safety regulations promul-  
25 gated by the Secretary of Transportation pursuant to this

1 title with respect to its entire operations, including the op-  
2 erations of commercial motor vehicles with gross vehicle  
3 weight ratings less than 10,000 pounds.

4 “(c) MOTOR CARRIERS OF PASSENGERS.—

5 “(1) A motor carrier of passengers that is reg-  
6 istered by the Secretary under subsection (a) is au-  
7 thorized to provide regular-route transportation en-  
8 tirely in one State as a motor carrier of passengers  
9 if such intrastate transportation is to be provided on  
10 a route over which the carrier provides interstate  
11 transportation of passengers.

12 “(2) No State or political subdivision thereof  
13 and no interstate agency or other political agency of  
14 two or more States shall enact or enforce any law,  
15 rule, regulation, standard or other provision having  
16 the force and effect of law relating to the provision  
17 of pickup and delivery of express packages, news-  
18 papers, or mail in a commercial zone if the shipment  
19 has had or will have a prior or subsequent movement  
20 by bus in intrastate commerce and, if a city within  
21 the commercial zone, is served by a motor carrier of  
22 passengers providing regular-route transportation of  
23 passengers subject to jurisdiction under subchapter  
24 I of chapter 135 of this title.

1           “(3) Any intrastate transportation authorized  
2           under this subsection shall be deemed to be trans-  
3           portation subject to jurisdiction under subchapter I  
4           of chapter 135 of this title until such time, not later  
5           than 30 days after the date on which a motor carrier  
6           of passengers first begins providing transportation  
7           entirely in one State pursuant to this paragraph, as  
8           the carrier takes such action as is necessary to es-  
9           tablish under the laws of such State rates, rules, and  
10          practices applicable to such transportation.

11          “(4) This subsection shall not apply to any reg-  
12          ular-route transportation of passengers provided en-  
13          tirely in one State which is in the nature of a special  
14          operation.

15          “(5) Notwithstanding paragraph (3) of this  
16          subsection, intrastate transportation authorized  
17          under this subsection may be suspended or revoked  
18          by the Secretary under section 13905 of this title at  
19          any time.

20          “(d) RESTRICTIONS ON MOTOR CARRIERS DOMI-  
21          CILED IN OR OWNED OR CONTROLLED BY NATIONALS OF  
22          A CONTIGUOUS FOREIGN COUNTRY.—

23          “(1) If the President of the United States, or  
24          his or her delegate, determines that an act, policy,  
25          or practice of a foreign country contiguous to the

1 United States, or any political subdivision or any in-  
2 strumentality of any such country is unreasonable or  
3 discriminatory and burdens or restricts United  
4 States transportation companies providing, or seek-  
5 ing to provide, motor carrier transportation of prop-  
6 erty or passengers to, from, or within such foreign  
7 country, the President, or his or her delegate, may—

8 “(A) seek elimination of such practices  
9 through consultations; or

10 “(B) notwithstanding any other provision  
11 of law, suspend, modify, amend, condition, or  
12 restrict operations, including geographical re-  
13 striction of operations, in the United States by  
14 motor carriers of property or passengers domi-  
15 ciled in such foreign country or owned or con-  
16 trolled by persons of such foreign country.

17 “(2) Any action taken under paragraph (2)(B)  
18 to eliminate an act, policy, or practice shall be so de-  
19 vised so as to equal to the extent possible the bur-  
20 dens or restrictions imposed by such foreign country  
21 on United States transportation companies.

22 “(3) The President, or his or her delegate, may  
23 remove or modify in whole or in part any action  
24 taken under paragraph (2)(B) if the President, or  
25 his or her delegate, determines that such removal or

1 modification is consistent with the obligations of the  
2 United States under a trade agreement or with  
3 United States transportation policy.

4 “(4) Unless and until the President or his or  
5 her delegate makes a determination under para-  
6 graphs (1) or (3) above, nothing in this subsection  
7 shall affect—

8 “(A) operations of motor carriers of prop-  
9 erty or passengers domiciled in any contiguous  
10 foreign country or owned or controlled by per-  
11 sons of any contiguous foreign country per-  
12 mitted in the commercial zones along the U.S.-  
13 Mexico border as defined at the time of enact-  
14 ment of the Transportation Regulatory Stream-  
15 lining Act of 1995; or

16 “(B) any existing restrictions on oper-  
17 ations of motor carriers of property or pas-  
18 sengers domiciled in any contiguous foreign  
19 country or owned or controlled by persons of  
20 any contiguous foreign country or any modifica-  
21 tions thereof pursuant to section 6 of the Bus  
22 Regulatory Reform Act of 1982.

23 “(5) Unless the President, or his or her dele-  
24 gate, determines that expeditious action is required,  
25 he shall publish in the Federal Register any deter-

1 mination under paragraphs (1) or (3) together with  
2 a description of the facts on which such a deter-  
3 mination is based and any proposed action to be  
4 taken pursuant to paragraphs (1)(B) or (3) and pro-  
5 vide an opportunity for public comments.

6 “(6) The President may delegate any or all au-  
7 thority under this subsection to the Secretary of  
8 Transportation, who shall consult with other agen-  
9 cies as appropriate. In accordance with the direc-  
10 tions of the President, the Secretary of Transpor-  
11 tation may issue regulations to enforce this sub-  
12 section.

13 “(7) Either the Secretary of Transportation or  
14 the Attorney General may bring a civil action in an  
15 appropriate district court of the United States to en-  
16 force this subsection or a regulation prescribed or  
17 order issued under this subsection. The court may  
18 award appropriate relief, including injunctive relief.

19 “(8) This subsection shall not affect the re-  
20 quirement for all foreign motor carriers operating in  
21 the United States to fully comply with all applicable  
22 laws and regulations pertaining to fitness; safety of  
23 operations; financial responsibility; and taxes im-  
24 posed by section 4481 of the Internal Revenue Code  
25 of 1994.

1 **“§ 13903. Registration of freight forwarders**

2       “(a) The Secretary of Transportation shall register  
3 a person to provide service subject to jurisdiction under  
4 subchapter III of chapter 135 as a freight forwarder, if  
5 the Secretary finds that the person is fit, willing, and able  
6 to provide the service and to comply with this part and  
7 applicable regulations of the Secretary and the United  
8 States Transportation Board.

9       “(b) The freight forwarder may provide transpor-  
10 tation as the carrier itself only if the freight forwarder  
11 also has been registered to provide transportation as a car-  
12 rier under this chapter.

13 **“§ 13904. Registration of motor carrier brokers**

14       “(a) The Secretary of Transportation shall register,  
15 subject to section 13906(b) of this title, a person to be  
16 a broker for transportation of property subject to jurisdic-  
17 tion under subchapter I of chapter 135 of this title, if the  
18 Secretary finds that the person is fit, willing, and able to  
19 be a broker for transportation and to comply with this  
20 part and applicable regulations of the Secretary .

21       “(b)(1) The broker may provide the transportation  
22 itself only if the broker also has been registered to provide  
23 the transportation under this chapter.

24       “(2) This subsection does not apply to a motor car-  
25 rier registered under this chapter or to an employee or  
26 agent of the motor carrier to the extent the transportation



1 is to be provided entirely by the motor carrier, with other  
2 registered motor carriers, or with rail or water carriers.

3 “(c) Regulations of the Secretary shall provide for the  
4 protection of shippers by motor vehicle, to be observed by  
5 brokers.

6 “(d) The Secretary may impose on brokers for motor  
7 carriers of passengers such requirements for bonds or in-  
8 surance or both as the Secretary determines are needed  
9 to protect passengers and carriers dealing with such  
10 brokers.

11 **“§ 13905. Effective periods of registration**

12 “(a) Each registration under section 13902, 13903,  
13 or 13904 of this title is effective from the date specified  
14 by the Secretary of Transportation and remains in effect  
15 for a period of 5 years except as otherwise provided in  
16 this section or in section 13906.

17 “(b) On application of the holder, the Secretary may  
18 amend or revoke a registration. On complaint or on the  
19 Secretary’s own initiative and after notice and an oppor-  
20 tunity for a proceeding, the Secretary may suspend,  
21 amend, or revoke any part of the registration of a motor  
22 carrier, broker, or freight forwarder for willful failure to  
23 comply with this part, an applicable regulation or order  
24 of the Secretary or of the United States Transportation  
25 Board, or a condition of its registration.

1       “(c)(1) Except on application of the holder, the Sec-  
2 retary may revoke a registration of a motor carrier, freight  
3 forwarder, or broker, only after the Secretary has issued  
4 an order to the holder under section 14701 of this title  
5 requiring compliance with this part, a regulation of the  
6 Secretary, or a condition of the registration of the holder,  
7 and the holder willfully does not comply with the order.

8       “(2) The Secretary may act under paragraph (1) of  
9 this subsection only after giving the holder of the registra-  
10 tion at least 30 days to comply with the order.

11       “(d)(1) Without regard to subchapter II of chapter  
12 5 of title 5, the Secretary may suspend the registration  
13 of a motor carrier, a freight forwarder, or a broker for  
14 failure to comply with safety requirements of the Sec-  
15 retary or the safety fitness requirements pursuant to sec-  
16 tion 13904(c), 13906, or 31144, of this title, or an order  
17 or regulation of the Secretary prescribed under those sec-  
18 tions.

19       “(2) Without regard to subchapter II of chapter 5  
20 of title 5, the Secretary may suspend a registration of a  
21 motor carrier of passengers if the Secretary finds that  
22 such carrier has been conducting unsafe operations which  
23 are an imminent hazard to public health or property.

24       “(3) The Secretary may suspend the registration only  
25 after giving notice of the suspension to the holder. The

1 suspension remains in effect until the holder complies with  
2 those applicable sections or, in the case of a suspension  
3 under paragraph (2) of this subsection, until the Secretary  
4 revokes such suspension.

5 **“§ 13906. Security of motor carriers, brokers, and**  
6 **freight forwarders**

7 “(a)(1) The Secretary of Transportation may register  
8 a motor carrier under section 13902 only if the registering  
9 carrier (including a motor private carrier, a foreign motor  
10 carrier, and a foreign motor private carrier) files with the  
11 Secretary a bond, insurance policy, or other type of secu-  
12 rity approved by the Secretary, in an amount not less than  
13 such amount as the Secretary prescribes pursuant to, or  
14 as is required by, sections 31138 and 31139 of this title,  
15 and the laws of the State or States in which the carrier  
16 is operating, to the extent applicable. The security must  
17 be sufficient to pay, not more than the amount of the secu-  
18 rity, for each final judgment against the carrier for bodily  
19 injury to, or death of, an individual resulting from the neg-  
20 ligent operation, maintenance, or use of motor vehicles,  
21 or for loss or damage to property (except property referred  
22 to in paragraph (3) of this subsection), or both. A registra-  
23 tion remains in effect only as long as the carrier continues  
24 to satisfy the security requirements of this paragraph.

1       “(2) A motor carrier and a foreign motor private car-  
2 rier and foreign motor carrier operating in the United  
3 States (when providing transportation between places in  
4 a foreign country or between a place in one foreign coun-  
5 try and a place in another foreign country) shall comply  
6 with the requirements of sections 13303 and 13304. To  
7 protect the public, the Secretary may require any such  
8 motor carrier to file the type of security that a motor car-  
9 rier is required to file under paragraph (1) of this sub-  
10 section.

11       “(3) The Secretary may require a registered motor  
12 carrier to file with the Secretary a type of security suffi-  
13 cient to pay a shipper or consignee for damage to property  
14 of the shipper or consignee placed in the possession of the  
15 motor carrier as the result of transportation provided  
16 under this part. A carrier required by law to pay a shipper  
17 or consignee for loss, damage, or default for which a con-  
18 necting motor carrier is responsible is subrogated, to the  
19 extent of the amount paid, to the rights of the shipper  
20 or consignee under any such security.

21       “(b) The Secretary may register a person as a broker  
22 under section 13904 of this title only if the person files  
23 with the Secretary a bond, insurance policy, or other type  
24 of security approved by the Secretary to ensure that the  
25 transportation for which a broker arranges is provided.

1 The registration remains in effect only as long as the  
2 broker continues to satisfy the security requirements of  
3 this subsection.

4 “(c)(1) The Secretary may register a person as a  
5 freight forwarder under section 13903 of this title only  
6 if the person files with the Secretary a bond, insurance  
7 policy, or other type of security approved by the Secretary.  
8 The security must be sufficient to pay, not more than the  
9 amount of the security, for each final judgment against  
10 the freight forwarder for bodily injury to, or death of, an  
11 individual, or loss of, or damage to, property (other than  
12 property referred to in paragraph (2) of this subsection),  
13 resulting from the negligent operation, maintenance, or  
14 use of motor vehicles by or under the direction and control  
15 of the freight forwarder when providing transfer, collec-  
16 tion, or delivery service under this part.

17 “(2) The Secretary may require a registered freight  
18 forwarder to file with the Secretary a bond, insurance pol-  
19 icy, or other type of security approved by the Secretary  
20 sufficient to pay, not more than the amount of the secu-  
21 rity, for loss of, or damage to, property for which the  
22 freight forwarder provides service.

23 “(3) The freight forwarder’s registration remains in  
24 effect only as long as the freight forwarder continues to  
25 satisfy the security requirements of this subsection.

1       “(d) The Secretary may determine the type and  
2 amount of security filed under this section. A motor car-  
3 rier may submit proof of qualifications as a self-insurer  
4 to satisfy the security requirements of this section. The  
5 Secretary shall adopt regulations governing the standards  
6 for approval as a self-insurer.

7       “(e) The Secretary shall promulgate regulations re-  
8 quiring the submission to the Secretary of notices of insur-  
9 ance cancellation sufficiently in advance of actual cancella-  
10 tion so as to enable the Secretary to promptly revoke the  
11 registration of any carrier or broker after the effective  
12 date of the cancellation. The Secretary shall also prescribe  
13 the appropriate form of endorsement to be appended to  
14 policies of insurance and surety bonds which will subject  
15 the insurance policy or surety bond to the full security  
16 limits of the coverage required under this section.

17 **“§ 13907. Household goods agents**

18       “(a) Each motor carrier providing transportation of  
19 household goods subject to jurisdiction under subchapter  
20 I of chapter 135 of this title shall be responsible for all  
21 acts or omissions of any of its agents which relate to the  
22 performance of household goods transportation services  
23 (including accessorial or terminal services) subject to ju-  
24 risdiction under subchapter I of chapter 135 of this title  
25 and which are within the actual or apparent authority of

1 the agent from the carrier or which are ratified by the  
2 carrier.

3       “(b) Each motor carrier providing transportation of  
4 household goods subject to jurisdiction under subchapter  
5 I of chapter 135 of this title shall use due diligence and  
6 reasonable care in selecting and maintaining agents who  
7 are sufficiently knowledgeable, fit, willing, and able to pro-  
8 vide adequate household goods transportation services (in-  
9 cluding accessorial and terminal services) and to fulfill the  
10 obligations imposed upon them by this part and by such  
11 carrier.

12       “(c)(1) Whenever the Secretary of Transportation  
13 has reason to believe from a complaint or investigation  
14 that an agent providing household goods transportation  
15 services (including accessorial and terminal services)  
16 under the authority of a motor carrier providing transpor-  
17 tation of household goods subject to jurisdiction under  
18 subchapter I of chapter 135 of this title has violated sec-  
19 tion 14901(e) or 14912 of this title or is consistently not  
20 fit, willing, and able to provide adequate household goods  
21 transportation services (including accessorial and terminal  
22 services), the Secretary may issue to such agent a com-  
23 plaint stating the charges and containing notice of the  
24 time and place of a hearing which shall be held no later  
25 than 60 days after service of the complaint to such agent.

1       “(2) Such agent shall have the right to appear at  
2 such hearing and rebut the charges contained in the com-  
3 plaint.

4       “(3) If such person does not appear at the hearing  
5 or if the Secretary finds that the agent has violated section  
6 14901(e) or 14912 of this title or is consistently not fit,  
7 willing, and able to provide adequate household goods  
8 transportation services (including accessorial and terminal  
9 services), the Secretary may issue an order to compel com-  
10 pliance with the requirement that the agent be fit, willing,  
11 and able. Thereafter, the Secretary may issue an order  
12 to limit, condition, or prohibit such agent from any in-  
13 volvement in the transportation or provision of services in-  
14 cidental to the transportation of household goods subject  
15 to jurisdiction under subchapter I of chapter 135 of this  
16 title if, after notice and an opportunity for a hearing, the  
17 Secretary finds that such agent, within a reasonable time  
18 after the date of issuance of a compliance order under this  
19 section, but in no event less than 30 days after such date  
20 of issuance, has willfully failed to comply with such order.

21       “(4) Upon filing of a petition with the Secretary by  
22 an agent who is the subject of an order issued pursuant  
23 to the second sentence of paragraph (3) of this subsection  
24 and after notice, a hearing shall be held with an oppor-  
25 tunity to be heard. At such hearing, a determination shall



1 be made whether the order issued pursuant to paragraph  
2 (3) of this subsection should be rescinded.

3 “(5) Any agent adversely affected or aggrieved by an  
4 order of the Secretary issued under this subsection may  
5 seek relief in the appropriate United States court of ap-  
6 peals as provided by and in the manner prescribed in chap-  
7 ter 158 of title 28, United States Code.

8 “(d) The antitrust laws, as defined in the first section  
9 of the Clayton Act (15 U.S.C. 12), do not apply to discus-  
10 sions or agreements between a motor carrier providing  
11 transportation of household goods subject to jurisdiction  
12 under subchapter I of chapter 135 of this title and its  
13 agents (whether or not an agent is also a carrier) related  
14 solely to (1) rates for the transportation of household  
15 goods under the authority of the principal carrier, (2) ac-  
16 cessorial, terminal, storage, or other charges for services  
17 incidental to the transportation of household goods trans-  
18 ported under the authority of the principal carrier, (3) al-  
19 lowances relating to transportation of household goods  
20 under the authority of the principal carrier, and (4) own-  
21 ership of a motor carrier providing transportation of  
22 household goods subject to jurisdiction under subchapter  
23 I of chapter 135 of this title by an agent or membership  
24 on the board of directors of any such motor carrier by  
25 an agent.

1       **“CHAPTER 141—OPERATIONS OF CARRIERS**

2           “SUBCHAPTER I—GENERAL REQUIREMENTS

3       **“§ 14101. Providing transportation and service**

4           “(a) A carrier providing transportation or service  
5 subject to jurisdiction under chapter 135 of this title shall  
6 provide the transportation or service on reasonable re-  
7 quest. In addition, a motor carrier shall provide safe and  
8 adequate service, equipment, and facilities.

9           “(b) A carrier providing transportation or service  
10 subject to jurisdiction under chapter 135 of this title ex-  
11 cept household goods as defined under section  
12 13102(9)(A) may enter into a contract with a shipper to  
13 provide specified services under specified rates and condi-  
14 tions. If the shipper in writing expressly waives all rights  
15 and remedies under this part for the transportation cov-  
16 ered by the contract, the transportation provided under  
17 that contract shall not be subject to this subtitle, and may  
18 not be subsequently challenged on the ground that it vio-  
19 lates a provision of this part. The exclusive remedy for  
20 any alleged breach of a contract entered into under this  
21 subsection shall be an action in an appropriate State court  
22 or United States district court, unless the parties other-  
23 wise agree.

24       **“§ 14102. Leased motor vehicles**

25           “(a) The Secretary of Transportation may require a  
26 motor carrier providing transportation subject to jurisdic-

1 tion under subchapter I of chapter 135 of this title that  
2 uses motor vehicles not owned by it to transport property  
3 under an arrangement with another party to—

4 “(1) make the arrangement in writing signed  
5 by the parties specifying its duration and the com-  
6 pensation to be paid by the motor carrier;

7 “(2) carry a copy of the arrangement in each  
8 motor vehicle to which it applies during the period  
9 the arrangement is in effect;

10 “(3) inspect the motor vehicles and obtain li-  
11 ability and cargo insurance on them; and

12 “(4) have control of and be responsible for op-  
13 erating those motor vehicles in compliance with re-  
14 quirements prescribed by the Secretary on safety of  
15 operations and equipment, and with other applicable  
16 law as if the motor vehicles were owned by the  
17 motor carrier.

18 “(b) The Secretary shall require, by regulation, that  
19 any arrangement, between a motor carrier of property pro-  
20 viding transportation subject to jurisdiction under sub-  
21 chapter I of chapter 135 of this title and any other person,  
22 under which such other person is to provide any portion  
23 of such transportation by a motor vehicle not owned by  
24 the carrier shall specify, in writing, who is responsible for

1 loading and unloading the property onto and from the  
2 motor vehicle.

3 **“§ 14103. Loading and unloading motor vehicles**

4       “(a) Whenever a shipper or receiver of property re-  
5 quires that any person who owns or operates a motor vehi-  
6 cle transporting property in interstate commerce (whether  
7 or not such transportation is subject to jurisdiction under  
8 subchapter I of chapter 135 of this title) be assisted in  
9 the loading or unloading of such vehicle, the shipper or  
10 receiver shall be responsible for providing such assistance  
11 or shall compensate the owner or operator for all costs  
12 associated with securing and compensating the person or  
13 persons providing such assistance.

14       “(b) It shall be unlawful to coerce or attempt to co-  
15 erce any person providing transportation of property by  
16 motor vehicle for compensation in interstate commerce  
17 (whether or not such transportation is subject to jurisdic-  
18 tion under subchapter I of chapter 135 of this title) to  
19 load or unload any part of such property onto or from  
20 such vehicle or to employ or pay one or more persons to  
21 load or unload any part of such property onto or from  
22 such vehicle, except that this subsection shall not be con-  
23 strued as making unlawful any activity which is not unlaw-  
24 ful under the National Labor Relations Act or the Act of

1 March 23, 1932 (47 Stat. 70; 29 U.S.C. 101 et seq.), com-  
2 monly known as the Norris-LaGuardia Act.

3 **“§ 14104. Household goods carrier operations**

4 “(a)(1) The Secretary of Transportation may issue  
5 regulations, including regulations protecting individual  
6 shippers, in order to carry out this part with respect to  
7 the transportation of household goods by motor carriers  
8 subject to jurisdiction under subchapter I of chapter 135  
9 of this title. The regulations and paperwork required of  
10 motor carriers providing transportation of household  
11 goods shall be minimized to the maximum extent feasible  
12 consistent with the protection of individual shippers.

13 “(2) Regulations of the Secretary protecting individ-  
14 ual shippers shall include, where appropriate, reasonable  
15 performance standards for the transportation of household  
16 goods subject to jurisdiction under subchapter I of chapter  
17 135 of this title. In establishing performance standards  
18 under this paragraph, the Secretary shall take into ac-  
19 count at least the following:

20 “(A) the level of performance that can be  
21 achieved by a well-managed motor carrier transport-  
22 ing household goods;

23 “(B) the degree of harm to individual shippers  
24 which could result from a violation of the regulation;

1           “(C) the need to set the level of performance at  
2           a level sufficient to deter abuses which result in  
3           harm to consumers and violations of regulations;

4           “(D) service requirements of the carriers;

5           “(E) the cost of compliance in relation to the  
6           consumer benefits to be achieved from such compli-  
7           ance; and

8           “(F) the need to set the level of performance at  
9           a level designed to encourage carriers to offer service  
10          responsive to shipper needs.

11          “(3) Nothing in this section shall be construed to  
12          limit the Secretary’s authority to require reports from  
13          motor carriers providing transportation of household  
14          goods or to require such carriers to provide specified infor-  
15          mation to consumers concerning their past performance.

16          “(b)(1) Every motor carrier providing transportation  
17          of household goods subject to jurisdiction under sub-  
18          chapter I of chapter 135 of this title may, upon request  
19          of a prospective shipper, provide the shipper with an esti-  
20          mate of charges for transportation of household goods and  
21          for the proposed services. The Secretary shall not prohibit  
22          any such carrier from charging a prospective shipper for  
23          providing a written, binding estimate for the transpor-  
24          tation and proposed services.

1       “(2) Any charge for an estimate of charges provided  
2 by a motor carrier to a shipper for transportation of  
3 household goods subject to jurisdiction under subchapter  
4 I of chapter 135 of this title shall be subject to the anti-  
5 trust laws, as defined in the first section of the Clayton  
6 Act (15 U.S.C. 12).

7       “(c) The Secretary shall issue regulations that pro-  
8 vide motor carriers providing transportation of household  
9 goods subject to jurisdiction under subchapter I of chapter  
10 135 of this title with the maximum possible flexibility in  
11 weighing shipments, consistent with assurance to the ship-  
12 per of accurate weighing practices. The Secretary shall not  
13 prohibit such carriers from backweighing shipments or  
14 from basing their charges on the reweigh weights if the  
15 shipper observes both the tare and gross weighings (or,  
16 prior to such weighings, waives in writing the opportunity  
17 to observe such weighings) and such weighings are per-  
18 formed on the same scale.

19       “SUBCHAPTER II—REPORTS AND RECORDS

20       “**§ 14121. Definitions**

21       “In this subchapter—

22               “(1) ‘carrier’ and ‘broker’ include a receiver or  
23 trustee of a carrier and broker, respectively.

24               “(2) ‘association’ means an organization main-  
25 tained by or in the interest of a group of carriers or

1 brokers providing transportation or service subject  
2 to jurisdiction under chapter 135 of this title that  
3 performs a service, or engages in activities, related  
4 to transportation under this part.

5 **“§14122. Records: form; inspection; preservation**

6 “(a) The Secretary of Transportation or the United  
7 States Transportation Board, as applicable, may prescribe  
8 the form of records required to be prepared or compiled  
9 under this subchapter by carriers and brokers, including  
10 records related to movement of traffic and receipts and  
11 expenditures of money.

12 “(b) The Secretary or Board, or an employee des-  
13 igned by the Secretary or Board, may on demand and  
14 display of proper credentials—

15 “(1) inspect and examine the lands, buildings,  
16 and equipment of a carrier or broker; and

17 “(2) inspect and copy any record of—

18 “(A) a carrier, broker, or association; and

19 “(B) a person controlling, controlled by, or  
20 under common control with a carrier if the Sec-  
21 retary or Board, as applicable, considers inspec-  
22 tion relevant to that person’s relation to, or  
23 transaction with, that carrier.



1 “(c) The Secretary or Board, as applicable, may pre-  
2 scribe the time period during which operating, accounting,  
3 and financial records must be preserved by carriers.

4 **“§14123. Reports by carriers, brokers, and associa-**  
5 **tions**

6 “(a) The Secretary—

7 “(1) may require for-hire motor carriers to file  
8 annual reports with the Secretary, including a de-  
9 tailed balance sheet and income statement, informa-  
10 tion related to the ownership or lease of equipment  
11 operated by the motor carrier, and data related to  
12 the movement of traffic and safety performance, the  
13 form and substance of which shall be prescribed by  
14 the Secretary and may vary for different classes of  
15 motor carriers;

16 “(2) may require carriers, freight forwarders,  
17 brokers, lessors, and associations, or classes of them  
18 as the Secretary may prescribe, to file quarterly,  
19 periodic, or special reports with the Secretary and to  
20 respond to surveys concerning their operations; and

21 “(3) shall have the authority upon good cause  
22 shown to exempt from the financial reporting re-  
23 quirements prescribed by this subsection motor car-  
24 riers or commonly owned motor carriers—

1           “(A) with consolidated annual revenues in  
2 excess of \$1,000,000,000; and

3           “(B) who are not, or whose parent or af-  
4 filiates are not, otherwise required to file an-  
5 nual financial reports with the Securities and  
6 Exchange Commission pursuant to sections 13  
7 or 15(d) of the Securities Exchange Act of  
8 1934.

9           “(b) Any request for exemption under paragraph (3)  
10 must demonstrate, at a minimum, that an exemption is  
11 required to avoid competitive harm and preserve confiden-  
12 tial business information that is not otherwise publicly  
13 available. Exemptions shall only be granted for one-year  
14 periods.”.

15           “(c) The United States Transportation Board may  
16 require carriers to file special reports containing informa-  
17 tion needed by the Board.

18                           **“CHAPTER 143—FINANCE**

19           **“§ 14301. Security interests in certain motor vehicles**

20           “(a) In this section—

21                   “(1) ‘motor vehicle’ means a truck of rated ca-  
22 pacity (gross vehicle weight) of at least 10,000  
23 pounds, a highway tractor of rated capacity (gross  
24 combination weight) of at least 10,000 pounds, a  
25 property-carrying trailer or semitrailer with at least

1 one load-carrying axle of at least 10,000 pounds, or  
2 a motor bus with a seating capacity of at least 10  
3 individuals.

4 “(2) ‘lien creditor’ means a creditor having a  
5 lien on a motor vehicle and includes an assignee for  
6 benefit of creditors from the date of assignment, a  
7 trustee in a case under title 11 from the date of fil-  
8 ing of the petition in that case, and a receiver in eq-  
9 uity from the date of appointment of the receiver.

10 “(3) ‘security interest’ means an interest (in-  
11 cluding an interest established by a conditional sales  
12 contract, mortgage, equipment trust, or other lien or  
13 title retention contract, or lease) in a motor vehicle  
14 when the interest secures payment or performance of  
15 an obligation.

16 “(4) ‘perfection’, as related to a security inter-  
17 est, means taking action (including public filing, re-  
18 cording, notation on a certificate of title, and posses-  
19 sion of collateral by the secured party), or the exist-  
20 ence of facts, required under law to make a security  
21 interest enforceable against general creditors and  
22 subsequent lien creditors of a debtor, but does not  
23 include compliance with requirements related only to  
24 the establishment of a valid security interest between  
25 the debtor and the secured party.

1       “(b) A security interest in a motor vehicle owned by,  
2 or in the possession and use of, a carrier registered under  
3 section 13902 of this title and owing payment or perform-  
4 ance of an obligation secured by that security interest is  
5 perfected in all jurisdictions against all general, and subse-  
6 quent lien, creditors of, and all persons taking a motor  
7 vehicle by sale (or taking or retaining a security interest  
8 in a motor vehicle) from, that carrier when—

9               “(1) a certificate of title is issued for a motor  
10 vehicle under a law of a jurisdiction that requires or  
11 permits indication, on a certificate or title, of a secu-  
12 rity interest in the motor vehicle if the security in-  
13 terest is indicated on the certificate;

14               “(2) a certificate of title has not been issued  
15 and the law of the State where the principal place  
16 of business of that carrier is located requires or per-  
17 mits public filing or recording of, or in relation to,  
18 that security interest if there has been such a public  
19 filing or recording; and

20               “(3) a certificate of title has not been issued  
21 and the security interest cannot be perfected under  
22 paragraph (2) of this subsection, if the security in-  
23 terest has been perfected under the law (including  
24 the conflict of laws rules) of the State where the  
25 principal place of business of that carrier is located.

1 **“§ 14302. Pooling and division of transportation or**  
2 **earnings**

3 “(a) A carrier providing transportation subject to ju-  
4 risdiction under subchapter I of chapter 135 of this title  
5 may not agree or combine with another such carrier to  
6 pool or divide traffic or services or any part of their earn-  
7 ings without the approval of the United States Transpor-  
8 tation Board under this section.

9 “(b) The Board may approve and authorize an agree-  
10 ment or combination between or among motor carriers of  
11 passengers if the carriers involved assent to the pooling  
12 or division and the Board finds that a pooling or division  
13 of traffic, services, or earnings—

14 “(1) will be in the interest of better service to  
15 the public or of economy of operation; and

16 “(2) will not unreasonably restrain competition.

17 “(c)(1) Any motor carrier of property may apply to  
18 the Board for approval of an agreement or combination  
19 with another such carrier to pool or divide traffic or any  
20 services or any part of their earnings by filing such agree-  
21 ment or combination with the Board not less than 50 days  
22 before its effective date. Prior to the effective date of the  
23 agreement or combination, the Board shall determine  
24 whether the agreement or combination is of major trans-  
25 portation importance and whether there is substantial  
26 likelihood that the agreement or combination will unduly

1 restrain competition. If the Board determines that neither  
2 of these two factors exists, it shall, prior to such effective  
3 date and without a hearing, approve and authorize the  
4 agreement or combination, under such rules and regula-  
5 tions as the Board may issue, and for such consideration  
6 between such carriers and upon such terms and conditions  
7 as shall be found by the Board to be just and reasonable.  
8 If the Board determines either that the agreement or com-  
9 bination is of major transportation importance or that  
10 there is substantial likelihood that the agreement or com-  
11 bination will unduly restrain competition, the Board shall  
12 hold a hearing concerning whether the agreement or com-  
13 bination will be in the interest of better service to the pub-  
14 lic or of economy in operation and whether it will unduly  
15 restrain competition and shall suspend operation of such  
16 agreement or combination pending such hearing and final  
17 decision thereon. After such hearing, the Board shall indi-  
18 cate to what extent it finds that the agreement or com-  
19 bination will be in the interest of better service to the pub-  
20 lic or of economy in operation and will not unduly restrain  
21 competition and if assented to by all the carriers involved,  
22 shall to that extent, approve and authorize the agreement  
23 or combination, under such rules and regulations as the  
24 Board may issue, and for such consideration between such

1 carriers and upon such terms and conditions as shall be  
2 found by the Board to be just and reasonable.

3       “(2) In the case of an application for Board approval  
4 of an agreement or combination between a motor carrier  
5 providing transportation of household goods and its agents  
6 to pool or divide traffic or services or any part of their  
7 earnings, such agreement or combination shall be pre-  
8 sumed to be in the interest of better service to the public  
9 and of economy in operation and not to restrain competi-  
10 tion unduly if the practices proposed to be carried out  
11 under such agreement or combination are the same as or  
12 similar to practices carried out under agreements and  
13 combinations between motor carriers providing transpor-  
14 tation of household goods to pool or divide traffic or serv-  
15 ice of any part of their earnings approved by the Interstate  
16 Commerce Commission before October 15, 1980.

17       “(3) The Board shall streamline, simplify, and expe-  
18 dite, to the maximum extent practicable, the process (in-  
19 cluding, but not limited to, any paperwork) for submission  
20 and approval of applications under this section for agree-  
21 ments and combinations between motor carriers providing  
22 transportation of household goods and their agents.

23       “(d) The Board may impose conditions governing the  
24 pooling or division and may approve and authorize pay-  
25 ment of a reasonable consideration between the carriers.

1       “(e) The Board may begin a proceeding under this  
2 section on its own initiative or on application.

3       “(f) A carrier may participate in an arrangement ap-  
4 proved by or exempted by the Board under this section  
5 without the approval of any other Federal, State, or mu-  
6 nicipal body. A carrier participating in an approved or ex-  
7 empted arrangement is exempt from the antitrust laws  
8 and from all other law, including State and municipal law,  
9 as necessary to let that person carry out the arrangement.

10       **“CHAPTER 145—FEDERAL-STATE RELATIONS**

11       **“§ 14501. Federal authority over intrastate transpor-**  
12                               **tation**

13       “(a) MOTOR CARRIERS OF PASSENGERS.—No State  
14 or political subdivision thereof and no interstate agency  
15 or other political agency of two or more States shall enact  
16 or enforce any law, rule, regulation, standard, or other  
17 provisions having the force and effect of law relating to  
18 scheduling of interstate or intrastate transportation (in-  
19 cluding discontinuance or reduction in the level of service)  
20 provided by motor carrier of passengers subject to juris-  
21 diction under subchapter I of chapter 135 of this title on  
22 an interstate route or relating to the implementation of  
23 any change in the rates for such transportation except to  
24 the extent that notice, not in excess of 30 days, of changes



1 in schedules may be required. This subsection shall not  
2 apply to intrastate commuter bus operations.

3 “(b) FREIGHT FORWARDERS AND TRANSPORTATION  
4 BROKERS.—

5 “(1) GENERAL RULE.—Subject to paragraph  
6 (2) of this subsection, no State or political subdivi-  
7 sion thereof and no intrastate agency or other politi-  
8 cal agency of two or more States shall enact or en-  
9 force any law, rule, regulation, standard, or other  
10 provision having the force and effect of law relating  
11 to intrastate rates, intrastate routes, or intrastate  
12 services of any freight forwarder or transportation  
13 broker.

14 “(2) CONTINUATION OF HAWAII’S AUTHOR-  
15 ITY.—Nothing in this subsection and the amend-  
16 ments made by the Surface Freight Forwarder De-  
17 regulation Act of 1986 shall be construed to affect  
18 the authority of the State of Hawaii to continue to  
19 regulate a motor carrier operating within the State  
20 of Hawaii.

21 “(c) MOTOR CARRIERS OF PROPERTY.—

22 “(1) GENERAL RULE.—Except as provided in  
23 paragraphs (2) and (3), a State, political subdivision  
24 of a State, or political authority of 2 or more States  
25 may not enact or enforce a law, regulation, or other

1 provision having the force and effect of law related  
2 to a price, route, or service of any motor carrier  
3 (other than a carrier affiliated with a direct air car-  
4 rier covered by section 41713(b)(4) of this title) or  
5 any motor private carrier or any transportation  
6 intermediary (as defined in sections 13102(1) and  
7 13102(4) of this title) with respect to the transpor-  
8 tation of property.

9 “(2) MATTERS NOT COVERED.—Paragraph  
10 (1)—

11 “(A) shall not restrict the safety regulatory  
12 authority of a State with respect to motor vehi-  
13 cles, the authority of a State to impose highway  
14 route controls or limitations based on the size  
15 or weight of the motor vehicle or the hazardous  
16 nature of the cargo, or the authority of a State  
17 to regulate motor carriers with regard to mini-  
18 mum amounts of financial responsibility relat-  
19 ing to insurance requirements and self-insur-  
20 ance authorization; and

21 “(B) does not apply to the transportation  
22 of household goods.

23 “(3) STATE STANDARD TRANSPORTATION PRAC-  
24 TICES.—

1           “(A) CONTINUATION.—Paragraph (1) shall  
2 not affect any authority of a State, political  
3 subdivision of a State, or political authority of  
4 2 or more States to enact or enforce a law, reg-  
5 ulation, or other provision, with respect to the  
6 intrastate transportation of property by motor  
7 carriers, related to—

8                   “(i) uniform cargo liability rules,

9                   “(ii) uniform bills of lading or receipts  
10 for property being transported, or

11                   “(iii) uniform cargo credit rules,

12 if such law, regulation, or provision meets the  
13 requirements of subparagraph (B).

14           “(B) REQUIREMENTS.—A law, regulation,  
15 or provision of a State, political subdivision, or  
16 political authority meets the requirements of  
17 this subparagraph if—

18                   “(i) the law, regulation, or provision  
19 covers the same subject matter as, and  
20 compliance with such law, regulation, or  
21 provision is no more burdensome than  
22 compliance with, a provision of this part or  
23 a regulation issued by the Secretary of  
24 Transportation or the United States  
25 Transportation Board under this part; and

1           “(ii) the law, regulation, or provision  
2           only applies to a carrier upon request of  
3           such carrier.

4           “(C) ELECTION.—Notwithstanding any  
5           other provision of law, a carrier affiliated with  
6           a direct air carrier through common controlling  
7           ownership may elect to be subject to a law, reg-  
8           ulation, or provision of a State, political sub-  
9           division, or political authority under this para-  
10          graph.

11          “(4) This subsection shall not apply with re-  
12          spect to the State of Hawaii until August 22, 1997.

13       **“§ 14502. Tax discrimination against motor carrier**  
14               **transportation property**

15          “(a) In this section—

16               “(1) ‘assessment’ means valuation for a prop-  
17               erty tax levied by a taxing district;

18               “(2) ‘assessment jurisdiction’ means a geo-  
19               graphical area in a State used in determining the as-  
20               sessed value of property for ad valorem taxation;

21               “(3) ‘motor carrier transportation property’  
22               means property, as defined by the Secretary of  
23               Transportation, owned or used by a motor carrier  
24               providing transportation in interstate commerce  
25               whether or not such transportation is subject to ju-

1 jurisdiction under subchapter I of chapter 135 of this  
2 title; and

3 “(4) ‘commercial and industrial property’  
4 means property, other than transportation property  
5 and land used primarily for agricultural purposes or  
6 timber growing, devoted to a commercial or indus-  
7 trial use and subject to a property tax levy.

8 “(b) The following acts unreasonably burden and dis-  
9 criminate against interstate commerce and a State, sub-  
10 division of a State, or authority acting for a State or sub-  
11 division of a State may not do any of them:

12 “(1) Assess motor carrier transportation prop-  
13 erty at a value that has a higher ratio to the true  
14 market value of the motor carrier transportation  
15 property than the ratio that the assessed value of  
16 other commercial and industrial property in the  
17 same assessment jurisdiction has to the true market  
18 value of the other commercial and industrial prop-  
19 erty.

20 “(2) Levy or collect a tax on an assessment  
21 that may not be made under paragraph (1) of this  
22 subsection.

23 “(3) Levy or collect an ad valorem property tax  
24 on motor carrier transportation property at a tax  
25 rate that exceeds the tax rate applicable to commer-

1       cial and industrial property in the same assessment  
2       jurisdiction.

3       “(c) Notwithstanding section 1341 of title 28 and  
4 without regard to the amount in controversy or citizenship  
5 of the parties, a district court of the United States has  
6 jurisdiction, concurrent with other jurisdiction of courts  
7 of the United States and the States, to prevent a violation  
8 of subsection (b) of this section. Relief may be granted  
9 under this subsection only if the ratio of assessed value  
10 to true market value of motor carrier transportation prop-  
11 erty exceeds by at least 5 percent, the ratio of assessed  
12 value to true market value of other commercial and indus-  
13 trial property in the same assessment jurisdiction. The  
14 burden of proof in determining assessed value and true  
15 market value is governed by State law. If the ratio of the  
16 assessed value of other commercial and industrial property  
17 in the assessment jurisdiction to the true market value of  
18 all other commercial and industrial property cannot be de-  
19 termined to the satisfaction of the district court through  
20 the random-sampling method known as a sales assessment  
21 ratio study (to be carried out under statistical principles  
22 applicable to such a study), the court shall find, as a viola-  
23 tion of this section—

24               “(1) an assessment of the motor carrier trans-  
25       portation property at a value that has a higher ratio

1 to the true market value of the motor carrier trans-  
2 portation property than the assessment value of all  
3 other property subject to a property tax levy in the  
4 assessment jurisdiction has to the true market value  
5 of all such other property; and

6 “(2) the collection of ad valorem property tax  
7 on the motor carrier transportation property at a  
8 tax rate that exceeds the tax ratio rate applicable to  
9 taxable property in the taxing district.

10 **“§ 14503. Withholding State and local income tax by**  
11 **certain carriers**

12 “(a)(1) No part of the compensation paid by a motor  
13 carrier providing transportation subject to jurisdiction  
14 under subchapter I of chapter 135 of this title or by a  
15 motor private carrier to an employee who performs regu-  
16 larly assigned duties in 2 or more States as such an em-  
17 ployee with respect to a motor vehicle shall be subject to  
18 the income tax laws of any State or subdivision of that  
19 State, other than the State or subdivision thereof of the  
20 employee’s residence.

21 “(2) In this subsection ‘employee’ has the meaning  
22 given such term in section 31132 of this title.

23 “(b)(1) In this subsection, an employee is deemed to  
24 have earned more than 50 percent of pay in a State or  
25 subdivision of that State in which the time worked by the

1 employee in the State or subdivision is more than 50 per-  
2 cent of the total time worked by the employee while em-  
3 ployed during the calendar year.

4 “(2) A water carrier providing transportation subject  
5 to the jurisdiction of the Secretary of Transportation  
6 under subchapter II of chapter 135 of this title shall file  
7 income tax information returns and other reports only  
8 with—

9 “(A) the State and subdivision of residence of  
10 the employee (as shown on the employment records  
11 of the carrier); and

12 “(B) the State and subdivision in which the em-  
13 ployee earned more than 50 percent of the pay re-  
14 ceived by the employee from the carrier during the  
15 preceding calendar year.

16 “(3) This subsection applies to pay of a master, offi-  
17 cer, or sailor who is a member of the crew on a vessel  
18 engaged in foreign, coastwise, intercoastal or noncontig-  
19 uous trade or in the fisheries of the United States.

20 “(c) A motor and motor private carrier withholding  
21 pay from an employee under subsection (a) of this section  
22 shall file income tax information returns and other reports  
23 only with the State and subdivision of residence of the em-  
24 ployee.



1                   **“CHAPTER 147—ENFORCEMENT;**  
2                   **INVESTIGATIONS; RIGHTS; REMEDIES**

3           **“§ 14701. General authority**

4           “(a) The Secretary of Transportation or the United  
5 States Transportation Board, as applicable, may begin an  
6 investigation under this part on the Secretary’s or the  
7 Board’s own initiative or on complaint. If the Secretary  
8 or Board, as applicable, finds that a carrier or broker is  
9 violating this part, the Secretary or Board, as applicable,  
10 shall take appropriate action to compel compliance with  
11 this part. If the Secretary finds that a foreign motor car-  
12 rier or foreign motor private carrier is violating chapter  
13 139 of this title, the Secretary shall take appropriate ac-  
14 tion to compel compliance with that chapter. The Sec-  
15 retary or Board, as applicable, may take action under this  
16 subsection only after giving the carrier or broker notice  
17 of the investigation and an opportunity for a proceeding.

18           “(b) A person, including a governmental authority,  
19 may file with the Secretary or Board, as applicable, a com-  
20 plaint about a violation of this part by a carrier providing,  
21 or broker for, transportation or service subject to jurisdic-  
22 tion under this part or a foreign motor carrier or foreign  
23 motor private carrier providing transportation registered  
24 under section 13902 of this title. The complaint must  
25 state the facts that are the subject of the violation. The  
26 Secretary or Board, as applicable, may dismiss a com-

1    plaint that it determines does not state reasonable  
2    grounds for investigation and action.

3           “(c) A formal investigative proceeding begun by the  
4    Secretary or Board under subsection (a) of this section  
5    is dismissed automatically unless it is concluded with ad-  
6    ministrative finality by the end of the 3d year after the  
7    date on which it was begun.

8    **“§ 14702. Enforcement by the regulatory authority**

9           “(a) The Secretary of Transportation or the United  
10   States Transportation Board, as applicable, may bring a  
11   civil action—

12                   “(1) to enforce section 14103 of this title; or

13                   “(2) to enforce this part, or a regulation or  
14   order of the Secretary or Board, as applicable, when  
15   violated by a carrier or broker providing transpor-  
16   tation or service subject to jurisdiction under sub-  
17   chapter I or III of chapter 135 of this title or by  
18   a foreign motor carrier or foreign motor private car-  
19   rier providing transportation registered under sec-  
20   tion 13902 of this title.

21           “(b) In a civil action under subsection (a)(2) of this  
22   section—

23                   “(1) trial is in the judicial district in which the  
24   carrier, foreign motor carrier, foreign motor private  
25   carrier, or broker operates;



1       “(b)(1) A carrier providing transportation or service  
2 subject to jurisdiction under chapter 135 of this title is  
3 liable to a person for amounts charged that exceed the  
4 applicable rate for transportation or service contained in  
5 a tariff filed under section 13702 of this title.

6       “(2) A carrier or broker providing transportation or  
7 service subject to jurisdiction under chapter 135 of this  
8 title is liable for damages sustained by a person as a result  
9 of an act or omission of that carrier or broker in violation  
10 of this part.

11       “(c)(1) A person may file a complaint with the Board  
12 or the Secretary, as applicable, under section 14701(b) of  
13 this title or bring a civil action under subsection (b)(1)  
14 or (2) of this section to enforce liability against a carrier  
15 or broker providing transportation or service subject to ju-  
16 risdiction under chapter 135 of this title.

17       “(2) When the Board or Secretary, as applicable,  
18 makes an award under subsection (b) of this section, the  
19 Board or Secretary, as applicable, shall order the carrier  
20 to pay the amount awarded by a specific date. The Board  
21 or Secretary, as applicable, may order a carrier or broker  
22 providing transportation or service subject to jurisdiction  
23 under chapter 135 of this title to pay damages only when  
24 the proceeding is on complaint. The person for whose ben-  
25 efit an order of the Board or Secretary requiring the pay-

1 ment of money is made may bring a civil action to enforce  
2 that order under this paragraph if the carrier or broker  
3 does not pay the amount awarded by the date payment  
4 was ordered to be made.

5       “(d)(1) When a person begins a civil action under  
6 subsection (b) of this section to enforce an order of the  
7 Board or Secretary requiring the payment of damages by  
8 a carrier or broker providing transportation or service sub-  
9 ject to jurisdiction under chapter 135 of this title, the text  
10 of the order of the Board or Secretary must be included  
11 in the complaint. In addition to the district courts of the  
12 United States, a State court of general jurisdiction having  
13 jurisdiction of the parties has jurisdiction to enforce an  
14 order under this paragraph. The findings and order of the  
15 Board or Secretary are competent evidence of the facts  
16 stated in them. Trial in a civil action brought in a district  
17 court of the United States under this paragraph is in the  
18 judicial district in which the plaintiff resides or in which  
19 the principal operating office of the carrier or broker is  
20 located. In a civil action under this paragraph, the plain-  
21 tiff is liable for only those costs that accrue on an appeal  
22 taken by the plaintiff.

23       “(2) All parties in whose favor the award was made  
24 may be joined as plaintiffs in a civil action brought in a  
25 district court of the United States under this subsection

1 and all the carriers that are parties to the order awarding  
2 damages may be joined as defendants. Trial in the action  
3 is in the judicial district in which any one of the plaintiffs  
4 could bring the action against any one of the defendants.  
5 Process may be served on a defendant at its principal op-  
6 erating office when that defendant is not in the district  
7 in which the action is brought. A judgment ordering recov-  
8 ery may be made in favor of any of those plaintiffs against  
9 the defendant found to be liable to that plaintiff.

10 “(3) The district court shall award a reasonable at-  
11 torney’s fee as a part of the damages for which a carrier  
12 or broker is found liable under this subsection. The dis-  
13 trict court shall tax and collect that fee as a part of the  
14 costs of the action.

15 **“§ 14705. Limitation on actions by and against car-**  
16 **riers**

17 “(a) A carrier providing transportation or service  
18 subject to jurisdiction under chapter 135 of this title must  
19 begin a civil action to recover charges for transportation  
20 or service provided by the carrier within 18 months after  
21 the claim accrues.

22 “(b) A person must begin a civil action to recover  
23 overcharges within 18 months after the claim accrues. If  
24 the claim is against a carrier providing transportation sub-  
25 ject to jurisdiction under chapter 135 of this title and an

1 election to file a complaint with the United States Trans-  
2 portation Board or Secretary of Transportation, as appli-  
3 cable, is made under section 14704(c)(1), the complaint  
4 must be filed within 3 years after the claim accrues.

5       “(c) A person must file a complaint with the Board  
6 or Secretary, as applicable, to recover damages under sec-  
7 tion 14704(b)(2) of this title within 2 years after the claim  
8 accrues.

9       “(d) The limitation periods under subsection (b) of  
10 this section are extended for 6 months from the time writ-  
11 ten notice is given to the claimant by the carrier of dis-  
12 allowance of any part of the claim specified in the notice  
13 if a written claim is given to the carrier within those limi-  
14 tation periods. The limitation periods under subsection (b)  
15 of this section and the 2-year period under subsection (c)  
16 of this section are extended for 90 days from the time  
17 the carrier begins a civil action under subsection (a) of  
18 this section to recover charges related to the same trans-  
19 portation or service, or collects (without beginning a civil  
20 action under that subsection) the charge for that transpor-  
21 tation or service if that action is begun or collection is  
22 made within the appropriate period.

23       “(e) A person must begin a civil action to enforce  
24 an order of the Board or Secretary against a carrier for

1 the payment of money within one year after the date the  
2 order required the money to be paid.

3 “(f) This section applies to transportation for the  
4 United States Government. The time limitations under  
5 this section are extended, as related to transportation for  
6 or on behalf of the United States Government, for 3 years  
7 from the date of (1) payment of the rate for the transpor-  
8 tation or service involved, (2) subsequent refund for over-  
9 payment of that rate, or (3) deduction made under section  
10 3726 of title 31, whichever is later.

11 “(g) A claim related to a shipment of property ac-  
12 crues under this section on delivery or tender of delivery  
13 by the carrier.

14 **“§ 14706. Liability of carriers under receipts and bills**  
15 **of lading**

16 “(a)(1) A carrier providing transportation or service  
17 subject to jurisdiction under subchapter I or III of chapter  
18 135 of this title shall issue a receipt or bill of lading for  
19 property it receives for transportation under this part.  
20 That carrier and any other carrier that delivers the prop-  
21 erty and is providing transportation or service subject to  
22 jurisdiction under subchapter I or III of chapter 135 or  
23 chapter 105 of this title are liable to the person entitled  
24 to recover under the receipt or bill of lading. The liability  
25 imposed under this paragraph is for the actual loss or in-



1 jury to the property caused by (1) the receiving carrier,  
2 (2) the delivering carrier, or (3) another carrier over  
3 whose line or route the property is transported in the  
4 United States or from a place in the United States to a  
5 place in an adjacent foreign country when transported  
6 under a through bill of lading and, except in the case of  
7 a freight forwarder, applies to property reconsigned or di-  
8 verted under a tariff filed under section 13702 of this title.  
9 Failure to issue a receipt or bill of lading does not affect  
10 the liability of a carrier. A delivering carrier is deemed  
11 to be the carrier performing the line-haul transportation  
12 nearest the destination but does not include a carrier pro-  
13 viding only a switching service at the destination.

14       “(2) A freight forwarder is both the receiving and de-  
15 livering carrier. When a freight forwarder provides service  
16 and uses a motor carrier providing transportation subject  
17 to jurisdiction under subchapter I of chapter 135 of this  
18 title to receive property from a consignor, the motor car-  
19 rier may execute the bill of lading or shipping receipt for  
20 the freight forwarder with its consent. With the consent  
21 of the freight forwarder, a motor carrier may deliver prop-  
22 erty for a freight forwarder on the freight forwarder’s bill  
23 of lading, freight bill, or shipping receipt to the consignee  
24 named in it, and receipt for the property may be made  
25 on the freight forwarder’s delivery receipt.

1       “(b) The carrier issuing the receipt or bill of lading  
2 under subsection (a) of this section or delivering the prop-  
3 erty for which the receipt or bill of lading was issued is  
4 entitled to recover from the carrier over whose line or  
5 route the loss or injury occurred the amount required to  
6 be paid to the owners of the property, as evidenced by  
7 a receipt, judgment, or transcript, and the amount of its  
8 expenses reasonably incurred in defending a civil action  
9 brought by that person.

10       “(c)(1) A carrier may limit or be exempt from liabil-  
11 ity imposed under subsection (a) of this section by a mu-  
12 tual written agreement, that is referred to in the receipt,  
13 bill of lading, or contract for the transportation involved  
14 entered into with the shipper, to limit liability to a speci-  
15 fied amount.

16       “(2) If loss or injury to property occurs while it is  
17 in the custody of a water carrier, the liability of that car-  
18 rier is determined by its bill of lading and the law applica-  
19 ble to water transportation. The liability of the initial or  
20 delivering carrier is the same as the liability of the water  
21 carrier.

22       “(d)(1) A civil action under this section may be  
23 brought against a delivering carrier (other than a rail car-  
24 rier) in a district court of the United States or in a State  
25 court. Trial, if the action is brought in a district court

1 of the United States is in a judicial district, and if in a  
2 State court, is in a State, through which the defendant  
3 carrier operates a railroad or route.

4 “(2)(A) A civil action under this section may only be  
5 brought—

6 “(i) Against the originating rail carrier, in the  
7 judicial district in which the point of origin is lo-  
8 cated;

9 “(ii) against the delivering rail carrier, in the  
10 judicial district in which the principal place of busi-  
11 ness of the person bringing the action is located if  
12 the delivering carrier operates a railroad or a route  
13 through such judicial district, or in the judicial dis-  
14 trict in which the point of destination is located; and

15 “(iii) against the carrier alleged to have caused  
16 the loss or damage, in the judicial district in which  
17 such loss or damage is alleged to have occurred.

18 “(B) A civil action under this section may be brought  
19 in a United States district court or in a State court.

20 “(C) In this section, ‘judicial district’ means (i) in  
21 the case of a United States district court, a judicial dis-  
22 trict of the United States, and (ii) in the case of a State  
23 court, the applicable geographic area over which such  
24 court exercises jurisdiction.

1       “(e) A carrier may not provide by rule, contract, or  
2 otherwise, a period of less than 9 months for filing a claim  
3 against it under this section and a period of less than 2  
4 years for bringing a civil action against it under this sec-  
5 tion. The period for bringing a civil action is computed  
6 from the date the carrier gives a person written notice that  
7 the carrier has disallowed any part of the claim specified  
8 in the notice. For the purposes of this subsection—

9               “(1) an offer of compromise shall not constitute  
10 a disallowance of any part of the claim unless the  
11 carrier, in writing, informs the claimant that such  
12 part of the claim is disallowed and provides reasons  
13 for such disallowance; and

14               “(2) communications received from a carrier’s  
15 insurer shall not constitute a disallowance of any  
16 part of the claim unless the insurer, in writing, in-  
17 forms the claimant that such part of the claim is  
18 disallowed, provides reason for such disallowance,  
19 and informs the claimant that the insurer is acting  
20 on behalf of the carrier.

21       “(f) Within one year after enactment of the Trans-  
22 portation Regulatory Streamlining Act of 1995, the Sec-  
23 retary shall deliver to the Congressional authorizing com-  
24 mittees a report on the subject of retaining or modifying

1 the Carmack Amendment, together with any proposed leg-  
2 islation to implement the study's recommendations, if any.

3       “(g) A carrier or group of carriers subject to jurisdic-  
4 tion under subchapter I or III of chapter 135 of this title  
5 may petition the Board to modify, elminate or establish  
6 rates for the transportation of household goods as defined  
7 in Section 13102(g)(A) under which the liability of the  
8 carrier for that property is limited to a value established  
9 by written declaration of the shipper or by a written agree-  
10 ment.

11 **“§ 14707. Private enforcement of registration require-**  
12 **ment**

13       “(a) If a person provides transportation by motor ve-  
14 hicle or service in clear violation of section 13901–13904  
15 or 13906 of this title, a person injured by the transpor-  
16 tation or service may bring a civil action to enforce any  
17 such section. In a civil action under this subsection, trial  
18 is in the judicial district in which the person who violated  
19 that section operates.

20       “(b) A copy of the complaint in a civil action under  
21 subsection (a) of this section shall be served on the Sec-  
22 retary of Transportation and a certificate of service must  
23 appear in the complaint filed with the court. The Sec-  
24 retary may intervene in a civil action under subsection (a)  
25 of this section. The Secretary may notify the district court

1 in which the action is pending that the Secretary intends  
2 to consider the matter that is the subject of the complaint  
3 in a proceeding before the Secretary. When that notice is  
4 filed, the court shall stay further action pending disposi-  
5 tion of the proceeding before the Secretary.

6 “(c) In a civil action under subsection (a) of this sec-  
7 tion, the court may determine the amount of and award  
8 a reasonable attorney’s fee to the prevailing party. That  
9 fee is in addition to costs allowable under the Federal  
10 Rules of Civil Procedure.

11 **“§ 14708. Dispute settlement program for household**  
12 **goods carriers**

13 “(a)(1) As a condition of registration under section  
14 13902 or 13903 of this title, a carrier providing transpor-  
15 tation of household goods subject to jurisdiction under  
16 subchapter I or III of chapter 135 of this title must agree  
17 to offer to shippers neutral arbitration as a means of set-  
18 tling disputes between such carriers and shippers of house-  
19 hold goods concerning the transportation of household  
20 goods.

21 “(b)(1) The arbitration that is offered must be de-  
22 signed to prevent a carrier from having any special advan-  
23 tage in any case in which the claimant resides or does  
24 business at a place distant from the carrier’s principal or  
25 other place of business.

1       “(2) The carrier must provide the shipper an ade-  
2 quate notice of the availability of neutral arbitration, in-  
3 cluding a concise easy-to-read, accurate summary of the  
4 arbitration procedure and disclosure of the legal effects  
5 of election to utilize arbitration. Such notice must be given  
6 to persons for whom household goods are to be trans-  
7 ported by the carrier before such goods are tendered to  
8 the carrier for transportation.

9       “(3) Upon request of a shipper, the carrier must  
10 promptly provide such forms and other information as are  
11 necessary for initiating an action to resolve a dispute  
12 under arbitration.

13       “(4) Each person authorized to arbitrate or otherwise  
14 settle disputes, must be independent of the parties to the  
15 dispute and must be capable, as determined under such  
16 regulations as the Secretary of Transportation may issue,  
17 to resolve such disputes fairly and expeditiously. The car-  
18 rier must ensure that each person chosen to settle the dis-  
19 putes is authorized and able to obtain from the shipper  
20 or carrier any material and relevant information to the  
21 extent necessary to carry out a fair and expeditious deci-  
22 sion making process.

23       “(5) No fee for instituting an arbitration proceeding  
24 may be charged the shipper; except that, if the arbitration  
25 is binding solely on the carrier, the shipper may be

1 charged a fee of not more than \$25 for instituting an arbi-  
2 tration proceeding. In any case in which a shipper is  
3 charged a fee under this paragraph for instituting an arbi-  
4 tration proceeding and such dispute is settled in favor of  
5 the shipper, the person settling the dispute must refund  
6 such fee to the shipper unless the person settling the dis-  
7 pute determines that such refund is inappropriate.

8       “(6) The carrier must not require the shipper to  
9 agree to utilize arbitration prior to the time that a dispute  
10 arises.

11       “(7) The arbitrator may provide for an oral presen-  
12 tation of a dispute concerning transportation of household  
13 goods by a party to the dispute (or a party’s representa-  
14 tive), but such oral presentation may be made only if all  
15 parties to the dispute expressly agree to such presentation  
16 and the date, time, and location of such presentation.

17       “(8) The arbitrator must, as expeditiously as possible  
18 but at least within 60 days of receipt of written notifica-  
19 tion of the dispute, render a decision based on the infor-  
20 mation gathered, except that, in any case in which a party  
21 to the dispute fails to provide in a timely manner any in-  
22 formation concerning such dispute which the person set-  
23 tling the dispute may reasonably require to resolve the dis-  
24 pute, the arbitrator may extend such 60-day period for  
25 a reasonable period of time. A decision resolving a dispute



1 may include any remedies appropriate under the cir-  
2 cumstances, including repair, replacement, refund, reim-  
3 bursement for expenses, and compensation for damages.

4 “(c) Materials and information obtained in the course  
5 of a decision making process to settle a dispute by arbitra-  
6 tion under this section may not be used to bring an action  
7 under section 14905 of this title.

8 “(d) In any court action to resolve a dispute between  
9 a shipper of household goods and a motor carrier provid-  
10 ing transportation or service subject to jurisdiction under  
11 subchapter I or III of chapter 135 of this title concerning  
12 the transportation of household goods by such carrier, the  
13 shipper shall be awarded reasonable attorney’s fees if—

14 “(1) the shipper submits a claim to the carrier  
15 within 120 days after the date the shipment is deliv-  
16 ered or the date the delivery is scheduled, whichever  
17 is later;

18 “(2) the shipper prevails in such court action;  
19 and

20 “(3)(A) no arbitration was available for use by  
21 the shipper to resolve the dispute; or

22 “(B) a decision resolving the dispute was not  
23 rendered through arbitration under this section with-  
24 in the period provided under subsection (b)(8) of

1 this section or an extension of such period under  
2 such subsection; or

3 “(C) the court proceeding is to enforce a deci-  
4 sion rendered through arbitration under this section  
5 and is instituted after the period for performance  
6 under such decision has elapsed.

7 “(e) In any court action to resolve a dispute between  
8 a shipper of household goods and a carrier providing  
9 transportation or service subject to jurisdiction under sub-  
10 chapter I or III of chapter 135 of this title concerning  
11 the transportation of household goods by such carrier,  
12 such carrier may be awarded reasonable attorney’s fees  
13 by the court only if the shipper brought such action in  
14 bad faith—

15 “(1) after resolution of such dispute through  
16 arbitration under this section; or

17 “(2) after institution of an arbitration proceed-  
18 ing by the shipper to resolve such dispute under this  
19 section but before (A) the period provided under  
20 subsection (b)(8) for resolution of such dispute (in-  
21 cluding, if applicable, an extension of such period  
22 under such subsection) ends, and (B) a decision re-  
23 solving such dispute is rendered.

24 “(f) The provisions of this section shall apply only  
25 in the case of collect-on-delivery transportation of those

1 types of household goods described in section 13102(8)(A)  
2 of this title.

3 **“§ 14709. Tariff reconciliation rules for motor car-**  
4 **riers of property**

5 “Subject to review and approval by the United States  
6 Transportation Board, motor carriers subject to jurisdic-  
7 tion under subchapter I of chapter 135 of this title (other  
8 than motor carriers providing transportation of household  
9 goods) and shippers may resolve, by mutual consent, over-  
10 charge and under-charge claims resulting from incorrect  
11 tariff provisions or billing errors arising from the inadvert-  
12 ent failure to properly and timely file and maintain agreed  
13 upon rates, rules, or classifications in compliance with sec-  
14 tions 10761 and 10762 of this title prior to the effective  
15 date of the Transportation Regulatory Streamlining Act  
16 of 1995. Resolution of such claims among the parties shall  
17 not subject any party to the penalties for departing from  
18 a filed tariff.

19 **“CHAPTER 149—CIVIL AND CRIMINAL PENALTIES**  
20 **“§ 14901. General civil penalties**

21 “(a) A person required to make a report to the Sec-  
22 retary of Transportation or to the United States Trans-  
23 portation Board, answer a question, or make, prepare, or  
24 preserve a record under this part concerning transpor-  
25 tation subject to jurisdiction under subchapter I or III of

1 chapter 135 of this title or transportation by a foreign  
2 carrier registered under section 13902 of this title, or an  
3 officer, agent, or employee of that person that (1) does  
4 not make the report, (2) does not specifically, completely,  
5 and truthfully answer the question, (3) does not make,  
6 prepare, or preserve the record in the form and manner  
7 prescribed, (4) does not comply with section 13901 of this  
8 title, or (5) does not comply with section 13902(d) of this  
9 title is liable to the United States Government for a civil  
10 penalty of not less than \$500 for each violation and for  
11 each additional day the violation continues; except that,  
12 in the case of a person who does not have authority under  
13 this part to provide transportation of passengers, or an  
14 officer, agent, or employee of such person, that does not  
15 comply with section 13901 of this title with respect to pro-  
16 viding transportation of passengers, the amount of the  
17 civil penalty shall not be less than \$2,000 for each viola-  
18 tion and for each additional day the violation continues.

19       “(b) A person subject to jurisdiction under sub-  
20 chapter I of chapter 135 of this title, or an officer, agent,  
21 or employee of that person, and who is required to comply  
22 with section 13901 of this title but does not so comply  
23 with respect to the transportation of hazardous wastes as  
24 defined by the Environmental Protection Agency pursuant  
25 to section 3001 of the Solid Waste Disposal Act (but not

1 including any waste the regulation of which under the  
2 Solid Waste Disposal Act has been suspended by Con-  
3 gress) shall be liable to the United States for a civil pen-  
4 alty not to exceed \$20,000 for each violation.

5       “(c) In determining and negotiating the amount of  
6 a civil penalty under subsection (a) or (d) concerning  
7 transportation of household goods, the degree of culpabil-  
8 ity, any history of prior such conduct, the degree of harm  
9 to shipper or shippers, ability to pay, the effect on ability  
10 to do business, whether the shipper has been adequately  
11 compensated before institution of the proceeding, and such  
12 other matters as fairness may require shall be taken into  
13 account.

14       “(d) If a carrier providing transportation of house-  
15 hold goods subject to jurisdiction under subchapter I or  
16 III of chapter 135 of this title or a receiver or trustee  
17 of such carrier fails or refuses to comply with any regula-  
18 tion issued by the Secretary or the Board relating to pro-  
19 tection of individual shippers, such carrier, receiver, or  
20 trustee is liable to the United States for a civil penalty  
21 of not less than \$1,000 for each violation and for each  
22 additional day during which the violation continues.

23       “(e) Any person that knowingly engages in or know-  
24 ingly authorizes an agent or other person (1) to falsify  
25 documents used in the transportation of household goods

1 subject to jurisdiction under subchapter I or III of chapter  
2 135 of this title which evidence the weight of a shipment,  
3 or (2) to charge for accessorial services which are not per-  
4 formed or for which the carrier is not entitled to be com-  
5 pensated in any case in which such services are not rea-  
6 sonably necessary in the safe and adequate movement of  
7 the shipment, is liable to the United States for a civil pen-  
8 alty of not less than \$2,000 for each violation and of not  
9 less than \$5,000 for each subsequent violation. Any State  
10 may bring a civil action in the United States district  
11 courts to compel a person to pay a civil penalty assessed  
12 under this subsection.

13 “(f) Trial in a civil action under subsections (a)  
14 through (e) of this section is in the judicial district in  
15 which (1) the motor carrier or broker has its principal of-  
16 fice, (2) the motor carrier or broker was authorized to pro-  
17 vide transportation or service under this part when the  
18 violation occurred, (3) the violation occurred, or (4) the  
19 offender is found. Process in the action may be served in  
20 the judicial district of which the offender is an inhabitant  
21 or in which the offender may be found.

22 **“§ 14902. Civil penalty for accepting rebates from car-**  
23 **rier**

24 “A person—

1           “(1) delivering property to a carrier providing  
2           transportation or service subject to jurisdiction  
3           under chapter 135 of this title for transportation  
4           under this part or for whom that carrier will trans-  
5           port the property as consignor or consignee for that  
6           person from a State or territory or possession of the  
7           United States to another State or possession, terri-  
8           tory, or to a foreign country; and

9           “(2) knowingly accepting or receiving by any  
10          means a rebate or offset against the rate for trans-  
11          portation for, or service of, that property contained  
12          in a tariff filed with the United States Transpor-  
13          tation Board under section 13702 of this title,  
14          is liable to the United States Government for a civil pen-  
15          alty in an amount equal to 3 times the amount of money  
16          that person accepted or received as a rebate or offset and  
17          3 times the value of other consideration accepted or re-  
18          ceived as a rebate or offset. In a civil action under this  
19          section, all money or other consideration received by the  
20          person during a period of 6 years before an action is  
21          brought under this section may be included in determining  
22          the amount of the penalty, and if that total amount is  
23          included, the penalty shall be 3 times that total amount.

1 **“§ 14903. Tariff violations**

2       “(a) A person that knowingly offers, grants, gives,  
3 solicits, accepts, or receives by any means transportation  
4 or service provided for property by a carrier subject to  
5 jurisdiction under chapter 135 of this title at less than  
6 the rate in effect under section 13702 of this title shall  
7 be fined at least \$1,000 but not more than \$20,000, im-  
8 prisoned for not more than 2 years, or both.

9       “(b) A carrier providing transportation or service  
10 subject to jurisdiction under chapter 135 of this title or  
11 an officer, director, receiver, trustee, lessee, agent, or em-  
12 ployee of a corporation that is subject to jurisdiction under  
13 that chapter, that willfully does not observe its tariffs filed  
14 as required under section 13702 of this title until changed  
15 under law, shall be fined at least \$1,000 but not more  
16 than \$20,000, imprisoned for not more than 2 years, or  
17 both.

18       “(c) When acting in the scope of their employment,  
19 the actions and omissions of persons acting for or em-  
20 ployed by a carrier or shipper that is subject to subsection  
21 (a) or (b) of this section are considered to be the actions  
22 and omissions of that carrier or shipper as well as that  
23 person.

24       “(d) Trial in a criminal action under this section is  
25 in the judicial district in which any part of the violation



1 is committed or through which the transportation is con-  
2 ducted.

3 **“§ 14904. Additional rate violations**

4 “(a) A person, or an officer, employee, or agent of  
5 that person, that—

6 “(1) knowingly offers, grants, gives, solicits, ac-  
7 cepts, or receives a rebate for concession, in violation  
8 of a provision of this part related to motor carrier  
9 transportation subject to jurisdiction under sub-  
10 chapter I of chapter 135 of this title; or

11 “(2) by any means knowingly and willfully as-  
12 sists or permits another person to get transportation  
13 that is subject to jurisdiction under that subchapter  
14 at less than the rate in effect for that transportation  
15 under section 13702 of this title,

16 shall be fined at least \$200 for the first violation and at  
17 least \$250 for a subsequent violation.

18 “(b)(1) A freight forwarder providing service subject  
19 to jurisdiction under subchapter III of chapter 135 of this  
20 title, or an officer, agent, or employee of that freight for-  
21 warder, that knowingly and willfully assists a person in  
22 getting, or willingly permits a person to get, service pro-  
23 vided under that subchapter at less than the rate in effect  
24 for that service under section 13702 of this title, shall be

1 fined not more than \$500 for the first violation and not  
2 more than \$2,000 for a subsequent violation.

3 “(2) A person that knowingly and willfully by any  
4 means gets, or attempts to get, service provided under  
5 subchapter III of chapter 135 of this title at less than  
6 the rate in effect for that service under section 13702 of  
7 this title, shall be fined not more than \$500 for the first  
8 violation and not more than \$2,000 for a subsequent viola-  
9 tion.

10 **“§ 14905. Penalties for violations of rules relating to**  
11 **loading and unloading motor vehicles**

12 “(a) Any person who knowingly authorizes, consents  
13 to, or permits a violation of subsection (a) or (b) of section  
14 14103 of this title or who knowingly violates subsection  
15 (a) of such section is liable to the United States Govern-  
16 ment for a civil penalty of not more than \$10,000 for each  
17 violation.

18 “(b) Any person who knowingly violates section  
19 14103(b) of this title shall be fined not more than  
20 \$10,000, imprisoned for not more than 2 years, or both.

21 **“§ 14906. Evasion of regulation of carriers and bro-**  
22 **kers**

23 “A person, or an officer, employee, or agent of that  
24 person that by any means knowingly and willfully tries to  
25 evade regulation provided under this part for carriers or

1 brokers shall be fined at least \$200 for the first violation  
2 and at least \$250 for a subsequent violation.

3 **“§ 14907. Record keeping and reporting violations**

4       “A person required to make a report to the Secretary  
5 of Transportation or to the United States Transportation  
6 Board, as applicable, answer a question, or make, prepare,  
7 or preserve a record under this part about transportation  
8 subject to jurisdiction under subchapter I or III of chapter  
9 135 of this title, or an officer, agent, or employee of that  
10 person, that (1) willfully does not make that report, (2)  
11 willfully does not specifically, completely, and truthfully  
12 answer that question in 30 days from the date the Sec-  
13 retary or Board, as applicable, requires the question to  
14 be answered, (3) willfully does not make, prepare, or pre-  
15 serve that record in the form and manner prescribed, (4)  
16 knowingly and willfully falsifies, destroys, mutilates, or  
17 changes that report or record, (5) knowingly and willfully  
18 files a false report or record, (6) knowingly and willfully  
19 makes a false or incomplete entry in that record about  
20 a business related fact or transaction, or (7) knowingly  
21 and willfully makes, prepares, or preserves a record in vio-  
22 lation of an applicable regulation or order of the Secretary  
23 or Board shall be fined not more than \$5,000.

1 **“§ 14908. Unlawful disclosure of information**

2       “(a)(1) A carrier or broker providing transportation  
3 subject to jurisdiction under subchapter I, II, or III of  
4 chapter 135 of this title or an officer, receiver, trustee,  
5 lessee, or employee of that carrier or broker, or another  
6 person authorized by that carrier or broker to receive in-  
7 formation from that carrier or broker may not knowingly  
8 disclose to another person, except the shipper or con-  
9 signee, and another person may not solicit, or knowingly  
10 receive, information about the nature, kind, quantity, des-  
11 tination, consignee, or routing of property tendered or de-  
12 livered to that carrier or broker for transportation pro-  
13 vided under this part without the consent of the shipper  
14 or consignee if that information may be used to the det-  
15 riment of the shipper or consignee or may disclose improv-  
16 erly to a competitor the business transactions of the ship-  
17 per or consignee.

18       “(2) A person violating paragraph (1) of this sub-  
19 section shall be fined not less than \$2,000. Trial in a  
20 criminal action under this paragraph is in the judicial dis-  
21 trict in which any part of the violation is committed.

22       “(b) This part does not prevent a carrier or broker  
23 providing transportation subject to jurisdiction under  
24 chapter 135 of this title from giving information—

25               “(1) in response to legal process issued under  
26       authority of a court of the United States or a State;



1 **“§ 14911. Punishment of corporation for violations**  
2 **committed by certain individuals**

3 “An act or omission that would be a violation of this  
4 part if committed by a director, officer, receiver, trustee,  
5 lessee, agent, or employee of a carrier providing transpor-  
6 tation or service subject to jurisdiction under chapter 135  
7 of this title that is a corporation is also a violation of this  
8 part by that corporation. The penalties of this chapter  
9 apply to that violation. When acting in the scope of their  
10 employment, the actions and omissions of individuals act-  
11 ing for or employed by that carrier are considered to be  
12 the actions and omissions of that carrier as well as that  
13 individual.

14 **“§ 14912. Weight-bumping in household goods trans-**  
15 **portation**

16 “(a) For the purposes of this section, ‘weight-bump-  
17 ing’ means the knowing and willful making or securing  
18 of a fraudulent weight on a shipment of household goods  
19 which is subject to jurisdiction under subchapter I or III  
20 of chapter 135 of this title.

21 “(b) Any individual who has been found to have com-  
22 mitted weight-bumping shall, for each offense, be fined at  
23 least \$1,000 but not more than \$10,000, imprisoned for  
24 not more than 2 years, or both.

1 **“§ 14913. Conclusiveness of rates in certain prosecu-**  
2 **tions**

3 “When a carrier files with the United States Trans-  
4 portation Board a particular rate under section 13702 or  
5 participates in such a rate, the filed rate is conclusive  
6 proof against that carrier, its officers, and agents that it  
7 is the legal rate for that transportation or service in a  
8 proceeding begun under section 14902 or 14903 of this  
9 title. A departure, or offer to depart, from that rate is  
10 a violation of those sections.”.

11 Subtitle B—Motor Carrier Registration and Insurance  
12 Requirements

13 SEC. 451. Section 31102(b)(1) is amended by—

14 (1) striking “and” at the end of subparagraph  
15 (O);

16 (2) striking the period at the end of subpara-  
17 graph (P) and inserting a semicolon and “and”; and

18 (3) adding at the end thereof the following:

19 “(Q) ensures that the State will cooperate in  
20 the enforcement of registration and financial respon-  
21 sibility requirements under sections 31140 and  
22 31146 of this title, or regulations issued there-  
23 under.”

24 SEC. 452. (a) Section 31138(c) is amended by adding  
25 at the end thereof the following new paragraph:

1           “(3) A motor carrier may obtain the required  
2 amount of financial responsibility from more than  
3 one source provided the cumulative amount is equal  
4 to the minimum requirements of this section.”.

5           (b) Section 31139(e) is amended by adding at the  
6 end thereof the following:

7           “(3) A motor carrier may obtain the required  
8 amount of financial responsibility from more than  
9 one source provided the cumulative amount is equal  
10 to the minimum requirements of this section.”.

11       SEC. 453. The Secretary of Transportation shall con-  
12 tinue to enforce the rules and regulations of the Interstate  
13 Commerce Commission, as in effect on July 1, 1995, gov-  
14 erning the qualifications for approval of a motor carrier  
15 as a self-insurer, until such time as the Secretary finds  
16 it in the public interest to revise such rules. The revised  
17 rules must provide for—

18           (1) continued ability of motor carriers to qualify  
19 as self-insurers; and

20           (2) the continued qualification of all carriers  
21 then so qualified under the terms and conditions set  
22 by the Interstate Commerce Commission or Sec-  
23 retary at the time of qualification.

24       SEC. 454. (a) Subchapter III of chapter 311 is  
25 amended by—



1 (1) redesignating section 31140 as 31140a; and

2 (2) inserting after section 31139 the following:

3 **“§ 31140. Motor Carrier Financial Responsibility In-**  
4 **formation System**

5 “(a) GENERAL REQUIREMENT.—The Secretary of  
6 Transportation shall establish and maintain a Motor Car-  
7 rier Register that will serve as a clearinghouse and deposi-  
8 tory of information on compliance with the required levels  
9 of financial responsibility, service of process agents, and  
10 identification and disqualification of motor carriers re-  
11 quired to register with the Secretary pursuant to section  
12 11149 of this title. The Secretary shall consult with the  
13 States, motor carriers, and insurers in carrying out this  
14 section.

15 “(b) ACCESS TO REGISTER INFORMATION.—

16 “(1) The information on the Register shall be  
17 made available by electronic and other means to any  
18 person or State upon the receipt of a request for  
19 such information.

20 “(2) The Secretary is authorized to establish a  
21 user fee system for making inquiries to obtain finan-  
22 cial responsibility information from the information  
23 system, pursuant to section 9701, title 31, United  
24 States Code. However, fees shall not exceed the di-  
25 rect costs of responding to the inquiry. Fees col-

1 lected under this subsection in a fiscal year shall not  
 2 exceed the costs of operating the information system  
 3 in that fiscal year. Such fees may be credited to the  
 4 Department of Transportation appropriation account  
 5 charged in proportion to the amount expended from  
 6 the account for these purposes, and shall be avail-  
 7 able for expenditure until expended. The Secretary  
 8 shall waive the fees applicable to States for access  
 9 to the motor carrier register. Twenty percent of the  
 10 fees collected by the Secretary for the registration of  
 11 motor carriers and users of the information system  
 12 shall be provided to the States to continue motor  
 13 carrier safety operations.”.

14 (b) The index for subchapter III of chapter 311 is  
 15 amended by striking the item relating to section 31140  
 16 and inserting the following:

“31140. Motor carrier financial responsibility information system  
 “31140a. Submission of State laws and regulations for review”.

17 SEC. 455. (a) Subchapter III of chapter 311 is  
 18 amended by adding at the end the following:

19 **“§ 31148. Registration**

20 “(a) PERSONS REQUIRED TO FILE.—

21 “(1) The Secretary of Transportation shall re-  
 22 quire any motor carrier, as defined in section 10102  
 23 of this title, of passengers or property, operating in

1 interstate commerce, to register its motor vehicle op-  
2 erations with the Department of Transportation.

3 “(2) The Secretary shall require motor carriers  
4 and motor private carriers domiciled in foreign coun-  
5 tries or owned or controlled by nationals of foreign  
6 countries contiguous to the United States to register  
7 with the Department of Transportation when offer-  
8 ing or providing transportation services within the  
9 United States or between the United States and a  
10 foreign country.

11 “(3) DEPARTMENT OF TRANSPORTATION IDEN-  
12 TIFICATION NUMBER.—Upon receipt of a registra-  
13 tion statement completed in accordance with the re-  
14 quirements of this section, the Secretary shall issue  
15 a Department of Transportation identification num-  
16 ber.

17 “(4) REGULATIONS.—

18 “(A) The Secretary shall promulgate regu-  
19 lations to implement the requirements of this  
20 section. Such regulations shall become effective  
21 no later than 6 months after the date of enact-  
22 ment of the Act.

23 “(B) The information regarding financial  
24 responsibility and agent for service of process  
25 shall be submitted in formats to be prescribed

1 by the Secretary. Such information may be sub-  
2 mitted either electronically or non-electronically.  
3 Until the Secretary prescribes such formats, the  
4 information shall continue to be submitted on  
5 forms authorized by the Interstate Commerce  
6 Commission as of the date of enactment of the  
7 Transportation Regulatory Streamlining Act of  
8 1995.

9 “(b) COMPLIANCE WITH REGISTRATION REQUIRE-  
10 MENTS.—

11 “(1) No carrier required to file a registration  
12 statement under subsection (a) may operate any  
13 commercial motor vehicle, as defined in section  
14 31132 of this title, in commerce unless the carrier’s  
15 operations are currently registered with the Sec-  
16 retary and the carrier has a valid number issued by  
17 the Secretary.

18 “(2) The Secretary may deny, revoke, or sus-  
19 pend a carrier’s operations, as provided for in this  
20 section, because of noncompliance with the motor  
21 carrier safety fitness standards, required levels of fi-  
22 nancial responsibility, or any restrictions or condi-  
23 tions imposed pursuant to section 31181, as deter-  
24 mined by the Secretary.

1       “(c) FINANCIAL RESPONSIBILITY OF CARRIERS.—  
2 The Secretary may issue a Department of Transportation  
3 identification number under this section only if the carrier  
4 applying for such registration number files with the Sec-  
5 retary proof of financial responsibility in an amount not  
6 less than that prescribed by the Secretary pursuant to sec-  
7 tions 31138 and 31139 of this title.

8       “(d) FILING DEADLINES.—

9           “(1) Carriers that have valid operating author-  
10       ity from the Interstate Commerce Commission as of  
11       the date of enactment need not make a separate reg-  
12       istration filing with the Department but shall be  
13       considered to have validly registered with the De-  
14       partment.

15           “(2) Any carrier that does not currently have  
16       operating authority from the Interstate Commerce  
17       Commission and is required to file a registration  
18       statement under subsection (a) of this section shall  
19       file its registration statement with the Department  
20       within 90 days of the effective date of the regula-  
21       tions issued pursuant to this section or prior to initi-  
22       ating operations described in subsection (a).

23           “(3) A carrier’s registration shall remain in ef-  
24       fect for the 5-year term without any additional filing  
25       or renewal as long as the carrier continues to pro-

1       vide transportation in interstate commerce and con-  
2       tinues to meet its financial responsibility require-  
3       ments.

4               “(4) A carrier shall file or have filed for it, no-  
5       tice of any change in the status of its financial re-  
6       sponsibility requirements.

7       “(e) FEE SYSTEM.—The Secretary is authorized to  
8       establish a fee system for filing registration statements  
9       and evidence of financial responsibility, pursuant to sec-  
10      tion 9701 of title 31, United States Code. Fees collected  
11      under this subsection shall equal as nearly as possible the  
12      costs of operating the registration system in the fiscal  
13      year, except—

14              “(1) the fee for registering a motor carrier pur-  
15      suant to this section shall not exceed \$300; and

16              “(2) the fee for filing evidence of financial re-  
17      sponsibility pursuant to this section shall not exceed  
18      \$10 per filing.

19      No fee shall be charged for the filing of agents for service  
20      of process or the filing of other information relating to  
21      financial responsibility. Fees collected under this sub-  
22      section may be credited to the Department of Transpor-  
23      tation appropriation account charged in proportion to the  
24      amount expended from the account for these purposes,  
25      and shall be available for expenditure until expended.

1       “(f) LIMITATIONS.—The Secretary shall have no au-  
2 thority to require any registration filing from any motor  
3 private carrier or from any carrier providing transpor-  
4 tation described in section 10526 of this title as in effect  
5 on July 1, 1995, unless such carrier also provides trans-  
6 portation that would have been subject to section 10521  
7 of this title as in effect on July 1, 1995.”.

8       (b) The index for subchapter III of chapter 311 is  
9 amended by adding at the end thereof the following:

“31148. Registration”.

10       SEC. 456. (a) The Secretary of Transportation shall  
11 conduct a study to determine whether the filing require-  
12 ments of section 11149 of title 49 should be continued,  
13 terminated, or should be revised or amended in any other  
14 manner. The study shall be submitted by the Secretary  
15 to Congress within 2 years after the date of enactment  
16 of this Act. In conducting the study and making his rec-  
17 ommendations to Congress, the Secretary shall consider  
18 the benefits of such filing requirements to the public and  
19 the cost and burden of such requirements to motor car-  
20 riers, insurance companies, and the United States govern-  
21 ment, and shall consult with each group.

22       (b) Unless extended by Congress, the requirements  
23 of Sections 11140 and 11149 of title 49, United States  
24 Code, shall terminate 3 years after the date of enactment  
25 of this Act.

## 1 TITLE V—AMENDMENTS TO OTHER LAWS

2 SEC. 501. Section 401 of the Federal Election Cam-  
3 paign Act of 1971 (2 U.S.C. 451) is amended by—

4 (1) striking “Interstate Commerce Commis-  
5 sion,” and inserting “United States Transportation  
6 Board,”; and

7 (2) striking “promulgate, within ninety days  
8 after the date of enactment of this Act,” and insert-  
9 ing “maintain”.

10 SEC. 502. Section 201 of the Agricultural Adjust-  
11 ment Act of 1938 (7 U.S.C. 1291) is amended by—

12 (1) striking “Interstate Commerce Commis-  
13 sion” and inserting “United States Transportation  
14 Board” each place it appears;

15 (2) striking “Commission”, wherever it appears  
16 and inserting “Board”; and

17 (3) striking “Commission’s” in subsection (b)  
18 and inserting “Board’s”.

19 SEC. 503. Section 15(a) of the Animal Welfare Act  
20 (7 U.S.C. 2145(a)) is amended by striking “Interstate  
21 Commerce Commission” and inserting “United States  
22 Transportation Board”.

23 SEC. 504. Section 1164 of title 11, United States  
24 Code, is amended by striking “Commission” and inserting  
25 “United States Transportation Board”.



1 SEC. 505. Section 1170 of title 11, United States  
2 Code, is amended by—

3 (1) striking “Commission” the first time it ap-  
4 pears in subsection (b) and inserting “United States  
5 Transportation Board”; and

6 (2) striking “Commission” wherever else it ap-  
7 pears and inserting “Board”.

8 SEC. 506. Section 1172 of title 11, United States  
9 Code, is amended by—

10 (1) striking “Commission” the first time it ap-  
11 pears in subsection (b) and inserting “United States  
12 Transportation Board”; and

13 (2) striking “Commission” wherever else it ap-  
14 pears and inserting “Board”.

15 SEC. 507. The Clayton Act (15 U.S.C. 12 et seq.)  
16 is amended by—

17 (1) striking “Interstate Commerce Commis-  
18 sion” in the last sentence of section 7 (15 U.S.C.  
19 18) and inserting “United States Transportation  
20 Board”;

21 (2) inserting a comma and “Board,” after  
22 “such Commission” in the last sentence of that sec-  
23 tion;

24 (3) striking “Interstate Commerce Commis-  
25 sion” in the first sentence of section 11(a) (15

1 U.S.C. 21) and inserting “United States Transpor-  
2 tation Board”; and

3 (4) striking “Interstate Commerce Commis-  
4 sion” in section 16 (15 U.S.C. 26) and inserting  
5 “United States Transportation Board”.

6 SEC. 508. The Consumer Credit Protection Act (15  
7 U.S.C. 1601 et seq.) is amended by—

8 (1) striking “Interstate Commerce Commis-  
9 sion” in section 621(b)(4) (15 U.S.C. 1681s) and in-  
10 sserting “United States Transportation Board”;

11 (2) inserting a comma and “and part B of sub-  
12 title IV of title 49, United States Code, by the Sec-  
13 retary of Transportation with respect to any com-  
14 mon carrier subject to such part;” in section  
15 621(b)(4) (15 U.S.C. 1681s) after “those Acts”;

16 (3) striking “Interstate Commerce Commis-  
17 sion” in section 704(a)(4) (15 U.S.C. 1691c) and in-  
18 sserting “United States Transportation Board”;

19 (4) inserting a comma and “and part B of sub-  
20 title IV of title 49, United States Code, by the Sec-  
21 retary of Transportation with respect to any com-  
22 mon carrier subject to such part” in section  
23 704(a)(4) (15 U.S.C. 1691c) after “those Acts”;

1 (5) striking “Interstate Commerce Commis-  
2 sion” in section 814(b)(4) (15 U.S.C. 1692l) and in-  
3 serting “United States Transportation Board”; and

4 (6) inserting a comma and “and part B of sub-  
5 title IV of title 49, United States Code, by the Sec-  
6 retary of Transportation with respect to any com-  
7 mon carrier subject to such part” in section  
8 814(b)(4) (15 U.S.C. 1692l) after “those Acts”.

9 SEC. 509. The National Trails System Act (16  
10 U.S.C. 1241 et seq.) is amended by—

11 (1) striking “Interstate Commerce Commis-  
12 sion” in the first sentence of section 8(d) (16 U.S.C.  
13 1247(d)) and inserting “United States Transpor-  
14 tation Board”;

15 (2) striking “Commission” in the last sentence  
16 of section 8(d) (16 U.S.C. 1247(d)) and inserting  
17 “United States Transportation Board”; and

18 (3) striking “Interstate Commerce Commis-  
19 sion” in section 9(b) (16 U.S.C. 1248(d)) and in-  
20 serting “United States Transportation Board”.

21 SEC. 510. Section 6001 of title 18, United States  
22 Code, is amended by striking “Interstate Commerce Com-  
23 mission” in subsection (1) and inserting “United States  
24 Transportation Board”.

1       SEC. 511. Section 3231 of the Internal Revenue Code  
2 of 1986 (26 U.S.C. 3231) is amended by—

3           (1) striking “Interstate Commerce Commis-  
4 sion” in subsection (a) and inserting “United States  
5 Transportation Board”; and

6           (2) striking subsection (g) and inserting the fol-  
7 lowing:

8       “(g) CARRIER.—For purposes of this chapter, the  
9 term ‘carrier’ means a rail carrier providing transpor-  
10 tation subject to chapter 105 of title 49, United States  
11 Code.”.

12       SEC. 512. Section 7701(a) of the Internal Revenue  
13 Code of 1986 (26 U.S.C. 7701(a)) is amended by—

14           (1) striking “Federal Power Commission” in  
15 paragraph (33)(B) and inserting “Federal Energy  
16 Regulatory Commission”;

17           (2) striking “Interstate Commerce Commis-  
18 sion” in paragraph (33)(C)(i) and inserting “United  
19 States Transportation Board”;

20           (3) striking “Interstate Commerce Commis-  
21 sion” in paragraph (33)(C)(ii) with “Federal Energy  
22 Regulatory Commission”;

23           (4) striking “Interstate Commerce Commission  
24 under subchapter III of chapter 105” in paragraph

1 (33)(F) and inserting “Secretary of Transportation  
2 under subchapter II of chapter 135”;

3 (5) striking “subchapter I of” in paragraph  
4 (33)(G); and

5 (6) striking “subchapter I of” in the first sen-  
6 tence of paragraph (33)(H).

7 SEC. 513. The heading of chapter 157 of part VI of  
8 title 28, United States Code, is amended by striking  
9 “INTERSTATE COMMERCE COMMISSION” and in-  
10 serting “UNITED STATES TRANSPORTATION  
11 BOARD”.

12 SEC. 514. Section 2321 of title 28, United States  
13 Code, is amended by—

14 (1) striking “Commission’s” in the section cap-  
15 tion and inserting “United States Transportation  
16 Board’s”; and

17 (2) striking “Interstate Commerce Commis-  
18 sion” in subsections (a) and (b) and inserting “Unit-  
19 ed States Transportation Board”.

20 SEC. 515. Section 2323 of title 28, United States  
21 Code, is amended by—

22 (1) striking “Interstate Commerce Commis-  
23 sion” and inserting “United States Transportation  
24 Board”; and

1           (2) striking “Commission”, wherever it appears,  
2           and inserting “Board”.

3           SEC. 516. Section 2341 of title 28, United States  
4 Code, is amended by—

5           (1) striking “Interstate Commerce Commis-  
6           sion” in paragraph (3)(A);

7           (2) striking “and” in paragraph (3)(C);

8           (3) striking “Act.” in paragraph (3)(D) and in-  
9           serting “Act; and”; and

10          (4) inserting after paragraph (3)(D) the follow-  
11          ing:

12                       “(E) the Board, when the order was en-  
13                       tered by the United States Transportation  
14                       Board.”.

15          SEC. 517. Section 2342 of title 28, United States  
16 Code, is amended by—

17          (1) inserting “or pursuant to part B of subtitle  
18          IV of title 49, United States Code” at the end of  
19          paragraph (3)(A); and

20          (2) striking paragraph (5) and inserting the fol-  
21          lowing:

22                       “(5) all rules, regulations, or final orders of the  
23                       United States Transportation Board made  
24                       reviewable by section 2321 of this title; and”.

1       SEC. 518. Section 401(b) of the Migrant and Sea-  
2       sonal Agricultural Worker Protection Act (29 U.S.C.  
3       1841(b)) is amended by—

4               (1) striking “part II of the Interstate Com-  
5       merce Act (49 U.S.C. 301 et seq.), or any successor  
6       provision of” in paragraph (2)(C) and inserting  
7       “part B of”; and

8               (2) striking “part II of the Interstate Com-  
9       merce Act (49 U.S.C. 301 et seq.), and any succes-  
10      sor provision of” in paragraph (3) and inserting  
11      “part B of”.

12      SEC. 519. Section 5005 of title 39, United States  
13      Code, is amended by striking “Interstate Commerce Com-  
14      mission” in subsection (b)(3) and inserting “United States  
15      Transportation Board”.

16      SEC. 520. Section 5203 of title 39, United States  
17      Code, is amended by—

18              (1) striking subsection (f) and redesignating  
19      subsection (g) as subsection (f); and

20              (2) striking “Commission” in subsection (f), as  
21      redesignated, and inserting “United States Trans-  
22      portation Board”.

23      SEC. 521. Section 5207 of title 39, United States  
24      Code, is amended by—

1 (1) striking “Interstate Commerce Commis-  
2 sion”, in both the section caption and subsection (a),  
3 and inserting “United States Transportation  
4 Board”; and

5 (2) striking “Commission” wherever it appears  
6 and inserting “Board”.

7 SEC. 522. Section 5208 of title 39, United States  
8 Code, is amended by—

9 (1) striking “Commission’s” in subsection (a)  
10 and inserting “Board’s”; and

11 (2) striking “Commission” wherever it appears  
12 and inserting “Board”.

13 SEC. 523. The index for chapter 52 of title 39,  
14 United States Code, is amended by striking out the items  
15 relating to section 5207 and inserting in lieu thereof the  
16 following:

“5207. United States Transportation Board to fix rates.”

17 SEC. 524. Section 1340 of the Energy Policy Act of  
18 1992 (42 U.S.C. 13369) is amended by striking “Inter-  
19 state Commerce Commission” in subsections (a) and (d)  
20 and inserting “United States Transportation Board”.

21 SEC. 525. Section 151 of the Railway Labor Act (45  
22 U.S.C. 151) is amended by—

23 (1) striking “any express company, sleeping-car  
24 company, carrier by railroad, subject to” in the first  
25 paragraph and inserting “any railroad subject to”;



1           (2) striking “Interstate Commerce Commis-  
2           sion” in the first and fifth paragraphs and inserting  
3           “United States Transportation Board”; and

4           (3) striking “Commission”, wherever it appears  
5           in the fifth paragraph and inserting “United States  
6           Transportation Board”.

7           SEC. 526. Section 1 of the Railroad Retirement Act  
8 of 1974 (45 U.S.C. 231) is amended by—

9           (1) striking subsection (a)(1)(i) and inserting:

10           “(i) any carrier by railroad subject to chapter  
11           105 of title 49, United States Code;”;

12           (2) striking “Interstate Commerce Commis-  
13           sion” in subsection (a)(2)(ii) and inserting “United  
14           States Transportation Board”;

15           (3) striking “Board,” in subsection (a)(2)(ii)  
16           and inserting “Railroad Retirement Board,”; and

17           (4) striking “Interstate Commerce Commis-  
18           sion” in the first sentence of subsection (o) and in-  
19           serting “United States Transportation Board”.

20           SEC. 527. Section 1 of the Railroad Unemployment  
21 Insurance Act (45 U.S.C. 351) is amended by—

22           (1) striking “Interstate Commerce Commis-  
23           sion” in the second sentence of paragraph (a) and  
24           inserting “United States Transportation Board”;

1           (2) striking “Board,” in the second sentence of  
2           paragraph (a) and inserting “Railroad Retirement  
3           Board,”; and

4           (3) striking paragraph (b) and inserting the fol-  
5           lowing:

6           “(b) The term ‘carrier’ means a carrier by railroad  
7           subject to chapter 105 of title 49, United States Code.”.

8           SEC. 528. Section 2(h)(3) of the Railroad Unemploy-  
9           ment Insurance Act (45 U.S.C. 352(h)(3)) is amended  
10          by—

11           (1) striking “Interstate Commerce Commis-  
12           sion” and inserting “United States Transportation  
13           Board”; and

14           (2) striking “Board,” and inserting “Railroad  
15           Retirement Board,”.

16          SEC. 529. Section 3 of the Emergency Rail Services  
17          Act of 1970 (45 U.S.C. 662) is amended by striking  
18          “Commission”, wherever it appears in subsections (a) and  
19          (b), and inserting “United States Transportation Board”.

20          SEC. 530. Section 304 of the Regional Rail Reorga-  
21          nization Act of 1973 (45 U.S.C. 744) is amended by—

22           (1) striking “Commission” in subsection  
23           (d)(1)(A) and inserting “United States Transpor-  
24           tation Board”; and

1           (2) striking “Commission” wherever else it ap-  
2           pears in paragraph (1) or (3) of subsection (d), and  
3           in subsections (f) and (g), and inserting “Board”.

4           SEC. 531. Section 305 of the Regional Rail Reorga-  
5           nization Act of 1973 (45 U.S.C. 745) is amended by—

6           (1) striking “or the Association” and “or the  
7           Association, as the case may be,” in the first sen-  
8           tence of subsection (a);

9           (2) striking the second sentence of subsection  
10          (a);

11          (3) striking the third sentence of subsection (a)  
12          and inserting “A proposal shall state and describe  
13          any transactions proposed, the rail properties in-  
14          volved, the parties to such transactions, the financial  
15          and other terms of such transactions, and the pur-  
16          poses of the chapter or the goals of the final system  
17          plan intended to be effectuated by such trans-  
18          actions.”;

19          (4) striking the last sentence of subsection (a)  
20          and inserting “Upon the development of a proposal,  
21          the Secretary shall publish a summary of such pro-  
22          posal in the Federal Register, and shall afford inter-  
23          ested persons (including the Corporation when prop-  
24          erty is to be transferred to or from the Corporation)  
25          an opportunity to comment thereon.”;

1           (5) striking “Association” wherever it appears  
2 in subsection (b) and inserting “Secretary”;

3           (6) striking “Commission”, in the subsection  
4 caption and first sentence of subsection (c) and in-  
5 serting “United States Transportation Board”;

6           (7) striking “Commission” wherever else it ap-  
7 pears in subsection (c) and inserting “Board”;

8           (8) striking “Association” wherever it appears  
9 in the first sentence of subsection (d)(1) and insert-  
10 ing “Secretary”;

11           (9) striking “Commission’s” in the first and  
12 last sentences of subsection (d)(1) and inserting  
13 “Board’s”;

14           (10) striking the second sentence of subsection  
15 (d)(1);

16           (11) striking “the Association (in the case of a  
17 proposal developed by the Association) or” and “(in  
18 the case of a proposal developed by the Secretary)”  
19 in the third sentence of subsection (d)(2);

20           (12) striking “either the Association or” in sub-  
21 section (d)(3);

22           (13) striking “evaluation by the Association,  
23 the Secretary, or the Commission” in the first sen-  
24 tence of subsection (d)(5) and inserting “the Sec-  
25 retary or the Board”; and

1           (14) striking “Association” wherever it appears  
2           in subsection (e) and inserting “Secretary”.

3           SEC. 532. Section 608 of the Alaska Railroad Trans-  
4 fer Act of 1982 (45 U.S.C. 1207) is amended by striking  
5 “Interstate Commerce Commission” wherever it appears  
6 in subsections (a) and (c) and inserting “United States  
7 Transportation Board”.

8           SEC. 533. Section 8 of Merchant Marine Act, 1920  
9 (46 U.S.C. App. 867) is amended by—

10           (1) striking “Interstate Commerce Commis-  
11 sion” in both places that it appears and inserting  
12 “United States Transportation Board”; and

13           (2) striking “commission” and inserting  
14 “board”.

15           SEC. 534. Section 28 of the Merchant Marine Act,  
16 1920 (46 U.S.C. App. 884) is amended by—

17           (1) striking “Interstate Commerce Commis-  
18 sion” where it first appears and inserting “United  
19 States Transportation Board”; and

20           (2) striking “Interstate Commerce Commis-  
21 sion” wherever else it appears and inserting  
22 “Board”.

23           SEC. 535. Section 356(3) of the Service Contract Act  
24 of 1965 (41 U.S.C. 356(3)), is amended by striking  
25 “where published tariff rates are in effect”.



1 terms, insofar as they involve regulatory functions to be  
2 retained by this Act, until modified, terminated, super-  
3 seded, set aside, or revoked in accordance with law by the  
4 Board (to the extent involving the rail or pipeline carrier  
5 industries or undercharge or overcharge claims for motor  
6 carrier transportation) or by the Secretary (to the extent  
7 involving the motor carrier, water carrier, broker, or  
8 freight forwarder industries, but not involving solely un-  
9 dercharge or overcharge claims for motor carrier transpor-  
10 tation), or by a court of competent jurisdiction, or by oper-  
11 ation of law.

12 (b)(1) The provisions of this Act shall not affect any  
13 proceedings or any application for any license pending be-  
14 fore the Interstate Commerce Commission at the time this  
15 Act takes effect, insofar as those functions are retained  
16 and transferred by this Act; but such proceedings and ap-  
17 plications, to the extent that they relate to functions so  
18 transferred, shall be continued. Orders shall be issued in  
19 such proceedings, appeals shall be taken therefrom, and  
20 payments shall be made pursuant to such orders, as if this  
21 Act had not been enacted; and orders issued in any such  
22 proceedings shall continue in effect until modified, termi-  
23 nated, superseded, or revoked by a duly authorized official,  
24 by a court of competent jurisdiction, or by operation of  
25 law. Nothing in this subsection shall be deemed to prohibit

1 the discontinuance or modification of any such proceeding  
2 under the same terms and conditions and to the same ex-  
3 tent that such proceeding could have been discontinued  
4 or modified if this Act had not been enacted.

5 (2) The Board and the Secretary are authorized to  
6 promulgate regulations providing for the orderly transfer  
7 of pending proceedings from the Interstate Commerce  
8 Commission.

9 (c) Except as provided in subsection (e)—

10 (1) the provisions of this Act shall not affect  
11 suits commenced prior to the date this Act takes ef-  
12 fect, and,

13 (2) in all such suits, proceedings shall be had,  
14 appeals taken, and judgments rendered in the same  
15 manner and effect as if this Act had not been en-  
16 acted.

17 (d) No suit, action, or other proceeding commenced  
18 by or against any officer in his official capacity as an offi-  
19 cer of the Interstate Commerce Commission, insofar as  
20 those functions are transferred by this Act, shall abate by  
21 reason of the enactment of this Act. No cause of action  
22 by or against the Interstate Commerce Commission, inso-  
23 far as functions are transferred by this Act, or by or  
24 against any officer thereof in his official capacity, shall  
25 abate by reason of enactment of this Act.



1           (e) Any suit by or against the Interstate Commerce  
2 Commission begun before enactment of this Act shall be  
3 continued, insofar as it involves a function retained and  
4 transferred under this Act, with the Board (to the extent  
5 the suit involves the rail or pipeline carrier industries, or  
6 involves undercharge or overcharge claims for motor car-  
7 rier transportation) or the Secretary (to the extent the suit  
8 involves the motor carrier, water carrier, broker, or freight  
9 forwarder industries, but does not involve solely under-  
10 charge or overcharge claims for motor carrier transpor-  
11 tation) substituted for the Commission.

12 **SEC. 603. REFERENCE.**

13           With respect to any functions transferred by this Act  
14 and exercised after the effective date of the Transpor-  
15 tation Regulatory Streamlining Act of 1995, reference in  
16 any other Federal law to the Interstate Commerce Com-  
17 mission shall be deemed to refer to (1) the United States  
18 Transportation Board insofar as it involves functions  
19 transferred to the Board by this Act and (2) the Secretary  
20 of Transportation insofar as it involves functions trans-  
21 ferred to the Secretary by this Act.

22 **SEC. 604. AUTHORIZATION OF APPROPRIATIONS.**

23           For the purpose of carrying out the provisions of this  
24 Act, there are authorized to be appropriated—

1           (1) for the closedown of the ICC building,  
2       \$1,920,000,

3           (2) for severance costs for ICC personnel,  
4       \$4,573,400,

5           (3) for the operations of ICC for the remainder  
6       of FY1995 and FY1996, \$8,395,000, and

7           (4) for the operations of the Board for FY1996,  
8       \$12,307,000.

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