

MOTOR CARRIER SAFETY ACT OF 1999

SEPTEMBER 24, 1999.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 2679]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2679) to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

INTRODUCTION

The Motor Carrier Safety Act of 1999 (MCSA '99), H.R. 2679, is a comprehensive bill designed to improve truck and bus safety by strengthening Federal and State safety programs. The specific purposes of the bill are to: improve the administration of the Federal motor carrier safety program; establish a National Motor Carrier Administration in the Department of Transportation (DOT); and reduce the number and severity of large truck-involved crashes through more commercial motor vehicle and operator inspections and motor carrier compliance reviews, stronger enforcement measures against violators, expedited completion of rulemaking proceedings, scientifically sound research, and effective commercial driver's license testing, recordkeeping and sanctions.

H.R. 2679 is the result of extensive hearings conducted by the Subcommittee on Ground Transportation throughout the past year. At the hearings, the Subcommittee heard testimony from the General Accounting Office, the DOT Office of the Inspector General,

U.S. DOT, highway safety advocates, representatives of the truck and bus industries, and organized labor, assessing the current state of motor carrier safety and identifying a wide range of ways to improve safety. The Committee also worked with staff and officials at the Department of Transportation to identify ways to improve truck and bus safety. The committee concluded that there were a number of deficiencies with the commercial driver's license program and the Federal motor carrier safety program that Congress should address through legislation.

Among the issues the Committee examined in the hearings was the proper location of the Office of Motor Carriers within the Department of Transportation. In 1998, during the appropriations process, the House Appropriations Committee reported the FY99 Transportation Appropriations Bill with a provision to transfer the OMC from the Federal Highway Administration to the National Highway Traffic Safety Administration (NHTSA). This was a legislative provision within the jurisdiction of the Transportation and Infrastructure Committee and it was removed from the bill. At that time, the Committee agreed to thoroughly review the matter and hold comprehensive hearings on motor carrier safety and the proper location of OMC within DOT. The Committee has concluded that, although improvements are needed, a transfer of the OMC to NHTSA is not warranted. Instead, as discussed below, H.R. 2679 creates a National Motor Carrier Administration to oversee motor carrier safety.

#### THE FEDERAL MOTOR CARRIER SAFETY PROGRAM

The Federal motor carrier safety regulations govern the motor carrier safety assistance grant program, the size and weight of vehicles traveling over major highways, the regulations for drivers obtaining commercial driver's licenses, standards for equipment and driver operations including hours-of-service, and rules for drug and alcohol testing and vehicle registration. Motor carrier safety regulations are set by the Department of Transportation through administrative rulemaking procedures.

Both Federal and State inspectors are responsible for ensuring compliance with the regulations. The primary methods for doing so are roadside inspections and compliance reviews. Roadside inspections of trucks, buses, and their drivers are primarily conducted by the States. Of the 2.1 million roadside inspections conducted in 1996, only 11,000 were conducted by Federal inspectors. Federal inspectors have concentrated on compliance reviews, which consist of in-depth reviews of a motor carrier company at its place of business. In a compliance review, trained investigators assess a motor carrier's compliance with safety regulations by reviewing their vehicle maintenance and driver files (including driver qualification files and driver log books). The compliance review results in an overall rating of the motor carrier, as well as recommendations for improvements. In 1998, OMC conducted approximately 4,400 compliance reviews (an average of fewer than two compliance reviews per month per safety investigator). The States performed about 2,050 compliance reviews during FY 1998. These reviews equate to performance of a compliance review for less than two percent of the almost 500,000 interstate motor carriers in operation in 1998.

The Transportation Equity Act for the 21st Century (TEA 21), which was enacted in 1998, contains a number of provisions that are intended to strengthen motor carrier safety and enforcement efforts. DOT was given the expanded authority to shut down any carrier that fails to meet safety fitness requirements (previously this had applied only to carriers of hazardous materials and passengers). Civil penalties for motor carrier violations have also been raised to be more consistent with other modes and have been restructured to improve their effectiveness. TEA 21 established a \$10,000 maximum for all non-recordkeeping violations. With respect to imposing civil penalties on an employee, TEA 21 removed the qualifying conditions and gross negligence standard and capped such penalties at \$2,500. TEA 21 directed DOT to investigate the issue of shippers who pressure carriers to violate safety regulations in order to receive shipments more quickly or cheaply (a major complaint on the part of carriers). DOT is to send an implementation plan to Congress reflecting the results of the assessment.

#### THE MOTOR CARRIER INDUSTRY

The motor carrier industry is a large, complex, and diverse sector of the American economy. DOT estimates that the motor carrier industry consists of over 500,000 interstate truck and bus companies, 7 million registered vehicles, and over 9 million commercial drivers. In 1997, the industry collected \$372 billion in gross freight revenues representing 81 percent of the nation's freight bill, moved 6.7 billion tons of freight representing 60 percent of total domestic tonnage shipped, and logged 1,051 billion ton miles representing 29 percent of total domestic inter-city ton miles.

#### THE OVER-THE-ROAD BUS INDUSTRY

According to the Department of Transportation, there are about 13,000 U.S. bus companies, travelling 25 billion miles per year, covered under Federal motor carrier safety regulations, and 33,000 bus driver and vehicle inspections conducted annually with Federal funds. Statistically, commercial buses stand up better under inspection than do other commercial motor vehicles (CMVs). Nationwide, during fiscal year 1998, 10 percent of commercial buses and 2 percent of commercial bus drivers were taken out of service for serious safety violations after inspection, whereas the national out-of-service rate is 20 percent for all commercial motor vehicles and 8 percent for all CMV drivers.

Of the 37,000 fatal crashes resulting in nearly 42,000 deaths nationwide in 1997, 32 were fatal commercial bus crashes resulting in 41 deaths. An average of six fatalities per year (between 1993 and 1997) were bus occupants. Other fatalities were passenger car occupants, bicyclists or pedestrians.

#### CRASH RATES AND CRASH CAUSATION FACTORS

After decreasing by 27 percent between 1988 and 1992, the large truck-involved<sup>1</sup> fatal crash rate has leveled off since 1992 at about 2.9 fatalities per 100 million vehicle miles traveled. While the rate has remained constant during this time period (1992–1998), the an-

<sup>1</sup>Large trucks are trucks with a gross vehicle weight rating of more than 10,000 pounds.

nual number of vehicle miles traveled by large trucks increased by nearly 25 percent. Therefore, the actual number of fatalities from crashes involving large trucks grew from a historical low of 4,462 in 1992 to 5,398 in 1997—a 20 percent increase since 1992—with a slight drop to 5,374 in 1998. In 1998 there were also 127,000 injuries involving large trucks. If truck travel continues to grow at its current rate and nothing is done to reduce the fatality rate, the General Accounting Office has estimated that the annual number of fatalities could increase to 5,800 in 1999 and to more than 6,000 in 2000.

Problems with the availability and reliability of data on the causes of large truck crashes have made lowering the crash rate and the number of crashes extremely difficult. In fact, there is no clear explanation as to why the number of large truck fatal crashes declined during the 1980's and why it reversed course and increased after 1992. The principal goal of H.R. 2679 is to reduce the number and severity of large truck-involved fatal crashes.

While there is no consensus on the causes of large truck crashes, several contributing factors have been identified. They include errors by car drivers and truck drivers, truck driver fatigue, vehicle defects or mechanical failures, seat belt violations, speed, highway design standards, and traffic congestion. Errors by car drivers are the most commonly cited contributing factor in fatal car/truck crashes. But drawing the inference that car drivers are more often at fault in such crashes is controversial; safety groups note that the truck drivers are more likely than car drivers to survive car/truck crashes and be able to tell their version of how the crash occurred. Also, all of these contributing factors were identified from accident reports prepared by police officers responding to the crashes, before any in-depth analysis or investigation of the crashes had occurred. There are also inconsistencies in reporting data and differences in reporting requirements between the States. Many groups, including the General Accounting Office, the American Automobile Association, and others have called for the Federal government to conduct a comprehensive study to determine the causes of crashes that involve commercial motor vehicles.

#### THE NATIONAL MOTOR CARRIER ADMINISTRATION

Since 1967, when the function was transferred to DOT from the Interstate Commerce Commission (ICC), the Federal Highway Administration (FHWA) has been responsible for administering the Federal motor carrier safety program. The FHWA is also responsible for overseeing the more than \$30 billion/year Federal-aid highway construction and maintenance program.

There has been considerable debate concerning the proper organizational placement of the motor carrier safety function. There are three basic proposals. The first option is to keep the function with the FHWA but to strengthen the organization by establishing one or more new leadership positions in the agency devoted exclusively to motor carrier safety. The second proposal is to transfer the whole motor carrier function to the National Highway Traffic Safety Administration (NHTSA). The final option proposed is to create a separate agency within the U.S. Department of Transportation.

The Committee carefully considered all three of these options, each of which had its strengths and weaknesses. In four hearings the Subcommittee on Ground Transportation held on motor carrier safety, several witnesses addressed this organizational placement issue.

*Strengthen motor carrier function within FHWA*

Former Committee Chairman Norman Y. Mineta testified on the results of his independent review of motor carrier safety, conducted at the request of DOT Secretary Rodney Slater. Mineta made eight recommendations to improve the Department's delivery of the motor carrier safety program and to reduce both the number and rate of truck-involved crashes and fatalities. He recommended that DOT make a number of programmatic reforms: increase the number of compliance reviews and other enforcement efforts, increase southern border crossing safety inspections, issue overdue motor carrier regulations, improve safety data and information systems, create motor carrier entry requirements, create new driver licensing training and testing programs and improve driver record reporting systems, step-up truck and bus crash avoidance initiatives.

Finally, Mr. Mineta concluded that several organizational/management improvements were needed to ensure that motor carrier safety received the resources it needed and the priority it deserved within the Department. These improvements were to raise the level of motor carrier safety functions within the Federal Highway Administration by such measures as: establishing a separate Deputy Administrator for Motor Carrier Safety and an Executive Director for Motor Carrier Safety, using performance-based systems for managing all motor carrier safety programs and functions within the Department, increasing staffing for critical motor carrier safety functions, and reconstituting the former motor carrier safety advisory committee.

Conversely, in testimony presented to the Subcommittee, the Department's Inspector General expressed concern that leaving responsibility for motor carrier safety within the FHWA makes it difficult for the program to receive the priority it merits. FHWA's mission has been primarily focused on highway infrastructure construction and maintenance, as the agency oversees the large Federal-aid highway program. This mission demands a significant amount of attention by FHWA managers, and the Inspector General believes that motor carrier safety often seems subordinate to this large infrastructure program.

*Transfer motor carrier safety function to NHTSA*

Another option considered was the transfer of the Office of Motor Carriers to NHTSA. NHTSA is the agency within the United States Department of Transportation responsible for automobile safety.

At the Subcommittee hearings, the Advocates for Highway and Auto Safety, the Citizens for Reliable and Safe Highways (CRASH), and Parents Against Tired Truckers testified in support of transferring the Office of Motor Carriers to NHTSA.

The Inspector General, however, testified that moving OMC to the National Highway Traffic Safety Administration (NHTSA) may not be the answer. While NHTSA's primary mission is highway

safety, it does not now have a sufficient enforcement role or adequate field office structure needed to effectively monitor the motor carrier industry.

There is also a concern that merging NHTSA and OMC would shift motor carrier resources to automobile safety issues currently under NHTSA's jurisdiction. The opposite situation, redirecting resources from auto safety to motor carrier safety, is also a concern for some stakeholders. NHTSA also has no experience in directing a large enforcement field staff.

*Create a separate motor carrier administration*

Creating a separate agency within the Department of Transportation is the final option that was considered. Creating such an agency to oversee motor carrier safety would mirror the organization of the remainder of the Department of Transportation, which generally has an Administration for each of the major modes of transportation. For example, there are Administrations established to oversee railroads, aviation, transit, pipelines, and ocean shipping. Even though the motor carrier industry is larger than any other mode of transportation, responsibility for motor carriers remains at the Federal Highway Administration.

At the Subcommittee hearings, the following groups testified in support of establishing a separate motor carrier administration: American Trucking Associations, National Private Truck Council, International Brotherhood of Teamsters, Commercial Vehicle Safety Alliance, Owner Operator Independent Drivers Association, and Independent Truckers and Drivers Association, and the American Bus Association. Several of these groups argued that the size and influence of the trucking industry in the national economy (truck movements account for more than 80 percent of the Nation's freight bill) warrant the establishment of a separate modal administration within the Department of Transportation. The Inspector General also testified that creating a separate agency was the option most likely to be in the long term interest of public safety.

Under the current organizational arrangement, motor carrier safety must compete for the attention of FHWA leadership and resources with the massive highway infrastructure program, and, at times, motor carrier safety has not received the attention it deserves. At a time of enormous growth in the trucking industry, the Department has actually reduced the number of employees within the FHWA assigned to motor carrier functions and conducted fewer compliance reviews of carriers. This situation supports the option of creating an agency with a clear, preeminent safety mission, free of the need to compete with other missions of the Department of Transportation.

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Based on the testimony presented to the Subcommittee and studies conducted by the General Accounting Office and the DOT Inspector General, the Committee concluded that a separate agency would be the best option and adopted it in the bill.

The structure of the new National Motor Carrier Administration established in the bill is modeled on the other modal administrations in the Department of Transportation. It would have an Ad-

ministrator and a Deputy Administrator that would be political appointees. The Administration would also have a Chief Safety Officer selected from the career civil service. This position is modeled on the Chief Engineer, or Executive Director, at the Federal Highway Administration. In designating the third-ranking official of the new Administration as “the Chief Safety Officer”, the Committee does not intend to diminish or detract from the paramount safety responsibilities of either the Administrator or Deputy Administrator. Rather, a Chief Safety Officer selected from the career civil service will help assure continuity of leadership within the new Administration to ensure that safety does remain the highest priority. The regulatory process at the new Administration would be managed by a Regulatory Ombudsman selected from the career civil service.

The bill follows the model of the Federal Aviation Act of 1958, which established the Federal Aviation Administration to improve aviation safety. The bill directs the new National Motor Carrier Administration to consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in motor carrier transportation.

INCREASED FUNDING FOR MOTOR CARRIER SAFETY ASSISTANCE  
PROGRAM

TEA 21 authorized a total of \$579 million (\$100 million in FY 1999) for the Motor Carrier Safety Assistance Program (MCSAP) for State enforcement of Federal truck and bus safety requirements or compatible State requirements. MCSAP funds are used for roadside inspections, traffic safety and vehicle size and weight enforcement, compliance reviews, outreach and education and other similar activities. The MCSAP program was established in 1983.

In order to receive a full grant under the MCSAP program, a State must conform its motor carrier safety laws and regulations to Federal requirements. If a State’s laws and regulations are not in conformity, DOT may withhold a portion of that State’s MCSAP funding.

A major part of motor carrier enforcement is carried out at the State, not the Federal, level through roadside truck inspections. More than two million roadside inspections were conducted in 1998. The vast majority of these inspections were done by State inspectors who receive funding for inspections and other enforcement activities through MCSAP.

H.R. 2679 increases funding for MCSAP by \$550 million for the FY 2000 through FY 2003 time period. \$250 million of this funding is provided as guaranteed funding under the budget firewalls established by TEA 21. The remainder would be available subject to obligation limits established through the annual appropriations process.

The bill also provides for separate funding of operating expenses for the National Motor Carrier Administration. Currently a take-down of up to 1½ percent of Federal-aid highway funds may be used for the administrative expenses of the FHWA, including the motor carrier function. The bill sets aside ⅓ of one percent for the new Administration and 1⅙ for the FHWA. This level of funding

will be sufficient to administer the Federal-aid highway program and allow for growth in the operations of the new Administration to about \$90 million annually from the FY1999 level of \$55 million.

#### PROGRAM REFORMS

The Motor Carrier Safety Act of 1999 also addresses shortcomings and tightens loopholes in the commercial driver's license program. These CDL reforms are designed to address problems that have come to light as a result of DOT's CDL Effectiveness Study, recent truck and bus crashes, and other sources.

On March 15, 1999, a tractor-trailer hauling steel through Illinois, collided with an Amtrak passenger train at a rail grade crossing in the town of Bourbonnais. The crash killed 14 people. Though investigators have yet to formally assign blame for the collision, early reports describe a hurried truck driver trying to beat the oncoming train through the clearly-marked intersection. Later it was revealed that the driver of the tractor-trailer had a thirty-year history of CDL suspensions, citations, and more than half a dozen accidents. Although the truck driver's license was suspended at the time of the crash, the State had issued him a provisional license and he was permitted to continue driving a truck. After serving a two month CDL suspension in June and July, the driver's license was reinstated by the Illinois Secretary of State on August 1, 1999.

In a two-week period from late December 1998, to early January 1999, there were four serious bus accidents in the State of New Jersey: the first on December 24, 1998, in Sayreville; the second on December 27, 1998, in Edison Township; the third on December 28, 1998, in Wall Township; and the fourth on January 9, 1999, in Newark. In total more than 65 people were injured and eight people were killed.

More recently in LaPlace, Louisiana, on May 9, Mother's Day, a charter bus carrying dozens of senior citizens on a day trip to Mississippi, swerved off the road and into a concrete embankment, killing 22 people and injuring 20 others. The driver, who had a history of drug use and chronic health problems, entered the hospital following the accident with trace amounts of marijuana in his system, and subsequently died. The National Transportation Safety Board is conducting an investigation of the accident.

These high profile accidents raised a number of concerns about the commercial driver's license program because they reveal a number of loopholes in the system, questionable practices, and recordkeeping/data deficiencies that have permitted unqualified and unsafe drivers to continue operating commercial motor vehicles. To combat these problems, this bill contains a number of CDL reforms that strengthen CDL disqualifying offenses and sanctions, enhance record keeping and data exchange, and prohibit unsafe practices. For example, the bill bans the practice of issuing temporary or provisional licenses, so when a driver's CDL is suspended, the driver must serve out the full term of the suspension without driving a CMV. The bill also imposes longer disqualification periods for violations that cause fatalities and requires States to improve their data systems.

The Committee understands that the FHWA's Office of Motor Carriers intends to establish a voluntary medical registry program



in fiscal year 2000. The Committee endorses the prompt establishment of such a program and believes that creating a voluntary national registry of medical examiners will help ensure that the doctors and other medical professionals authorized to conduct the required medical examinations of commercial motor vehicle operators meet the qualification standards for medical examiners set forth in 49 CFR 391.43(c). These medical examiners serve a critical role in preserving public health and safety, and a registry of such examiners will provide a reliable, national listing of medical professionals qualified to perform driver examinations.

#### SECTION-BY-SECTION SUMMARY

##### *Section 1. Short title; table of contents*

Section 1 provides that this Act may be cited as the Motor Carrier Safety Act of 1999. This section also includes a table of contents of the bill.

##### *Section 2. Findings*

Section 2 makes eight findings on motor carrier safety. Congress finds that the current rate, number, and severity of crashes involving motor carriers are unacceptable and, unless meaningful measures to improve safety are implemented expeditiously, the number of crashes, injuries, and fatalities will be even higher; and that the number of Federal and State motor carrier compliance reviews and commercial motor vehicle and operator inspections are too low and the number and size of civil penalties for violators must be sufficient to establish a credible deterrent to future violations. Congress further finds that wisely used additional funding and personnel are essential to the Department of Transportation's ability to improve its research, rulemaking, oversight, and enforcement activities.

##### *Section 3. Purposes*

Section 3 lists the purposes of this Act as improving the administration of the Federal motor carrier safety program by establishing a National Motor Carrier Administration in the Department of Transportation and by enacting measures to reduce the number and severity of large truck-involved crashes through increased inspections and compliance reviews, stronger enforcement measures, expedited rulemakings, scientifically sound research, and improvements to the commercial driver's license program.

#### Title I—National Motor Carrier Administration

##### *Section 101. Establishment of National Motor Carrier Administration*

Subsection 101(a) adds a new section 113 to title 49, United States Code, to establish, as a separate administration within the Department of Transportation, the National Motor Carrier Administration, and requires that the Administration consider safety as the agency's highest priority.

The Administration is headed by a Presidentially appointed, Senate confirmed Administrator; the Deputy Administrator is appointed by the Secretary with the approval of the President. The

Chief Safety Officer is appointed in the competitive service. In addition to any duties and powers prescribed by the Secretary, the Administrator shall carry out the duties and powers related to motor carriers and motor carrier safety set forth in chapters 5, 51, 55, 57, 59, 133 through 149, 311, 313, and 315.

Currently, the authority to carry out a number of these chapters is divided between two or more Administrations within the Department of Transportation or between the Department and the Surface Transportation Board. The bill does not change this division. For example, the Research and Special Programs Administration is responsible for issuing regulations governing the transportation of hazardous materials, but Federal and State motor carrier safety inspectors either directly employed by the Federal Highway Administration (FHWA) or whose salaries are paid through grants made by the FHWA are responsible for enforcing those hazardous materials regulations with respect to the motor carrier industry. This shared responsibility should continue. Only to the extent the duties and powers with respect to sections 5, 51, 55, 57, 59, 133 through 149, 311, 313, and 315 are currently the responsibility of the Administrator of the Federal Highway Administration, are such duties and powers transferred to the Administrator of the National Motor Carrier Administration in this Act. The Committee also intends that infrastructure economic studies related to motor carriers, such as studies addressing the costs and benefits of revised sizes and weights of motor vehicles and the equitable allocation of highway costs among various vehicle classes, would be retained in and conducted by the Federal Highway Administration with appropriate coordination with and involvement of the National Motor Carrier Administration.

Subsection (a) also includes a subsection in 49 U.S.C. 113 providing that “[i]n carrying out its duties, the Administrator shall consider the assignment and maintenance of safety as the highest priority.” This subsection is modeled on provisions which govern the activities of the Federal Aviation Administration and the Secretary of Transportation’s responsibilities for the economic regulation of air transportation. *See* 49 U.S.C. 40101(a)(1) & (d) and 49 U.S.C. 47101(a)(1). The provision is intended to focus the attention of the new National Motor Carrier Administration on remedying the inadequacies in the current motor carrier safety program and improving safety. The Committee has received technical assistance from the Department of Transportation which raises a question whether the new section 113(b) could have the effect of superceding all Federal laws and directives that currently guide the Office of Motor Carriers in such areas as rulemakings and enforcement actions and removing all of the new Administration’s discretion in safety regulation. The Committee believes that this technical assistance is not an accurate interpretation of the effect of new section 113(b) since it is inconsistent with the interpretation of the comparable aviation provisions, and the Committee intends that the new section 113(b) be interpreted and implemented in the same manner as have the above-listed provisions in the laws governing aviation.

To address the serious problem of overdue motor carrier safety rulemakings in the Department, subsection (a) also establishes a

Regulatory Ombudsman in the National Motor Carrier Administration and requires the Administrator to delegate to the Ombudsman the decisionmaking and staffing authority needed to ensure that the Administration complies with statutory and departmental deadlines for rulemakings.

For example, the rulemaking to establish procedures for sharing driver performance histories has been underway for almost five years. The development and implementation of this procedure is fundamental to a motor carrier's ability to assure the safety of its drivers. Other equally critical rulemakings, such as training standards for entry level drivers that was statutorily due by December 18, 1993, are years overdue.

The Committee expects the Regulatory Ombudsman to address this situation. The Ombudsman should provide strong leadership, with the Secretary's and the Administrator's support, to complete rulemakings within internal and statutory timeframes. The Ombudsman should closely monitor the progress of each rulemaking proceeding to ensure that it moves expeditiously and efficiently by identifying causes of delay and impediments to decisionmaking and should remedy them. The Committee intends to closely monitor the efficiency and effectiveness of the rulemaking process in the new Administration.

Subsection (a) also establishes offices of Passenger Vehicle Safety, Consumer Affairs, and International Affairs within the National Motor Carrier Administration. Representatives of bus industry and labor groups have repeatedly emphasized to the Committee that buses are fundamentally different from trucks, in terms of operators, equipment, travel and transport functions (e.g., moving people versus cargo), operating environment, and scheduling and driving patterns. Therefore, the bill provides that the National Motor Carrier Administration includes a separate passenger vehicle safety office dedicated exclusively to these and other unique bus-related issues.

In a hearing of the Ground Transportation Subcommittee in August 1998, several witnesses testified on the need for improved enforcement by DOT of consumer protection laws against unscrupulous household goods movers. DOT acknowledged that the consumer fraud problems in this area were severe and testified on the efforts it was taking to better enforce current laws, including establishing a special household goods task force. The Committee expects the separate office of consumer affairs within the new Administration to build on these efforts by providing staff dedicated exclusively to consumer protection issues, to advise consumers of their rights and potential remedies, provide guidance to Administration field staff in investigating potential abuses, and otherwise enforce consumer protections.

The new Administration's Office of International Affairs will have primary responsibility for oversight of truck safety programs at U.S. borders with Mexico and Canada, in cooperation with affected States and the Federal Highway Administration. The programs will include highway safety infrastructure programs and other improvement programs relating to international border crossings and corridors, the development and implementation of appropriate staffing standards for Federal and State motor carrier safety

inspectors in international border areas, and the distribution of border enforcement funding to implement the Motor Carrier Safety Assistance Program. In addition, the Office will develop procedures for the electronic transfer of data to foreign Governments, provide assistance in promoting motor carrier and highway safety procedures and technologies to other countries, monitor international motor carrier training programs for Federal, State and local agencies in areas of highway safety, drug interdiction, and judiciary programs, and provide technical assistance and resources to field offices to ensure the effective administration of international programs. The Office will consult with the Office of the Secretary on all motor carrier matters relating to the implementation of the North American Free Trade Agreement.

Subsection (b) provides dedicated funding for the administrative and research expenses of the National Motor Carrier Administration. This subsection increases funding 70 percent (an average of \$38 million per year) above the level currently provided within the Federal Highway Administration, to improve the motor carrier safety research, rulemaking, oversight, and enforcement activities transferred to the National Motor Carrier Administration. The Committee intends that any research carried out with these funds on electronic hours-of-service recorders be conducted in a manner that takes into consideration the special conditions and needs of commercial motor vehicle drivers and of the over-the-road bus industry.

The Committee established administrative funding at this level so that there are sufficient resources to ensure that the management improvements established in this bill can be fully realized.

Subsections (c) and (d) make conforming amendments to titles 49 and 5 of the United States Code.

Subsection (e) requires the National Motor Carrier Administrator to comply with the requirements of a discretionary departmental regulation, at 48 C.F.R. 1252.209-70, concerning the disclosure of conflicts of interest in research contracts, and to include the text of such regulation in each such contract. This subsection also calls for a study to determine the effectiveness of this requirement. The Committee included this provision to enhance the credibility of the motor carrier research program. Eliminating or mitigating conflicts of interest will increase the likelihood that the research results will be more widely accepted and therefore be a more acceptable basis for policy decisions.

#### *Section 102. Motor carrier safety strategy*

Subsection 102(a) requires the Secretary of Transportation, as part of the Department's existing strategic planning efforts, to develop and implement a long-term strategy, including an annual plan and schedule, for improving commercial motor vehicle, operator, and carrier safety, and sets forth four goals that shall be included in the strategy. The goals are reducing the number and rates of crashes, injuries, and fatalities involving commercial motor vehicles, improving enforcement and compliance programs, identifying and targeting enforcement at high risk carriers, vehicles, and drivers, and improving research.

Subsection (b) requires that goals be established that are designed to accomplish the safety strategy and requires estimates of the funds and staff resources needed to accomplish the goals. By working toward the measurable goals, the Administration will also be progressing toward the strategic goals.

Subsection (c) requires the submission of the strategy and annual plan with the President's annual budget submission, starting with fiscal year 2001.

Subsection (d) establishes annual performance requirements for the Administrator, Deputy Administrator, Chief Safety Officer, and Regulatory Ombudsman of the National Motor Carrier Administration. Each of these officials shall enter into a performance agreement that contains his or her individual annual goals. If, within the year, any such official makes substantial progress toward achieving the goals of the performance agreement, the official is eligible to receive a performance dividend of up to \$15,000 in each of fiscal years 2001 through 2003.

This subsection also suspends the award of any dividend until the Administration has submitted to the Office of Management and Budget a rulemaking to implement the safety fitness requirements of section 31144 of title 49, United States Code. The Committee included this provision to reflect the importance of this rulemaking. By promptly completing it, the Administration will have reliable processes and methods for reviewing new carrier applicants, for determining a carrier's fitness, and for ordering unfit carriers to stop operating until they comply with Federal safety requirements.

In developing and assessing progress toward meeting the measurable goal of eliminating the backlog of enforcement cases, the Secretary and Administrator shall ensure that the prospect of a performance dividend does not lead the Department or the Administration to impinge on the legitimate procedural rights of motor carriers and drivers.

Subsection (e) establishes an annual bonus program for all employees of the National Motor Carrier Administration, based on the progress of the Administration as a whole toward meeting the strategic goals of the motor carrier safety strategy and annual plans.

Subsection (f) sets forth the funding source for the performance dividends and bonuses and clarifies the relationship of this section to other laws.

Subsection (g) requires the Secretary to report annually to Congress on the performance of the officials in meeting the goals of their annual performance agreements, any bonuses awarded under subsection (e), and on the performance of the Administration in meeting the goals of the strategy and annual plans.

### *Section 103. Revenue aligned budget authority*

Subsection 103(a) amends section 110 of title 23, United States Code, concerning revenue aligned budget authority, to include the motor carrier safety assistance program in the group of programs for which funding is annually adjusted to correspond to Highway Trust Fund receipts.

Subsection (b) makes a number of technical and conforming amendments, including the relocation of a second section 110, con-

cerning uniform transferability of Federal-aid highway funds, to section 126 of title 23, United States Code.

*Section 104. Additional funding for motor carrier safety grant program*

Subsection 104(a) authorizes an additional \$75 million from the Highway Trust Fund for each of fiscal years 2000 through 2003 for the motor carrier safety assistance program (MCSAP) under section 31102 of title 49, United States Code.

Subsection (b) provides that the funds made available in subsection (a) shall be treated as if made available in subsection 31104(a) of title 49, United States Code, and shall be subject to an obligation limitation separate from any obligation limitation applicable to funds directly made available by section 31104.

Subsection (c) amends section 4003 of the Transportation Equity Act for the 21st Century (TEA 21) to increase the amount of guaranteed funding provided in TEA 21 for the motor carrier safety assistance program by the following amounts: \$55 million in fiscal year 2000 and \$65 million for each of fiscal years 2001 through 2003. This subsection also amends section 1102 of TEA 21 to reduce the obligation ceiling for federal-aid highways and highway safety construction programs by \$55 million in fiscal year 2000 and by \$65 million for each of fiscal years 2001 through 2003.

The Committee expects that, given the increase in guaranteed MCSAP funding, States will be able to hire more inspectors and safety personnel. While the Committee recognizes the States' concern about hiring staff without an assurance of reliable, long-term funding, the Committee believes that the funding measures in TEA 21 and in this bill provide adequate assurance of continued funding.

Subsection (d) sets forth a maintenance of effort requirement for States receiving motor carrier safety assistance program funds under this section. Each State must maintain its spending for MCSAP-eligible activities at a level at least equal to its fiscal year 1999 level to receive additional funding under this section. This requirement does not mean that a State must continue to overmatch at the same rate it did in fiscal year 1999. Rather, the total amount spent should not decrease below the 1999 level.

Subsection (e) provides that if a State is not in substantial compliance with each requirement of section 31311 of title 49, United States Code, which concern commercial driver licensing, the Secretary shall withhold any allocation of MCSAP funds authorized under this section. This subsection also provides that if, before June 30 of the fiscal year in which it was found in noncompliance, a State is found by the Secretary to be in substantial compliance with each requirement of section 31311, the Secretary shall allocate to the State the withheld funds.

*Section 105. Motor carrier safety advisory committee*

Section 105 requires the Secretary to establish a motor carrier safety advisory committee to advise, consult with, and make recommendations to the National Motor Carrier Administrator on matters relating to the activities and functions of the Administration. Under subsection (c), the advisory committee shall terminate

on September 30, 2003. This advisory committee is not a standing committee for negotiated rulemaking purposes.

The termination date for the Motor Carrier Safety Advisory Committee, September 30, 2003, coincides with the reauthorization of the Transportation Equity Act for the 21st Century. The Transportation and Infrastructure Committee will have the opportunity to review the activities of the advisory committee and make any statutory changes to the duties or composition of the committee at that time.

*Section 106. Effective date*

Section 106 provides that title I of this Act shall take effect upon the date of enactment, except that the amendments made by section 101 establishing the National Motor Carrier Administration take effect on October 1, 2000. Under subsection (b), the Secretary is authorized to take such action as may be necessary prior to October 1, 2000, to ensure the orderly transfer of duties and employees from the Federal Highway Administration to the National Motor Carrier Administration.

Title II—Commercial Motor Vehicle and Driver Safety

*Section 201. Disqualifications*

Subsection (a) amends section 31310 of title 49, United States Code, to make a single violation of driving a commercial motor vehicle with a revoked, suspended, or canceled commercial driver's license, or driving while disqualified, a one-year disqualifying offense, and to make a conviction for causing a fatality through the negligent or criminal operation of a commercial motor vehicle a one-year disqualifying offense. This subsection also makes the commission of more than one violation of driving a commercial motor vehicle with a revoked, suspended, or canceled commercial driver's license, or driving while disqualified, a lifetime disqualifying offense, and to make a conviction of more than one offense of causing a fatality through the negligent or criminal operation of a commercial motor vehicle a lifetime disqualifying offense.

Subsection (b) amends section 31310 to give the Secretary emergency disqualification authority to revoke the commercial driving privileges of an individual upon a determination by the Secretary that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard. The Secretary can disqualify an individual under this provision for no more than 30 days without providing notice and an opportunity for a hearing.

Subsection (b) also amends section 31310 to require the Secretary to issue regulations establishing criteria for disqualifying from operating a commercial motor vehicle an individual who holds a commercial driver's license and who has been convicted of serious offenses involving a vehicle other than a commercial motor vehicle (CMV). The behavior of a CDL holder in operating vehicles other than CMVs is relevant to the CDL holder's fitness to operate a commercial motor vehicle; therefore the Secretary is directed to conduct a rulemaking to determine the appropriate non-CMV offenses and minimum time periods for which a CDL holder should be disqualified, but in no case shall the types of non-CMV offenses

or the time periods for which CDL holders are disqualified for such offenses be more stringent than the offenses and disqualification periods involving a commercial motor vehicle.

The Committee expects that the Department, in determining the appropriate disqualifying offenses by rulemaking, will focus on serious offenses, such as driving while intoxicated and reckless driving. The Committee does not intend for this rule to include minor traffic citations.

Subsection (c) amends section 31301 of title 49, United States Code, to add three offenses to the list of serious traffic violations for which a CDL holder can be disqualified under subsection 31310(e). The new offenses are: driving a CMV without obtaining a CDL; driving a CMV without a CDL in your possession; and driving without a required endorsement. But it shall not be a serious traffic violation if a driver cited for operating a CMV without a license in his or her possession can produce proof, before the time to appear or pay the fine for such citation, that he or she did have a valid CDL at the time of the citation.

Subsection (d) makes a technical amendment to section 31305 of title 49, United States Code, concerning testing standards for operating commercial motor vehicles.

*Section 202. School bus endorsement*

Section 202 amends section 31305 of title 49, United States Code, to require the Secretary to prescribe minimum testing standards for the operation of a school bus. These standards shall be followed by any State that elects to issue a separate CDL endorsement for school bus operators otherwise required to obtain a CDL, but this provision does not require States to issue a school bus endorsement. This provision also permits the Secretary, in establishing standards for a school bus endorsement, to prescribe separate, different standards for different classes of school buses.

*Section 203. Requirements for State participation*

Subsection 203(a) amends section 31311 of title 49, United States Code, to require a State to notify a commercial driver's license holder's home State of any violation of traffic laws committed by the CDL holder, not just violations involving a commercial motor vehicle.

Subsection (b) amends section 31311 to prohibit States from issuing a provisional or temporary commercial driver's license to a driver during the period when the driver has been disqualified from operating a commercial motor vehicle or when the driver's license has been revoked, suspended, or cancelled.

Subsection (c) amends section 31311 to prohibit both conviction masking and deferral programs by requiring every State to keep a complete driving record of all convictions (both those committed in the home State and outside the home State) of every individual to whom it has issued a CDL, and to make each such complete driving record available to all persons (including employers and prospective employers) and governmental entities otherwise entitled to access to such record. The intent of this section is to eliminate the practice, in some jurisdictions, of permitting CDL holders facing convictions for traffic violations to attend educational courses or



pay an increased fee and have their convictions either “masked” on their record (and therefore hidden from employers, potential employers, and insurance companies) or never recorded on their record at all. A State may continue to offer violators the option of attending an educational course in lieu of a fine as long as the violation is included on the driver’s record.

Subsection (d) amends section 31311 to require States to disqualify, in accordance with the DOT rule issued under 49 U.S.C. 31310(g), from operating a commercial motor vehicle an individual who holds a commercial driver’s license and who has been convicted of serious offenses involving a vehicle other than a commercial motor vehicle.

Subsection (e) makes a conforming amendment to section 31311 to reflect the amendments made by section 201 of this Act.

*Section 204. State noncompliance*

Subsection (a) establishes a program under which the Secretary, upon determining that a State is not in substantial compliance with each of the commercial driver’s license requirements of subsection 31311(a) of title 49, United States Code, shall decertify the State’s CDL issuing agency by issuing an order declaring that all CDLs issued by the State after the date of the order are not valid and prohibiting the State from issuing any commercial driver’s license until the Secretary finds the State is in substantial compliance. This subsection also provides that any State other than the decertified State shall issue a nonresident CDL to any individual domiciled in the decertified State who meets all of the licensing requirements of chapter 313 of title 49, United States Code, and any applicable State licensing requirements.

Subsection (b) makes a conforming amendment to the analysis for chapter 313 of title 49, United States Code.

It is the Committee’s understanding that there is some ambiguity about States’ authority to use MCSAP funds for their CDL programs. It is the Committee’s view that MCSAP funds are eligible for improvements to State CDL programs and that States that are on the verge of substantial noncompliance may be well advised to use a portion of their MCSAP funds to upgrade their CDL programs.

*Section 205. 24-hour staffing of telephone hotline*

Section 205 amends section 4017 of TEA 21 to require that the Department’s toll-free telephone hotline for reporting safety violations be staffed 24 hours a day, 7 days a week, by individuals knowledgeable about Federal motor carrier safety regulations and procedures. This section also increases the funding authorization for the hotline to the level of the Department of Transportation’s estimate of the cost of 24-hour coverage.

*Section 206. Checks before issuance of driver’s licenses*

Section 206 amends section 30304 of title 49, United States Code, to require a State, before issuing any motor vehicle operator’s license to an individual, to query both the National Driver Register (NDR) and the commercial driver’s license information system (CDLIS). The intent of this provision is to close a loophole in the

CDL program identified in the Department of Transportation's CDL Effectiveness Study, whereby a driver currently holding a valid CDL applies for a non-CDL without revealing or surrendering the CDL. Without a check of both NDR *and* CDLIS, the fact that the driver already holds a CDL at the time of application for a non-CDL can go undetected, thus defeating the fundamental "one driver, one license" principle behind the CDL program that prevents drivers from spreading multiple convictions over multiple licenses.

*Section 207. Border staffing standards*

Subsection 207(a) requires the Secretary to develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

Subsection (b) lists the factors to be considered in developing the staffing standards. These include the volume of traffic, hours of operation of the border facilities, types of commercial motor vehicles (including passenger vehicles) and cargo in the border areas, and the responsibilities of Federal and State inspectors.

Subsection (c) prohibits the United States and any State from reducing its respective level of motor carrier safety inspectors in an international border area below the level of such inspectors in fiscal year 2000.

Subsection (d) provides that if, by October 1, 2001, and each fiscal year thereafter, the Secretary has not ensured that appropriate levels of staffing consistent with the staffing standards are deployed in international border areas, the Secretary is required to allocate five percent of motor carrier safety assistance program funds for border commercial motor vehicle and safety enforcement programs.

The Committee intends for this provision to help address the understaffing noted in reports from DOT Inspector General and the U.S. Comptroller General. This provision reflects that border safety is a joint responsibility of the Federal government and the States. The staffing standards should therefore consider the appropriate balance of Federal and State resources and duties. The additional funds made available in this Act will enable U.S. DOT and the States to implement the standards and help ensure that incoming commercial motor vehicles and operators comply with all U.S. motor carrier safety requirements.

*Section 208. Minimum and maximum assessments*

Subsection 208(a) directs the Secretary to ensure that motor carriers operate safely by imposing civil penalties at a level calculated to ensure prompt and sustained compliance with Federal motor carrier safety and commercial driver's license (CDL) laws.

Subsection (b) requires the Secretary to establish and assess minimum civil penalties for Federal motor carrier safety and CDL violations and to assess the maximum civil penalty for repeat offenders.

Subsection (c) recognizes that extraordinary circumstances do arise that merit the assessment of civil penalties at a level lower than any level established under subsection (b) of this section. If the Secretary assesses such lower penalties, the Secretary must document the justification for them.

Subsection (d) requires the Secretary to conduct and submit to Congress a study of the effectiveness of revised civil penalties established in TEA 21 and this Act.

Subsection (e) requires the Inspector General of the Department to conduct and submit to Congress a semiannual audit of the National Motor Carrier Administration's enforcement activities, including an analysis of its fine assessments and collections.

*Section 209. Study of commercial motor vehicle crash causation and data improvement*

Subsection 209(a) requires the Secretary to conduct a comprehensive study to determine the causes of, and contributing factors to, crashes involving commercial motor vehicles and to identify the data requirements needed to improve the Department's and the States' ability to evaluate crashes and crash trends, identify crash causes and contributing factors, and develop safety measures to reduce such crashes.

Subsection (b) addresses the design of the study, requiring that it yield information to help the Department and the States identify activities likely to lead to significant reductions in commercial motor vehicle-involved crashes.

Subsection (c) lists the areas of expertise of the people with whom the Secretary is required to consult in conducting the study.

Subsection (d) requires the Secretary to provide for public comment on various aspects of the study.

Subsection (e) requires the Secretary to submit the results of the study to Congress, review the study at least once every five years, and update the study and report as necessary.

Subsection (f) requires the Secretary to work with the States and others to standardize crash data requirements, collection procedures, and reports.

Subsection (g) provides that the study may be carried out by any entity within the Department and the costs of the study may be paid from funds deducted under section 104(a) of title 23, United States Code.

#### HEARINGS AND LEGISLATIVE HISTORY

On February 11, 1999, March 17, 1999, March 25, 1999, and May 26, 1999, the Ground Transportation Subcommittee held oversight hearings examining the Department of Transportation's Office of Motor Carriers.

At the first hearing on February 11, witnesses from the Department of Transportation testified on the budgetary and personnel resources of the Office of Motor Carriers, its statutory responsibilities, the number of drivers and carriers subject to its jurisdiction, and the number of inspections and compliance reviews conducted annually.

The second hearing, which was held on March 17, focused on recent studies on the OMC and motor carrier safety conducted by the General Accounting Office (GAO) and the Department's Office of the Inspector General (OIG). The witnesses from GAO and the OIG discussed trends in truck safety and the problems caused by the lack of definitive information on the causes of fatal truck crashes, shortcomings in the Office of Motor Carriers' inspection and en-

forcement efforts, and the proper location of the Office of Motor Carriers.

At the third hearing on March 25, the Subcommittee heard from representatives of the motor carrier industry, commercial motor vehicle drivers, enforcement officials, highway safety groups, and others who gave their recommendations on how to improve truck safety. Witnesses also expressed their views on the effectiveness of the OMC's activities to reduce truck fatalities.

During the fourth hearing on May 26, former U.S. Representative and Chairman of the Public Works and Transportation Committee Norman Mineta discussed his findings from the 90-day motor carrier safety review he conducted for the DOT Secretary. The Department testified on its newly unveiled commercial motor vehicle safety action plan, in which DOT established the goal of reducing the number of truck- and bus-involved fatalities by 50 percent in 10 years. This hearing included a bus safety panel of several witnesses representing the bus industry and bus workers and the National Transportation Safety Board. These witnesses addressed a number of issues, including: the Office of Motor Carrier's oversight of the bus industry, improvements to the commercial driver's license information system, use of third party inspectors, and the use of technology to aid in safety enforcement.

#### COMMITTEE CONSIDERATION

On August 5, 1999, the Full Committee met in open session and favorably reported H.R. 2679.

#### ROLL CALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each roll call vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no roll call votes.

#### COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

#### COST OF LEGISLATION

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

#### COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the

Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 2679

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 2679 from the Director of the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 17, 1999.*

Hon. BUD SHUSTER,  
*Chairman, Committee on Transportation and Infrastructure,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2679, the Motor Carrier Safety Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are James O’Keeffe (for federal costs), Lisa Cash Driskill (for the state and local impact), and Keith Mattrick (for the private-sector impact).

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*H.R. 2679—Motor Carrier Safety Act of 1999*

Summary: H.R. 2679 would change the organization of motor carrier safety functions within the Department of Transportation (DOT) and increase funding for motor carrier safety grants. CBO estimates that implementing H.R. 2679 would result in additional discretionary spending of approximately \$340 million over the 2000–2004 period, assuming appropriation actions consistent with the bill. The legislation could affect direct spending and receipts; therefore, pay-as-you-go procedures would apply. While budget authority would increase by \$500 million over the 2000–2003 period, CBO estimates that any effects on direct spending outlays or receipts would be insignificant.

H.R. 2679 contains an intergovernmental mandate as defined in the Unfunded Mandates Reform Act (UMRA), but CBO estimates that the costs would total less than \$5 million annually, well below the threshold established by UMRA (\$50 million in 1996, adjusted annually for inflation). The bill would authorize additional funds for motor carrier safety programs, some of which could be used to cover these costs; however, to be eligible for those grants, states must agree to maintain their current level of spending on motor carrier safety and enforcement activities.

H.R. 2679 would impose private-sector mandates on operators of commercial motor vehicles, but CBO estimates that the costs of those mandates would not exceed the statutory threshold established in UMRA (\$100 million in 1996, adjusted annually for inflation).

Description of the bill's major provisions: H.R. 2679 would create the National Motor Carrier Administration (NMCA) to administer truck and bus safety, which currently is under the jurisdiction of the Office of Motor Carriers within the Federal Highway Administration. Over the 2000–2003 period, the bill would provide an additional \$550 million in contract authority, a mandatory form of budget authority, for motor carrier safety grants. Because spending for this program is constrained by obligation limitations set in appropriation acts, the resulting outlays are discretionary. To partially offset the increase in funding, the bill would decrease the existing obligation limitations for the federal-aid highways program by \$250 million over the 2000–2003 period.

H.R. 2679 would make the motor carrier safety grant program eligible to receive additional contract authority through revenue-aligned budget authority (RABA), whereby contract authority is automatically added or subtracted based on receipts of the highway trust fund. Unlike most programs covered by the RABA provision of the Transportation Equity Act for the 21st Century (TEA 21, Public Law 105–178), the motor carrier safety program would not be subject to reductions in contract authority. The bill also would reserve contract authority within the administrative account for federal-aid highways to administer motor carrier safety programs and research. However, it would not change the total contract authority available to the account.

As a condition for issuing commercial driver's licenses and receiving funds authorized by this bill, states would have to comply with expanded federal guidelines for issuing and disqualifying driver's licenses. States would have to check the National Driver Registry and the Commercial Driver's License Information System before issuing any driver's license. The bill also would require states to enter into a binding agreement to spend at least as much on motor carrier safety each year as in fiscal year 1999 in order to receive funds authorized in this bill.

The legislation would direct the Inspector General of DOT to conduct semiannual audits of NMCA's enforcement activities. DOT would be required to develop staffing standards for international border in section areas. If the level of staffing identified in the report were not met by fiscal year 2002, funds would automatically be diverted for this purpose. This bill also would require DOT to develop a strategy and annual plan to improve motor carrier safety, establish minimum civil penalties for violations of laws governing motor carrier safety and commercial driver's licenses, complete a number of additional studies, and issue regulations.

H.R. 2679 also would create four new executive positions within NMCA and would authorize both agency-wide bonuses and individual bonuses for those new executive positions.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 2679 is shown in the following table. The cost of this legislation fall within budget function 400 (transportation).

	By fiscal year, in millions of dollars					
	1999	2000	2001	2002	2003	2004
Direct spending						
Budget Authority Under Current Law .....	29,407	31,503	30,600	31,217	31,755	0
Proposed Changes .....	0	130	140	140	140	0
Total Budget Authority Under H.R. 2679 .....	29,407	31,633	30,800	31,357	31,915	0
Spending subject to appropriation						
Spending Under Current Law						
Budget Authority .....	0	0	0	0	0	0
Estimated Outlays <sup>1</sup> .....	22,121	24,619	26,233	26,873	27,579	21,062
Proposed Changes						
Estimated Authorization Level .....	0	0	1	1	1	1
Estimated Outlays .....	0	22	93	86	82	57
Total Spending Under H.R. 2679						
Estimated Authorization Level .....	0	0	1	1	1	1
Estimated Outlays <sup>1</sup> .....	22,121	24,641	26,326	26,959	27,660	21,119

<sup>1</sup>The 1999 amount is the estimated total of outlays for motor carrier safety grants and the portion of spending for federal-aid highways that is subject to an obligation limitation.

**Basis of the estimate:** For purposes of this estimate, CBO assumes that H.R. 2679 will be enacted by the end of fiscal year 1999 and that appropriate actions will allow obligation of all the additional contract authority. Because most of the outlays from contract authority are governed by annual obligation limitations in appropriation acts, they are discretionary and are included in the table as estimated outlays subject to appropriation.

Using historical rates of spending for the affected programs, CBO estimates that implementing this bill would increase federal expenditures on motor carrier safety by \$550 million over the 2000–2004 period and reduce federal expenditures for federal-aid highways by \$213 million over the same period, resulting in a net increase of \$337 million over the next five years. CBO assumes the costs of conducting the studies and writing the regulations contained in this bill would be covered by the total authorization for motor carrier safety, as amended and increased by this bill. The same assumption applies to the costs of the new positions for NMCA Administrator, Deputy Administrator, Chief Safety Officer, and Regulatory Ombudsman.

Based on information from the Office of the Inspector General of DOT, CBO estimates that it would cost \$800,000 a year to conduct semiannual audits of NMCA's enforcement activities. Other provisions of the bill would have no significant budgetary impact.

**Pay-as-you-go considerations:** The Balanced Budget and Emergency Deficit Control Act set up pay-as-you-go procedures for legislation affecting direct spending or receipts. H.R. 2679 would direct DOT to establish a minimum penalty for violating laws governing motor vehicle safety and commercial driver's licenses and to assess the existing maximum civil penalty for second and multiple violations. These provisions could result in an increase in governmental receipts, but CBO estimates that any such changes would be less than \$500,000 a year.

**Estimated impact on state, local, and tribal governments:** H.R. 2679 would impose an intergovernmental mandate by requiring states to comply with certain guidelines for issuing driver's licenses and for disqualifying drivers. If the Secretary of Transportation de-

termines that a state is not in substantial compliance with the federal guidelines, that state would no longer be able to issue commercial driver's licenses (CDLs). CBO estimates that complying with the new guidelines would cost less than \$5 million annually, well below the threshold established by UMRA (\$50 million in 1996, adjusted annually for inflation).

The new guidelines imposed by this bill would require states to disqualify more drivers and to keep a record of all traffic violations committed by CDL holders in other states. Currently, all states comply with existing DOT guidelines for issuing CDLs, and CBO expects they would continue to do so if H.R. 2679 is enacted. Based on information from the American Association of Motor Vehicle Administrators (AAMVA) and DOT, CBO expects that no state would be subject to closure of its CDL program because the new requirements, in most cases, would not add a significant administrative burden, and because it is in the interest of states to comply rather than risk losing revenues they collect from this program.

The bill also would require states to check the Commercial Driver's License Information System (CDLIS) before issuing any new or renewal license for operating a motor vehicle (generally, a driver's license). Every time states issue a CDL, they pay a fee to AAMVA, which maintains the CDLIS system. In return, states may make unlimited inquiries to the system for information. States might have to change computer systems in their licensing facilities to accommodate this new requirement, and AAMVA might begin charging some nominal amount for inquiries (or increase the initial filing fee). However, the total cost of these changes is likely to be less than \$4 million per year.

In addition, states would no longer be able to issue temporary or provisional CDLs to drivers otherwise disqualified from holding a CDL. This restriction would result in a loss of fees, but it would also result in lower administrative costs. CBO estimates that the net effect would be a revenue loss totaling less than \$1 million per year.

Finally, the bill would provide \$550 million in contract authority over the next four years, some of which could be used for grants to offset the costs of these mandates. Most of the money, however, would be used for commercial vehicle inspections, a federal program administered at the state level. The bill also would reduce federal grants to states for highway construction by \$250 million over the 2000–2003 period. In order to qualify for these highway grant funds, states would have to enter into a binding agreement with the Secretary of Transportation to maintain state and local spending on motor carrier safety and enforcement activities at or above the 1999 level.

Estimated impact on the private sector: H.R. 2679 would impose a series of private-sector mandates, as defined in UMRA, on operators of commercial motor vehicles. CBO estimates that the total direct costs for private-sector mandates in this bill would fall well below the threshold established in UMRA (\$100 million in 1996, adjusted annually for inflation).

First, the bill would require physical possession of a commercial driver's license when operating a commercial motor vehicle. According to industry experts, the burden imposed by this requirement



would be minimal. Second, H.R. 2679 stipulates that an individual should be disqualified from operating a commercial motor vehicle if the Secretary of Transportation determines that the individual's driving behavior represents an imminent hazard to public safety. Based on information provided by the Department of Transportation, CBO believes that such a disqualification would be rare and thus that the mandate would not impose significant costs on the private sector. Third, the bill would require the Secretary of Transportation to issue minimum testing standards for operators of school buses in states that choose to issue school bus endorsements on their commercial driver's licenses. The total cost of that mandate would depend on the number of states that elect to issue such an endorsement, but information provided by DOT indicates that the incremental burden to a school bus operator of any additional requirements would be small.

The bill would also transform qualifications for a commercial driver's license, currently set by states, into federal requirements. According to DOT, all states have elected to impose a number of license issuing requirements on applicants for commercial driver's licenses in order to avoid a reduction in highway funds provided by the federal government. The provisions of H.R. 2679 would impose such requirements nationally. As all of those qualifications are currently required by the states, the new federal mandate would impose no additional costs on applicants for commercial driver's licenses.

The bill stipulates that commercial driver's licenses issued by states that do not comply with the qualification standards would not be valid. That provision would impose a burden on license applicants residing in the affected states, who would need to obtain a nonresident commercial driver's license in another state. Based on information provided by DOT, however, CBO believes that states would remain in compliance with those qualification standards, and thus it is unlikely that such a burden would be imposed on the private sector.

Estimate prepared by: Federal Costs: James O'Keefe. Impact on State, Local, and Tribal Governments: Lisa Cash Driskill. Impact on the Private Sector: Keith Mattrick.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office

pursuant to section 423 of the Unfunded Mandates Reform Act. (Public Law 104-4.)

ADVISORY COMMITTEE STATEMENT

The bill includes a motor carrier safety advisory committee to assist the new National Motor Carrier Administration. The Committee believes it is important to create this new committee because the functions that it will perform cannot be provided by any other entity within the Department of Transportation. The advisory committee is authorized through FY 2003, at which time the Congress will have the opportunity to review this issue.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act. (Public Law 104-1.)

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TITLE 49, UNITED STATES CODE

\* \* \* \* \*

SUBTITLE I—DEPARTMENT OF TRANSPORTATION

\* \* \* \* \*

CHAPTER 1—ORGANIZATION

Sec.

101. Purpose.

\* \* \* \* \*

113. *National Motor Carrier Administration.*

\* \* \* \* \*

§ 104. Federal Highway Administration

(a) \* \* \*

\* \* \* \* \*

(c) The Administrator shall carry out—

(1) duties and powers vested in the Secretary by chapter 4 of title 23 for highway safety programs, research, and development related to highway design, construction and maintenance, traffic control devices, identification and surveillance of accident locations, and highway-related aspects of pedestrian safety; and

[(2) duties and powers related to motor carrier safety vested in the Secretary by chapters 5 and 315 of this title; and]

[(3)] (2) additional duties and powers prescribed by the Secretary.

[(d) A duty or power specified by subsection (c)(2) of this section may be transferred to another part of the Department only when specifically provided by law or a reorganization plan submitted under chapter 9 of title 5. A decision of the Administrator in carrying out those duties or powers and involving notice and hearing required by law is administratively final.]

[(e)] (d) Notwithstanding the provisions of sections 101(d) and 144 of title 23, highway bridges determined to be unreasonable obstructions to navigation under the Truman-Hobbs Act may be funded from amounts set aside from the discretionary bridge program. The Secretary shall transfer these allocations and the responsibility for administration of these funds to the United States Coast Guard.

\* \* \* \* \*

### **§ 113. National Motor Carrier Administration**

(a) *IN GENERAL.*—*The National Motor Carrier Administration shall be an administration of the Department of Transportation.*

(b) *SAFETY AS HIGHEST PRIORITY.*—*In carrying out its duties, the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in motor carrier transportation.*

(c) *ADMINISTRATOR.*—*The head of the Administration shall be the Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation.*

(d) *DEPUTY ADMINISTRATOR.*—*The Administration shall have a Deputy Administrator appointed by the Secretary, with the approval of the President. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.*

(e) *CHIEF SAFETY OFFICER.*—*The Administration shall have an Assistant National Motor Carrier Administrator appointed in the competitive service by the Secretary, with the approval of the President. The Assistant Administrator shall be the Chief Safety Officer of the Administration. The Assistant Administrator shall carry out the duties and powers prescribed by the Administrator.*

(f) *REGULATORY OMBUDSMAN.*—*The Administration shall have a Regulatory Ombudsman appointed by the Administrator. The Secretary and the Administrator shall each delegate to the Ombudsman such authority as may be necessary for the Ombudsman to expedite rulemaking proceedings to comply with statutory and internal departmental deadlines, including authority to—*

(1) *make decisions to resolve disagreements between officials in the Administration who are participating in a rulemaking process; and*

(2) *ensure that sufficient staff are assigned to rulemaking projects to meet all deadlines.*

(g) OFFICES OF PASSENGER VEHICLE SAFETY, CONSUMER AFFAIRS, AND INTERNATIONAL AFFAIRS.—The Administration shall have an Office of Passenger Vehicle Safety, an Office of Consumer Affairs, and an Office of International Affairs.

(h) POWERS AND DUTIES.—The Administrator shall carry out—

(1) duties and powers related to motor carriers or motor carrier safety vested in the Secretary by chapters 5, 51, 55, 57, 59, 133 through 149, 311, 313, and 315; and

(2) additional duties and powers prescribed by the Secretary.

(i) LIMITATION ON TRANSFER OF POWERS AND DUTIES.—A duty or power specified in subsection (h)(1) may only be transferred to another part of the Department when specifically provided by law.

(j) EFFECT OF CERTAIN DECISIONS.—A decision of the Administrator involving a duty or power specified in subsection (h)(1) and involving notice and hearing required by law is administratively final.

(k) CONSULTATION.—The Administrator shall consult with the Federal Highway Administrator and with the National Highway Traffic Safety Administrator on matters related to highway and motor carrier safety.

**SUBTITLE VI—MOTOR VEHICLE AND DRIVER PROGRAMS**

\* \* \* \* \*

**PART A—GENERAL**

**CHAPTER 301—MOTOR VEHICLE SAFETY**

\* \* \* \* \*

**§ 30304. Reports by chief driver licensing officials**

(a) \* \* \*

\* \* \* \* \*

(e) DRIVER RECORD INQUIRY.—Before issuing a motor vehicle operator’s license to an individual, a State shall request from the Secretary information from the National Driver Register under section 30302 and the commercial driver’s license information system under section 31309 on the individual’s driving record.

\* \* \* \* \*

**PART B—COMMERCIAL**

\* \* \* \* \*

**CHAPTER 313—COMMERCIAL MOTOR VEHICLE OPERATORS**

Sec.

31301. Definitions.

\* \* \* \* \*

[31314. Withholding amounts for State noncompliance.]

31314. State noncompliance.

\* \* \* \* \*

§ 31301. Definitions

In this chapter—

(1) \* \* \*

\* \* \* \* \*

(12) “serious traffic violation” means—

(A) excessive speeding, as defined by the Secretary by regulation;

(B) reckless driving, as defined under State or local law;

(C) a violation of a State or local law on motor vehicle traffic control (except a parking violation) and involving a fatality, *other than a violation to which section 31310(b)(1)(E) or 31310(c)(1)(E) applies*; **[and]**

(D) *driving a commercial motor vehicle when the individual has not obtained a commercial driver’s license*;

(E) *driving a commercial motor vehicle when the individual does not have in his or her possession a commercial driver’s license unless the individual provides, by the date that the individual must appear in court or pay any fine with respect to the citation, to the enforcement authority that issued the citation proof that the individual held a valid commercial driver’s license on the date of the citation*;

(F) *driving a commercial motor vehicle when the individual has not met the minimum testing standards—*

(i) *under section 31305(a)(3) for the specific class of vehicle the individual is operating*; or

(ii) *under section 31305(a)(5) for the type of cargo the vehicle is carrying*; and

**[(D)] (G) any other similar violation of a State or local law on motor vehicle traffic control (except a parking violation) that the Secretary designates by regulation as serious.**

\* \* \* \* \*

§ 31305. General driver fitness and testing

(a) MINIMUM STANDARDS FOR TESTING AND FITNESS.—The Secretary of Transportation shall prescribe regulations on minimum standards for testing and ensuring the fitness of an individual operating a commercial motor vehicle. The regulations—

(1) \* \* \*

\* \* \* \* \*

(7) shall ensure that an individual taking the tests is qualified to operate a commercial motor vehicle under regulations prescribed by the Secretary and contained in title 49, Code of Federal Regulations, to the extent the regulations apply to the individual; **[and]**

(8) may require—

(A) issuance of a certification of fitness to operate a commercial motor vehicle to an individual passing the tests; and

(B) the individual to have a copy of the certification in the individual’s possession when the individual is operating a commercial motor vehicle**[,]**; and

(9) shall prescribe minimum testing standards for the operation of a school bus (that is a vehicle described in section 31301(4)(B)) in a State that elects to issue a commercial driver's license school bus endorsement and may prescribe different minimum testing standards for different classes of school buses.

(b) REQUIREMENTS FOR OPERATING VEHICLES.—(1) Except as provided in paragraph (2) of this subsection, an individual may operate a commercial motor vehicle only if the individual has passed written and driving tests [to operate the vehicle] that meet the minimum standards prescribed by the Secretary under subsection (a) of this section to operate the vehicle and has a commercial driver's license to operate the vehicle.

\* \* \* \* \*

**§ 31310. Disqualifications**

(a) \* \* \*

(b) FIRST VIOLATION OR COMMITTING FELONY.—(1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, the Secretary of Transportation shall disqualify from operating a commercial motor vehicle for at least one year an individual—

(A) committing a first violation of driving a commercial motor vehicle under the influence of alcohol or a controlled substance;

(B) committing a first violation of leaving the scene of an accident involving a commercial motor vehicle operated by the individual; [or]

(C) using a commercial motor vehicle in committing a felony (except a felony described in subsection (d) of this section)[.];

(D) committing a first violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle; or

(E) convicted of causing a fatality through negligent or criminal operation of a commercial motor vehicle.

(c) SECOND AND MULTIPLE VIOLATIONS.—(1) Subject to paragraph (2) of this subsection, the Secretary shall disqualify from operating a commercial motor vehicle for life an individual—

\* \* \* \* \*

(C) using a commercial motor vehicle in committing more than one felony arising out of different criminal episodes; [or]

(D) committing more than one violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle;

(E) convicted of more than one offense of causing a fatality through negligent or criminal operation of a commercial motor vehicle; or

**[(D)] (F)** committing any combination of single violations or use described in **[clauses (A)–(C) of this paragraph]** *subparagraphs (A) through (E)*.

\* \* \* \* \*

**(f) EMERGENCY DISQUALIFICATION.**—

**(1) LIMITED DURATION.**—*The Secretary shall disqualify an individual from operating a commercial motor vehicle for not to exceed 30 days if the Secretary determines that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).*

**(2) AFTER NOTICE AND HEARING.**—*The Secretary shall disqualify an individual from operating a commercial motor vehicle for more than 30 days if the Secretary determines, after notice and an opportunity for a hearing, that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).*

**(g) NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.**—*Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations providing for the disqualification by the Secretary from operating a commercial motor vehicle of an individual who holds a commercial driver's license and who has been convicted of serious offenses involving a motor vehicle other than a commercial motor vehicle. Such regulations shall establish the offenses and minimum periods for which such disqualifications shall be in effect, but in no case shall the types of disqualifying noncommercial motor vehicle offenses or the time periods for disqualification for noncommercial motor vehicle violations be more stringent than those for offenses or violations involving a commercial motor vehicle. The Secretary shall determine such periods based on the seriousness of the offenses on which the convictions are based.*

**[(f)] (h) STATE DISQUALIFICATION.**—*Notwithstanding subsections [(b)–(e)] (b) through (g) of this section, the Secretary does not have to disqualify an individual from operating a commercial motor vehicle if the State that issued the individual a license authorizing the operation has disqualified the individual from operating a commercial motor vehicle under subsections [(b)–(e)] (b) through (g). Revocation, suspension, or cancellation of the license is deemed to be disqualification under this subsection.*

**[(g)] (i) OUT-OF-SERVICE ORDERS.**—**(1)(A)** *To enforce section 392.5 of title 49, Code of Federal Regulations, the Secretary shall prescribe regulations establishing and enforcing an out-of-service period of 24 hours for an individual who violates section 392.5. An individual may not violate an out-of-service order issued under those regulations.*

**[(h)] (j) GRADE-CROSSING VIOLATIONS.**—

**(1) SANCTIONS.**—*The Secretary shall issue regulations establishing sanctions and penalties relating to violations, by persons operating commercial motor vehicles, of laws and regulations pertaining to railroad-highway grade crossings.*

**(2) MINIMUM REQUIREMENTS.**—*The regulations issued under paragraph (1) shall, at a minimum, require that—*

(A) the penalty for a single violation is not less than a 60-day disqualification of the driver's commercial driver's license; and

(B) any employer that knowingly allows, permits, authorizes, or requires an employee to operate a commercial motor vehicle in violation of such a law or regulation shall be subject to a civil penalty of not more than \$10,000.

**§ 31311. Requirements for State participation**

(a) GENERAL.—To avoid having amounts withheld from apportionment under section 31314 of this title, a State shall comply with the following requirements:

(1) \* \* \*

\* \* \* \* \*

(9) If an individual [operating a commercial motor vehicle] violates a State or local law on motor vehicle traffic control (except a parking violation) and the individual has a *commercial driver's license* issued by another State, the State in which the violation occurred shall notify a State official designated by the issuing State of the violation not later than 10 days after the date the individual is found to have committed the violation.

(10) The State may not issue a commercial driver's license (including a *provisional or temporary commercial driver's license*) to an individual during a period in which the individual is disqualified from operating a commercial motor vehicle or the individual's driver's license is revoked, suspended, or canceled.

\* \* \* \* \*

[(13) The State shall impose penalties the State considers appropriate and the Secretary approves for an individual operating a commercial motor vehicle when the individual—

[(A) does not have a commercial driver's license;

[(B) has a driver's license revoked, suspended, or canceled; or

[(C) is disqualified from operating a commercial motor vehicle.]

(13) *The State shall (A) record in the driving record of an individual who has a commercial driver's license issued by the State, and (B) make available to all authorized persons and governmental entities having access to such record, all information the State receives under paragraph (9) with respect to the individual and every conviction by the State of the individual for a violation involving a motor vehicle (including a commercial motor vehicle) of a State or local law on traffic control (except a parking violation), not later than 10 days after the date of receipt of such information or the date of such conviction.*

\* \* \* \* \*

(15) The State shall disqualify an individual from operating a commercial motor vehicle for the same reasons and time periods for which the Secretary shall disqualify the individual



under [subsections (b)–(e), (g)(1)(A), and (g)(2) of] section 31310.

\* \* \* \* \*

(18) *The State shall revoke, suspend, or cancel, for a period determined in accordance with regulations issued by the Secretary under section 31310(g), the commercial driver’s license of an individual who has been convicted of serious offenses involving a motor vehicle other than a commercial motor vehicle.*

\* \* \* \* \*

**§ 31314. [Withholding amounts for] State noncompliance**

(a) \* \* \*

\* \* \* \* \*

(d) *COMMERCIAL DRIVER’S LICENSES.—*

(1) *STATE NOT IN SUBSTANTIAL COMPLIANCE.—If the Secretary determines that a State is not in substantial compliance with a requirement of section 31311(a), the Secretary shall issue an order declaring that all commercial driver’s licenses issued by the State after the date of the order are not valid and the State may not issue any commercial driver’s licenses after the date of such order.*

(2) *PREVIOUSLY ISSUED LICENSES.—Nothing in this subsection shall be construed as invalidating or otherwise affecting commercial driver’s licenses issued by a State before the date of issuance of an order under paragraph (1) with respect to the State.*

(3) *STATE IN SUBSTANTIAL COMPLIANCE.—A State subject to an order under paragraph (1) may not resume issuing commercial driver’s licenses until the Secretary determines that the State is in substantial compliance with all of the requirements of subsection 31311(a).*

(4) *NONRESIDENT CDLS.—Any State other than a State subject to an order under paragraph (1) shall issue a nonresident commercial driver’s license to any individual domiciled in a State subject to such an order who meets all of the requirements of this chapter and any applicable State licensing requirements.*

\* \* \* \* \*

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**TITLE 23, UNITED STATES CODE**

\* \* \* \* \*

**CHAPTER 1—FEDERAL-AID HIGHWAYS**

**SUBCHAPTER I—GENERAL PROVISIONS**

Sec.

101. Definitions and declaration of policy.

\* \* \* \* \*

**[110. Uniform transferability of Federal-aid highway funds.]**

\* \* \* \* \*

126. *Uniform transferability of Federal-aid highway funds.*

\* \* \* \* \*

[Sec.]163. Safety incentives to prevent operation of motor vehicles by intoxicated persons.

\* \* \* \* \*

**§ 104. Apportionment**

(a) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—Whenever an apportionment is made of the sums made available for expenditure on each of the surface transportation program under section 133, the bridge program under section 144, the congestion mitigation and air quality improvement program under section 149, the Interstate and National Highway System program, the minimum guarantee program under section 105, the Federal lands highway program under section 204, or the Appalachian development highway system program under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.), the Secretary shall deduct a sum, in an amount not to [exceed 1½ percent of all sums so made available, as the Secretary determines necessary—] *exceed—*

*(A) 1⅙ percent of all sums so made available, as the Secretary determines necessary—*

[(A)] *(i)* to administer the provisions of law to be financed from appropriations for the Federal-aid highway program and programs authorized under chapter 2; and

[(B)] *(ii)* to make transfers of such sums as the Secretary determines to be appropriate to the Appalachian Regional Commission for administrative activities associated with the Appalachian development highway system[.]; and

*(B) ⅓ of one percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research.*

\* \* \* \* \*

(4) LIMITATION ON TRANSFERABILITY.—*Unless expressly authorized by law, the Secretary may not transfer any sums deducted under paragraph (1) to a Federal agency or entity other than the Federal Highway Administration and the National Motor Carrier Administration.*

\* \* \* \* \*

**§ 110. Revenue aligned budget authority**

(a) IN GENERAL.—

(1) \* \* \*

(2) REDUCTION.—If the amount determined pursuant to section 251(b)(1)(B)(ii)(I)(cc) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C 901(b)(2)(B)(ii)(I)(cc)) for fiscal year 2000 or any fiscal year thereafter is less than zero, the Secretary on October 1 of the succeeding fiscal year shall reduce proportionately the amount of sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to carry out each of the Federal-aid

highway and highway safety construction programs (other than emergency relief) *and the motor carrier safety grant program* by an aggregate amount equal to the amount determined pursuant to such section.

(b) GENERAL DISTRIBUTION.—The Secretary shall—

(1) determine the ratio that—

(A) the sums authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) for each of the for Federal-aid highway and highway safety construction programs (other than the minimum guarantee program) *and the motor carrier safety grant program* for which funds are allocated from such Trust Fund by the Secretary under this **[title and]** *title*, the Transportation Equity Act for the 21st Century, *and subchapter I of chapter 311 of title 49* for a fiscal year, bears to

(B) the total of all sums authorized to be appropriated from such Trust Fund for such programs for such fiscal year;

\* \* \* \* \*

**【§ 110.】 § 126. Uniform transferability of Federal-aid highway funds**

(a) GENERAL RULE.—Notwithstanding any other provision of law but subject to subsections (b) and (c), if at least 50 percent of a State’s apportionment under section 104 or 144 for a fiscal year or at least 50 percent of the funds set-aside under section 133(d) from the State’s apportionment section 104(b)(3) may not be transferred to any other apportionment of the State under section 104 or 144 for such fiscal year, then the State may transfer not to exceed 50 percent of such apportionment or set aside to any other apportionment of such State under section 104 or 144 for such fiscal year.

\* \* \* \* \*

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**CHAPTER 53 OF TITLE 5, UNITED STATES CODE**

\* \* \* \* \*

**SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES**

\* \* \* \* \*

**§ 5314. Positions at level III**

Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Solicitor General of the United States.

\* \* \* \* \*

Administrator of the National Highway Traffic Safety Administration.

*Administrator of the National Motor Carrier Administration.*

\* \* \* \* \*

**§ 5316. Positions at level V**

Level V of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Administrator, Bonneville Power Administration, Department of the Interior.

\* \* \* \* \*

Deputy Administrator of the National Highway Traffic Safety Administration.

*Deputy Administrator of the National Motor Carrier Administration.*

*Assistant National Motor Carrier Administrator.*

\* \* \* \* \*

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**TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY**

\* \* \* \* \*

**TITLE I—FEDERAL-AID HIGHWAYS**

**Subtitle A—Authorizations and Programs**

\* \* \* \* \*

**SEC. 1102. OBLIGATION CEILING.**

(a) \* \* \*

\* \* \* \* \*

(j) *REDUCTION IN OBLIGATION CEILING.—The limitation on obligations imposed by subsection (a)—*

*(1) for fiscal year 2000 shall be reduced by \$55,000,000; and*

*(2) for each of fiscal years 2001 through 2003 shall be reduced by \$65,000,000.*

\* \* \* \* \*

**TITLE IV—MOTOR CARRIER SAFETY**

\* \* \* \* \*

**SEC. 4003. STATE GRANTS.**

(a) \* \* \*

\* \* \* \* \*

(i) *INCREASED AUTHORIZATIONS FOR MOTOR CARRIER SAFETY GRANTS.—The amount made available to incur obligations to carry out section 31102 of title 49, United States Code, by section 31104(a) of such title—*

*(1) for fiscal year 2000 shall be increased by \$55,000,000; and*

(2) for each of fiscal years 2001 through 2003 shall be increased by \$65,000,000.

\* \* \* \* \*

**SEC. 4017. TELEPHONE HOTLINE FOR REPORTING SAFETY VIOLATIONS.**

(a) \* \* \*

\* \* \* \* \*

(c) *STAFFING.*—The toll-free telephone system shall be staffed 24 hours a day 7 days a week by individuals knowledgeable about Federal motor carrier safety regulations and procedures.

**[(c)] (d) PROTECTION OF PERSONS REPORTING VIOLATIONS.—**

\* \* \* \* \*

**[(d)] (e) FUNDING.**—From amounts set aside under section 104(a) of title 23, United States Code, the Secretary may use not more than \$250,000 **[(for each of fiscal years 1999)]** for fiscal year 1999 and \$375,000 for each of fiscal years 2000 through 2003 to carry out this section.

\* \* \* \* \*

