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108TH CONGRESS
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[Report No. 108-215]

To authorize funds for highway safety programs, motor carrier safety programs, hazardous materials transportation safety programs, boating safety programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 25, 2003

Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, reported the following original bill; which was read twice and placed on the calendar

A BILL

To authorize funds for highway safety programs, motor carrier safety programs, hazardous materials transportation safety programs, boating safety programs, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Surface Transpor-
5 tation Safety Reauthorization Act of 2003”.

1 SEC. 2. TABLE OF CONTENTS.

2 The table of contents for this Act is as follows:

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1 **TITLE I—HIGHWAY SAFETY**
2 **Subtitle A—Highway Safety Grant**
3 **Program**

4 **SEC 101. SHORT TITLE; AMENDMENT OF TITLE 23, UNITED**
5 **STATES CODE.**

6 (a) **SHORT TITLE.**—This subtitle may be cited as the
7 “Highway Safety Grant Program Reauthorization Act of
8 2003”.

9 (b) **AMENDMENT OF TITLE 23, UNITED STATES**
10 **CODE.**—Except as otherwise expressly provided, whenever
11 in this subtitle an amendment or repeal is expressed in
12 terms of an amendment to, or a repeal of, a section or
13 other provision, the reference shall be considered to be
14 made to a section or other provision of title 23, United
15 States Code.

16 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) **AMOUNTS FOR FISCAL YEARS 2004 THROUGH**
18 2009.—There are authorized to be appropriated from the
19 Highway Trust Fund (other than the Mass Transit Ac-
20 count) to the Secretary of Transportation for the National
21 Highway Traffic Safety Administration the following:

22 (1) To carry out the Highway Safety Programs
23 under section 402 of title 23, United States Code,
24 \$170,000,000 in fiscal year 2004, \$174,000,000 in
25 fiscal year 2005, \$179,000,000 in fiscal year 2006,

1 \$185,000,000 in fiscal year 2007, \$204,000,000 in
2 fiscal year 2008, and \$207,000,000 in fiscal year
3 2009.

4 (2) To carry out the Research and Outreach
5 Programs under section 403 of title 23, United
6 States Code, \$110,000,000 in fiscal year 2004,
7 \$112,000,000 in fiscal year 2005, \$114,000,000 in
8 fiscal year 2006, \$116,000,000 in fiscal year 2007,
9 \$118,000,000 in fiscal year 2008, and \$120,000,000
10 in fiscal year 2009.

11 (3) To carry out the Occupant Protection Pro-
12 grams under section 405 of title 23, United States
13 Code, \$120,000,000 in fiscal year 2004,
14 \$122,000,000 in fiscal year 2005, \$124,000,000 in
15 fiscal year 2006, \$126,000,000 in fiscal year 2007,
16 \$128,000,000 in fiscal year 2008, and \$130,000,000
17 in fiscal year 2009.

18 (4) To carry out the Emergency Medical Serv-
19 ices Program under section 407A of title 23, United
20 States Code, \$5,000,000 in each of fiscal years 2004
21 through 2009.

22 (5) To carry out the Impaired Driving Pro-
23 grams under section 410 of title 23, United States
24 Code, \$85,000,000 in fiscal year 2004, \$89,000,000
25 in fiscal year 2005, \$93,000,000 in fiscal year 2006,

1 \$110,000,000 in fiscal year 2007, \$126,000,000 in
2 fiscal year 2008, and \$130,000,000 in fiscal year
3 2009.

4 (6) To carry out the State Traffic Safety Infor-
5 mation System Improvements under section 412 of
6 title 23, United States Code, \$45,000,000 in each of
7 fiscal years 2004 through 2009.

8 (7) To carry out chapter 303 of title 49, United
9 States Code, \$4,000,000 for each of fiscal years
10 2004 through 2009.

11 (b) PROHIBITION ON OTHER USES.—Except as oth-
12 erwise provided in this title, the amounts allocated from
13 the Highway Trust Fund for programs provided for in
14 chapter 4 of title 23, United States Code, shall only be
15 used for such programs and may not be used by States
16 or local governments for construction purposes.

17 (c) EFFECT OF REVENUE DEFICIENCY.—If revenue
18 to the Highway Trust Fund for a given fiscal year is lower
19 than the amounts authorized by this subtitle, any subse-
20 quent reductions in the overall funding for highway and
21 transit programs shall not affect the highway safety pro-
22 grams provided for in chapter 4 of title 23, United States
23 Code.

24 (d) PROPORTIONAL INCREASES.—For each fiscal
25 year from 2004 through 2009, if revenue to the Highway

1 Trust Fund increases above the amounts for each such
2 fiscal year set forth in the fiscal year 2004 joint budget
3 resolution, then the amounts made available in such year
4 for the programs in sections 402, 405, and 410 shall in-
5 crease by the same percentage.

6 **SEC. 103. HIGHWAY SAFETY PROGRAMS.**

7 (a) PROGRAMS TO BE INCLUDED.—

8 (1) MOTOR VEHICLE AIRBAGS PUBLIC AWARE-
9 NESS.—Section 402(a)(2) is amended by striking “ve-
10 hicles and to increase public awareness of the benefit
11 of motor vehicles equipped with airbags” and insert-
12 ing “vehicles,”.

13 (2) AGGRESSIVE DRIVING.—Section 402(a) is
14 further amended—

15 (A) by redesignating clause (6) as clause
16 (7);

17 (B) by inserting after “involving school
18 buses,” at the end of clause (5) “(6) to reduce
19 aggressive driving and to educate drivers about
20 defensive driving,”; and

21 (C) by inserting “aggressive driving,” after
22 “school bus accidents,”.

23 (b) APPORTIONMENT.—

1 (1) TRIBAL GOVERNMENT PROGRAMS.—Section
2 402(c) is amended by striking “three-fourths of 1
3 percent” and inserting “2 percent”.

4 (c) EXTRA FUNDING FOR OCCUPANT PROTECTION
5 AND IMPAIRED DRIVING PROGRAMS.—Section 402 is
6 amended by inserting after subsection (g) the following:
7 “(h) GRANTS.—Funds available to States under this
8 section may be used for making grants of financial assist-
9 ance for programs and initiatives authorized by sections
10 405 and 410 of this title.”.

11 (d) POLICE CHASE TRAINING.—Section 402 is
12 amended by adding at the end the following:

13 “(l) LIMITATION RELATING TO POLICE CHASE
14 TRAINING.—No State may receive any funds available for
15 fiscal years after fiscal year 2004 for programs under this
16 chapter until the State submits to the Secretary a written
17 statement that the State has actively encouraged all rel-
18 evant law enforcement agencies in that State to follow the
19 guidelines established for police chases issued by the Inter-
20 national Association of Chiefs of Police that are in effect
21 on the date on enactment of the Highway Safety Grant
22 Program Reauthorization Act of 2003.

23 “(m) CONSOLIDATION OF GRANT APPLICATIONS.—
24 The Secretary shall establish an approval process by which
25 a State may apply for all grants included under this chap-

1 ter through a single application with a single annual dead-
 2 line. The Bureau of Indian Affairs shall establish a simi-
 3 larly simplified process for applications from Indian
 4 tribes.”.

5 **SEC. 104. HIGHWAY SAFETY RESEARCH AND OUTREACH**
 6 **PROGRAMS.**

7 (a) REVISED AUTHORITY AND REQUIREMENTS.—

8 Section 403 is amended to read as follows:

9 **“§ 403. Highway safety research and development**

10 “(a) AUTHORITY OF THE SECRETARY.—The Sec-
 11 retary is authorized to use funds appropriated to carry
 12 out this section to—

13 “(1) conduct research on all phases of highway
 14 safety and traffic conditions, including accident cau-
 15 sation, highway or driver characteristics, commu-
 16 nications, and emergency care;

17 “(2) conduct ongoing research into driver be-
 18 havior and its effect on traffic safety;

19 “(3) conduct research on, and launch initiatives
 20 to counter, fatigued driving by drivers of passenger
 21 motor vehicles and distracted driving in such vehi-
 22 cles, including the effect that the use of electronic
 23 devices and other factors deemed relevant by the
 24 Secretary have on driving;

1 “(4) conduct training or education programs in
2 cooperation with other Federal departments and
3 agencies, States, private sector persons, highway
4 safety personnel, and law enforcement personnel;

5 “(5) conduct research on, and evaluate the ef-
6 fectiveness of, traffic safety countermeasures, includ-
7 ing seat belts and impaired driving initiatives; and

8 “(6) conduct demonstration projects.

9 “(b) SPECIFIC RESEARCH PROGRAMS.—

10 “(1) REQUIRED PROGRAMS.—The Secretary
11 shall conduct research on the following:

12 “(A) EFFECTS OF USE OF CONTROLLED
13 SUBSTANCES.—A study on the effects of the
14 use of controlled substances on driver behavior
15 to determine—

16 “(i) methodologies for measuring driv-
17 er impairment resulting from use of the
18 most common controlled substances (in-
19 cluding the use of such substances in com-
20 bination with alcohol); and

21 “(ii) effective and efficient methods
22 for training law enforcement personnel to
23 detect or measure the level of impairment
24 of a driver who is under the influence of a

1 controlled substance by the use of tech-
2 nology or otherwise.

3 “(B) ON-SCENE MOTOR VEHICLE COLLI-
4 SION CAUSATION.—A nationally representative
5 study to collect on-scene motor vehicle collision
6 data, and to determine crash causation, for
7 which the Secretary shall enter into a contract
8 with the National Academy of Sciences to con-
9 duct a review of the research, design, method-
10 ology, and implementation of the study.

11 “(C) TOLL FACILITIES WORKPLACE SAFE-
12 TY.—A study on the safety of highway toll col-
13 lection facilities, including toll booths, to deter-
14 mine the safety of highway toll collection facili-
15 ties for the toll collectors who work in and
16 around such facilities, including consideration
17 of—

18 “(i) any problems resulting from de-
19 sign or construction of facilities that con-
20 tribute to the occurrence of vehicle colli-
21 sions with the facilities;

22 “(ii) the safety of crosswalks used by
23 toll collectors in transit to and from toll
24 booths;

1 “(iii) the extent of the enforcement of
2 speed limits at and in the vicinity of toll
3 facilities;

4 “(iv) the use of warning devices, such
5 as vibration and rumble strips, to alert
6 drivers approaching toll facilities;

7 “(v) the use of cameras to record traf-
8 fic violations in the vicinity of toll facilities;

9 “(vi) the use of traffic control arms in
10 the vicinity of toll facilities;

11 “(vii) law enforcement practices and
12 jurisdictional issues that affect safety at
13 and in the vicinity of toll facilities; and

14 “(viii) data (which shall be collected
15 in conducting the research) regarding the
16 incidence of accidents and injuries at and
17 around toll booth facilities.

18 “(2) TIME FOR COMPLETION OF STUDIES.—

19 The studies conducted in subparagraphs (A), (B),
20 and (C) of paragraph (1) may be conducted in con-
21 cert with other Federal departments and agencies
22 with relevant expertise. The Secretary shall submit
23 an annual report to the Senate Committee on Com-
24 merce, Science, and Transportation and the House
25 of Representatives Committee on Transportation

1 and Infrastructure on the progress of each study
2 conducted under this subsection.

3 “(3) ONGOING STUDIES.—The studies under
4 subparagraphs (A) and (B) of paragraph (1) shall
5 be conducted on an ongoing basis.

6 “(4) REPORTS.—

7 “(A) ONE-TIME STUDY.—Not later than 2
8 years after the date of enactment of the High-
9 way Safety Grant Program Reauthorization Act
10 of 2003, the Secretary shall submit a final re-
11 port on the study referred to in paragraph
12 (1)(C) to the Committee on Commerce, Science,
13 and Transportation of the Senate and the Com-
14 mittee on Transportation and Infrastructure of
15 the House of Representatives.

16 “(B) ONGOING STUDIES.—The Secretary
17 shall submit a report on the studies referred to
18 in paragraph (3) to the Committees of Congress
19 referred to in subparagraph (A) not later than
20 September 30, 2005, and shall submit addi-
21 tional reports on such studies to such commit-
22 tees each year thereafter until September 30,
23 2009.

24 “(c) NATIONWIDE TRAFFIC SAFETY CAMPAIGNS.—

1 “(1) REQUIREMENT FOR CAMPAIGNS.—The Ad-
2 ministrators of the National Highway Traffic Safety
3 Administration shall establish and administer a pro-
4 gram under which 3 high-visibility traffic safety law
5 enforcement campaigns will be carried out for the
6 purposes specified in paragraph (2) in each of years
7 2004 through 2009.

8 “(2) PURPOSE.—The purpose of each law en-
9 forcement campaign is to achieve either or both of
10 the following objectives:

11 “(A) Reduce alcohol-impaired or drug-im-
12 paired operation of motor vehicles.

13 “(B) Increase use of seat belts by occu-
14 pants of motor vehicles.

15 “(3) ADVERTISING.—The Administrator may
16 use, or authorize the use of, funds available under
17 this section to pay for the development, production,
18 and use of broadcast and print media advertising in
19 carrying out traffic safety law enforcement cam-
20 paigns under this subsection. Consideration shall be
21 given to advertising directed at non-English speak-
22 ing populations, including those who listen, read, or
23 watch nontraditional media.

24 “(4) COORDINATION WITH STATES.—The Ad-
25 ministrators shall coordinate with the States in car-

1 rying out the traffic safety law enforcement cam-
2 paigns under this subsection, including advertising
3 funded under paragraph (3), with a view to—

4 “(A) relying on States to provide most of
5 the law enforcement resources for the cam-
6 paigns out of funding available under this sec-
7 tion and section 405 and 410 of this title; and

8 “(B) providing out of National Highway
9 Traffic Safety Administration resources most of
10 the means necessary for national advertising
11 and education efforts associated with the law
12 enforcement campaigns.

13 “(5) FUNDING.—The Secretary shall use
14 \$24,000,000 in each of fiscal years 2004 through
15 2009 for advertising and educational initiatives to be
16 carried out nationwide in support of the campaigns
17 under this section, as well as for the annual evalua-
18 tion conducted under this section.

19 “(d) IMPROVING OLDER DRIVER SAFETY.—

20 “(1) IN GENERAL.—Of the funds made avail-
21 able under this section, the Secretary shall allocate
22 \$2,000,000 in each of fiscal years 2004 through
23 2009 to conduct a comprehensive research and dem-
24 onstration program to improve traffic safety per-
25 taining to older drivers. The program shall—

1 “(A) provide information and guidelines to
2 assist physicians and other related medical per-
3 sonnel, families, licensing agencies, enforcement
4 officers, and various public and transit agencies
5 in enhancing the safety and mobility of older
6 drivers;

7 “(B) improve the scientific basis of medical
8 standards and screenings strategies used in the
9 licensing of all drivers in a non-discriminatory
10 manner;

11 “(C) conduct field tests to assess the safe-
12 ty benefits and mobility impacts of different
13 driver licensing strategies and driver assess-
14 ment and rehabilitation methods;

15 “(D) assess the value and improve the
16 safety potential of driver retraining courses of
17 particular benefit to older drivers; and

18 “(E) conduct other activities to accomplish
19 the objectives of this action.

20 “(2) FORMULATION OF PLAN.—After consulta-
21 tion with affected parties, the Secretary shall formu-
22 late an older driver traffic safety plan to guide the
23 design and implementation of this program. The
24 plan shall be submitted to the House Committee on
25 Transportation and Infrastructure and the Senate

1 Committee on Commerce, Science, and Transpor-
2 tation.

3 “(f) POLICE CHASE TRAINING.—

4 “(1) REQUIREMENT FOR PROGRAM.—The Ad-
5 ministrator of the National Highway Traffic Safety
6 Administration shall carry out a program to train
7 law enforcement personnel of each State and polit-
8 ical subdivision thereof in police chase techniques
9 that are consistent with the police chase guidelines
10 issued by the International Association of Chiefs of
11 Police.

12 “(2) AMOUNT FOR PROGRAM.—Of the amount
13 available for a fiscal year to carry out this section,
14 \$200,000 shall be available for carrying out this
15 subsection.

16 “(g) INTERNATIONAL COOPERATION.—

17 “(1) AUTHORITY.—The Administrator of the
18 National Highway Traffic Safety Administration
19 may participate and cooperate in international ac-
20 tivities to enhance highway safety.

21 “(2) AMOUNT FOR ACTIVITIES.—Of the amount
22 available for a fiscal year to carry out this section,
23 \$200,000 may be used for activities authorized
24 under paragraph (1).”.

1 (b) STUDY ON REFUSAL OF INTOXICATION TEST-
2 ING.—

3 (1) REQUIREMENT FOR STUDY.—In addition to
4 studies under section 403 of title 23, United States
5 Code, the Secretary of Transportation shall carry
6 out a study of the frequency with which persons ar-
7 rested for the offense of operating a motor vehicle
8 under the influence of alcohol and persons arrested
9 for the offense of operating a motor vehicle while
10 intoxicated refuse to take a test to determine blood
11 alcohol concentration levels and the effect such re-
12 fusals have on the ability of States to prosecute such
13 persons for those offenses.

14 (2) CONSULTATION.—In carrying out the study
15 under this section, the Secretary shall consult with
16 the Governors of the States, the Attorney General,
17 and the United States Sentencing Commission.

18 (3) REPORT.—

19 (A) REQUIREMENT FOR REPORT.—Not
20 later than 1 year after the date of the enact-
21 ment of this Act, the Secretary shall submit a
22 report on the results of the study to the Com-
23 mittee on Commerce, Science, and Transpor-
24 tation of the Senate and the Committee on

1 Transportation and Infrastructure of the House
2 of Representatives.

3 (B) CONTENT.—The report shall include
4 any recommendation for legislation, including
5 any recommended model State legislation, and
6 any other recommendations that the Secretary
7 considers appropriate for implementing a pro-
8 gram designed to decrease the occurrence refus-
9 als by arrested persons to submit to a test to
10 determine blood alcohol concentration levels.

11 (4) FUNDING.—Amounts available for activities
12 under section 403 of title 23, United States Code,
13 shall also be available for the study required by this
14 section.

15 **SEC. 105. NATIONAL HIGHWAY SAFETY ADVISORY COM-**
16 **MITTEE TECHNICAL CORRECTION.**

17 Section 404(d) is amended by striking “Commerce”
18 and inserting “Transportation”.

19 **SEC. 106. OCCUPANT PROTECTION GRANTS.**

20 Section 405 is amended—

21 (1) by striking the second sentence of sub-
22 section (a)(1);

23 (2) by striking “Transportation Equity Act for
24 the 21st Century.” in subsection (a)(2) and insert-

1 ing “Highway Safety Grant Program Reauthoriza-
2 tion Act of 2003.”;

3 (3) by striking subsections (a)(3) and (4), (b),
4 (c), (d), and (e);

5 (4) by redesignating subsection (f) as sub-
6 section (d);

7 (5) by inserting after subsection (a) the fol-
8 lowing:

9 “(b) OCCUPANT PROTECTION GRANTS.—

10 “(1) IN GENERAL.—In addition to the grants
11 authorized by subsection (a), the Secretary shall
12 make grants in accordance with this subsection.

13 “(2) SAFETY BELT PERFORMANCE GRANTS.—

14 “(A) PRIMARY SAFETY BELT USE LAW.—

15 “(i) For fiscal years 2004 and 2005,
16 the Secretary shall make a grant to each
17 State that enacted, and is enforcing, a pri-
18 mary safety belt use law for all passenger
19 motor vehicles that became effective by De-
20 cember 31, 2002.

21 “(ii) For each of fiscal years 2004
22 through 2009, the Secretary shall, after
23 making grants under clause (i) of this sub-
24 paragraph, make a one-time grant to each
25 State that either enacts for the first time

1 after December 31, 2002, and has in effect
2 a primary safety belt use law for all pas-
3 senger motor vehicles, or, in the case of a
4 State that does not have such a primary
5 safety belt use law, has a State safety belt
6 use rate in the preceding fiscal year of at
7 least 90 percent, as measured under cri-
8 teria determined by the Secretary.

9 “(iii) Of the funds authorized for
10 grants under this subsection,
11 \$100,000,000 in each of fiscal years 2004
12 through 2009 shall be available for grants
13 under this paragraph. The amount of a
14 grant available to a State in each of fiscal
15 years 2004 and 2005 under clause (i) of
16 this subparagraph shall be equal to $\frac{1}{2}$ of
17 the amount of funds apportioned to the
18 State under section 402(c) for fiscal year
19 2003. The amount of a grant available to
20 a State in fiscal year 2004 or in a subse-
21 quent fiscal year under clause (ii) of this
22 subparagraph shall be equal to 5 times the
23 amount apportioned to the State for fiscal
24 year 2003 under section 402(c). The Fed-
25 eral share payable for grants under this

1 subparagraph shall be 100 percent. If the
2 total amount of grants under clause (ii) of
3 this subparagraph for a fiscal year exceeds
4 the amount of funds available in the fiscal
5 year, grants shall be made to each eligible
6 State, in the order in which its primary
7 safety belt use law became effective or its
8 safety belt use rate reached 90 percent,
9 until the funds for the fiscal year are ex-
10 hausted. A State that does not receive a
11 grant for which it is eligible in a fiscal year
12 shall receive the grant in the succeeding
13 fiscal year so long as its law remains in ef-
14 fect or its safety belt use rate remains at
15 or above 90 percent. If the total amount of
16 grants under this subparagraph for a fiscal
17 year is less than the amount available in
18 the fiscal year, the Secretary shall use any
19 funds that exceed the total amount for
20 grants under subparagraph (B) of this
21 paragraph.

22 “(B) SAFETY BELT USE RATE.—

23 “(i) For each year from 2004 through
24 2009, the funds authorized for grant under
25 this subparagraph shall be awarded to

1 States that increase their measured seat
2 belt use rate by—

3 “(I) 3 percentage points above
4 the State’s average of the 2 previous
5 years; or

6 “(II) by the following percentage
7 points for each fiscal year compared
8 to the average use rates for fiscal
9 years 2001 and 2002:

10 “(aa) For 2004, 3 percent-
11 age points by the end of fiscal
12 year 2004.

13 “(bb) For 2005, 6 percent-
14 age points by the end of fiscal
15 year 2005.

16 “(cc) For 2006, 9 percent-
17 age points by the end of fiscal
18 year 2006.

19 “(dd) For 2007, 12 percent-
20 age points by the end of fiscal
21 year 2007.

22 “(ee) For 2008, 15 percent-
23 age points by the end of fiscal
24 year 2008.

1 “(ff) For 2009, 18 percent-
2 age points by the end of fiscal
3 year 2009.

4 “(ii) Each State that fulfills the re-
5 quirement of subclause (I) or (II) of clause
6 (i) of this subparagraph shall be appor-
7 tioned an amount of funds that is equal to
8 the amount available under this subpara-
9 graph for the relevant fiscal year multi-
10 plied by a ratio determined by dividing—

11 “(I) the amount of funds appro-
12 priated to that State under the sec-
13 tion 402 program for that fiscal year,
14 by

15 “(II) the total amount of funds
16 appropriated to all States that fulfill
17 the requirements of either subclause
18 (I) or (II) of clause (i) of this sub-
19 paragraph under section 402 for that
20 fiscal year.

21 In each year, for each additional percent-
22 age point increase in safety belt use above
23 the State’s percentage point increase under
24 clause (i), the amount allocated to each
25 State under the previous sentence shall in-

1 crease by $\frac{1}{3}$ of such amount. The appor-
2 tionment of funds to all States under this
3 clause shall reflect such increase so that
4 the total apportionment of funds under
5 this clause does not exceed the total funds
6 available for that year.

7 “(iii) Of the funds authorized for
8 grants under this subsection, \$20,000,000
9 for fiscal year 2004, \$22,000,000 for fiscal
10 year 2005, \$24,000,000 for fiscal year
11 2006, \$26,000,000 for fiscal year 2007,
12 \$28,000,000 for fiscal year 2008, and
13 \$30,000,000 for fiscal year 2009 shall be
14 available for safety belt use rate grants
15 under this subparagraph.

16 “(iv) The Federal share payable for
17 grants under this subparagraph shall be
18 100 percent.

19 “(c) USE OF GRANTS.—A State allocated an amount
20 for a grant under subsection (b)(2)(A) of this subsection
21 shall use the amount for activities eligible for assistance
22 under this section, except that it may use up to 50 percent
23 of the amount for activities eligible under section 150 of
24 this title and consistent with the State’s strategic highway
25 safety plan under section 151 of this title that are not

1 otherwise eligible for assistance under this section. A State
2 allocated an amount for a grant under subsection
3 (b)(2)(A) of this subsection may use the amount for activi-
4 ties eligible for assistance under this section or for activi-
5 ties eligible under section 150 of this title and consistent
6 with the State’s strategic highway safety plan under sec-
7 tion 151 of this title that are not otherwise eligible for
8 assistance under this section. A State allocated an amount
9 for a grant under subsection (b)(2)(B) of this section, in-
10 cluding any amount transferred under subsection
11 (b)(2)(A) of this section, shall use the amount for safety
12 belt use programs eligible for assistance under subsection
13 (b), except that it may use up to 50 percent of the amount
14 for activities eligible under section 150 of this title and
15 consistent with the State’s strategic highway safety plan
16 under section 151 of this title that are not otherwise eligi-
17 ble for assistance under this section.”; and

18 (6) by striking paragraphs (1), (3), and (4) of
19 subsection (d), as redesignated, and redesignating
20 paragraphs (2), (5), and (6) as paragraphs (1), (2),
21 and (3).

22 **SEC. 107. SCHOOL BUS DRIVER TRAINING.**

23 Section 406(c) is amended by striking the first, sec-
24 ond, and third sentences.

1 **SEC. 108. EMERGENCY MEDICAL SERVICES.**

2 (a) FEDERAL COORDINATION AND ENHANCED SUP-
3 PORT OF EMERGENCY MEDICAL SERVICES.—Chapter 4 is
4 amended by inserting after section 407 the following:

5 **“§ 407A. Federal coordination and enhanced support**
6 **of emergency medical services**

7 “(a) FEDERAL INTERAGENCY COMMITTEE ON EMER-
8 GENCY MEDICAL SERVICES.—

9 “(1) ESTABLISHMENT.—The Secretary of
10 Transportation and the Secretary of Homeland Se-
11 curity, jointly acting through the Under Secretary of
12 Transportation for Emergency Preparedness and
13 Response, shall establish a Federal Interagency
14 Committee on Emergency Medical Services. In es-
15 tablishing the Interagency Committee, the Under
16 Secretary shall consult with the Secretary of Health
17 and Human Services.

18 “(2) MEMBERSHIP.—The Interagency Com-
19 mittee shall consist of the following officials, or their
20 designees:

21 “(A) The Administrator, National High-
22 way Traffic Safety Administration.

23 “(B) The Director, Preparedness Division,
24 Emergency Preparedness and Response Direc-
25 torate, Department of Homeland Security.

1 “(C) The Administrator, Health Resources
2 and Services Administration, Department of
3 Health and Human Services.

4 “(D) The Director, Centers for Disease
5 Control and Prevention, Department of Health
6 and Human Services.

7 “(E) The Administrator, United States
8 Fire Administration, Emergency Preparedness
9 and Response Directorate, Department of
10 Homeland Security.

11 “(F) The Director, Center for Medicare
12 and Medicaid Services, Department of Health
13 and Human Services.

14 “(G) The Undersecretary of Defense for
15 Personnel and Readiness.

16 “(H) The Assistant Secretary for Public
17 Health Emergency Preparedness, Department
18 of Health and Human Services.

19 “(I) The Director, Indian Health Service,
20 Department of Health and Human Services.

21 “(J) The Chief, Wireless Telecom Bureau,
22 Federal Communications Commission.

23 “(K) A representative of any other Federal
24 agency identified by the Secretary of Transpor-
25 tation or the Secretary of Homeland Security

1 through the Under Secretary for Emergency
2 Preparedness and Response, in consultation
3 with the Secretary of Health and Human Serv-
4 ices, as having a significant role in relation to
5 the purposes of the Interagency Committee.

6 “(3) PURPOSES.—The purposes of the Inter-
7 agency Committee are as follows:

8 “(A) To ensure coordination among the
9 Federal agencies involved with State, local, trib-
10 al, or regional emergency medical services and
11 9–1–1 systems.

12 “(B) To identify State, local, tribal, or re-
13 gional emergency medical services and 9–1–1
14 needs.

15 “(C) To recommend new or expanded pro-
16 grams, including grant programs, for improving
17 State, local, tribal, or regional emergency med-
18 ical services and implementing improved emer-
19 gency medical services communications tech-
20 nologies, including wireless 9–1–1.

21 “(D) To identify ways to streamline the
22 process through which Federal agencies support
23 State, local, tribal or regional emergency med-
24 ical services.

1 “(E) To assist State, local, tribal or re-
2 gional emergency medical services in setting
3 priorities based on identified needs.

4 “(F) To advise, consult, and make rec-
5 ommendations on matters relating to the imple-
6 mentation of the coordinated State emergency
7 medical services programs.

8 “(4) ADMINISTRATION.—The Administrator of
9 the National Highway Traffic Safety Administra-
10 tion, in cooperation with the Director, Preparedness
11 Division, Emergency Preparedness and Response Di-
12 rectorate, Department of Homeland Security, shall
13 provide administrative support to the Interagency
14 Committee, including scheduling meetings, setting
15 agendas, keeping minutes and records, and pro-
16 ducing reports.

17 “(5) LEADERSHIP.—The members of the Inter-
18 agency Committee shall select a chairperson of the
19 Committee annually.

20 “(6) MEETINGS.—The Interagency Committee
21 shall meet as frequently as is determined necessary
22 by the chairperson of the Committee.

23 “(7) ANNUAL REPORTS.—The Interagency
24 Committee shall prepare an annual report to Con-

1 gress on the Committee’s activities, actions, and rec-
2 ommendations.

3 “(b) COORDINATED NATIONWIDE EMERGENCY MED-
4 ICAL SERVICES PROGRAM.—

5 “(1) PROGRAM REQUIREMENT.—The Secretary
6 of Transportation, acting through the Administrator
7 of the National Highway Traffic Safety Administra-
8 tion, shall coordinate with officials of other Federal
9 departments and agencies, and may assist State and
10 local governments and emergency medical services
11 organizations (whether or not a firefighter organiza-
12 tion), private industry, and other interested parties,
13 to ensure the development and implementation of a
14 coordinated nationwide emergency medical services
15 program that is designed to strengthen transpor-
16 tation safety and public health and to implement im-
17 proved emergency medical services communication
18 systems, including 9–1–1.

19 “(2) COORDINATED STATE EMERGENCY MED-
20 ICAL SERVICES PROGRAM.—Each State shall estab-
21 lish a program, to be approved by the Secretary, to
22 coordinate the emergency medical services and re-
23 sources deployed throughout the State, so as to en-
24 sure—

1 “(A) improved emergency medical services
2 communication systems, including 9–1–1;

3 “(B) utilization of established best prac-
4 tices in system design and operations;

5 “(C) implementation of quality assurance
6 programs; and

7 “(D) incorporation of data collection and
8 analysis programs that facilitate system devel-
9 opment and data linkages with other systems
10 and programs useful to emergency medical serv-
11 ices.

12 “(3) ADMINISTRATION OF STATE PROGRAMS.—
13 The Secretary may not approve a coordinated State
14 emergency medical services program under this sub-
15 section unless the program—

16 “(A) provides that the Governor of the
17 State is responsible for its administration
18 through a State office of emergency medical
19 services that has adequate powers and is suit-
20 ably equipped and organized to carry out such
21 program and coordinates such program with the
22 highway safety office of the State; and

23 “(B) authorizes political subdivisions of the
24 State to participate in and receive funds under
25 such program, consistent with a goal of achiev-

1 ing statewide coordination of emergency medical
2 services and 9-1-1 activities.

3 “(4) FUNDING.—

4 “(A) USE OF FUNDS.—Funds authorized
5 to be appropriated to carry out this subsection
6 shall be used to aid the States in conducting co-
7 ordinated emergency medical services and 9-1-
8 1 programs as described in paragraph (2).

9 “(B) ADMINISTRATIVE EXPENSES.—The
10 total amount of the funds authorized to be ap-
11 propriated for a fiscal year to carry out this
12 subsection shall be subject to a deduction of an
13 amount not in excess of 5 percent for the nec-
14 essary costs of administering the provisions of
15 this subsection.

16 “(C) APPORTIONMENT.—

17 “(i) APPORTIONMENT FORMULA.—
18 The funds remaining after deduction of the
19 amount under subparagraph (B) shall be
20 apportioned as follows: 75 percent in the
21 ratio that the population of each State
22 bears to the total population of all the
23 States, as shown by the latest available
24 Federal census, and 25 percent in the ratio
25 that the public road mileage in each State

1 bears to the total public road mileage in all
2 States. For the purpose of this subpara-
3 graph, a ‘public road’ means any road
4 under the jurisdiction of and maintained
5 by a public authority and open to public
6 travel. Public road mileage as used in this
7 subsection shall be determined as of the
8 end of the calendar year prior to the year
9 in which the funds are apportioned and
10 shall be certified by the Governor of the
11 State and subject to approval by the Sec-
12 retary.

13 “(ii) MINIMUM APPORTIONMENT.—
14 The annual apportionment to each State
15 shall not be less than $\frac{1}{2}$ of 1 percent of
16 the total apportionment, except that the
17 apportionment to the Secretary of the Inte-
18 rior on behalf of Indian tribes shall not be
19 less than $\frac{3}{4}$ of 1 percent of the total ap-
20 portionment, and the apportionments to
21 the Virgin Islands, Guam, American
22 Samoa, and the Commonwealth of the
23 Northern Mariana Islands shall not be less
24 than $\frac{1}{4}$ of 1 percent of the total appor-
25 tionment.

1 “(5) APPLICABILITY OF CHAPTER 1.—Section
2 402(d) of this title shall apply in the administration
3 of this subsection.

4 “(6) FEDERAL SHARE.—The Federal share of
5 the cost of a project or program funded under this
6 subsection shall be 80 percent.

7 “(7) APPLICATION IN INDIAN COUNTRY.—

8 “(A) USE OF TERMS.—For the purpose of
9 application of this subsection in Indian country,
10 the terms ‘State’ and ‘Governor of the State’
11 include the Secretary of the Interior and the
12 term ‘political subdivisions of the State’ in-
13 cludes an Indian tribe.

14 “(B) INDIAN COUNTRY DEFINED.—In this
15 subsection, the term ‘Indian country’ means—

16 “(i) all land within the limits of any
17 Indian reservation under the jurisdiction of
18 the United States, notwithstanding the
19 issuance of any patent and including
20 rights-of-way running through the reserva-
21 tion;

22 “(ii) all dependent Indian commu-
23 nities within the borders of the United
24 States, whether within the original or sub-
25 sequently acquired territory thereof and

1 whether within or without the limits of a
2 State; and

3 “(iii) all Indian allotments, the Indian
4 titles to which have not been extinguished,
5 including rights-of-way running through
6 such allotments.

7 “(c) STATE DEFINED.—In this section, the term
8 ‘State’ means each of the 50 States, the District of Colum-
9 bia, Puerto Rico, the Virgin Islands, Guam, American
10 Samoa, the Commonwealth of the Northern Mariana Is-
11 lands, and the Secretary of the Interior on behalf of In-
12 dian tribes.

13 “(d) CONSTRUCTION WITH RESPECT TO DISTRICT
14 OF COLUMBIA.—In the administration of this section with
15 respect to the District of Columbia, a reference in this
16 section to the Governor of a State shall refer to the Mayor
17 of the District of Columbia.”.

18 (b) CLERICAL AMENDMENT.—The chapter analysis
19 for chapter 4 is amended by inserting after the item relat-
20 ing to section 407 the following:

“407A. Federal coordination and enhanced support of emergency medical serv-
ices.”.

21 **SEC. 109. REPEAL OF AUTHORITY FOR ALCOHOL TRAFFIC**
22 **SAFETY PROGRAMS.**

23 (a) REPEAL.—Section 408 is repealed.

1 (b) CLERICAL AMENDMENT.—The chapter analysis
 2 for chapter 4 is amended by striking the item relating to
 3 section 408.

4 **SEC. 110. IMPAIRED DRIVING PROGRAM.**

5 (a) MAINTENANCE OF EFFORT.—Section 410(a)(2)
 6 is amended by striking “the Transportation Equity Act
 7 for the 21st Century” and inserting “the Highway Safety
 8 Grant Program Reauthorization Act of 2003”.

9 (b) REVISED GRANT AUTHORITY.—Section 410 is
 10 amended—

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

14 (2) by striking subsections (b) through (f) and
 15 inserting the following:

16 “(b) PROGRAM-RELATED ELIGIBILITY REQUIRE-
 17 MENTS.—To be eligible for a grant under this section, a
 18 State shall—

19 “(1) carry out each of the programs and activi-
 20 ties required under subsection (c);

21 “(2) comply with the additional requirements
 22 set forth in subsection (d) with respect to such pro-
 23 grams and activities; and

24 “(3) comply with any additional requirements
 25 of the Secretary.

1 “(c) REQUIRED STATE PROGRAMS AND ACTIVI-
2 TIES.—For the purpose of subsection (b)(1), the required
3 State program and activities are as follows:

4 “(1) CHECK-POINT, SATURATION PATROL PRO-
5 GRAM.—A State program to conduct of a series of
6 high-visibility, Statewide law enforcement campaigns
7 in which law enforcement personnel monitor for im-
8 paired driving, either through use of check-points or
9 saturation patrols, on a nondiscriminatory, lawful
10 basis for the purpose of determining whether the op-
11 erators of the motor vehicles are driving while under
12 the influence of alcohol or controlled substances.

13 “(2) PROSECUTION AND ADJUDICATION PRO-
14 GRAM.—For grants made during fiscal years after
15 fiscal year 2004, a State prosecution and adjudica-
16 tion program under which—

17 “(A) judges and prosecutors are actively
18 encouraged to prosecute and adjudicate cases of
19 repeated commission of impaired driving of-
20 fenses by reducing the use of State diversion
21 programs, plea negotiation, or other means that
22 have the effect of avoiding or expunging a per-
23 manent record of impaired driving in such
24 cases; or

1 “(B) the courts in a majority of the judi-
2 cial jurisdictions of the State are monitored on
3 the courts’ adjudication of cases of impaired
4 driving offenses; and

5 “(C) annual Statewide outreach is provided
6 for judges and prosecutors on innovative ap-
7 proaches to the prosecution and adjudication of
8 cases of impaired driving offenses that have the
9 potential for significantly improving the pros-
10 ecution and adjudication of such cases.

11 “(3) IMPAIRED OPERATION INFORMATION SYS-
12 TEM.—A State impaired operation information sys-
13 tem that—

14 “(A) tracks drivers who are arrested or
15 convicted for violation of laws prohibiting im-
16 paired operation of motor vehicles;

17 “(B) includes information about each case
18 of an impaired driver beginning at the time of
19 arrest through case disposition, including infor-
20 mation about any trial, plea, plea agreement,
21 conviction or other disposition, sentencing or
22 other imposition of sanctions, and substance
23 abuse treatment;

24 “(C) provides—

1 “(i) accessibility to the information
2 for law enforcement personnel Statewide
3 and for United States law enforcement
4 personnel; and

5 “(ii) linkage for the sharing of the in-
6 formation and of the information in State
7 traffic record systems among jurisdictions
8 and appropriate agencies and offices of the
9 States; and

10 “(D) shares information with the National
11 Highway Traffic Safety Administration for
12 compilation and use for the tracking of im-
13 paired operators of motor vehicles who move
14 from State to State.

15 “(d) ADDITIONAL REQUIREMENTS.—For the pur-
16 poses of subsection (b)(2), the additional requirements
17 that are applicable to States with respect to programs and
18 activities described in subsection (c) are as follows:

19 “(1) CHECK-POINT, SATURATION PATROL PRO-
20 GRAM.—

21 “(A) COOPERATION WITH NATIONAL CAM-
22 PAIGNS.—Under the program for the conduct of
23 a series of high-visibility, Statewide law enforce-
24 ment campaigns under subsection (c)(1), a
25 State shall organize the campaigns in coopera-

1 tion with related national campaigns organized
2 by the National Highway Traffic Safety Admin-
3 istration, but may also initiate high-visibility,
4 Statewide law enforcement campaigns independ-
5 ently of the cooperative efforts.

6 “(B) DEMONSTRATED IMPROVEMENT.—

7 For each fiscal year, a State shall demonstrate
8 to the Secretary that the State and the political
9 subdivisions of the State that receive funds
10 under this section have increased, in the aggre-
11 gate, the total number of impaired driving law
12 enforcement activities, as described in sub-
13 section (c)(1) (or any other similar activity ap-
14 proved by the Secretary), initiated in such State
15 during the preceding fiscal year by a factor (not
16 less than 5 percent) that the Secretary deter-
17 mines meaningful for the State over the number
18 of such activities initiated in such State during
19 the next preceding fiscal year.

20 “(2) IMPAIRED OPERATION INFORMATION SYS-

21 TEM.—

22 “(A) IN GENERAL.—By not later than
23 June 30, 2004, the National Highway Traffic
24 Safety Administration shall issue guidelines to
25 the States specifying the types and formats of

1 data that States should collect relating to driv-
2 ers who are arrested or convicted for violation
3 of laws prohibiting the impaired operation of
4 motor vehicles.

5 “(B) REQUIREMENT FOR FISCAL YEARS
6 2004 AND 2005.—During fiscal years 2004 and
7 2005, each State shall—

8 “(i) assess the system used by the
9 State for tracking drivers who are arrested
10 or convicted for violation of laws prohib-
11 iting impaired operation of motor vehicles;

12 “(ii) identify ways to improve the sys-
13 tem, as well as to enhance the capability of
14 the system to provide information in co-
15 ordination with impaired operation infor-
16 mation systems of other States; and

17 “(iii) develop a strategic plan that
18 sets forth the actions to be taken and the
19 resources necessary to achieve the identi-
20 fied improvements and to enhance the ca-
21 pability for coordination with the systems
22 of other States.

23 “(C) REQUIREMENT FOR FISCAL YEARS
24 2006, 2007, AND 2008.—In each of fiscal years
25 2006, 2007, and 2008, each State shall dem-

1 onstrate to the Secretary that the State has
2 made substantial and meaningful progress in
3 improving the State’s impaired operation infor-
4 mation system, and shall make public a report
5 on the progress of the information system.

6 “(D) REQUIREMENT FOR FISCAL YEAR
7 2009.—In fiscal year 2009, each State shall
8 demonstrate to the Secretary that the State’s
9 impaired operation information system—

10 “(i) meets National Highway Traffic
11 Safety Administration standards for such
12 systems; and

13 “(ii) is fully operational.

14 “(e) USES OF GRANTS.—Grants made under this sec-
15 tion may be used for programs and activities described in
16 subsection (e) and to defray the following costs:

17 “(1) Labor costs, management costs, and equip-
18 ment procurement costs for the high-visibility, State-
19 wide law enforcement campaigns under subsection
20 (e)(1).

21 “(2) The costs of the training of law enforce-
22 ment personnel and the procurement of technology
23 and equipment, including video equipment and pas-
24 sive alcohol sensors, to counter directly impaired op-
25 eration of motor vehicles.

1 “(3) The costs of public awareness, advertising,
2 and educational campaigns that publicize use of so-
3 briety check points or increased law enforcement ef-
4 forts to counter impaired operation of motor vehi-
5 cles.

6 “(4) The costs of public awareness, advertising,
7 and educational campaigns that target impaired op-
8 eration of motor vehicles by persons under 34 years
9 of age.

10 “(5) The costs of the development and imple-
11 mentation of a State impaired operation information
12 system described in subsection (c)(3).

13 “(f) ADDITIONAL AUTHORITIES FOR CERTAIN AU-
14 THORIZED USES.—

15 “(1) COMBINATION OF GRANT PROCEEDS.—
16 Grant funds used for a campaign under subsection
17 (e)(3) may be combined, or expended in coordina-
18 tion, with proceeds of grants under section 402 of
19 this title.

20 “(2) COORDINATION OF USES.—Grant funds
21 used for a campaign under paragraph (3) or (4) of
22 subsection (e) may be expended—

23 “(A) in coordination with employers, col-
24 leges, entities in the hospitality industry, and
25 nonprofit traffic safety groups; and

1 “(B) in coordination with sporting events
2 and concerts and other entertainment events.

3 “(g) FUNDING.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), grant funding under this section shall be
6 allocated among eligible States on the basis of the
7 apportionment formula that applies for apportion-
8 ments under section 402(c) of this title.

9 “(2) HIGH FATALITY-RATE STATES.—The
10 amount of the grant funds allocated under this sub-
11 section to each of the 10 States with the highest im-
12 paired driving-related fatality rate for the fiscal year
13 preceding the fiscal year of the allocation shall be
14 twice the amount that, except for this subparagraph,
15 would otherwise be allocated to the State under
16 paragraph (1).

17 “(h) USE OF FUNDS BY HIGH FATALITY-RATE
18 STATES.—

19 “(1) REQUIRED USES.—At least $\frac{1}{2}$ of the
20 amounts allocated to States under subsection (g)(2)
21 shall be used for the program described in sub-
22 section (c)(1).

23 “(2) REQUIREMENT FOR PLAN.—A State re-
24 ceiving an allocation of grant funds under subsection
25 (g)(2) shall expend those funds only after consulting

1 with the Administrator of the National Highway
2 Traffic Safety Administration regarding such ex-
3 penditures.

4 “(i) DEFINITIONS.—In this section:

5 “(1) IMPAIRED DRIVER.—The term ‘impaired
6 driver’ means a person who, while operating a motor
7 vehicle—

8 “(A) has a blood alcohol content of 0.08
9 percent or higher; or

10 “(B) is under the influence of a controlled
11 substance.

12 “(2) IMPAIRED OPERATION.—The term ‘im-
13 paired operation’, with respect to a motor vehicle,
14 means the operation of a motor vehicle by an im-
15 paired driver.

16 “(3) IMPAIRED DRIVING-RELATED FATALITY
17 RATE.—The term ‘impaired driving-related fatality
18 rate’ means the rate of the fatal accidents that in-
19 volve impaired drivers while operating motor vehi-
20 cles, as calculated in accordance with regulations
21 which the Administrator of the National Highway
22 Traffic Safety Administration shall prescribe.”.

1 **SEC. 111. STATE TRAFFIC SAFETY INFORMATION SYSTEM**
2 **IMPROVEMENTS.**

3 (a) GRANT PROGRAM AUTHORITY.—Chapter 4 is
4 amended by adding at the end the following:

5 **“§ 412. State traffic safety information system im-**
6 **provements**

7 “(a) GRANT AUTHORITY.—Subject to the require-
8 ments of this section, the Secretary shall make grants of
9 financial assistance to eligible States to support the devel-
10 opment and implementation of effective programs by such
11 States to—

12 “(1) improve the timeliness, accuracy, comple-
13 ness, uniformity, integration, and accessibility of the
14 safety data of the State that is needed to identify
15 priorities for national, State, and local highway and
16 traffic safety programs;

17 “(2) evaluate the effectiveness of efforts to
18 make such improvements;

19 “(3) link the State data systems, including traf-
20 fic records, with other data systems within the
21 State, such as systems that contain medical, road-
22 way, and economic data; and

23 “(4) improve the compatibility and interoper-
24 ability of the data systems of the State with national
25 data systems and data systems of other States and
26 enhance the ability of the Secretary to observe and

1 analyze national trends in crash occurrences, rates,
2 outcomes, and circumstances.

3 “(b) FIRST-YEAR GRANTS.—

4 “(1) ELIGIBILITY.—To be eligible for a first-
5 year grant under this section in a fiscal year, a
6 State shall demonstrate to the satisfaction of the
7 Secretary that the State has—

8 “(A) established a highway safety data and
9 traffic records coordinating committee with a
10 multidisciplinary membership that includes,
11 among others, managers, collectors, and users
12 of traffic records and public health and injury
13 control data systems; and

14 “(B) developed a multiyear highway safety
15 data and traffic records system strategic plan
16 that addresses existing deficiencies in the
17 State’s highway safety data and traffic records
18 system, is approved by the highway safety data
19 and traffic records coordinating committee,
20 and—

21 “(i) specifies how existing deficiencies
22 in the State’s highway safety data and
23 traffic records system were identified;

24 “(ii) prioritizes, on the basis of the
25 identified highway safety data and traffic

1 records system deficiencies, the highway
2 safety data and traffic records system
3 needs and goals of the State, including the
4 activities under subsection (a);

5 “(iii) identifies performance-based
6 measures by which progress toward those
7 goals will be determined; and

8 “(iv) specifies how the grant funds
9 and any other funds of the State are to be
10 used to address needs and goals identified
11 in the multiyear plan.

12 “(2) GRANT AMOUNT.—Subject to subsection
13 (d)(3), the amount of a first-year grant to a State
14 for a fiscal year shall be the higher of—

15 “(A) the amount determined by multi-
16 plying—

17 “(i) the amount appropriated to carry
18 out this section for such fiscal year, by

19 “(ii) the ratio that the funds appor-
20 tioned to the State under section 402 of
21 this title for fiscal year 2003 bears to the
22 funds apportioned to all States under such
23 section for fiscal year 2003; or

24 “(B) \$300,000.

25 “(c) SUCCESSIVE YEAR GRANTS.—

1 “(1) ELIGIBILITY.—A State shall be eligible for
2 a grant under this subsection in a fiscal year suc-
3 ceeding the first fiscal year in which the State re-
4 ceives a grant under subsection (b) if the State, to
5 the satisfaction of the Secretary—

6 “(A) submits an updated multiyear plan
7 that meets the requirements of subsection
8 (b)(1)(B);

9 “(B) certifies that its highway safety data
10 and traffic records coordinating committee con-
11 tinues to operate and supports the multiyear
12 plan;

13 “(C) specifies how the grant funds and any
14 other funds of the State are to be used to ad-
15 dress needs and goals identified in the
16 multiyear plan;

17 “(D) demonstrates measurable progress to-
18 ward achieving the goals and objectives identi-
19 fied in the multiyear plan; and

20 “(E) includes a current report on the
21 progress in implementing the multiyear plan.

22 “(2) GRANT AMOUNT.—Subject to subsection
23 (d)(3), the amount of a year grant made to a State
24 for a fiscal year under this subsection shall equal the
25 higher of—

1 “(A) the amount determined by multi-
2 plying—

3 “(i) the amount appropriated to carry
4 out this section for such fiscal year, by

5 “(ii) the ratio that the funds appor-
6 tioned to the State under section 402 of
7 this title for fiscal year 2003 bears to the
8 funds apportioned to all States under such
9 section for fiscal year 2003; or

10 “(B) \$500,000.

11 “(d) ADDITIONAL REQUIREMENTS AND LIMITA-
12 TIONS.—

13 “(1) MODEL DATA ELEMENTS.—The Secretary,
14 in consultation with States and other appropriate
15 parties, shall determine the model data elements
16 that are necessary for the observation and analysis
17 of State and national trends in occurrences, rates,
18 outcomes, and circumstances of motor vehicle traffic
19 accidents. In order to be eligible for a grant under
20 this section, a State shall submit to the Secretary a
21 certification that the State has adopted and uses
22 such model data elements.

23 “(2) MAINTENANCE OF EFFORT.—No grant
24 may be made to a State under this section in any
25 fiscal year unless the State enters into such agree-

1 ments with the Secretary as the Secretary may re-
2 quire to ensure that the State will maintain its ag-
3 gregate expenditures from all other sources for high-
4 way safety data programs at or above the average
5 level of such expenditures maintained by such State
6 in the 2 fiscal years preceding the date of enactment
7 of the Highway Safety Grant Program Reauthoriza-
8 tion Act of 2003.

9 “(3) FEDERAL SHARE.—The Federal share of
10 the cost of adopting and implementing in a fiscal
11 year a State program described in subsection (a)
12 may not exceed 80 percent.

13 “(4) LIMITATION ON USE OF GRANT PRO-
14 CEEDS.—A State may use the proceeds of a grant
15 received under this section only to implement the
16 program described in subsection (a) for which the
17 grant is made.

18 “(e) APPLICABILITY OF CHAPTER 1.—Section 402(d)
19 of this title shall apply in the administration of this sec-
20 tion.”.

21 (b) CLERICAL AMENDMENT.—The chapter analysis
22 for chapter 4 is amended by adding at the end the fol-
23 lowing:

“412. State traffic safety information system improvements.”.

1 **SEC. 112. NHTSA ACCOUNTABILITY.**

2 (a) IN GENERAL.—Subchapter I of chapter 301 of
3 title 49, United States Code, is amended by adding at the
4 end the following:

5 **“§ 30106. Agency accountability.**

6 “(a) TRIENNIAL STATE MANAGEMENT REVIEWS.—
7 At least once every 3 years the National Highway Traffic
8 Safety Administration shall conduct a review of each State
9 highway safety program. The review shall include a man-
10 agement evaluation of all grant programs partially or fully
11 funded under this title. The Administration shall provide
12 review-based recommendations on how each State may im-
13 prove the management and oversight of its grant activities
14 and may provide a management and oversight plan.

15 “(b) RECOMMENDATIONS BEFORE SUBMISSION.—In
16 order to provide guidance to State highway safety agencies
17 on matters that should be addressed in the State highway
18 safety program goals and initiatives part of its highway
19 safety plan before the plan is submitted for review, the
20 Administration shall provide data-based recommendations
21 to each State at least 90 days before the date on which
22 the plan is to be submitted for approval.

23 “(c) STATE PROGRAM REVIEW.—The Administration
24 shall—

25 “(1) conduct a program improvement review of
26 any State that does not make substantial progress

1 over a 3-year period in meeting national priority
2 program goals; and

3 “(2) provide technical assistance and safety
4 program recommendations to the State for any goal
5 not achieved.

6 “(d) REGIONAL ADMINISTRATOR HARMONIZATION.—
7 The Administration and the Inspector General of the De-
8 partment of Transportation shall undertake a State grant
9 administrative review of the practices and procedures of
10 the management reviews and program reviews conducted
11 by Administration regional offices and formulate a report
12 of best practices to be completed within 180 days after
13 the date of enactment of the Surface Transportation Safe-
14 ty Reauthorization Act of 2003.

15 “(e) BEST PRACTICES GUIDELINES.—

16 “(1) UNIFORM GUIDELINES.—The Administra-
17 tion shall issue uniform management review and
18 program review guidelines based on the report under
19 subsection (d). Each regional office shall use the
20 guidelines in executing its State administrative re-
21 view duties.

22 “(2) PUBLICATION.—The Administration shall
23 make the following documents available via the
24 Internet upon their completion:

1 “(A) The Administration’s management re-
2 view and program review guidelines.

3 “(B) State highway safety plans.

4 “(C) State annual accomplishment reports.

5 “(D) The Administration’s State manage-
6 ment reviews.

7 “(E) The Administration’s State program
8 improvement plans.

9 “(3) REPORTS TO STATE HIGHWAY SAFETY
10 AGENCIES.—The Administration may not make a
11 plan, report, or review available under paragraph (2)
12 that is directed to a State highway safety agency
13 until after it has been submitted to that agency.”.

14 (b) CONFORMING AMENDMENT.—The chapter anal-
15 ysis for chapter 301 of title 49, United States Code, is
16 amended by inserting after the item relating to section
17 30105 the following:

 “30106. Agency accountability.”.

18 **SEC. 113. EFFECTIVE DATES.**

19 (a) IN GENERAL.—Except as provided in subsection
20 (b), this subtitle and the amendments made by this sub-
21 title shall take effect on October 1, 2003.

22 (b) EXCEPTION.—Section 112 shall take effect on the
23 date of the enactment of this Act.

1 **Subtitle B—Specific Vehicle Safety-**
2 **Related Rulings**

3 **SEC. 151. AMENDMENT OF TITLE 49, UNITED STATES CODE.**

4 Except as otherwise specifically provided, whenever in
5 this subtitle an amendment is expressed in terms of an
6 amendment to a section or other provision of law, the ref-
7 erence shall be considered to be made to a section or other
8 provision of title 49, United States Code.

9 **SEC. 152. LOAD CAPACITY LABELING FOR LIGHT TRUCKS.**

10 (a) **IN GENERAL.**—Chapter 323 is amended by add-
11 ing at the end the following:

12 **“§ 32310. Load capacity of light trucks**

13 “Each manufacturer of a new light duty truck manu-
14 factured after September 30, 2005, and distributed in
15 commerce for sale in the United States, shall establish
16 each year for each model year and cause to be attached
17 in a prominent place on each of those trucks at least 1
18 label containing a statement of the vehicle’s maximum
19 weight carrying capacity.”.

20 (b) **RULEMAKING DEADLINES.**—The Secretary of
21 Transportation shall issue—

22 (1) a notice of a proposed rulemaking to estab-
23 lish a methodology for computing the maximum
24 weight carrying capacity of light duty trucks re-
25 quired to be labeled under section 32310 of title 49,

1 United States Code, not later than June 30, 2004;
2 and

3 (2) a final rule under that section not later
4 than June 30, 2005.

5 (c) CONFORMING AMENDMENT.—The chapter anal-
6 ysis for chapter 301 is amended by inserting after the item
7 relating to section 30127 the following:

“32310. Load capacity of light trucks.”.

8 **SEC. 153. VEHICLE CRASH EJECTION PREVENTION.**

9 (a) IN GENERAL.—Subchapter II of chapter 301 is
10 amended by adding at the end the following:

11 **“§ 30128. Vehicle accident ejection protection**

12 “(a) IN GENERAL.—The Secretary shall issue a safe-
13 ty standard to reduce complete and partial ejection from
14 passenger motor vehicles with a gross vehicle weight rating
15 of up to 10,000 pounds that are involved in accidents that
16 present a risk of occupant ejection. The reduction in such
17 ejections shall be based on the combined ejection-mitiga-
18 tion capabilities of safety technologies, such as advanced
19 side glazing, side curtains, and side impact air bags.

20 “(b) DOOR LOCK AND RETENTION STANDARD.—The
21 Secretary shall issue a rule to require manufacturers of
22 new passenger motor vehicles distributed in commerce for
23 sale in the United States to make such modifications to
24 door locks, door latches, and retention components of
25 doors in such vehicles as the Secretary determines to be

1 necessary to prevent occupant ejection in vehicle acci-
2 dents.”.

3 (b) RULEMAKING DEADLINES.—

4 (1) RULEMAKING.—The Secretary of Transpor-
5 tation shall issue—

6 (A) a notice of a proposed rulemaking
7 under section 30128 of title 49, United States
8 Code, not later than June 30, 2005; and

9 (B) a final rule under that section not
10 later than June 30, 2006.

11 (2) EFFECTIVE DATE OF REQUIREMENTS.—

12 Any requirement imposed under the final rule issued
13 under paragraph (1) shall become fully effective no
14 later than December 31, 2008.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There

16 are authorized to be appropriated to the Secretary of
17 Transportation \$500,000 for each of fiscal years 2004 and
18 2005 to promulgate rules under section 30128 of title 49,
19 United States Code.

20 (d) CONFORMING AMENDMENT.—The chapter anal-

21 ysis for chapter 301 is amended by inserting after the item

22 relating to section 30127 the following:

“30128. Vehicle accident ejection protection.”.

1 **SEC. 154. VEHICLE BACKOVER AVOIDANCE TECHNOLOGY**
2 **STUDY.**

3 (a) IN GENERAL.—The Administrator of the Na-
4 tional Highway Traffic Safety Administration shall con-
5 duct a study of effective methods for reducing the inci-
6 dence of injury and death outside of parked vehicles attrib-
7 utable to movement of the parked vehicle. The Adminis-
8 trator shall complete the study within 1 year after the date
9 of enactment of this Act and report its findings to the
10 Senate Committee on Commerce, Science, and Transpor-
11 tation and the House of Representatives Committee on
12 Energy and Commerce no later than December 31, 2005.

13 (b) SPECIFIC ISSUES TO BE COVERED.—The study
14 required by subsection (a) shall—

15 (1) include an analysis of backover prevention
16 technology;

17 (2) identify, evaluate, and compare the available
18 technologies for detecting people or objects behind a
19 motor vehicle for their accuracy, effectiveness, cost,
20 and feasibility for installation;

21 (3) provide an estimate of cost savings that
22 would result from widespread use of backover pre-
23 vention devices and technologies, including savings
24 attributable to the prevention of—

25 (A) injuries and fatalities; and

1 (B) damage to bumpers and other car
2 parts and damage to other objects.

3 **SEC. 155. VEHICLE BACKOVER DATA COLLECTION.**

4 In conjunction with the directives in section 154, the
5 National Highway Traffic Safety Administration may es-
6 tablish a method to collect and maintain data on the num-
7 ber and types of injuries and deaths involving motor vehi-
8 cles in non-traffic, non-accident incidents to assist in the
9 analysis regarding the inclusion of backover prevention
10 technologies in vehicles.

11 **SEC. 156. AGGRESSIVITY AND INCOMPATIBILITY REDUC-**
12 **TION STANDARD.**

13 (a) IN GENERAL.—Subchapter II of chapter 301, as
14 amended by section 153, is amended by adding at the end
15 the following:

16 **“§ 30129. Vehicle compatibility and aggressivity re-**
17 **duction standard**

18 “(a) IN GENERAL.—The Secretary of Transpor-
19 tation, through the National Highway Traffic Safety Ad-
20 ministration, shall issue safety regulations to reduce vehi-
21 cle incompatibility and aggressivity for passenger vehicles
22 and non-passenger vehicles. The regulations shall address
23 bumper height, weight, and any other characteristics nec-
24 essary to ensure better management of crash forces in
25 multiple vehicle frontal and side impact crashes between

1 different types, sizes, and weights of passenger vehicles
2 with a gross vehicle weight of 10,000 pounds or less in
3 order to decrease occupant deaths and injuries.

4 “(b) STANDARDS.—The Secretary, through the Ad-
5 ministration, shall develop a standard rating metric to
6 evaluate compatibility and aggressivity among passenger
7 motor vehicles.

8 “(c) PUBLIC INFORMATION.—The Secretary, through
9 the Administration, shall create a public information pro-
10 gram that includes vehicle rating based on risks to occu-
11 pants, risks to other motorists, and combined risks by ve-
12 hicle make and model.”.

13 (b) RULEMAKING DEADLINES.—

14 (1) RULEMAKING.—The Secretary of Transpor-
15 tation shall issue—

16 (A) a notice of a proposed rulemaking
17 under section 30129 of title 49, United States
18 Code, not later than January 31, 2006; and

19 (B) a final rule under that section not
20 later than December 31, 2007.

21 (2) EFFECTIVE DATE OF REQUIREMENTS.—

22 Any requirement imposed under the final rule issued
23 under paragraph (1) shall become fully effective no
24 later than December 31, 2009.

1 (c) CONFORMING AMENDMENT.—The chapter anal-
 2 ysis for chapter 301 is amended by inserting after the item
 3 relating to section 30128 the following:

“30129. Vehicle compatibility and aggressivity reduction standard.”.

4 **SEC. 157. IMPROVED CRASHWORTHINESS.**

5 (a) IMPROVED CRASHWORTHINESS.—Subchapter II
 6 of chapter 301, as amended by section 156, is amended
 7 by adding at the end the following:

8 **“§ 30130. Improved crashworthiness of passenger**
 9 **motor vehicles**

10 “(a) ROLLOVERS.—

11 “(1) IN GENERAL.—The Secretary of Transpor-
 12 tation, through the National Highway Traffic Safety
 13 Administration, shall prescribe a motor vehicle safe-
 14 ty standard under this chapter for rollover crash-
 15 worthiness standards for passenger motor vehicles
 16 with a gross vehicle weight of not more than 10,000
 17 pounds, using a roof strength standard based on dy-
 18 namic tests that realistically duplicate the actual
 19 forces transmitted to a motor vehicle during an on-
 20 roof rollover crash, that includes—

21 “(A) dynamic roof crush standards;

22 “(B) improved seat structure and safety
 23 belt design, including seat belt pretensioners
 24 and load limiters;

1 “(C) side impact head protection airbags;

2 and

3 “(D) roof injury protection measures.

4 “(2) ROLLOVER RESISTANCE STANDARD.—The
5 Secretary, through the Administration, shall pre-
6 scribe a rollover prevention standard under this
7 chapter that includes improvements on the basic de-
8 sign characteristics of passenger motor vehicles to
9 increase their resistance to roll over. The Secretary
10 shall also require additional technologies to improve
11 the handling of passenger motor vehicles and there-
12 by reduce the likelihood of vehicle instability and
13 rollovers.

14 “(b) FRONTAL IMPACT STANDARDS AND CRASH
15 TESTS.—

16 “(1) IN GENERAL.—The Secretary, through the
17 Administration, shall prescribe a motor vehicle safe-
18 ty standard under this chapter to improve the pro-
19 tection afforded to occupants in frontal impact
20 crashes involving passenger motor vehicles with a
21 gross vehicle weight of not more than 10,000
22 pounds.

23 “(2) TEST METHODOLOGY.—In prescribing the
24 standard under paragraph (1), the Secretary shall—

1 “(A) evaluate additional test barriers and
2 measurements of occupant head impact and
3 neck injuries; and

4 “(B) review frontal impact criteria, includ-
5 ing consideration of criteria established by the
6 Insurance Institute for Highway Safety.

7 “(c) SIDE IMPACT STANDARDS AND CRASH TESTS.—

8 “(1) IN GENERAL.—The Secretary, through the
9 Administration, shall prescribe a motor vehicle safe-
10 ty standard under this chapter to improve the pro-
11 tection afforded to occupants in side impact crashes
12 involving passenger motor vehicles with a gross vehi-
13 cle weight of not more than 10,000 pounds.

14 “(2) TEST METHODOLOGY.—In prescribing the
15 standard under paragraph (1), the Secretary shall—

16 “(A) evaluate additional test barriers and
17 measurements of occupant head impact and
18 neck injuries;

19 “(B) consider the need for additional and
20 new crash test dummies that represent the full
21 range of occupant sizes and weights; and

22 “(C) review side impact criteria, including
23 consideration of criteria established by the In-
24 surance Institute for Highway Safety.”.

25 (b) RULEMAKING DEADLINES.—

1 (1) RULEMAKING.—The Secretary of Transpor-
2 tation shall—

3 (A) issue a notice of a proposed rule-
4 making under section 30130 of title 49, United
5 States Code, not later than March 31, 2004;
6 and

7 (B) issue a final rule not later than March
8 31, 2006.

9 (2) EFFECTIVE DATE OF REQUIREMENTS.—The
10 Secretary shall phase-in any requirements imposed
11 under a final rule issued under paragraph (1) begin-
12 ning no sooner than 1 year, for a rule under section
13 30130(a), and no sooner than 2 years, for a rule
14 under section 30130(b) or (c). No sooner than 4
15 years after the date of publication of the final rule
16 and no later than 54 months after that date, the
17 Secretary shall begin a phase-in of the test proce-
18 dures and guidelines for measuring injury risk to the
19 abdomen and thorax of occupants of vehicles to
20 which the rule applies.

21 (c) CONFORMING AMENDMENT.—The chapter anal-
22 ysis for chapter 301 is amended by inserting after the item
23 relating to section 30129 the following:

“30130. Improved crashworthiness of passenger motor vehicles.”.

1 **SEC. 158. 15-PASSENGER VANS.**

2 (a) IN GENERAL.—The Secretary of Transportation
3 shall initiate a rulemaking and issue a final regulation no
4 later than September 31, 2004, to include 15-passenger
5 vans and passenger motor vehicles with a gross vehicle
6 weight of up to 10,000 pounds in the National Highway
7 Traffic Safety Administration’s dynamic rollover testing
8 program and require such passenger motor vehicles, in-
9 cluding 15-passenger vans with a gross vehicle weight of
10 up to 10,000 pounds to comply with all existing and pro-
11 spective Federal Motor Vehicle Safety Standards for occu-
12 pant protection and vehicle crash avoidance.

13 (b) NEW CAR ASSESSMENT PROGRAM.—The Sec-
14 retary shall initiate a rulemaking and issue a final regula-
15 tion no later than September 31, 2004, to include pas-
16 senger motor vehicles with a gross vehicle weight of up
17 to 10,000 pounds, including 15-passenger vans under var-
18 ious load conditions, in the Administration’s New Car As-
19 sessment Program rollover resistance program.

20 (c) VEHICLE CONTROL TECHNOLOGY FOR 15-PAS-
21 SENGER VANS.—The National Highway Traffic Safety
22 Administration shall evaluate, in conjunction with manu-
23 facturers, and test the potential of technological systems,
24 particularly electronic stability control systems and rear-
25 view mirror-based rollover warning systems, to assist driv-

1 ers in maintaining control of 15-passenger vans with a
2 gross vehicle weight of up to 10,000 pounds.

3 **SEC. 159. TIRES.**

4 (a) **ANTICIPATORY TIRE REPLACEMENT.**—Section
5 30120(b) is amended by adding at the end the following:

6 “(3) **REIMBURSEMENT FOR TIRES REPLACED**
7 **BEFORE REPLACEMENT NOTIFICATION IS RE-**
8 **CEIVED.**—A manufacturer, through its remedy pro-
9 gram, shall include a plan for reimbursing an owner
10 or purchaser who incurred the cost of the remedy in
11 advance of the manufacturer’s notification under
12 subsection (b) or (c) of section 30118 up to 6
13 months after the last defect notice is mailed to own-
14 ers.”.

15 (b) **MORE SAFETY PERFORMANCE CRITERIA.**—

16 (1) **UPGRADE STANDARD.**—No later than June
17 1, 2005, the Secretary of Transportation shall issue
18 a final rule to upgrade Federal Motor Vehicle Safety
19 Standard 139 (new pneumatic radial tires for light
20 vehicles), to take effect June 1, 2007, to include
21 safety performance criteria not addressed in the
22 June 2003 final rule mandated by the Transpor-
23 tation Recall Enhancement, Accountability, and
24 Documentation Act of 2000 to improve the following
25 safety performance criteria for light vehicle tires:

1 (A) Strength and road hazard protection.

2 (B) Resistance to bead unseating and
3 aging.

4 (2) TECHNOLOGY USE AND REPORT.—The Sec-
5 retary shall reconsider the use of shearography anal-
6 ysis, on a sampling basis, for regulatory compliance
7 and the National Highway Traffic Safety Adminis-
8 tration shall report to Congress on the most cost ef-
9 fective methods of using such technology.

10 **SEC. 160. SAFETY BELT USE REMINDERS.**

11 (a) NOTICE OF PROPOSED RULES TO ENCOURAGE
12 MORE SEAT BELT USE.—No later than 12 months after
13 the date of enactment of this Act, the Secretary of Trans-
14 portation shall issue a Notice of Proposed Rulemaking to
15 amend the Federal Motor Vehicle Safety Standard No.
16 208 for passenger cars, multipurpose passenger vehicles,
17 and trucks with a gross vehicle weight of less than 10,000
18 pounds to encourage increased seat belt usage by drivers
19 and right outboard front seat passengers. The proposed
20 rule shall address the potential safety benefits and public
21 acceptability of alternative means to encourage increased
22 seat belt usage, including intermittent or continuous audi-
23 ble or visual reminders when a driver or right outboard
24 front seat passenger is not wearing a seat belt, features
25 to prevent operation of convenience or entertainment fea-

1 tures of the vehicle when a driver or right outboard front
2 seat passenger is not wearing a seat belt, and any other
3 seat belt use, including but not limited to technology iden-
4 tified by the National Academy of Sciences in its study
5 of the potential benefits of seat belt usage reminder tech-
6 nologies.

7 (b) FINAL RULE.—No later than 24 months after the
8 date of enactment of this Act, the Secretary shall issue
9 the final rule required by subsection (a). If the Secretary
10 decides to amend Federal Motor Vehicle Safety Standard
11 No. 208 to require new vehicles to provide seat belt use-
12 encouraging technologies, any audible reminder permitted
13 by the standard shall be differentiated by some means
14 from the audible signal that operates only during the 8-
15 second period after the ignition is turned to the “start”
16 or “on” position.

17 **SEC. 161. MISSED DEADLINES REPORTS.**

18 (a) IN GENERAL.—If the Secretary of Transportation
19 fails to meet any rulemaking deadline established in this
20 subtitle, the Secretary shall transmit a report to the Sen-
21 ate Committee on Commerce, Science, and Transportation
22 and the House of Representatives Committee on Trans-
23 portation and Infrastructure within 90 days after missing
24 the deadline—

1 (1) explaining why the Secretary failed to meet
2 the deadline; and

3 (2) setting forth a date by which the Secretary
4 anticipates that the rulemaking will be made.

5 (b) CONSIDERATION OF EFFECTS.—The Secretary of
6 Transportation shall consider the potential consequences,
7 in terms of the number of deaths and the number and
8 severity of injuries, that may result from not meeting any
9 such deadline.

10 **SEC. 162. GRANTS FOR IMPROVING CHILD PASSENGER**
11 **SAFETY PROGRAMS.**

12 (a) IN GENERAL.—Chapter 4 of title 23, United
13 States Code, as amended by section 111 of this Act, is
14 amended by adding at the end the following:

15 **“§ 413. Booster seat incentive grants**

16 “(a) IN GENERAL.—The Secretary of Transportation
17 shall make a grant under this section to any eligible State.

18 “(b) ELIGIBILITY REQUIREMENTS.—

19 “(1) IN GENERAL.—The Secretary shall make a
20 grant to each State that, as determined by the Sec-
21 retary, enacts or has enacted, and is enforcing a law
22 requiring that children riding in passenger motor ve-
23 hicles (as defined in section 405(f)(5)) who are too
24 large to be secured in a child safety seat (as defined
25 in section 405(f)(1)) be secured in a child restraint

1 (as defined in section 7(1) of Anton’s Law (49
2 U.S.C. 30127 note)) that meets requirements pre-
3 scribed by the Secretary under section 3 of Anton’s
4 Law.

5 “(2) YEAR IN WHICH FIRST ELIGIBLE.—

6 “(A) EARLY QUALIFICATION.—A State
7 that has enacted a law described in paragraph
8 (1) that is in effect before October 1, 2005, is
9 first eligible to receive a grant under subsection
10 (a) in fiscal year 2006.

11 “(B) SUBSEQUENT QUALIFICATION.—A

12 State that enacts a law described in paragraph
13 (1) that takes effect after September 30, 2005,
14 is first eligible to receive a grant under sub-
15 section (a) in the first fiscal year beginning
16 after the date on which the law is enacted.

17 “(3) CONTINUING ELIGIBILITY.—A State that

18 is eligible under paragraph (1) to receive a grant
19 may receive a grant during each fiscal year listed in
20 subsection (f) in which it is eligible.

21 “(4) MAXIMUM NUMBER OF GRANTS.—A State

22 may not receive more than 4 grants under this sec-
23 tion.

1 “(c) GRANT AMOUNT.—Amounts available for grants
2 under this section in any fiscal year shall be apportioned
3 among the eligible States on the basis of population.

4 “(d) USE OF GRANT AMOUNTS.—

5 “(1) IN GENERAL.—Of the amounts received by
6 a State under this section for any fiscal year—

7 “(A) 50 percent shall be used for the en-
8 forcement of, and education to promote public
9 awareness of, State child passenger protection
10 laws; and

11 “(B) 50 percent shall be used to fund pro-
12 grams that purchase and distribute child boost-
13 er seats, child safety seats, and other appro-
14 priate passenger motor vehicle child restraints
15 to indigent families without charge.

16 “(2) REPORT.—Within 60 days after the State
17 fiscal year in which a State receives a grant under
18 this section, the State shall transmit to the Sec-
19 retary a report documenting the manner in which
20 grant amounts were obligated or expended and iden-
21 tifying the specific programs supported by grant
22 funds. The report shall be in a form prescribed by
23 the Secretary and may be combined with other State
24 grant reporting requirements under this chapter.

1 “(e) ADMINISTRATIVE EXPENSES.—Not more than
2 2.5 percent of the amount appropriated to carry out this
3 section for any fiscal year may be obligated or expended
4 for administrative expenses.

5 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Secretary of
7 Transportation, out of the Highway Trust Fund—

8 “(1) \$18,000,000 for fiscal year 2006;

9 “(2) \$20,000,000 for fiscal year 2007;

10 “(3) \$25,000,000 for fiscal year 2008; and

11 “(4) \$30,000,000 for fiscal year 2009.”.

12 (b) CLERICAL AMENDMENT.—The chapter analysis
13 for chapter 4 of title 23, United States Code, is amended
14 by inserting after the item relating to section 411 the fol-
15 lowing:

“413. Booster seat incentive grants.”.

16 **SEC. 163. BUS CRASH TESTING.**

17 (a) IN GENERAL.—The Secretary of Transportation
18 shall issue a rule to create test methodology and conduct
19 motorcoach crash testing. The test shall include—

20 (1) means to evaluate the effectiveness of pas-
21 senger restraint systems in the event of a motor-
22 coach crash; and

23 (2) means to evaluate and compare the per-
24 formance of “pop-out” windows and fixed windows

1 in protecting motorcoach occupants in the event of
2 a crash.

3 (b) RULEMAKING.—The Secretary of Transportation
4 shall issue—

5 (1) a notice of a proposed rulemaking under
6 subsection (a) not later than January 31, 2008; and

7 (2) a final rule under that subsection not later
8 than December 31, 2009.

9 **SEC. 164. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated to the Sec-
11 retary of Transportation to carry out this subtitle and sec-
12 tions 30128, 30129, 30130, 30131, and 30171 of title 49,
13 United States Code—

14 (1) \$130,500,000 for fiscal year 2004;

15 (2) \$133,500,000 for fiscal year 2005;

16 (3) \$133,600,000 for fiscal year 2006;

17 (4) \$134,500,000 for fiscal year 2007;

18 (5) \$138,000,000 for fiscal year 2008; and

19 (6) \$141,000,000 for fiscal year 2009.

1 **TITLE II—MOTOR CARRIER**
2 **SAFETY AND UNIFIED CAR-**
3 **RIER REGISTRATION**

4 **SEC. 201. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED**
5 **STATES CODE**

6 (a) **SHORT TITLE.**—This title may be cited as the
7 “Motor Carrier Safety Reauthorization Act of 2003”.

8 (b) **AMENDMENT OF TITLE 49, UNITED STATES**
9 **CODE.**—Except as otherwise specifically provided, when-
10 ever in this title an amendment is expressed in terms of
11 an amendment to a section or other provision of law, the
12 reference shall be considered to be made to a section or
13 other provision of title 49, United States Code.

14 **SEC. 202. REQUIRED COMPLETION OF OVERDUE REPORTS,**
15 **STUDIES, AND RULEMAKINGS.**

16 (a) **REQUIREMENT FOR COMPLETION.**—By no later
17 than 36 months after the date of enactment of this Act,
18 the Secretary of Transportation shall complete all reports,
19 studies, and rulemaking proceedings to issue regulations
20 which Congress directed the Secretary to complete in pre-
21 vious laws and which are not yet completed, including:

22 (1) Commercial Vehicle Driver Biometric Iden-
23 tifier, section 9105, Truck and Bus Safety and Reg-
24 ulatory Reform Act of 1988.

1 (2) General Transportation of HAZMAT, sec-
2 tion 8(b), Hazardous Materials Transportation Uni-
3 form Safety Act of 1990.

4 (3) Nationally Uniform System of Permits for
5 Interstate Motor Carrier Transport of HAZMAT,
6 section 22, Hazardous Materials Transportation
7 Uniform Safety Act of 1990.

8 (4) Training for Entry-Level Drivers of Com-
9 mercial Motor Vehicles, section 4007 (a), Intermodal
10 Surface Transportation Efficiency Act of 1991.

11 (5) Minimum Training Requirements for Oper-
12 ators and for Training Instructors of Multiple Trail-
13 er Combination Vehicles, section 4007(b)(2), Inter-
14 modal Surface Transportation Efficiency Act of
15 1991.

16 (6) Railroad-Highway Grade Crossing Safety,
17 section 112, Hazardous Materials Transportation
18 Authorization Act of 1994.

19 (7) Safety Performance History of New Driv-
20 ers, section 114, Hazardous Materials Transpor-
21 tation Authorization Act of 1994.

22 (8) Motor Carrier Replacement Information
23 and Registration System, section 103, Interstate
24 Commerce Commission Termination Act of 1995.

1 (9) General Jurisdiction Over Freight For-
2 warder Service, section 13531, Interstate Commerce
3 Commission Termination Act of 1995.

4 (10) Waivers, Exemptions, and Pilot Programs,
5 section 4007, Transportation Equity Act for the
6 Twenty-First Century.

7 (11) Safety Performance History of New Driv-
8 ers, section 4014, Transportation Equity Act for the
9 Twenty-First Century.

10 (12) Performance-based CDL Testing, section
11 4019, Transportation Equity Act for the Twenty-
12 First Century.

13 (13) Post-Accident Alcohol Testing, section
14 4020, Transportation Equity Act for the Twenty-
15 First Century.

16 (14) Improved Flow of Driver History Pilot
17 Program, section 4022, Transportation Equity Act
18 for the Twenty-First Century.

19 (15) Employee Protections, section 4023,
20 Transportation Equity Act for the Twenty-First
21 Century.

22 (16) Improved Interstate School Bus Safety,
23 section 4024, Transportation Equity Act for the
24 Twenty-First Century.

1 (17) DOT Implementation Plan, section 4026,
2 Transportation Equity Act for the Twenty-First
3 Century.

4 (18) Effects of MCSAP Grant Reductions, sec-
5 tion 4032, Transportation Equity Act for the Twen-
6 ty-First Century.

7 (19) Study of Whether Compliance with section
8 1252.209-70 of Title 48 is Sufficient to Avoid Con-
9 flicts of Interest in Contracts for Research, section
10 101, Motor Carrier Safety Improvement Act of
11 1999.

12 (20) Federal Motor Carrier Safety Administra-
13 tion 2010 Strategy, Sec. 104, Motor Carrier Safety
14 Improvement Act of 1999.

15 (21) New Motor Carrier Entrant Requirements,
16 section 210, Motor Carrier Safety Improvement Act
17 of 1999.

18 (22) Certified Motor Carrier Safety Auditors,
19 section 211, Motor Carrier Safety Improvement Act
20 of 1999.

21 (23) Commercial Van Operations Transporting
22 Nine to Fifteen Passengers, section 212, Motor Car-
23 rier Safety Improvement Act of 1999.

24 (24) Medical Certificate, section 215, Motor
25 Carrier Safety Improvement Act of 1999.

1 (25) Report on Any Pilots Undertaken to De-
2 velop Innovative Methods of Improving Motor Car-
3 rier Compliance with Traffic Laws, section 220,
4 Motor Carrier Safety Improvement Act of 1999.

5 (26) Status Report on the Implementation of
6 Electronic Transmission of Data State-to-State on
7 Convictions for All Motor Vehicle Control Law Vio-
8 lations for CDL Holders, section 220, Motor Carrier
9 Safety Improvement Act of 1999.

10 (27) Assessment of Civil Penalties, section 222,
11 Motor Carrier Safety Improvement Act of 1999.

12 (28) Status Report on the Department of
13 Transportation's Goal of Reducing Motor Carrier
14 Fatalities by 50 Percent by the Year 2009, section
15 223, Motor Carrier Safety Improvement Act of
16 1999.

17 (29) Truck Crash Causation Study, section
18 224, Motor Carrier Safety Improvement Act of
19 1999;

20 (30) Drug Test Results Study, section 226,
21 Motor Carrier Safety Improvement Act of 1999.

22 (b) FINAL RULE REQUIRED.—Unless specifically
23 permitted by law, rulemaking proceedings shall be consid-
24 ered completed for purposes of this section only when the

1 Secretary has issued a final rule and the docket for the
2 rulemaking proceeding is closed.

3 (c) SCHEDULE FOR COMPLETION.—No fewer than
4 one-third of the reports, studies, and rulemaking pro-
5 ceedings in subsection (a) shall be completed every 12
6 months after the date of enactment of this Act. The In-
7 spector General of the Department of Transportation shall
8 make an annual determination as to whether this schedule
9 has been met.

10 (d) FAILURE TO COMPLY.—If the Secretary fails to
11 complete the required number of reports, studies, and
12 rulemaking proceedings according to the schedule set forth
13 in subsection (c) during any fiscal year, the Secretary shall
14 allocate to the States \$3,000,000 from the amount author-
15 ized by section 31104(i)(1) of title 49, United States Code,
16 for administrative expenses of the Federal Motor Carrier
17 Safety Administration to conduct additional compliance
18 reviews under section 31102 of that title instead of obli-
19 gating or expending such amount for those administrative
20 expenses.

21 (e) AMENDMENTS TO THE LISTED REPORTS, STUD-
22 IES, AND RULEMAKING PROCEEDINGS.—In addition to
23 completing the reports, studies and rulemaking pro-
24 ceedings listed in subsection (c), the Secretary shall—

1 (1) amend the Interim Final Rule addressing
2 New Motor Carrier Entrant Requirements to require
3 that a safety audit be immediately converted to a
4 compliance review and appropriate enforcement ac-
5 tions be taken if the safety audit discloses acute
6 safety violations by the new entrant; and

7 (2) eliminate a proposed provision in the rule-
8 making proceeding addressing Commercial Van Op-
9 erations Transporting Nine to Fifteen Passengers
10 which exempts commercial van operations that oper-
11 ate within a 75-mile radius.

12 (f) COMPLETION OF NEW RULEMAKING PRO-
13 CEEDINGS.—Nothing in this section delays or changes the
14 deadlines specified for new reports, studies, or rulemaking
15 mandates contained in this Act.

16 (g) REPORT OF OTHER AGENCY ACTIONS.—Within
17 12 months after the date of enactment of this Act, the
18 Secretary shall submit to the Senate Committee on Com-
19 merce, Science, and Transportation and to the House
20 Committee on Transportation and Infrastructure a report
21 on the status of the following projects:

22 (1) Rescinding the current regulation which
23 prohibits truck and bus drivers from viewing tele-
24 vision and monitor screens while operating commer-
25 cial vehicles.

1 (2) Incorporating Out-Of-Service Criteria regu-
2 lations enforced by the Federal Motor Carrier Safety
3 Administration.

4 (3) Revision of the safety fitness rating system
5 of motor carriers.

6 (4) Amendment of Federal Motor Carrier Safe-
7 ty Administration rules of practice for conducting
8 motor carrier administrative proceedings, investiga-
9 tions, disqualifications, and for issuing penalties.

10 (5) Requiring commercial drivers to have a suf-
11 ficient functional speaking and reading comprehen-
12 sion of the English language.

13 (6) Inspection, repair and maintenance of inter-
14 modal container chassis and trailers.

15 **SEC. 203. CONTRACT AUTHORITY.**

16 Authorizations from the Highway Trust Fund (other
17 than the Mass Transit Account) to carry out this title
18 shall be available for obligation on the date of their appor-
19 tionment or allocation or on October 1 of the fiscal year
20 for which they are authorized, whichever occurs first. Ap-
21 proval by the Secretary of a grant with funds made avail-
22 able under this title imposes upon the United States Gov-
23 ernment a contractual obligation for payment of the Gov-
24 ernment's share of costs incurred in carrying out the ob-
25 jectives of the grant.

1 **Subtitle A—Motor Carrier Safety**

2 **SEC. 221. MINIMUM GUARANTEE.**

3 There are authorized to be appropriated from the
4 Highway Trust Fund (other than the Mass Transit Ac-
5 count) not less than 1.21 percent of the total amounts
6 made available in any fiscal year from the Highway Trust
7 Fund for purposes of this title.

8 **SEC. 222. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) ADMINISTRATIVE EXPENSES.—Section 31104 is
10 amended by adding at the end the following:

11 “(i) ADMINISTRATIVE EXPENSES.—

12 “(1) There are authorized to be appropriated
13 from the Highway Trust Fund (other than the Mass
14 Transit Account) for the Secretary of Transpor-
15 tation to pay administrative expenses of the Federal
16 Motor Carrier Safety Administration—

17 “(A) \$202,900,000 for fiscal year 2004;

18 “(B) \$206,200,000 for fiscal year 2005;

19 “(C) \$211,400,000 for fiscal year 2006;

20 “(D) \$217,500,000 for fiscal year 2007;

21 “(E) \$222,600,000 for fiscal year 2008;

22 and

23 “(F) \$253,500,000 for fiscal year 2009.

24 “(2) The funds authorized by this subsection
25 shall be used for personnel costs; administrative in-

1 frastructure; rent; information technology; programs
2 for research and technology, information manage-
3 ment, regulatory development (including a medical
4 review board and rules for medical examiners), per-
5 formance and registration information system man-
6 agement, and outreach and education; other oper-
7 ating expenses and similar matters; and such other
8 expenses as may from time to time become necessary
9 to implement statutory mandates not funded from
10 other sources.

11 “(3) The amounts made available under this
12 section shall remain available until expended.

13 “(4) Of the funds authorized by paragraph (1),
14 \$6,750,000 in each of fiscal years 2004 through
15 2009 shall be used to carry out the medical program
16 under section 31149.”.

17 (b) AMENDMENT TO APPORTIONMENT PROVISION OF
18 TITLE 23.—Section 104(a) of title 23, United States
19 Code, is amended—

20 (1) by striking “exceed—” and so much of sub-
21 paragraph (A) as precedes clause (i) and inserting
22 “exceed 1¹/₆ percent of all sums so made available,
23 as the Secretary determines necessary—”;

24 (2) by redesignating clause (i) and (ii) of sub-
25 paragraph (A) as subparagraphs (A) and (B), and

1 indenting such clauses, as so redesignated, 2 em
2 spaces; and

3 (3) by striking “system; and” in subparagraph
4 (B) as so redesignated, and all that follows through
5 “research.” and inserting “system.”.

6 (c) GRANT PROGRAMS.—There are authorized to be
7 appropriated from the Highway Trust Fund (other than
8 the Mass Transit Account) for the following Federal
9 Motor Carrier Safety Administration programs:

10 (1) Border enforcement grants under section
11 31107 of title 49, United States Code—

12 (A) \$ 32,000,000 for fiscal year 2004;

13 (B) \$ 33,000,000 for fiscal year 2005;

14 (C) \$ 33,000,000 for fiscal year 2006;

15 (D) \$ 34,000,000 for fiscal year 2007;

16 (E) \$ 35,000,000 for fiscal year 2008; and

17 (F) \$ 36,000,000 for fiscal year 2009.

18 (2) Performance and registration information
19 system management grant program under 31109 of
20 title 49, United States Code—

21 (A) \$4,000,000 for fiscal year 2004;

22 (B) \$4,000,000 for fiscal year 2005;

23 (C) \$4,000,000 for fiscal year 2006;

24 (D) \$4,000,000 for fiscal year 2007;

25 (E) \$4,000,000 for fiscal year 2008; and

1 (F) \$4,000,000 for fiscal year 2009.

2 (3) Commercial driver's license and driver im-
3 provement program grants under section 31318 of
4 title 49, United States Code—

5 (A) \$22,000,000 for fiscal year 2004;

6 (B) \$22,000,000 for fiscal year 2005;

7 (C) \$23,000,000 for fiscal year 2006;

8 (D) \$23,000,000 for fiscal year 2007;

9 (E) \$24,000,000 for fiscal year 2008; and

10 (F) \$25,000,000 for fiscal year 2009.

11 (4) Deployment of the Commercial Vehicle In-
12 formations Systems and Networks established under
13 section 241 of this title, \$25,000,000 for each of fis-
14 cal years 2004 through 2007.

15 (d) PERIOD OF AVAILABILITY.—The amounts made
16 available under subsection (c) of this section shall remain
17 available until expended.

18 **SEC. 223. MOTOR CARRIER SAFETY GRANTS.**

19 (a) MOTOR CARRIER SAFETY ASSISTANCE PRO-
20 GRAM.—

21 (1) Section 31102 is amended—

22 (A) by striking “activities by fiscal year
23 2000;” in subsection (b)(1)(A) and inserting
24 “activities for commercial motor vehicles of pas-
25 sengers and freight;”;

1 (B) by striking “years before December
2 18, 1991;” in subsection (b)(1)(E) and insert-
3 ing “years”;

4 (C) by striking “and” after the semicolon
5 in subsection (b)(1)(S);

6 (D) by striking “personnel.” in subsection
7 (b)(1)(T) and inserting “personnel;”;

8 (E) adding at the end of subsection (b)(1)
9 the following:

10 “(U) ensures that inspections of motor carriers
11 of passengers are conducted at stations, terminals,
12 border crossings, or maintenance facilities, except in
13 the case of an imminent or obvious safety hazard;

14 “(V) provides that the State will include in the
15 training manual for the licensing examination to
16 drive a non-commercial motor vehicle and a commer-
17 cial motor vehicle, information on best practices for
18 driving safely in the vicinity of commercial motor ve-
19 hicles and in the vicinity of non-commercial vehicles,
20 respectively; and

21 “(W) provides that the State will enforce the
22 registration requirements of section 13902 by sus-
23 pending the operation of any vehicle discovered to be
24 operating without registration or beyond the scope of
25 its registration.”; and

1 (F) by striking subsection (c) and inserting
2 the following:

3 “(c) USE OF GRANTS TO ENFORCE OTHER LAWS.—

4 A State may use amounts received under a grant under
5 subsection (a) of this section for the following activities:

6 “(1) If the activities are carried out in conjunc-
7 tion with an appropriate inspection of the commer-
8 cial motor vehicle to enforce Government or State
9 commercial motor vehicle safety regulations—

10 “(A) enforcement of commercial motor ve-
11 hicle size and weight limitations at locations
12 other than fixed weight facilities, at specific lo-
13 cations such as steep grades or mountainous
14 terrains where the weight of a commercial
15 motor vehicle can significantly affect the safe
16 operation of the vehicle, or at ports where inter-
17 modal shipping containers enter and leave the
18 United States; and

19 “(B) detection of the unlawful presence of
20 a controlled substance (as defined under section
21 102 of the Comprehensive Drug Abuse Preven-
22 tion and Control Act of 1970 (21 U.S.C. 802))
23 in a commercial motor vehicle or on the person
24 of any occupant (including the operator) of the
25 vehicle.

1 “(2) Documented enforcement of State traffic
2 laws and regulations designed to promote the safe
3 operation of commercial motor vehicles, including
4 documented enforcement of such laws and regula-
5 tions against non-commercial motor vehicles when
6 necessary to promote the safe operation of commer-
7 cial motor vehicles.”.

8 (2) Section 31103(b) is amended—

9 (1) by inserting “(1)” after “ACTIVITIES.—”;

10 and

11 (2) by adding at the end the following:

12 “(2) NEW ENTRANT MOTOR CARRIER AUDIT
13 FUNDS.—From the amounts designated under sec-
14 tion 31104(f)(4), the Secretary may allocate new en-
15 trant motor carrier audit funds to States and local
16 governments without requiring a matching contribu-
17 tion from such States or local governments.”.

18 (3) Section 31104(a) is amended to read as fol-
19 lows:

20 “(a) IN GENERAL.—There are authorized to be ap-
21 propriated from the Highway Trust Fund (other than the
22 Mass Transit Account) to carry out section 31102:

23 “(1) Not more than \$186,100,000 for fiscal
24 year 2004.

1 “(2) Not more than \$189,800,000 for fiscal
2 year 2005.

3 “(3) Not more than \$193,600,000 for fiscal
4 year 2006.

5 “(4) Not more than \$197,500,000 for fiscal
6 year 2007.

7 “(5) Not more than \$201,400,000 for fiscal
8 year 2008.

9 “(6) Not more than \$205,500,000 for fiscal
10 year 2009.”.

11 (4) Section 31104(f) is amended by striking
12 paragraph (2) and inserting the following:

13 “(2) HIGH-PRIORITY ACTIVITIES.—The Sec-
14 retary may designate up to 5 percent of amounts
15 available for allocation under paragraph (1) for
16 States, local governments, and organizations rep-
17 resenting government agencies or officials for car-
18 rying out high priority activities and projects that
19 improve commercial motor vehicle safety and compli-
20 ance with commercial motor vehicle safety regula-
21 tions, including activities and projects that are na-
22 tional in scope, increase public awareness and edu-
23 cation, or demonstrate new technologies. The
24 amounts designated under this paragraph shall be
25 allocated by the Secretary to State agencies, local

1 governments, and organizations representing govern-
2 ment agencies or officials that use and train quali-
3 fied officers and employees in coordination with
4 State motor vehicle safety agencies. At least 80 per-
5 cent of the amounts designated under this para-
6 graph shall be awarded to State agencies and local
7 government agencies.

8 “(3) SAFETY-PERFORMANCE INCENTIVE PRO-
9 GRAMS.—The Secretary may designate up to 10 per-
10 cent of the amounts available for allocation under
11 paragraph (1) for safety performance incentive pro-
12 grams for States. The Secretary shall establish safe-
13 ty performance criteria to be used to distribute in-
14 centive program funds. Such criteria shall include,
15 at a minimum, reduction in the number and rate of
16 fatal accidents involving commercial motor vehicles.
17 Allocations under this paragraph do not require a
18 matching contribution from a State.

19 “(4) NEW ENTRANT AUDITS.—The Secretary
20 shall designate up to \$29,000,000 of the amounts
21 available for allocation under paragraph (1) for au-
22 dits of new entrant motor carriers conducted pursu-
23 ant to 31144(f). The Secretary may withhold such
24 funds from a State or local government that is un-
25 able to use government employees to conduct new

1 entrant motor carrier audits, and may instead utilize
2 the funds to conduct audits in those jurisdictions.”.

3 (b) GRANTS TO STATES FOR BORDER ENFORCE-
4 MENT.—Section 31107 is amended to read as follows:

5 **“§ 31107. Border enforcement grants**

6 “(a) GENERAL AUTHORITY.—From the funds au-
7 thorized by section 222(c)(1) of the Motor Carrier Safety
8 Reauthorization Act of 2003, the Secretary may make a
9 grant in a fiscal year to a State that shares a border with
10 another country for carrying out border commercial motor
11 vehicle safety programs and related enforcement activities
12 and projects.

13 “(b) MAINTENANCE OF EXPENDITURES.—The Sec-
14 retary may make a grant to a State under this section
15 only if the State agrees that the total expenditure of
16 amounts of the State and political subdivisions of the
17 State, exclusive of United States Government amounts, for
18 carrying out border commercial motor vehicle safety pro-
19 grams and related enforcement activities and projects will
20 be maintained at a level at least equal to the average level
21 of that expenditure by the State and political subdivisions
22 of the State for the last 2 State or Federal fiscal years
23 before October 1, 2003.”.

1 (c) GRANTS TO STATES FOR COMMERCIAL DRIVER'S
2 LICENSE IMPROVEMENTS.—Chapter 313 is amended by
3 adding at the end the following:

4 **“§ 31318. Grants for commercial driver's license pro-**
5 **gram improvements**

6 “(a) GENERAL AUTHORITY.—From the funds au-
7 thorized by section 222(c)(3) of the Motor Carrier Safety
8 Reauthorization Act of 2003, the Secretary may make a
9 grant to a State, except as otherwise provided in sub-
10 section (e), in a fiscal year to improve its implementation
11 of the commercial driver's license program, providing the
12 State is in substantial compliance with the requirements
13 of section 31311 and this section. The Secretary shall es-
14 tablish criteria for the distribution of grants and notify
15 the States annually of such criteria.

16 “(b) CONDITIONS.—Except as otherwise provided in
17 subsection (e), a State may use a grant under this section
18 only for expenses directly related to its commercial driver's
19 license program, including, but not limited to, computer
20 hardware and software, publications, testing, personnel,
21 training, and quality control. The grant may not be used
22 to rent, lease, or buy land or buildings. The Secretary shall
23 give priority to grants that will be used to achieve compli-
24 ance with Federal laws and regulations governing the com-
25 mercial driver's license program. The Secretary may allo-

1 cate the funds appropriated for such grants in a fiscal year
2 among the eligible States whose applications for grants
3 have been approved, under criteria established by the Sec-
4 retary.

5 “(c) MAINTENANCE OF EXPENDITURES.—Except as
6 otherwise provided in subsection (e), the Secretary may
7 make a grant to a State under this section only if the
8 State agrees that the total expenditure of amounts of the
9 State and political subdivisions of the State, exclusive of
10 United States Government amounts, for the operation of
11 the commercial driver’s license program will be maintained
12 at a level at least equal to the average level of that expend-
13 iture by the State and political subdivisions of the State
14 for the last 2 fiscal years before October 1, 2003.

15 “(d) GOVERNMENT SHARE.—Except as otherwise
16 provided in subsection (e), the Secretary shall reimburse
17 a State, from a grant made under this section, an amount
18 that is not more than 80 percent of the costs incurred
19 by the State in a fiscal year in implementing the commer-
20 cial driver’s license improvements described in subsection
21 (b). In determining those costs, the Secretary shall include
22 in-kind contributions by the State.

23 “(e) HIGH-PRIORITY ACTIVITIES.—

24 “(1) The Secretary may make a grant to a
25 State agency, local government, or organization rep-

1 resenting government agencies or officials for the
2 full cost of research, development, demonstration
3 projects, public education, or other special activities
4 and projects relating to commercial driver licensing
5 and motor vehicle safety that are of benefit to all ju-
6 risdictions or designed to address national safety
7 concerns and circumstances.

8 “(2) The Secretary may designate up to 10 per-
9 cent of the amounts made available under section
10 222(c)(3) of the Motor Carrier Safety Reauthoriza-
11 tion Act of 2003 in a fiscal year for high-priority ac-
12 tivities under subsection (e)(1).

13 “(f) EMERGING ISSUES.—The Secretary may des-
14 ignate up to 10 percent of the amounts made available
15 under section 222(c)(3) of the Motor Carrier Safety Reau-
16 thorization Act of 2003 in a fiscal year for allocation to
17 a State agency, local government, or other person at the
18 discretion of the Secretary to address emerging issues re-
19 lating to commercial driver’s license improvements.

20 “(g) APPORTIONMENT.—Except as otherwise pro-
21 vided in subsections (e) and (f), all amounts available in
22 a fiscal year to carry out this section shall be apportioned
23 to States according to a formula prescribed by the Sec-
24 retary.

1 “(h) DEDUCTION FOR ADMINISTRATIVE EX-
2 PENSES.—On October 1 of each fiscal year or as soon
3 after that date as practicable, the Secretary may deduct,
4 from amounts made available under section 222(c)(3) of
5 the Motor Carrier Safety Reauthorization Act of 2003 for
6 that fiscal year, up to 0.75 percent of those amounts for
7 administrative expenses incurred in carrying out this sec-
8 tion in that fiscal year.”.

9 (d) NONCOMPLIANCE WITH CDL REQUIREMENTS.—
10 Section 31314 is amended by striking subsections (a) and
11 (b) and inserting the following:

12 “(a) FIRST FISCAL YEAR.—The Secretary of Trans-
13 portation shall withhold up to 5 percent of the amount
14 required to be apportioned to a State under section
15 104(b)(1), (3), and (4) of title 23 on the first day of the
16 fiscal year after the first fiscal year beginning after Sep-
17 tember 30, 1992, throughout which the State does not
18 comply substantially with a requirement of section
19 31311(a) of this title.

20 “(b) SECOND FISCAL YEAR.—The Secretary shall
21 withhold up to 10 percent of the amount required to be
22 apportioned to a State under section 104(b)(1), (3), and
23 (4) of title 23 on the first day of each fiscal year after
24 the second fiscal year beginning after September 30, 1992,

1 throughout which the State does not comply substantially
2 with a requirement of section 31311(a) of this title.”.

3 (e) CONFORMING AMENDMENTS.—

4 (1) The chapter analysis for chapter 311 is
5 amended—

6 (A) by striking the item relating to Subchapter
7 I, and inserting the following:

“SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS”;

8 and

9 (B) by striking the item relating to section
10 31107, and inserting the following:

“31107. Border enforcement grants.”.

11 (2) Subchapter I of chapter 311 is amended by strik-
12 ing the subchapter heading and inserting the following:

“SUBCHAPTER I—GENERAL AUTHORITY AND STATE GRANTS”

13 (3) The chapter analysis for chapter 313 is
14 amended by inserting the following after the item re-
15 lating to section 31317:

“31318. Grants for commercial driver’s license program improvements.”.

16 **SEC. 224. CDL WORKING GROUP.**

17 (a) IN GENERAL.—The Secretary of Transportation
18 shall convene a working group to study and address cur-
19 rent impediments and foreseeable challenges to the com-
20 mercial driver’s license program’s effectiveness and meas-
21 ures needed to realize the full safety potential of the com-
22 mercial driver’s license program. The working group shall

1 address such issues as State enforcement practices, oper-
2 ational procedures to detect and deter fraud, needed im-
3 provements for seamless information sharing between
4 States, effective methods for accurately sharing electronic
5 data between States, updated technology, and timely noti-
6 fication from judicial bodies concerning traffic and crimi-
7 nal convictions of commercial driver's license holders.

8 (b) MEMBERSHIP.—Members of the working group
9 should include State motor vehicle administrators, organi-
10 zations representing government agencies or officials,
11 members of the Judicial Conference, representatives of the
12 trucking industry, representatives of labor organizations,
13 safety advocates, and other significant stakeholders.

14 (c) REPORT.—Within 2 years after the date of enact-
15 ment of this Act, the Secretary, on behalf of the working
16 group, shall complete a report of the working group's find-
17 ings and recommendations for legislative, regulatory, and
18 enforcement changes to improve the commercial driver's
19 license program. The Secretary shall promptly transmit
20 the report to the Senate Committee on Commerce,
21 Science, and Transportation and the House of Represent-
22 atives Committee on Transportation and Infrastructure.

23 (d) FUNDING.—From the funds authorized by section
24 222(c)(3) of this title, \$200,000 shall be made available

1 for each of fiscal years 2004 and 2005 to carry out this
2 section.

3 **SEC. 225. CDL LEARNER'S PERMIT PROGRAM.**

4 (a) IN GENERAL.—Chapter 313 is amended—

5 (1) by striking “time.” in section 31302 and in-
6 serting “license, and may have only 1 learner’s per-
7 mit at any time.”;

8 (2) by inserting “and learners’ permits” after
9 “licenses” the first place it appears in section
10 31308;

11 (3) by striking “licenses.” in section 31308 and
12 inserting “licenses and permits.”;

13 (4) by redesignating paragraphs (2) and (3) of
14 section 31308 as paragraphs (3) and (4), respec-
15 tively, and inserting after paragraph (1) the fol-
16 lowing:

17 “(2) before a commercial driver’s license learn-
18 er’s permit can be issued to an individual, the indi-
19 vidual must pass a written test on the operation of
20 a commercial motor vehicle that complies with the
21 minimum standards prescribed by the Secretary
22 under section 31305(a) of this title;”;

23 (5) by inserting “or learner’s permit” after “li-
24 cense” each place it appears in paragraphs (3) and
25 (4), as redesignated, of section 31308; and

1 (6) by inserting “or learner’s permit” after “li-
2 cense” each place it appears in section 31309(b).

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 31302 is amended by inserting
5 “**and learner’s permits**” in the section caption.

6 (2) Sections 31308 and 31309 are each amend-
7 ed by inserting “**and learner’s permit**” after
8 “**license**” in the section captions.

9 (3) The chapter analysis for chapter 313 is
10 amended by striking the item relating to section
11 31302 and inserting the following:

“31302. Limitation on the number of driver’s licenses and learner’s permits.”.

12 (4) The chapter analysis for chapter 313 is
13 amended by striking the items relating to sections
14 31308 and 31309 and inserting the following:

“31308. Commercial driver’s license and learner’s permit.

“31309. Commercial driver’s license and learner’s permit information system.”.

15 **SEC. 226. HOBBS ACT.**

16 (a) Section 2342(3)(A) of title 28, United States
17 Code, is amended to read as follows:

18 “(A) the Secretary of Transportation
19 issued pursuant to section 2, 9, 37, or 41 of the
20 Shipping Act, 1916 (46 U.S.C. App. 802, 803,
21 808, 835, 839, and 841a) or pursuant to part
22 B or C of subtitle IV of title 49 or pursuant to
23 subchapter III of chapter 311, chapter 313, and

1 chapter 315 of part B of subtitle VI of title 49;
2 and”.

3 (b) Section 351(a) is amended to read as follows:

4 “(a) JUDICIAL REVIEW.—An action of the Secretary
5 of Transportation in carrying out a duty or power trans-
6 ferred under the Department of Transportation Act (Pub-
7 lic Law 89–670; 80 Stat. 931), or an action of the Admin-
8 istrator of the Federal Railroad Administration, Federal
9 Motor Carrier Safety Administration, or the Federal Avia-
10 tion Administration in carrying out a duty or power spe-
11 cifically assigned to the Administrator by that Act, may
12 be reviewed judicially to the same extent and in the same
13 way as if the action had been an action by the department,
14 agency, or instrumentality of the United States Govern-
15 ment carrying out the duty or power immediately before
16 the transfer or assignment.”.

17 (c) Section 352 is amended to read as follows:

18 “§ 352. Authority to carry out certain transferred du-
19 ties and powers

20 “In carrying out a duty or power transferred under
21 the Department of Transportation Act (Public Law 89–
22 670; 80 Stat. 931), the Secretary of Transportation and
23 the Administrators of the Federal Railroad Administra-
24 tion, the Federal Motor Carrier Safety Administration,
25 and the Federal Aviation Administration have the same

1 authority that was vested in the department, agency, or
2 instrumentality of the United States Government carrying
3 out the duty or power immediately before the transfer. An
4 action of the Secretary or Administrator in carrying out
5 the duty or power has the same effect as when carried
6 out by the department, agency, or instrumentality.”.

7 **SEC. 227. PENALTY FOR DENIAL OF ACCESS TO RECORDS.**

8 Section 521(b)(2) is amended by adding at the end
9 the following:

10 “(E) COPYING OF RECORDS AND ACCESS
11 TO EQUIPMENT, LANDS, AND BUILDINGS.—A
12 motor carrier subject to chapter 51 of subtitle
13 III, a motor carrier, broker, or freight for-
14 warder subject to part B of subtitle IV, or the
15 owner or operator of a commercial motor vehi-
16 cle subject to part B of subtitle VI of this title
17 who fails to allow the Secretary, or an employee
18 designated by the Secretary, promptly upon de-
19 mand to inspect and copy any record or inspect
20 and examine equipment, lands, buildings and
21 other property in accordance with sections
22 504(c), 5121(c), and 14122(b) of this title shall
23 be liable to the United States for a civil penalty
24 not to exceed \$500 for each offense, and each
25 day the Secretary is denied the right to inspect

1 and copy any record or inspect and examine
2 equipment, lands, buildings and other property
3 shall constitute a separate offense, except that
4 the total of all civil penalties against any viola-
5 tor for all offenses related to a single violation
6 shall not exceed \$5,000. It shall be a defense to
7 such penalty that the records did not exist at
8 the time of the Secretary's request or could not
9 be timely produced without unreasonable ex-
10 pense or effort. Nothing herein amends or su-
11 persedes any remedy available to the Secretary
12 under sections 502(d), 507(e), or other provi-
13 sion of this title.”.

14 **SEC. 228. MEDICAL PROGRAM.**

15 (a) IN GENERAL.—Subchapter III of chapter 311 is
16 amended by adding at the end the following:

17 **“§ 31149. Medical program**

18 “(a) MEDICAL REVIEW BOARD.—

19 “(1) ESTABLISHMENT AND FUNCTION.—The
20 Secretary of Transportation shall establish a Medical
21 Review Board to serve as an advisory committee to
22 provide the Federal Motor Carrier Safety Adminis-
23 tration with medical advice and recommendations on
24 driver qualification medical standards and guide-

1 lines, medical examiner education, and medical re-
2 search.

3 “(2) COMPOSITION.—The Medical Review
4 Board shall be appointed by the Secretary and shall
5 consist of 5 members selected from medical institu-
6 tions and private practice. The membership shall re-
7 flect expertise in a variety of specialties relevant to
8 the functions of the Federal Motor Carrier Safety
9 Administration.

10 “(b) CHIEF MEDICAL EXAMINER.—The Secretary
11 shall appoint a chief medical examiner for the Federal
12 Motor Carrier Safety Administration.

13 “(c) MEDICAL STANDARDS AND REQUIREMENTS.—
14 The Secretary, with the advice of the Medical Review
15 Board and the chief medical examiner, shall—

16 “(1) establish, review, and revise—

17 “(A) medical standards for applicants for
18 and holders of commercial driver’s licenses that
19 will ensure that the physical condition of opera-
20 tors of commercial motor vehicles is adequate to
21 enable them to operate the vehicles safely;

22 “(B) requirements for periodic physical ex-
23 aminations of such operators performed by
24 medical examiners who have received training in
25 physical and medical examination standards

1 and are listed on a national registry maintained
2 by the Department of Transportation; and

3 “(C) requirements for notification of the
4 chief medical examiner if such an applicant or
5 holder—

6 “(i) fails to meet the applicable stand-
7 ards; or

8 “(ii) is found to have a physical or
9 mental disability or impairment that would
10 interfere with the individual’s ability to op-
11 erate a commercial motor vehicle safely;

12 “(2) require each holder of a commercial driv-
13 er’s license or learner’s permit to have a current
14 valid medical certificate;

15 “(3) issue such certificates to such holders and
16 applicants who are found, upon examination, to be
17 physically qualified to operate a commercial motor
18 vehicle and to meet applicable medical standards;
19 and

20 “(4) develop, as appropriate, specific courses
21 and materials for medical examiners listed in the na-
22 tional registry established under this section, and re-
23 quire those medical examiners to complete specific
24 training, including refresher courses, to be listed in
25 the registry.

1 “(d) NATIONAL REGISTRY OF MEDICAL EXAM-
2 INERS.—The Secretary, through the Federal Motor Car-
3 rier Safety Administration—

4 “(1) shall establish and maintain a current na-
5 tional registry of medical examiners who are quali-
6 fied to perform the examination, testing, and inspec-
7 tion necessary to issue a medical certificate;

8 “(2) may delegate to such examiners the au-
9 thority to issue such certificates; and

10 “(3) shall remove from the registry the name of
11 any medical examiner that fails to meet the quali-
12 fications established by the Secretary for being listed
13 in the registry.

14 “(e) CONSULTATION AND COOPERATION WITH
15 FAA.—

16 “(1) IN GENERAL.—The Administrator of the
17 Federal Motor Carrier Safety Administration shall
18 consult the Administrator of the Federal Aviation
19 Administration with respect to examinations, the
20 issuance of certificates, standards, and procedures
21 under this section in order to take advantage of such
22 aspects of the Federal Aviation Administration’s air-
23 man certificate program under chapter 447 of this
24 title as the Administrator deems appropriate for car-
25 rying out this section.

1 “(2) USE OF FAA-QUALIFIED EXAMINERS.—The
2 Administrator of the Federal Motor Carrier Safety
3 Administration and the Administrator of the Federal
4 Aviation Administration are authorized and encour-
5 aged to execute a memorandum of understanding
6 under which individuals holding or applying for a
7 commercial driver’s license or learner’s permit may
8 be examined, for purposes of this section, by medical
9 examiners who are qualified to administer medical
10 examinations for airman certificates under chapter
11 447 of this title and the regulations thereunder—

12 “(A) until the national registry required by
13 subsection (d) is fully established; and

14 “(B) to the extent that the Administrators
15 determine appropriate, after that registry is es-
16 tablished.

17 “(f) REGULATIONS.—The Secretary is authorized to
18 promulgate such regulations as may be necessary to carry
19 out this section.”.

20 (b) MEDICAL EXAMINERS.—Section 31136(a)(3) is
21 amended to read as follows:

22 “(3) the physical condition of operators of com-
23 mercial motor vehicles is adequate to enable them to
24 operate the vehicles safely, and the periodic physical
25 examinations required of such operators are per-

1 formed by medical examiners who have received
 2 training in physical and medical examination stand-
 3 ards and are listed on a national registry maintained
 4 by the Department of Transportation; and”.

5 (c) CONFORMING AMENDMENT.—The chapter anal-
 6 ysis for chapter 311 is amended by inserting after the item
 7 relating to section 31148 the following:

“31149. Medical program.”.

8 (d) EFFECTIVE DATE.—The amendment made by
 9 subsection (a) shall take effect 1 year after the date of
 10 enactment of this Act.

11 **SEC. 229. OPERATION OF COMMERCIAL MOTOR VEHICLES**
 12 **BY INDIVIDUALS WHO USE INSULIN TO**
 13 **TREAT DIABETES MELLITUS.**

14 (a) ISSUANCE OF FINAL RULE.—Not later than 90
 15 days after the date of the enactment of this Act, the Sec-
 16 retary shall issue a final rule to allow individuals who use
 17 insulin to treat their diabetes to operate commercial motor
 18 vehicles in interstate commerce. The final rule shall pro-
 19 vide for the individual assessment of applicants who use
 20 insulin to treat their diabetes and who are, except for their
 21 use of insulin, otherwise qualified under the Federal Motor
 22 Carrier Safety Regulations. The final rule shall be con-
 23 sistent with the criteria described in section 4018 of the
 24 Transportation Equity Act for the 21st Century (49
 25 U.S.C. 31305 note) and shall conclude the rulemaking

1 process in the Federal Motor Carrier Safety Administra-
2 tion docket relating to qualifications of drivers with diabe-
3 tes.

4 (b) NO HISTORY OF DRIVING WHILE USING INSULIN
5 REQUIRED FOR QUALIFICATION.—The Secretary may not
6 require individuals to have experience operating commer-
7 cial motor vehicles while using insulin in order to qualify
8 to operate a commercial motor vehicle in interstate com-
9 merce.

10 (c) HISTORY OF DIABETES CONTROL.—In the final
11 rule, the Secretary may require an individual to have used
12 insulin for a minimum period of time and demonstrated
13 stable control of diabetes in order to qualify to operate
14 a commercial motor vehicle in interstate commerce. Any
15 such requirement, including any requirement with respect
16 to the duration of such insulin use, shall be consistent with
17 the findings of the expert medical panel reported in July
18 2000 in “A Report to Congress on the Feasibility of a
19 Program to Qualify Individuals with Insulin-Treated Dia-
20 betes Mellitus to Operate Commercial Motor Vehicles in
21 Interstate Commerce as Directed by the Transportation
22 Equity Act for the 21st Century”.

23 (d) LIMITATIONS ON FINAL RULE.—The Secretary
24 shall ensure that individuals who use insulin to treat their
25 diabetes are not held to a higher standard than other

1 qualified commercial drivers, except to the extent that lim-
 2 ited operating, monitoring, or medical requirements are
 3 deemed medically necessary by experts in the field of dia-
 4 betes medicine.

5 **SEC. 230. FINANCIAL RESPONSIBILITY FOR PRIVATE**
 6 **MOTOR CARRIERS.**

7 (a) TRANSPORTATION OF PASSENGERS.—

8 (1) Section 31138(a) is amended to read as fol-
 9 lows:

10 “(a) GENERAL REQUIREMENT.—The Secretary of
 11 Transportation shall prescribe regulations to require min-
 12 imum levels of financial responsibility sufficient to satisfy
 13 liability amounts established by the Secretary covering
 14 public liability and property damage for the transportation
 15 of passengers by motor vehicle in the United States be-
 16 tween a place in a State and—

17 “(1) a place in another State;

18 “(2) another place in the same State through a
 19 place outside of that State; or

20 “(3) a place outside the United States.”.

21 (2) Section 31138(c) is amended by adding at
 22 the end the following:

23 “(4) The Secretary may require a person, other
 24 than a motor carrier as defined in section 13102(12)
 25 of this title, transporting passengers by motor vehi-

1 cle to file with the Secretary the evidence of finan-
2 cial responsibility specified in subsection (c)(1) of
3 this section in an amount not less than that required
4 by this section, and the laws of the State or States
5 in which the person is operating, to the extent appli-
6 cable. The extent of the financial responsibility must
7 be sufficient to pay, not more than the amount of
8 the financial responsibility, for each final judgment
9 against the person for bodily injury to, or death of,
10 an individual resulting from the negligent operation,
11 maintenance, or use of motor vehicles, or for loss or
12 damage to property, or both.”.

13 (b) TRANSPORTATION OF PROPERTY.—Section
14 31139 is amended—

15 (1) by striking so much of subsection (b) as
16 precedes paragraph (2) and inserting the following:

17 “(b) GENERAL REQUIREMENTS AND MINIMUM
18 AMOUNT.—

19 “(1) The Secretary of Transportation shall pre-
20 scribe regulations to require minimum levels of fi-
21 nancial responsibility sufficient to satisfy liability
22 amounts established by the Secretary covering public
23 liability, property damage, and environmental res-
24 toration for the transportation of property by motor

1 vehicle in the United States between a place in a
2 State and—

3 “(A) a place in another State;

4 “(B) another place in the same State
5 through a place outside of that State; or

6 “(C) a place outside the United States.”;

7 (2) by aligning the left margin of paragraph (2)
8 of subsection (b) with the left margin of paragraph
9 (1) of that subsection (as amended by paragraph (1)
10 of this subsection); and

11 (3) by redesignating subsection (c) through (g)
12 as subsections (d) through (h), respectively, and in-
13 sserting after subsection (b) the following:

14 “(c) **FILING OF EVIDENCE OF FINANCIAL RESPONSIBI-**
15 **BILITY.**—The Secretary may require a motor private car-
16 rier, as defined in section 13102 of this title, to file with
17 the Secretary the evidence of financial responsibility speci-
18 fied in subsection (b) of this section in an amount not
19 less than that required by this section, and the laws of
20 the State or States in which the motor private carrier is
21 operating, to the extent applicable. The amount of the fi-
22 nancial responsibility must be sufficient to pay, not more
23 than the amount of the financial responsibility, for each
24 final judgment against the motor private carrier for bodily
25 injury to, or death of, an individual resulting from neg-

1 ligent operation, maintenance, or use of motor vehicles,
2 or for loss or damage to property, or both.”.

3 **SEC. 231. INCREASED PENALTIES FOR OUT-OF-SERVICE**
4 **VIOLATIONS AND FALSE RECORDS.**

5 (a) Section 521(b)(2)(B) is amended to read as fol-
6 lows:

7 “(B) RECORDKEEPING AND REPORTING VIOLA-
8 TIONS.—A person required to make a report to the
9 Secretary, answer a question, or make, prepare, or
10 preserve a record under section 504 of this title or
11 under any regulation issued by the Secretary pursu-
12 ant to subchapter III of chapter 311 (except sections
13 31138 and 31139) or section 31502 of this title
14 about transportation by motor carrier, motor carrier
15 of migrant workers, or motor private carrier, or an
16 officer, agent, or employee of that person—

17 “(i) who does not make that report, does
18 not specifically, completely, and truthfully an-
19 swer that question in 30 days from the date the
20 Secretary requires the question to be answered,
21 or does not make, prepare, or preserve that
22 record in the form and manner prescribed by
23 the Secretary, shall be liable to the United
24 States for a civil penalty in an amount not to
25 exceed \$1,000 for each offense, and each day of

1 the violation shall constitute a separate offense,
2 except that the total of all civil penalties as-
3 sessed against any violator for all offenses re-
4 lated to any single violation shall not exceed
5 \$10,000; or

6 “(ii) who knowingly falsifies, destroys, mu-
7 tilates, or changes a required report or record,
8 knowingly files a false report with the Sec-
9 retary, knowingly makes or causes or permits to
10 be made a false or incomplete entry in that
11 record about an operation or business fact or
12 transaction, or knowingly makes, prepares, or
13 preserves a record in violation of a regulation or
14 order of the Secretary, shall be liable to the
15 United States for a civil penalty in an amount
16 not to exceed \$10,000 for each violation, if any
17 such action can be shown to have misrepre-
18 sented a fact that constitutes a violation other
19 than a reporting or recordkeeping violation.”.

20 (b) Section 31310(i)(2) is amended to read as fol-
21 lows:

22 “(2) The Secretary shall prescribe regulations
23 establishing sanctions and penalties related to viola-
24 tions of out-of-service orders by individuals oper-

1 ating commercial motor vehicles. The regulations
2 shall require at least that—

3 “(A) an operator of a commercial motor
4 vehicle found to have committed a first violation
5 of an out-of-service order shall be disqualified
6 from operating such a vehicle for at least 180
7 days and liable for a civil penalty of at least
8 \$2,500;

9 “(B) an operator of a commercial motor
10 vehicle found to have committed a second viola-
11 tion of an out-of-service order shall be disquali-
12 fied from operating such a vehicle for at least
13 2 years and not more than 5 years and liable
14 for a civil penalty of at least \$5,000;

15 “(C) an employer that knowingly allows or
16 requires an employee to operate a commercial
17 motor vehicle in violation of an out-of-service
18 order shall be liable for a civil penalty of not
19 more than \$25,000; and

20 “(D) an employer that knowingly and will-
21 fully allows or requires an employee to operate
22 a commercial motor vehicle in violation of an
23 out-of-service order shall, upon conviction, be
24 subject for each offense to imprisonment for a

1 term not to exceed 1 year or a fine under title
2 18, United States Code, or both.”.

3 **SEC. 232. ELIMINATION OF COMMODITY AND SERVICE EX-**
4 **EMPTIONS.**

5 (a) Section 13506(a) is amended—

6 (1) by striking paragraphs (6), (11), (12), (13),
7 and (15);

8 (2) by redesignating paragraphs (7), (8), (9),
9 (10), and (14) as paragraphs (6), (7), (8), (9) and
10 (10), respectively;

11 (3) by inserting “or” after the semicolon in
12 paragraph (9), as redesignated; and

13 (4) striking “13904(d); or” in paragraph (1),
14 as redesignated, and inserting “14904(d).”.

15 (b) Section 13507 is amended by striking “(6), (8),
16 (11), (12), or (13)” and inserting “(6)”.

17 **SEC. 233. INTRASTATE OPERATIONS OF INTERSTATE**
18 **MOTOR CARRIERS.**

19 (a) Subsection (a) of section 31144 is amended to
20 read as follows:

21 “(a) IN GENERAL.—The Secretary shall—

22 “(1) determine whether an owner or operator is
23 fit to operate safely commercial motor vehicles, uti-
24 lizing among other things the accident record of an
25 owner or operator operating in interstate commerce

1 and the accident record and safety inspection record
2 of such owner or operator in operations that affect
3 interstate commerce;

4 “(2) periodically update such safety fitness de-
5 terminations;

6 “(3) make such final safety fitness determina-
7 tions readily available to the public; and

8 “(4) prescribe by regulation penalties for viola-
9 tions of this section consistent with section 521.”.

10 (b) Subsection (c) of section 31144 is amended by
11 adding at the end the following:

12 “(5) TRANSPORTATION AFFECTING INTER-
13 STATE COMMERCE.—Owners or operators of com-
14 mercial motor vehicles prohibited from operating in
15 interstate commerce pursuant to paragraphs (1)
16 through (3) of this section may not operate any
17 commercial motor vehicle that affects interstate
18 commerce until the Secretary determines that such
19 owner or operator is fit.”.

20 (c) Section 31144 is amended by redesignating sub-
21 sections (d), (e), and the second subsection (c) as sub-
22 sections (e), (f), and (g), respectively, and inserting after
23 subsection (e) the following:

24 “(d) DETERMINATION OF UNFITNESS BY A STATE.—
25 If a State that receives Motor Carrier Safety Assistance

1 Program funds pursuant to section 31102 of this title de-
 2 termines, by applying the standards prescribed by the Sec-
 3 retary under subsection (b) of this section, that an owner
 4 or operator of commercial motor vehicles that has its prin-
 5 cipal place of business in that State and operates in intra-
 6 state commerce is unfit under such standards and pro-
 7 hibits the owner or operator from operating such vehicles
 8 in the State, the Secretary shall prohibit the owner or op-
 9 erator from operating such vehicles in interstate commerce
 10 until the State determines that the owner or operator is
 11 fit.”.

12 **SEC. 234. AUTHORITY TO STOP COMMERCIAL MOTOR VEHI-**
 13 **CLES.**

14 (a) IN GENERAL.—Chapter 2 of title 18, United
 15 States Code, is amended by adding at the end the fol-
 16 lowing:

17 **“§ 38. Commercial motor vehicles required to stop for**
 18 **inspections**

19 “(a) A driver of a commercial motor vehicle, as de-
 20 fined in section 31132(1) of title 49, shall stop and submit
 21 to inspection of the vehicle, driver, cargo, and required
 22 records when directed to do so by an authorized employee
 23 of the Federal Motor Carrier Safety Administration, De-
 24 partment of Transportation, at or in the vicinity of an in-

1 inspection site. The driver shall not leave the inspection site
2 until authorized to do so by an authorized employee.

3 “(b) A driver of a commercial motor vehicle, as de-
4 fined in subsection (a), who knowingly fails to stop for
5 inspection when directed to do so by an authorized em-
6 ployee of the Federal Motor Carrier Safety Administration
7 at or in the vicinity of an inspection site, or leaves the
8 inspection site without authorization, shall be fined under
9 this title or imprisoned not more than 1 year, or both.”.

10 (b) AUTHORITY OF FMCSA.—Chapter 203 of title
11 18, United States Code, is amended by adding at the end
12 the following:

13 **“§ 3064. Powers of Federal Motor Carrier Safety Ad-
14 ministration**

15 “Authorized employees of the Federal Motor Carrier
16 Safety Administration may direct a driver of a commercial
17 motor vehicle, as defined in 49 U.S.C. 31132(1), to stop
18 for inspection of the vehicle, driver, cargo, and required
19 records at or in the vicinity of an inspection site.”.

20 (c) CONFORMING AMENDMENTS.—

21 (1) The chapter analysis for chapter 2 of title
22 18, United States Code, is amended by inserting
23 after the item relating to section 37 the following:

“38. Commercial motor vehicles required to stop for inspections.”.

1 (2) The chapter analysis for chapter 203 of title
 2 18, United States Code, is amended by inserting
 3 after the item relating to section 3063 the following:

“3064. Powers of Federal Motor Carrier Safety Administration.”.

4 **SEC. 235. REVOCATION OF OPERATING AUTHORITY.**

5 Section 13905(e) is amended—

6 (1) by striking paragraph (1) and inserting the
 7 following:

8 “(1) PROTECTION OF SAFETY.—Notwith-
 9 standing subchapter II of chapter 5 of title 5, the
 10 Secretary—

11 “(A) may suspend the registration of a
 12 motor carrier, a freight forwarder, or a broker
 13 for failure to comply with requirements of the
 14 Secretary pursuant to section 13904(c) or
 15 13906 of this title, or an order or regulation of
 16 the Secretary prescribed under those sections;
 17 and

18 “(B) shall revoke the registration of a
 19 motor carrier that has been prohibited from op-
 20 erating in interstate commerce for failure to
 21 comply with the safety fitness requirements of
 22 section 31144 of this title.”;

23 (2) by striking “may suspend a registration” in
 24 paragraph (2) and inserting “shall revoke the reg-
 25 istration”; and

1 (3) by striking paragraph (3) and inserting the
2 following:

3 “(3) NOTICE; PERIOD OF SUSPENSION.—The
4 Secretary may suspend or revoke under this sub-
5 section the registration only after giving notice of
6 the suspension or revocation to the registrant. A
7 suspension remains in effect until the registrant
8 complies with the applicable sections or, in the case
9 of a suspension under paragraph (2), until the Sec-
10 retary revokes the suspension.”.

11 **SEC. 236. PATTERN OF SAFETY VIOLATIONS BY MOTOR**
12 **CARRIER MANAGEMENT.**

13 (a) IN GENERAL.—Section 31135 is amended—

14 (1) by inserting “(a) IN GENERAL.—” before
15 “Each”; and

16 (2) by adding at the end the following:

17 “(b) PATTERN OF NON-COMPLIANCE.—If an officer
18 of a motor carrier engages in a pattern or practice of
19 avoiding compliance, or masking or otherwise concealing
20 non-compliance, with regulations on commercial motor ve-
21 hicle safety prescribed under this subchapter, the Sec-
22 retary may suspend, amend, or revoke any part of the
23 motor carrier’s registration under section 13905 of this
24 title.

1 “(c) LIST OF PROPOSED OFFICERS.—Each person
2 seeking registration as a motor carrier under section
3 13902 of this title shall submit a list of the proposed offi-
4 cers of the motor carrier. If the Secretary determines that
5 any of the proposed officers has previously engaged in a
6 pattern or practice of avoiding compliance, or masking or
7 otherwise concealing non-compliance, with regulations on
8 commercial motor vehicle safety prescribed under this
9 chapter, the Secretary may deny the person’s application
10 for registration as a motor carrier under section
11 13902(a)(3).

12 “(d) REGULATIONS.—The Secretary shall by regula-
13 tion establish standards to implement subsections (b) and
14 (c).

15 “(e) DEFINITIONS.—In this section:

16 “(1) MOTOR CARRIER.—The term motor carrier
17 has the meaning given the term in section
18 13102(12) of this title; and

19 “(2) OFFICER.—The term officer means an
20 owner, chief executive officer, chief operating officer,
21 chief financial officer, safety director, vehicle mainte-
22 nance supervisor and driver supervisor of a motor
23 carrier, regardless of the title attached to those
24 functions.”.

1 (b) REGISTRATION OF CARRIERS.—Section
2 13902(a)(1)(B) is amended to read as follows:

3 “(B) any safety regulations imposed by the Sec-
4 retary, the duties of employers and employees estab-
5 lished by the Secretary under section 31135, and the
6 safety fitness requirements established by the Sec-
7 retary under section 31144; and”.

8 **SEC. 237. MOTOR CARRIER RESEARCH AND TECHNOLOGY**
9 **PROGRAM.**

10 (a) IN GENERAL—Section 31108 is amended to read
11 as follows:

12 **“§ 31108. Motor carrier research and technology pro-**
13 **gram**

14 “(a) RESEARCH, TECHNOLOGY, AND TECHNOLOGY
15 TRANSFER ACTIVITIES.—

16 “(1) The Secretary of Transportation shall es-
17 tablish and carry out a motor carrier and motor
18 coach research and technology program. The Sec-
19 retary may carry out research, development, tech-
20 nology, and technology transfer activities with re-
21 spect to—

22 “(A) the causes of accidents, injuries and
23 fatalities involving commercial motor vehicles;
24 and

1 “(B) means of reducing the number and
2 severity of accidents, injuries and fatalities in-
3 volving commercial motor vehicles.

4 “(2) The Secretary may test, develop, or assist
5 in testing and developing any material, invention,
6 patented article, or process related to the research
7 and technology program.

8 “(3) The Secretary may use the funds appro-
9 priated to carry out this section for training or edu-
10 cation of commercial motor vehicle safety personnel,
11 including, but not limited to, training in accident re-
12 construction and detection of controlled substances
13 or other contraband, and stolen cargo or vehicles.

14 “(4) The Secretary may carry out this sec-
15 tion—

16 “(A) independently;

17 “(B) in cooperation with other Federal de-
18 partments, agencies, and instrumentalities and
19 Federal laboratories; or

20 “(C) by making grants to, or entering into
21 contracts, cooperative agreements, and other
22 transactions with, any Federal laboratory, State
23 agency, authority, association, institution, for-
24 profit or non-profit corporation, organization,
25 foreign country, or person.

1 “(5) The Secretary shall use funds made avail-
2 able to carry out this section to develop, administer,
3 communicate, and promote the use of products of re-
4 search, technology, and technology transfer pro-
5 grams under this section.

6 “(b) COLLABORATIVE RESEARCH AND DEVELOP-
7 MENT.—

8 “(1) To advance innovative solutions to prob-
9 lems involving commercial motor vehicle and motor
10 carrier safety, security, and efficiency, and to stimu-
11 late the deployment of emerging technology, the Sec-
12 retary may carry out, on a cost-shared basis, col-
13 laborative research and development with—

14 “(A) non-Federal entities, including State
15 and local governments, foreign governments,
16 colleges and universities, corporations, institu-
17 tions, partnerships, and sole proprietorships
18 that are incorporated or established under the
19 laws of any State; and

20 “(B) Federal laboratories.

21 “(2) In carrying out this subsection, the Sec-
22 retary may enter into cooperative research and de-
23 velopment agreements (as defined in section 12 of
24 the Stevenson-Wydler Technology Innovation Act of
25 1980 (15 U.S.C. 3710a)).

1 “(3)(A) The Federal share of the cost of activi-
2 ties carried out under a cooperative research and de-
3 velopment agreement entered into under this sub-
4 section shall not exceed 50 percent, except that if
5 there is substantial public interest or benefit, the
6 Secretary may approve a greater Federal share.

7 “(B) All costs directly incurred by the non-Fed-
8 eral partners, including personnel, travel, and hard-
9 ware or software development costs, shall be credited
10 toward the non-Federal share of the cost of the ac-
11 tivities described in subparagraph (A).

12 “(4) The research, development, or use of a
13 technology under a cooperative research and develop-
14 ment agreement entered into under this subsection,
15 including the terms under which the technology may
16 be licensed and the resulting royalties may be dis-
17 tributed, shall be subject to the Stevenson-Wydler
18 Technology Innovation Act of 1980 (15 U.S.C. 3701
19 et seq.).

20 “(5) Section 5 of title 41, United States Code,
21 shall not apply to a contract or agreement entered
22 into under this section.

23 “(c) AVAILABILITY OF AMOUNTS.—The amounts
24 made available under section 222(a) of the Motor Carrier

1 Safety Reauthorization Act of 2003 to carry out this sec-
 2 tion shall remain available until expended.

3 “(d) CONTRACT AUTHORITY.—Approval by the Sec-
 4 retary of a grant with funds made available under section
 5 222(a) of the Motor Carrier Safety Reauthorization Act
 6 of 2003 to carry out this section imposes upon the United
 7 States Government a contractual obligation for payment
 8 of the Government’s share of costs incurred in carrying
 9 out the objectives of the grant.”.

10 (b) CONFORMING AMENDMENT.—The chapter anal-
 11 ysis for chapter 311 is amended by striking the item relat-
 12 ing to section 31108, and inserting the following:

“31108. Motor carrier research and technology program.”.

13 **SEC. 238. REVIEW OF COMMERCIAL ZONE EXEMPTION PRO-**
 14 **VISION.**

15 (a) IN GENERAL.—Not later than 1 year after the
 16 date of enactment of this Act, the Secretary of Transpor-
 17 tation shall complete a review of part 372 of title 49, Code
 18 of Federal Regulations, as it pertains to commercial zone
 19 exemptions (excluding border commercial zones) from De-
 20 partment of Transportation and Surface Transportation
 21 Board regulations governing interstate commerce. The
 22 Secretary shall determine whether such exemptions should
 23 continue to apply as written, should undergo revision, or
 24 should be revoked. The Secretary shall submit to the Sen-
 25 ate Committee on Commerce, Science, and Transportation

1 and the House of Representatives Committee on Trans-
 2 portation and Infrastructure a report of the review not
 3 later than 14 months after such date of enactment.

4 (b) NOTICE.—The Secretary shall publish notice of
 5 the review required by subsection (a) and provide an op-
 6 portunity for the public to submit comments on the effect
 7 of continuing, revising, or revoking the commercial zone
 8 exemptions in part 372 of title 49, Code of Federal Regu-
 9 lations.

10 **SEC. 239. INTERNATIONAL COOPERATION.**

11 (a) IN GENERAL.—Chapter 311 is amended by in-
 12 serting at the end the following:

13 “SUBCHAPTER IV—MISCELLANEOUS
 14 “§ 31161. **International cooperation**

15 “The Secretary is authorized to use funds appro-
 16 priated under section 31104(i) of this title to participate
 17 and cooperate in international activities to enhance motor
 18 carrier, commercial motor vehicle, driver, and highway
 19 safety by such means as exchanging information, con-
 20 ducting research, and examining needs, best practices, and
 21 new technology.”.

22 (b) CLERICAL AMENDMENT.—The chapter analysis
 23 for chapter 311 is amended by adding at the end the fol-
 24 lowing:

“SUBCHAPTER IV—MISCELLANEOUS

“31161. International cooperation.”.

1 **SEC. 240. PERFORMANCE AND REGISTRATION INFORMA-**
2 **TION SYSTEM MANAGEMENT.**

3 (a) IN GENERAL.—Section 31106(b) is amended—
4 (1) by striking paragraphs (2) and (3) and in-
5 serting the following:

6 “(2) DESIGN.—The program shall link Federal
7 motor carrier safety information systems with State
8 commercial vehicle registration and licensing systems
9 and shall be designed to enable a State to—

10 “(A) determine the safety fitness of a
11 motor carrier or registrant when licensing or
12 registering the registrant or motor carrier or
13 while the license or registration is in effect; and

14 “(B) deny, suspend, or revoke the commer-
15 cial motor vehicle registrations of a motor car-
16 rier or registrant that has been issued an oper-
17 ations out-of-service order by the Secretary.

18 “(3) CONDITIONS FOR PARTICIPATION.—The
19 Secretary shall require States, as a condition of par-
20 ticipation in the program, to—

21 “(A) comply with the uniform policies, pro-
22 cedures, and technical and operational stand-
23 ards prescribed by the Secretary under sub-
24 section (a)(4);

25 “(B) possess the authority to impose sanc-
26 tions relating to commercial motor vehicle reg-

1 Carrier Safety Reauthorization Act of 2003 to carry out
 2 this section shall remain available until expended.

3 “(c) SECRETARY’S APPROVAL.—Approval by the Sec-
 4 retary of a grant to a State under section 222(c)(2) of
 5 the Motor Carrier Safety Reauthorization Act of 2003 to
 6 carry out this section is a contractual obligation of the
 7 Government for payment of the amount of the grant.”.

8 (2) CONFORMING AMENDMENT.—The chapter
 9 analysis for chapter 311 is amended by inserting
 10 after the item relating to section 31108 the fol-
 11 lowing:

“31109. Performance and registration information system management.”.

12 **SEC. 241. COMMERCIAL VEHICLE INFORMATION SYSTEMS**
 13 **AND NETWORKS DEPLOYMENT.**

14 (a) IN GENERAL.—The Secretary shall carry out a
 15 commercial vehicle information systems and networks pro-
 16 gram to—

17 (1) improve the safety and productivity of com-
 18 mercial vehicles; and

19 (2) reduce costs associated with commercial ve-
 20 hicle operations and Federal and State commercial
 21 vehicle regulatory requirements.

22 (b) PURPOSE.—The program shall advance the tech-
 23 nological capability and promote the deployment of intel-
 24 ligent transportation system applications for commercial
 25 vehicle operations, including commercial vehicle, commer-

1 cial driver, and carrier-specific information systems and
2 networks.

3 (c) CORE DEPLOYMENT GRANTS.—

4 (1) IN GENERAL.—The Secretary shall make
5 grants to eligible States for the core deployment of
6 commercial vehicle information systems and net-
7 works.

8 (2) ELIGIBILITY.—To be eligible for a core de-
9 ployment grant under this section, a State—

10 (A) shall have a commercial vehicle infor-
11 mation systems and networks program plan and
12 a top level system design approved by the Sec-
13 retary;

14 (B) shall certify to the Secretary that its
15 commercial vehicle information systems and
16 networks deployment activities, including hard-
17 ware procurement, software and system devel-
18 opment, and infrastructure modifications, are
19 consistent with the national intelligent transpor-
20 tation systems and commercial vehicle informa-
21 tion systems and networks architectures and
22 available standards, and promote interoper-
23 ability and efficiency to the extent practicable;
24 and

1 (C) shall agree to execute interoperability
2 tests developed by the Federal Motor Carrier
3 Safety Administration to verify that its systems
4 conform with the national intelligent transpor-
5 tation systems architecture, applicable stand-
6 ards, and protocols for commercial vehicle infor-
7 mation systems and networks.

8 (3) AMOUNT OF GRANTS.—The maximum ag-
9 gregate amount a State may receive under this sec-
10 tion for the core deployment of commercial vehicle
11 information systems and networks may not exceed
12 \$2,500,000.

13 (4) USE OF FUNDS.—Funds from a grant
14 under this subsection may only be used for the core
15 deployment of commercial vehicle information sys-
16 tems and networks. Eligible States that have either
17 completed the core deployment of commercial vehicle
18 information systems and networks or completed such
19 deployment before core deployment grant funds are
20 expended may use the remaining core deployment
21 grant funds for the expanded deployment of com-
22 mercial vehicle information systems and networks in
23 their State.

24 (d) EXPANDED DEPLOYMENT GRANTS.—

1 (1) IN GENERAL.—For each fiscal year, from
2 the funds remaining after the Secretary has made
3 core deployment grants under subsection (c) of this
4 section, the Secretary may make grants to each eli-
5 gible State, upon request, for the expanded deploy-
6 ment of commercial vehicle information systems and
7 networks.

8 (2) ELIGIBILITY.—Each State that has com-
9 pleted the core deployment of commercial vehicle in-
10 formation systems and networks is eligible for an ex-
11 panded deployment grant.

12 (3) AMOUNT OF GRANTS.—Each fiscal year, the
13 Secretary may distribute funds available for ex-
14 panded deployment grants equally among the eligible
15 States, but not to exceed \$1,000,000 per State.

16 (4) USE OF FUNDS.—A State may use funds
17 from a grant under this subsection only for the ex-
18 panded deployment of commercial vehicle informa-
19 tion systems and networks.

20 (e) FEDERAL SHARE.—The Federal share of the cost
21 of a project payable from funds made available to carry
22 out this section shall not exceed 50 percent. The total Fed-
23 eral share of the cost of a project payable from all eligible
24 sources shall not exceed 80 percent.

1 (f) APPLICABILITY OF TITLE 23, UNITED STATES
2 CODE.—Funds authorized to be appropriated under sec-
3 tion 222(c)(4) shall be available for obligation in the same
4 manner and to the same extent as if such funds were ap-
5 portioned under chapter 1 of title 23, United States Code,
6 except that such funds shall remain available until ex-
7 pended.

8 (g) DEFINITIONS.—In this section:

9 (1) COMMERCIAL VEHICLE INFORMATION SYS-
10 TEMS AND NETWORKS.—The term “commercial ve-
11 hicle information systems and networks” means the
12 information systems and communications networks
13 that provide the capability to—

14 (A) improve the safety of commercial vehi-
15 cle operations;

16 (B) increase the efficiency of regulatory in-
17 spection processes to reduce administrative bur-
18 dens by advancing technology to facilitate in-
19 spections and increase the effectiveness of en-
20 forcement efforts;

21 (C) advance electronic processing of reg-
22 istration information, driver licensing informa-
23 tion, fuel tax information, inspection and crash
24 data, and other safety information;

1 (D) enhance the safe passage of commer-
 2 cial vehicles across the United States and
 3 across international borders; and

4 (E) promote the communication of infor-
 5 mation among the States and encourage
 6 multistate cooperation and corridor develop-
 7 ment.

8 (2) COMMERCIAL VEHICLE OPERATIONS.—The
 9 term “commercial vehicle operations”—

10 (A) means motor carrier operations and
 11 motor vehicle regulatory activities associated
 12 with the commercial movement of goods, includ-
 13 ing hazardous materials, and passengers; and

14 (B) with respect to the public sector, in-
 15 cludes the issuance of operating credentials, the
 16 administration of motor vehicle and fuel taxes,
 17 and roadside safety and border crossing inspec-
 18 tion and regulatory compliance operations.

19 (3) CORE DEPLOYMENT.—The term “core de-
 20 ployment” means the deployment of systems in a
 21 State necessary to provide the State with the fol-
 22 lowing capabilities:

23 (A) SAFETY INFORMATION EXCHANGE.—
 24 Safety information exchange to—

1 (i) electronically collect and transmit
2 commercial vehicle and driver inspection
3 data at a majority of inspection sites;

4 (ii) connect to the Safety and Fitness
5 Electronic Records system for access to
6 interstate carrier and commercial vehicle
7 data, summaries of past safety perform-
8 ance, and commercial vehicle credentials
9 information; and

10 (iii) exchange carrier data and com-
11 mercial vehicle safety and credentials infor-
12 mation within the State and connect to
13 Safety and Fitness Electronic Records for
14 access to interstate carrier and commercial
15 vehicle data.

16 (B) INTERSTATE CREDENTIALS ADMINIS-
17 TRATION.—Interstate credentials administration
18 to—

19 (i) perform end-to-end processing, in-
20 cluding carrier application, jurisdiction ap-
21 plication processing, and credential
22 issuance, of at least the International Reg-
23 istration Plan and International Fuel Tax
24 Agreement credentials and extend this
25 processing to other credentials, including

1 intrastate, titling, oversize/overweight, car-
2 rier registration, and hazardous materials;

3 (ii) connect to the International Reg-
4 istration Plan and International Fuel Tax
5 Agreement clearinghouses; and

6 (iii) have at least 10 percent of the
7 transaction volume handled electronically,
8 and have the capability to add more car-
9 riers and to extend to branch offices where
10 applicable.

11 (C) ROADSIDE SCREENING.—Roadside
12 electronic screening to electronically screen
13 transponder-equipped commercial vehicles at a
14 minimum of 1 fixed or mobile inspection sites
15 and to replicate this screening at other sites.

16 (4) EXPANDED DEPLOYMENT.—The term “ex-
17 panded deployment” means the deployment of sys-
18 tems in a State that exceed the requirements of an
19 core deployment of commercial vehicle information
20 systems and networks, improve safety and the pro-
21 ductivity of commercial vehicle operations, and en-
22 hance transportation security.

23 **SEC. 242. OUTREACH AND EDUCATION.**

24 (a) IN GENERAL.—The Secretary of Transportation,
25 through the National Highway Traffic Safety Administra-

1 tion and the Federal Motor Carrier Safety Administration,
 2 may undertake outreach and education initiatives, includ-
 3 ing the “Share the Road Safely” program, that may re-
 4 duce the number of highway accidents, injuries, and fatali-
 5 ties involving commercial motor vehicles. The Secretary
 6 may not use funds authorized by this subtitle for the
 7 “Safety Is Good Business” program.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—There
 9 are authorized to be appropriated to the Secretary for fis-
 10 cal year 2004 to carry out this section—

11 (1) \$250,000 for the Federal Motor Carrier
 12 Safety Administration; and

13 (2) \$750,000 for the National Highway Traffic
 14 Safety Administration.

15 **SEC. 243. OPERATION OF RESTRICTED PROPERTY-CAR-**
 16 **RIVING UNITS ON NATIONAL HIGHWAY SYS-**
 17 **TEM.**

18 (a) RESTRICTED PROPERTY-CARRYING UNIT DE-
 19 FINED.—Section 31111(a) is amended—

20 (1) by redesignating paragraph (3) as para-
 21 graph (4); and

22 (2) by inserting after paragraph (2) the fol-
 23 lowing:

24 “(3) RESTRICTED PROPERTY-CARRYING
 25 UNIT.—The term ‘restricted property-carrying unit’

1 means any trailer, semi-trailer, container, or other
 2 property-carrying unit that is longer than 53 feet.”.

3 (b) PROHIBITION ON OPERATION OF RESTRICTED
 4 PROPERTY-CARRYING UNITS.—

5 (1) IN GENERAL.—Section 31111(b)(1)(C) is
 6 amended to read as follows:

7 “(C) allows operation on any segment of the
 8 National Highway System, including the Interstate
 9 System, of a restricted property-carrying unit unless
 10 the operation is specified on the list published under
 11 subsection (h);”.

12 (2) EFFECTIVE DATE.—The amendment made
 13 by paragraph (1) shall take effect 270 days after the
 14 date of enactment of this subsection.

15 (c) LIMITATIONS.—Section 31111 is amended by
 16 adding at the end the following:

17 “(h) RESTRICTED PROPERTY-CARRYING UNITS.—

18 “(1) APPLICABILITY OF PROHIBITION.—

19 “(A) IN GENERAL.—Notwithstanding sub-
 20 section (b)(1)(C), a restricted property-carrying
 21 unit may continue to operate on a segment of
 22 the National Highway System if the operation
 23 of such unit is specified on the list published
 24 under paragraph (2).

1 “(B) APPLICABILITY OF STATE LAWS AND
2 REGULATIONS.—All operations specified on the
3 list published under paragraph (2) shall con-
4 tinue to be subject to all State statutes, regula-
5 tions, limitations and conditions, including rout-
6 ing-specific, commodity-specific, and configura-
7 tion-specific designations and all other restric-
8 tions, in force on June 1, 2003.

9 “(C) FIRE-FIGHTING UNITS.—Subsection
10 (b)(1)(C) shall not apply to the operation of a
11 restricted property-carrying unit that is used
12 exclusively for fire-fighting.

13 “(2) LISTING OF RESTRICTED PROPERTY-CAR-
14 RYING UNITS.—

15 “(A) IN GENERAL.—Not later than 60
16 days after the date of enactment of this sub-
17 section, the Secretary shall initiate a proceeding
18 to determine and publish a list of restricted
19 property-carrying units that were authorized by
20 State officials pursuant to State statute or reg-
21 ulation on June 1, 2003, and in actual and law-
22 ful operation on a regular or periodic basis (in-
23 cluding seasonal operations) on or before June
24 1, 2003.

1 “(B) LIMITATION.—A restricted property-
2 carrying unit may not be included on the list
3 published under subparagraph (A) on the basis
4 that a State law or regulation could have au-
5 thorized the operation of the unit at some prior
6 date by permit or otherwise.

7 “(C) PUBLICATION OF FINAL LIST.—Not
8 later than 270 days after the date of enactment
9 of this subsection, the Secretary shall publish a
10 final list of restricted property-carrying units
11 described in subparagraph (A).

12 “(D) UPDATES.—The Secretary shall up-
13 date the list published under subparagraph (C)
14 as necessary to reflect new designations made
15 to the National Highway System.

16 “(3) APPLICABILITY OF PROHIBITION.—The
17 prohibition established by subsection (b)(1)(C) shall
18 apply to any new designation made to the National
19 Highway System and remain in effect on those por-
20 tions of the National Highway System that cease to
21 be designated as part of the National Highway Sys-
22 tem.

23 “(4) LIMITATION ON STATUTORY CONSTRUC-
24 TION.—This subsection does not prevent a State
25 from further restricting in any manner or prohib-

1 iting the operation of a restricted property-carrying
 2 unit; except that such restrictions or prohibitions
 3 shall be consistent with the requirements of this sec-
 4 tion and sections 31112 through 31114.”.

5 (d) ENFORCEMENT.—The second sentence of section
 6 141(a) of title 23, United States Code, is amended by
 7 striking “section 31112” and inserting “sections 31111
 8 and 31112”.

9 **SEC. 244. OPERATION OF LONGER COMBINATION VEHICLES**

10 **ON NATIONAL HIGHWAY SYSTEM.**

11 (a) IN GENERAL.—Section 31112 is amended—

12 (1) by redesignating subsections (f) and (g) as
 13 subsections (g) and (h), respectively; and

14 (2) by inserting after subsection (e) the fol-
 15 lowing:

16 “(f) NATIONAL HIGHWAY SYSTEM.—

17 “(1) GENERAL RULE.—A State may not allow,
 18 on a segment of the National Highway System that
 19 is not covered under subsection (b) or (c), the oper-
 20 ation of a commercial motor vehicle combination (ex-
 21 cept a vehicle or load that cannot be dismantled eas-
 22 ily or divided easily and that has been issued a spe-
 23 cial permit under applicable State law) with more
 24 than 1 property-carrying unit (not including the

1 truck tractor) whose property-carrying units are
2 more than—

3 “(A) the maximum combination trailer,
4 semitrailer, or other type of length limitation al-
5 lowed by law or regulation of that State on
6 June 1, 2003; or

7 “(B) the length of the property-carrying
8 units of those commercial motor vehicle com-
9 binations, by specific configuration, in actual
10 and lawful operation on a regular or periodic
11 basis (including continuing seasonal operation)
12 in that State on or before June 1, 2003.

13 “(2) ADDITIONAL LIMITATIONS.—

14 “(A) APPLICABILITY OF STATE RESTRIC-
15 TIONS.—A commercial motor vehicle combina-
16 tion whose operation in a State is not prohib-
17 ited under paragraph (1) may continue to oper-
18 ate in the State on highways described in para-
19 graph (1) only in compliance with all State
20 laws, regulations, limitations, and conditions,
21 including routing-specific and configuration-spe-
22 cific designations and all other restrictions in
23 force in the State on June 1, 2003. Subject to
24 regulations prescribed by the Secretary under
25 subsection (h), the State may make minor ad-

1 justments of a temporary and emergency nature
2 to route designations and vehicle operating re-
3 strictions in effect on June 1, 2003, for specific
4 safety purposes and road construction.

5 “(B) ADDITIONAL STATE RESTRICTIONS.—

6 This subsection does not prevent a State from
7 further restricting in any manner or prohibiting
8 the operation of a commercial motor vehicle
9 combination subject to this section, except that
10 such restrictions or prohibitions shall be con-
11 sistent with this section and sections 31113(a),
12 31113(b), and 31114.

13 “(C) MINOR ADJUSTMENTS.—A State

14 making a minor adjustment of a temporary and
15 emergency nature as authorized by subpara-
16 graph (A) or further restricting or prohibiting
17 the operation of a commercial motor vehicle
18 combination as authorized by subparagraph (B)
19 shall advise the Secretary not later than 30
20 days after the action. The Secretary shall pub-
21 lish a notice of the action in the Federal Reg-
22 ister.

23 “(3) LIST OF STATE LENGTH LIMITATIONS.—

24 “(A) STATE SUBMISSIONS.—Not later than

25 60 days after the date of enactment of the

1 Motor Carrier Safety Reauthorization Act of
2 2003, each State shall submit to the Secretary
3 for publication a complete list of State length
4 limitations applicable to commercial motor vehi-
5 cle combinations operating in the State on the
6 highways described in paragraph (1). The list
7 shall indicate the applicable State laws and reg-
8 ulations associated with the length limitations.
9 If a State does not submit the information as
10 required, the Secretary shall complete and file
11 the information for the State.

12 “(B) PUBLICATION OF INTERIM LIST.—
13 Not later than 90 days after the date of enact-
14 ment of the Motor Carrier Safety Reauthoriza-
15 tion Act of 2003, the Secretary shall publish an
16 interim list in the Federal Register consisting
17 of all information submitted under subpara-
18 graph (A). The Secretary shall review for accu-
19 racy all information submitted by a State under
20 subparagraph (A) and shall solicit and consider
21 public comment on the accuracy of the informa-
22 tion.

23 “(C) LIMITATION.—A law or regulation
24 may not be included on the list submitted by a
25 State or published by the Secretary merely be-

1 cause it authorized, or could have authorized,
2 by permit or otherwise, the operation of com-
3 mercial motor vehicle combinations not in ac-
4 tual operation on a regular or periodic basis on
5 or before June 1, 2003.

6 “(D) PUBLICATION OF FINAL LIST.—Ex-
7 cept as revised under this subparagraph or sub-
8 paragraph (E), the list shall be published as
9 final in the Federal Register not later than 270
10 days after the date of enactment of the Motor
11 Carrier Safety Reauthorization Act of 2003. In
12 publishing the final list, the Secretary shall
13 make any revisions necessary to correct inac-
14 curacies identified under subparagraph (B).
15 After publication of the final list, commercial
16 motor vehicle combinations prohibited under
17 paragraph (1) may not operate on a highway
18 described in paragraph (1) except as published
19 on the list.

20 “(E) INACCURACIES.—On the Secretary’s
21 own motion or on request by any person (in-
22 cluding a State), the Secretary shall review the
23 list published under subparagraph (D). If the
24 Secretary decides there is reason to believe a
25 mistake was made in the accuracy of the list,

1 the Secretary shall begin a proceeding to decide
2 whether a mistake was made. If the Secretary
3 decides there was a mistake, the Secretary shall
4 publish the correction.”.

5 (b) CONFORMING AMENDMENTS.—Section 31112 is
6 amended—

7 (1) by inserting “126(e) or” before “127(d)” in
8 subsection (g)(1) (as redesignated by subsection (a)
9 of this section);

10 (2) by inserting “(or June 1, 2003, with respect
11 to highways described in subsection (f)(1))” after
12 “June 2, 1991” in subsection (g)(3) (as redesign-
13 nated by subsection (a) of this section); and

14 (3) by striking “Not later than June 15, 1992,
15 the Secretary” in subsection (h)(2) (as redesignated
16 by subsection (a) of this section) and inserting “The
17 Secretary”; and

18 (4) by inserting “or (f)” in subsection (h)(2)
19 (as redesignated by subsection (a) of this section)
20 after “subsection (d)”.

21 **SEC. 245. APPLICATION OF SAFETY STANDARDS TO CER-**
22 **TAIN FOREIGN MOTOR CARRIERS.**

23 (a) APPLICATION OF SAFETY STANDARDS.—Section
24 30112 is amended—

1 (1) by striking “person” in subsection (a) and
2 inserting “person, including a foreign motor car-
3 rier,”; and

4 (2) by adding at the end the following:

5 “(c) DEFINITIONS.—In this section:

6 “(1) FOREIGN MOTOR CARRIER.—The term
7 ‘foreign motor carrier’ has the meaning given that
8 term in section 13102 of this title.

9 “(2) IMPORT.—The term ‘import’ means trans-
10 port by any means into the United States, on a per-
11 manent or temporary basis, including the transpor-
12 tation of a motor vehicle into the United States for
13 the purpose of providing the transportation of cargo
14 or passengers.”.

15 (b) REQUIREMENT FOR CERTIFICATE OF COMPLI-
16 ANCE.—Section 30115 is amended by adding at the end
17 the following:

18 “(c) APPLICATION TO FOREIGN MOTOR CARRIERS.—

19 “(1) IN GENERAL.—The requirement for certifi-
20 cation described in subsection (a) shall apply to a
21 foreign motor carrier that imports a motor vehicle or
22 motor vehicle equipment into the United States.
23 Such certification shall be made to the Secretary of
24 Transportation prior to the import of the vehicle or
25 equipment.

1 “(2) DEFINITIONS.—In this subsection:

2 “(A) FOREIGN MOTOR CARRIER.—The
3 term ‘foreign motor carrier’ has the meaning
4 given that term in section 13102 of this title.

5 “(B) IMPORT.—The term ‘import’ has the
6 meaning given that term in section 30112 of
7 this title.”.

8 (c) TIME FOR COMPLIANCE.—The amendments made
9 by sections (a) and (b) shall take effect on September 1,
10 2004.

11 **SEC. 246. BACKGROUND CHECKS FOR MEXICAN AND CANA-**
12 **DIAN DRIVERS HAULING HAZARDOUS MATE-**
13 **RIALS.**

14 (a) IN GENERAL.—No commercial motor vehicle op-
15 erator registered to operate in Mexico or Canada may op-
16 erate a commercial motor vehicle transporting a hazardous
17 material in commerce in the United States until the oper-
18 ator has undergone a background records check similar
19 to the background records check required for commercial
20 motor vehicle operators licensed in the United States to
21 transport hazardous materials in commerce.

22 (b) DEFINITIONS.—In this section:

23 (1) HAZARDOUS MATERIALS.—The term “haz-
24 ardous material” means any material determined by

1 the Secretary of Transportation to be a hazardous
2 material for purposes of this section.

3 (2) COMMERCIAL MOTOR VEHICLE.—The term
4 “commercial motor vehicle” has the meaning given
5 that term by section 31101 of title 49, United
6 States Code.

7 (c) EFFECTIVE DATE.—This section takes effect on
8 April 1, 2004.

9 **SEC. 247. EXEMPTION OF DRIVERS OF UTILITY SERVICE VE-**
10 **HICLES.**

11 Section 345 of the National Highway System Des-
12 ignation Act of 1995 (49 U.S.C. 31136 note) is amend-
13 ed—

14 (1) by striking paragraph (4) of subsection (a)
15 and inserting the following:

16 “(4) DRIVERS OF UTILITY SERVICE VEHI-
17 CLES.—

18 “(A) INAPPLICABILITY OF FEDERAL REGU-
19 LATIONS.—Such regulations may not apply to a
20 driver of a utility service vehicle.

21 “(B) PROHIBITION ON STATE REGULA-
22 TIONS.—A State, a political subdivision of a
23 State, an interstate agency, or other entity con-
24 sisting of 2 or more States, may not enact or
25 enforce any law, rule, regulation, or standard

1 that imposes requirements on a driver of a util-
 2 ity service vehicle that are similar to the re-
 3 quirements contained in such regulations.”;

4 (2) by striking “Nothing” in subsection (b) and
 5 inserting “Except as provided in subsection (a)(4),
 6 nothing”; and

7 (3) by striking “paragraph (2)” in the first sen-
 8 tence of subsection (c) and inserting “an exemption
 9 under paragraph (2) or (4)”.

10 **SEC. 248. OPERATION OF COMMERCIAL MOTOR VEHICLES**

11 **TRANSPORTING AGRICULTURAL COMMOD-**
 12 **ITIES AND FARM SUPPLIES.**

13 (a) EXEMPTION FROM HOURS-OF-SERVICE RE-
 14 QUIREMENTS.—

15 (1) IN GENERAL.—Section 345(c) of the Na-
 16 tional Highway System Designation Act of 1995 (49
 17 U.S.C. 31136 note), as amended by section 247(3)
 18 of this Act, is amended by striking “paragraph (2)
 19 or (4)” and inserting “paragraph (1), (2), or (4) of
 20 that subsection)”.

21 (2) APPLICABILITY.—The exemption provided
 22 by section 345(a)(1) of the National Highway Sys-
 23 tem Designation Act of 1995 (49 U.S.C. 31136
 24 note) shall apply to a person transporting agricul-
 25 tural commodities or farm supplies for agricultural

1 purposes under that section on and after the date of
 2 enactment of this Act regardless of any action taken
 3 by the Secretary of Transportation under section
 4 345(c) of that Act before the date of enactment of
 5 this Act.

6 (b) DEFINITION OF AGRICULTURAL COMMODITY.—
 7 Section 345(e) of the National Highway System Designa-
 8 tion Act of 1995 (49 U.S.C. 31136 note) is amended—

9 (1) by redesignating paragraphs (3), (4), (5),
 10 and (6) as paragraphs (5), (6), (4), and (7), respec-
 11 tively, and moving the paragraphs so as to appear
 12 in numerical order; and

13 (2) by inserting after paragraph (2) the fol-
 14 lowing:

15 “(3) AGRICULTURAL COMMODITY.—The term
 16 ‘agricultural commodity’ has the meaning given the
 17 term in section 102 of the Agricultural Trade Act of
 18 1978 (7 U.S.C. 5602).”.

19 **Subtitle B—Unified Carrier** 20 **Registration**

21 **SEC. 261. SHORT TITLE.**

22 This subtitle may be cited as the “Unified Carrier
 23 Registration Act of 2003”.

1 **SEC. 262. RELATIONSHIP TO OTHER LAWS.**

2 Except as provided in section 14504 of title 49,
3 United States Code, and sections 14504a and 14506 of
4 title 49, United States Code, as added by this subtitle,
5 this subtitle is not intended to prohibit any State or any
6 political subdivision of any State from enacting, imposing,
7 or enforcing any law or regulation with respect to a motor
8 carrier, motor private carrier, broker, freight forwarder,
9 or leasing company that is not otherwise prohibited by law.

10 **SEC. 263. INCLUSION OF MOTOR PRIVATE AND EXEMPT**
11 **CARRIERS.**

12 (a) PERSONS REGISTERED TO PROVIDE TRANSPOR-
13 TATION OR SERVICE AS A MOTOR CARRIER OR MOTOR
14 PRIVATE CARRIER.—Section 13905 is amended by—

15 (1) redesignating subsections (b), (c), (d), and
16 (e) as subsections (c), (d), (e), and (f), respectively;
17 and

18 (2) inserting after subsection (a) the following:

19 “(b) PERSON REGISTERED WITH SECRETARY.—Any
20 person having registered with the Secretary to provide
21 transportation or service as a motor carrier or motor pri-
22 vate carrier under this title, as in effect on January 1,
23 2002, but not having registered pursuant to section
24 13902(a) of this title, shall be deemed, for purposes of
25 this part, to be registered to provide such transportation

1 or service for purposes of sections 13908 and 14504a of
2 this title.”.

3 (b) SECURITY REQUIREMENT.—Section 13906(a) is
4 amended by—

5 (1) redesignating paragraphs (2) and (3) as
6 paragraphs (3) and (4), respectively; and

7 (2) inserting the following:

8 “(2) SECURITY REQUIREMENT.—Not later than
9 120 days after the date of enactment of the Unified
10 Carrier Registration Act of 2003, any person, other
11 than a motor private carrier, registered with the
12 Secretary to provide transportation or service as a
13 motor carrier under section 13905(b) of this title
14 shall file with the Secretary a bond, insurance policy,
15 or other type of security approved by the Secretary,
16 in an amount not less than required by sections
17 31138 and 31139 of this title.”.

18 **SEC. 264. UNIFIED CARRIER REGISTRATION SYSTEM.**

19 (a) Section 13908 is amended to read as follows:

20 **“§ 13908. Registration and other reforms**

21 “(a) ESTABLISHMENT OF UNIFIED CARRIER REG-
22 ISTRATION SYSTEM.—The Secretary, in cooperation with
23 the States, representatives of the motor carrier, motor pri-
24 vate carrier, freight forwarder and broker industries, and
25 after notice and opportunity for public comment, shall

1 issue within 1 year after the date of enactment of the Uni-
2 fied Carrier Registration Act of 2003 regulations to estab-
3 lish, an online, Federal registration system to be named
4 the Unified Carrier Registration System to replace—

5 “(1) the current Department of Transportation
6 identification number system, the Single State Reg-
7 istration System under section 14504 of this title;

8 “(2) the registration system contained in this
9 chapter and the financial responsibility information
10 system under section 13906; and

11 “(3) the service of process agent systems under
12 sections 503 and 13304 of this title.

13 “(b) ROLE AS CLEARINGHOUSE AND DEPOSITORY OF
14 INFORMATION.—The Unified Carrier Registration System
15 shall serve as a clearinghouse and depository of informa-
16 tion on, and identification of, all foreign and domestic
17 motor carriers, motor private carriers, brokers, and freight
18 forwarders, and others required to register with the De-
19 partment, including information with respect to a carrier’s
20 safety rating, compliance with required levels of financial
21 responsibility, and compliance with the provisions of sec-
22 tion 14504a of this title. The Secretary shall ensure that
23 Federal agencies, States, representatives of the motor car-
24 rier industry, and the public have access to the Unified

1 Carrier Registration System, including the records and in-
2 formation contained in the System.

3 “(c) PROCEDURES FOR CORRECTING INFORMA-
4 TION.—Not later than 60 days after the effective date of
5 this section, the Secretary shall prescribe regulations es-
6 tablishing procedures that enable a motor carrier to cor-
7 rect erroneous information contained in any part of the
8 Unified Carrier Registration System.

9 “(d) FEE SYSTEM.—The Secretary shall establish,
10 under section 9701 of title 31, a fee system for the Unified
11 Carrier Registration System according to the following
12 guidelines:

13 “(1) REGISTRATION AND FILING EVIDENCE OF
14 FINANCIAL RESPONSIBILITY.—The fee for new reg-
15 istrants shall as nearly as possible cover the costs of
16 processing the registration and conducting the safety
17 audit or examination, if required, but shall not ex-
18 ceed \$300.

19 “(2) EVIDENCE OF FINANCIAL RESPONSI-
20 BILITY.—The fee for filing evidence of financial re-
21 sponsibility pursuant to this section shall not exceed
22 \$10 per filing. No fee shall be charged for a filing
23 for purposes of designating an agent for service of
24 process or the filing of other information relating to
25 financial responsibility.

1 “(3) ACCESS AND RETRIEVAL FEES.—

2 “(A) IN GENERAL.—Except as provided in
3 subparagraph (B), the fee system shall include
4 a nominal fee for the access to or retrieval of
5 information from the Unified Carrier Registra-
6 tion System to cover the costs of operating and
7 upgrading the System, including the personnel
8 costs incurred by the Department and the costs
9 of administration of the Unified Carrier Reg-
10 istration Agreement.

11 “(B) EXCEPTIONS.—There shall be no fee
12 charged—

13 “(i) to any agency of the Federal Gov-
14 ernment or a State government or any po-
15 litical subdivision of any such government
16 for the access to or retrieval of information
17 and data from the Unified Carrier Reg-
18 istration System for its own use; or

19 “(ii) to any representative of a motor
20 carrier, motor private carrier, leasing com-
21 pany, broker, or freight forwarder (as each
22 is defined in section 14504a of this title)
23 for the access to or retrieval of the indi-
24 vidual information related to such entity

1 from the Unified Carrier Registration Sys-
 2 tem for the individual use of such entity.”.

3 **SEC. 265. REGISTRATION OF MOTOR CARRIERS BY STATES.**

4 (a) TERMINATION OF REGISTRATION PROVISIONS.—
 5 Section 14504 is amended by adding at the end the fol-
 6 lowing:

7 “(d) TERMINATION OF PROVISIONS.—Subsections
 8 (b) and (c) shall cease to be effective on the first January
 9 1st occurring more than 12 months after the date of en-
 10 actment of the Unified Carrier Registration Act of 2003.”.

11 (b) UNIFIED CARRIER REGISTRATION SYSTEM PLAN
 12 AND AGREEMENT.—Chapter 145 is amended by inserting
 13 after section 14504 the following:

14 **“§ 14504a. Unified carrier registration system plan
 15 and agreement**

16 “(a) DEFINITIONS.—In this section and section
 17 14506 of this title:

18 “(1) COMMERCIAL MOTOR VEHICLE.—

19 “(A) IN GENERAL.—Except as provided in
 20 subparagraph (B), the term ‘commercial motor
 21 vehicle’ has the meaning given the term in sec-
 22 tion 31101 of this title.

23 “(B) EXCEPTION.—With respect to motor
 24 carriers required to make any filing or pay any
 25 fee to a State with respect to the motor car-

1 rier's authority or insurance related to oper-
2 ation within such State, the term 'commercial
3 motor vehicle' means any self-propelled vehicle
4 used on the highway in commerce to transport
5 passengers or property for compensation re-
6 gardless of the gross vehicle weight rating of
7 the vehicle or the number of passengers trans-
8 ported by such vehicle.

9 “(2) BASE-STATE.—

10 “(A) IN GENERAL.—The term 'Base-State'
11 means, with respect to the Unified Carrier Reg-
12 istration Agreement, a State—

13 “(i) that is in compliance with the re-
14 quirements of subsection (e); and

15 “(ii) in which the motor carrier, motor
16 private carrier, broker, freight forwarder or
17 leasing company maintains its principal
18 place of business.

19 “(B) DESIGNATION OF BASE-STATE.—A
20 motor carrier, motor private carrier, broker,
21 freight forwarder or leasing company may des-
22 ignate another State in which it maintains an
23 office or operating facility as its Base-State in
24 the event that—

1 “(i) the State in which the motor car-
2 rier, motor private carrier, broker, freight
3 forwarder or leasing company maintains its
4 principal place of business is not in compli-
5 ance with the requirements of subsection
6 (e); or

7 “(ii) the motor carrier, motor private
8 carrier, broker, freight forwarder or leasing
9 company does not have a principal place of
10 business in the United States.

11 “(3) INTRASTATE FEE.—The term ‘intrastate
12 fee’ means any fee, tax, or other type of assessment,
13 including per vehicle fees and gross receipts taxes,
14 imposed on a motor carrier or motor private carrier
15 for the renewal of the intrastate authority or insur-
16 ance filings of such carrier with a State.

17 “(4) LEASING COMPANY.—The term ‘leasing
18 company’ means a lessor that is engaged in the busi-
19 ness of leasing or renting for compensation motor
20 vehicles without drivers to a motor carrier, motor
21 private carrier, or freight forwarder.

22 “(5) MOTOR CARRIER.—The term ‘motor car-
23 rier’ has the meaning given the term in section
24 13102(12) of this title, but shall include all carriers
25 that are otherwise exempt from the provisions of

1 part B of this title pursuant to the provisions of
2 chapter 135 of this title or exemption actions by the
3 former Interstate Commerce Commission under this
4 title.

5 “(6) PARTICIPATING STATE.—The term ‘par-
6 ticipating state’ means a State that has complied
7 with the requirements of subsection (e) of this sec-
8 tion.

9 “(7) SSRS.—The term ‘SSRS’ means the Sin-
10 gular State Registration System in effect on the date
11 of enactment of the Unified Carrier Registration Act
12 of 2003.

13 “(8) UNIFIED CARRIER REGISTRATION AGREE-
14 MENT.—The terms ‘Unified Carrier Registration
15 Agreement’ and ‘UCR Agreement’ mean the inter-
16 state agreement developed under the Unified Carrier
17 Registration Plan governing the collection and dis-
18 tribution of registration and financial responsibility
19 information provided and fees paid by motor car-
20 riers, motor private carriers, brokers, freight for-
21 warders and leasing companies pursuant to this sec-
22 tion.

23 “(9) UNIFIED CARRIER REGISTRATION PLAN.—
24 The terms ‘Unified Carrier Registration Plan’ and
25 ‘UCR Plan’ mean the organization of State, Federal

1 and industry representatives responsible for devel-
2 oping, implementing and administering the Unified
3 Carrier Registration Agreement.

4 “(10) VEHICLE REGISTRATION.—The term ‘ve-
5 hicle registration’ means the registration of any
6 commercial motor vehicle under the International
7 Registration Plan or any other registration law or
8 regulation of a jurisdiction.

9 “(b) APPLICABILITY OF PROVISIONS TO FREIGHT
10 FORWARDERS.—A freight forwarder that operates com-
11 mercial motor vehicles and is not required to register as
12 a carrier pursuant to section 13903(b) of this title shall
13 be subject to the provisions of this section as if a motor
14 carrier.

15 “(c) UNREASONABLE BURDEN.—For purposes of
16 this section, it shall be considered an unreasonable burden
17 upon interstate commerce for any State or any political
18 subdivision of a State, or any political authority of 2 or
19 more States—

20 “(1) to enact, impose, or enforce any require-
21 ment or standards, or levy any fee or charge on any
22 interstate motor carrier or interstate motor private
23 carrier in connection with—

1 “(A) the registration with the State of the
2 interstate operations of a motor carrier or
3 motor private carrier;

4 “(B) the filing with the State of informa-
5 tion relating to the financial responsibility of a
6 motor carrier or motor private carrier pursuant
7 to sections 31138 or 31139 of this title;

8 “(C) the filing with the State of the name
9 of the local agent for service of process of a
10 motor carrier or motor private carrier pursuant
11 to sections 503 or 13304 of this title; or

12 “(D) the annual renewal of the intrastate
13 authority, or the insurance filings, of a motor
14 carrier or motor private carrier, or other intra-
15 state filing requirement necessary to operate
16 within the State, if the motor carrier or motor
17 private carrier is—

18 “(i) registered in compliance with sec-
19 tion 13902 or section 13905(b) of this
20 title; and

21 “(ii) in compliance with the laws and
22 regulations of the State authorizing the
23 carrier to operate in the State pursuant to
24 section 14501(c)(2)(A) of this title

25 except with respect to—

1 “(I) intrastate service provided
2 by motor carriers of passengers that
3 is not subject to the preemptive provi-
4 sions of section 14501(a) of this title,

5 “(II) motor carriers of property,
6 motor private carriers, brokers, or
7 freight forwarders, or their services or
8 operations, that are described in sub-
9 paragraphs (B) and (C) of section
10 14501(c)(2) and section 14506(c)(3)
11 or permitted pursuant to section
12 14506(b) of this title, and

13 “(III) the intrastate transpor-
14 tation of waste or recycables by any
15 carrier); or

16 “(2) to require any interstate motor carrier or
17 motor private carrier to pay any fee or tax, not pro-
18 scribed by paragraph (1)(D) of this subsection, that
19 a motor carrier or motor private carrier that pays a
20 fee which is proscribed by that paragraph is not re-
21 quired to pay.

22 “(d) UNIFIED CARRIER REGISTRATION PLAN.—

23 “(1) BOARD OF DIRECTORS.—

24 “(A) GOVERNANCE OF PLAN.—The Uni-
25 fied Carrier Registration Plan shall be governed

1 by a Board of Directors consisting of represent-
2 atives of the Department of Transportation,
3 Participating States, and the motor carrier in-
4 dustry.

5 “(B) NUMBER.—The Board shall consist
6 of 15 directors.

7 “(C) COMPOSITION.—The Board shall be
8 composed of directors appointed as follows:

9 “(i) FEDERAL MOTOR CARRIER SAFE-
10 TY ADMINISTRATION.—The Secretary shall
11 appoint 1 director from each of the Fed-
12 eral Motor Carrier Safety Administration’s
13 4 Service Areas (as those areas were de-
14 fined by the Federal Motor Carrier Safety
15 Administration on January 1, 2003), from
16 among the chief administrative officers of
17 the State agencies responsible for over-
18 seeing the administration of the UCR
19 Agreement.

20 “(ii) STATE AGENCIES.—The Sec-
21 retary shall appoint 5 directors from the
22 professional staffs of State agencies re-
23 sponsible for overseeing the administration
24 of the UCR Agreement in their respective
25 States. Nominees for these 5 directorships

1 shall be submitted to the Secretary by the
2 national association of professional employ-
3 ees of the State agencies responsible for
4 overseeing the administration of the UCR
5 Agreement in their respective States.

6 “(iii) MOTOR CARRIER INDUSTRY.—
7 The Secretary shall appoint 5 directors
8 from the motor carrier industry. At least 1
9 of the appointees shall be an employee of
10 the national trade association representing
11 the general motor carrier of property in-
12 dustry.

13 “(iv) DEPARTMENT OF TRANSPOR-
14 TATION.—The Secretary shall appoint the
15 Deputy Administrator of the Federal
16 Motor Carrier Safety Administration, or
17 such other presidential appointee from the
18 United States Department of Transpor-
19 tation, as the Secretary may designate, to
20 serve as a director.

21 “(D) CHAIRPERSON AND VICE-CHAIR-
22 PERSON.—The Secretary shall designate 1 di-
23 rector as Chairperson and 1 director as Vice-
24 Chairperson of the Board. The Chairperson and

1 Vice-Chairperson shall serve in such capacity
2 for the term of their appointment as directors.

3 “(E) TERM.—In appointing the initial
4 Board, the Secretary shall designate 5 of the
5 appointed directors for initial terms of 3 years,
6 5 of the appointed directors for initial terms of
7 2 years, and 5 of the appointed directors for
8 initial terms of 1 year. Thereafter, all directors
9 shall be appointed for terms of 3 years, except
10 that the term of the Deputy Administrator or
11 other individual designated by the Secretary
12 under subparagraph (C)(iv) shall be at the dis-
13 cretion of the Secretary. A director may be ap-
14 pointed to succeed himself or herself. A director
15 may continue to serve on the Board until his or
16 her successor is appointed.

17 “(2) RULES AND REGULATIONS GOVERNING
18 THE UCR AGREEMENT.—The Board of Directors
19 shall develop the rules and regulations to govern the
20 UCR Agreement and submit such rules and regula-
21 tions to the Secretary for approval and adoption.
22 The rules and regulations shall—

23 “(A) prescribe uniform forms and formats,
24 for—

1 “(i) the annual submission of the in-
2 formation required by a Base-State of a
3 motor carrier, motor private carrier, leas-
4 ing company, broker, or freight forwarder;

5 “(ii) the transmission of information
6 by a Participating State to the Unified
7 Carrier Registration System;

8 “(iii) the payment of excess fees by a
9 State to the designated depository and the
10 distribution of fees by the depository to
11 those States so entitled; and

12 “(iv) the providing of notice by a
13 motor carrier, motor private carrier,
14 broker, freight forwarder, or leasing com-
15 pany to the Board of the intent of such en-
16 tity to change its Base-State, and the pro-
17 cedures for a State to object to such a
18 change under subparagraph (C) of this
19 paragraph;

20 “(B) provide for the administration of the
21 Unified Carrier Registration Agreement, includ-
22 ing procedures for amending the Agreement
23 and obtaining clarification of any provision of
24 the Agreement;

1 “(C) provide procedures for dispute resolu-
2 tion that provide due process for all involved
3 parties; and

4 “(D) designate a depository.

5 “(3) COMPENSATION AND EXPENSES.—Except
6 for the representative of the Department of Trans-
7 portation appointed pursuant to paragraph 1(D), no
8 director shall receive any compensation or other ben-
9 efits from the Federal Government for serving on
10 the Board or be considered a Federal employee as
11 a result of such service. All Directors shall be reim-
12 bursed for expenses they incur attending duly called
13 meetings of the Board. In addition, the Board may
14 approve the reimbursement of expenses incurred by
15 members of any subcommittee or task force ap-
16 pointed pursuant to paragraph (5). The reimburse-
17 ment of expenses to directors and subcommittee and
18 task force members shall be based on the then appli-
19 cable rules of the General Service Administration
20 governing reimbursement of expenses for travel by
21 Federal employees.

22 “(4) MEETINGS.—

23 “(A) IN GENERAL.—The Board shall meet
24 at least once per year. Additional meetings may
25 be called, as needed, by the Chairperson of the

1 Board, a majority of the directors, or the Sec-
2 retary.

3 “(B) QUORUM.—A majority of directors
4 shall constitute a quorum.

5 “(C) VOTING.—Approval of any matter be-
6 fore the Board shall require the approval of a
7 majority of all directors present at the meeting.

8 “(D) OPEN MEETINGS.—Meetings of the
9 Board and any subcommittees or task forces
10 appointed pursuant to paragraph (5) of this
11 section shall be subject to the provisions of sec-
12 tion 552b of title 5.

13 “(5) SUBCOMMITTEES.—

14 “(A) INDUSTRY ADVISORY SUB-
15 COMMITTEE.—The Chairperson shall appoint
16 an Industry Advisory Subcommittee. The In-
17 dustry Advisory Subcommittee shall consider
18 any matter before the Board and make rec-
19 ommendations to the Board.

20 “(B) OTHER SUBCOMMITTEES.—The
21 Chairperson shall appoint an Audit Sub-
22 committee, a Dispute Resolution Subcommittee,
23 and any additional subcommittees and task
24 forces that the Board determines to be nec-
25 essary.

1 “(C) MEMBERSHIP.—The chairperson of
2 each subcommittee shall be a director. The
3 other members of subcommittees and task
4 forces may be directors or non-directors.

5 “(D) REPRESENTATION ON SUBCOMMIT-
6 TEES.—Except for the Industry Advisory Sub-
7 committee (the membership of which shall con-
8 sist solely of representatives of entities subject
9 to the fee requirements of subsection (f) of this
10 section), each subcommittee and task force shall
11 include representatives of the Federal Motor
12 Carrier Safety Administration, the Partici-
13 pating States, and the motor carrier industry.

14 “(6) DELEGATION OF AUTHORITY.—The Board
15 may contract with any private commercial or non-
16 profit entity or any agency of a State to perform ad-
17 ministrative functions required under the Unified
18 Carrier Registration Agreement, but may not dele-
19 gate its decision or policy-making responsibilities.

20 “(7) DETERMINATION OF FEES.—The Board
21 shall determine the annual fees to be assessed car-
22 riers, leasing companies, brokers, and freight for-
23 warders pursuant to the Unified Carrier Registra-
24 tion Agreement. In determining the level of fees to

1 be assessed in the next Agreement year, the Board
2 shall consider—

3 “(A) the administrative costs associated
4 with the Unified Carrier Registration Plan and
5 the Agreement;

6 “(B) whether the revenues generated in
7 the previous year and any surplus or shortage
8 from that or prior years enable the Partici-
9 pating States to achieve the revenue levels set
10 by the Board; and

11 “(C) the parameters for fees set forth in
12 subsection (f)(1).

13 “(8) LIABILITY PROTECTIONS FOR DIREC-
14 TORS.—No individual appointed to serve on the
15 Board shall be liable to any other director or to any
16 other party for harm, either economic or non-eco-
17 nomic, caused by an act or omission of the indi-
18 vidual arising from the individual’s service on the
19 Board if—

20 “(A) the individual was acting within the
21 scope of his or her responsibilities as a director;
22 and

23 “(B) the harm was not caused by willful or
24 criminal misconduct, gross negligence, reckless
25 misconduct, or a conscious, flagrant indiffer-

1 ence to the right or safety of the party harmed
2 by the individual.

3 “(9) INAPPLICABILITY OF FEDERAL ADVISORY
4 COMMITTEE ACT.—The Federal Advisory Committee
5 Act (5 U.S.C. App.) shall not apply to the Unified
6 Carrier Registration Plan or its committees.

7 “(10) CERTAIN FEES NOT AFFECTED.—This
8 section does not limit the amount of money a State
9 may charge for vehicle registration or the amount
10 of any fuel use tax a State may impose pursuant
11 to the International Fuel Tax Agreement.

12 “(e) STATE PARTICIPATION.—

13 “(1) STATE PLAN.—No State shall be eligible
14 to participate in the Unified Carrier Registration
15 Plan or to receive any revenues derived under the
16 Agreement, unless the State submits to the Sec-
17 retary, not later than 3 years after the date of en-
18 actment of the Unified Carrier Registration Act of
19 2003, a plan—

20 “(A) identifying the State agency that has
21 or will have the legal authority, resources, and
22 qualified personnel necessary to administer the
23 Unified Carrier Registration Agreement in ac-
24 cordance with the rules and regulations promul-

1 gated by the Board of Directors of the Unified
2 Carrier Registration Plan; and

3 “(B) containing assurances that an
4 amount at least equal to the revenue derived by
5 the State from the Unified Carrier Registration
6 Agreement shall be used for motor carrier safe-
7 ty programs, enforcement, and financial respon-
8 sibility, or the administration of the UCR Plan
9 and UCR Agreement.

10 “(2) AMENDED PLANS.—A State may change
11 the agency designated in the plan submitted under
12 this subsection by filing an amended plan with the
13 Secretary and the Chairperson of the Unified Car-
14 rier Registration Plan.

15 “(3) WITHDRAWAL OF PLAN.—In the event a
16 State withdraws, or notifies the Secretary that it is
17 withdrawing, the plan submitted under this sub-
18 section, the State may no longer participate in the
19 Unified Carrier Registration Agreement or receive
20 any portion of the revenues derived under the Agree-
21 ment.

22 “(4) TERMINATION OF ELIGIBILITY.—If a State
23 fails to submit a plan to the Secretary as required
24 by paragraph (1) or withdraws its plan under para-
25 graph (3), the State shall be prohibited from subse-

1 quently submitting or resubmitting a plan or partici-
2 pating in the Agreement.

3 “(5) PROVISION OF PLAN TO CHAIRPERSON.—

4 The Secretary shall provide a copy of each plan sub-
5 mitted under this subsection to the initial Chair-
6 person of the Board of Directors of the Unified Car-
7 rier Registration Plan not later than 90 days of ap-
8 pointing the Chairperson.

9 “(f) CONTENTS OF UNIFIED CARRIER REGISTRA-
10 TION AGREEMENT.—The Unified Carrier Registration
11 Agreement shall provide the following:

12 “(1) DETERMINATION OF FEES.—

13 “(A) Fees charged motor carriers, motor
14 private carriers, or freight forwarders in con-
15 nection with the filing of proof of financial re-
16 sponsibility under the UCR Agreement shall be
17 based on the number of commercial motor vehi-
18 cles owned or operated by the motor carrier,
19 motor private carrier, or freight forwarder. Bro-
20 kers and leasing companies shall pay the same
21 fees as the smallest bracket of motor carriers,
22 motor private carriers, and freight forwarders.

23 “(B) The fees shall be determined by the
24 Board with the approval of the Secretary.

1 “(C) The Board shall develop no more
2 than 6 and no less than 4 ranges of carriers by
3 size of fleet.

4 “(D) The fee scale shall be progressive and
5 use different vehicle ratios for different ranges
6 of carrier fleet size.

7 “(E) The Board may adjust the fees with-
8 in a reasonable range on an annual basis if the
9 revenues derived from the fees—

10 “(i) are insufficient to provide the rev-
11 enues to which the States are entitled
12 under this section; or

13 “(ii) exceed those revenues.

14 “(2) DETERMINATION OF OWNERSHIP OR OP-
15 ERATION.—Commercial motor vehicles owned or op-
16 erated by a motor carrier, motor private carrier, or
17 freight forwarder shall mean those commercial motor
18 vehicles registered in the name of the motor carrier,
19 motor private carrier, or freight forwarder or con-
20 trolled by the motor carrier, motor private carrier,
21 or freight forwarder under a long term lease during
22 a vehicle registration year.

23 “(3) CALCULATION OF NUMBER OF COMMER-
24 CIAL MOTOR VEHICLES OWNED OR OPERATED.—The
25 number of commercial motor vehicles owned or oper-

1 ated by a motor carrier, motor private carrier, or
2 freight forwarder for purposes of subsection (e)(1)
3 shall be based either on the number of commercial
4 motor vehicles the motor carrier, motor private car-
5 rier, or freight forwarder has indicated it operates
6 on its most recently filed MCS-150 or the total
7 number of such vehicles it owned or operated for the
8 12-month period ending on June 30 of the year im-
9 mediately prior to each registration year of the Uni-
10 fied Carrier Registration System.

11 “(4) PAYMENT OF FEES.—Motor carriers,
12 motor private carriers, leasing companies, brokers,
13 and freight forwarders shall pay all fees required
14 under this section to their Base-State pursuant to
15 the UCR Agreement.

16 “(g) PAYMENT OF FEES.—Revenues derived under
17 the UCR Agreement shall be allocated to Participating
18 States as follows:

19 “(1) A State that participated in the Single
20 State Registration System in the last calendar year
21 ending before the date of enactment of the Unified
22 Carrier Registration Act of 2003 and complies with
23 the requirements of subsection (e) of this section is
24 entitled to receive a portion of the UCR Agreement
25 revenues generated under the Agreement equivalent

1 to the revenues it received under the SSRS in the
2 last calendar year ending before the date of enact-
3 ment of the Unified Carrier Registration Act of
4 2003, as long as the State continues to comply with
5 the provisions of subsection (e).

6 “(2) A State that collected intrastate registra-
7 tion fees from interstate motor carriers, interstate
8 motor private carriers, or interstate exempt carriers
9 and complies with the requirements of subsection (e)
10 of this section is entitled to receive an additional
11 portion of the UCR Agreement revenues generated
12 under the Agreement equivalent to the revenues it
13 received from such interstate carriers in the last cal-
14 endar year ending before the date of enactment of
15 the Unified Carrier Registration Act of 2003, as
16 long as the State continues to comply with the provi-
17 sions of subsection (e).

18 “(3) States that comply with the requirements
19 of subsection (e) of this section but did not partici-
20 pate in SSRS during the last calendar year ending
21 before the date of enactment of the Unified Carrier
22 Registration Act of 2003 shall be entitled to an an-
23 nual allotment not to exceed \$500,000 from the
24 UCR Agreement revenues generated under the

1 Agreement as long as the State continues to comply
2 with the provisions of subsection (e).

3 “(4) The amount of UCR Agreement revenues
4 to which a State is entitled under this section shall
5 be calculated by the Board and approved by the Sec-
6 retary.

7 “(h) DISTRIBUTION OF UCR AGREEMENT REVE-
8 NUES.—

9 “(1) ELIGIBILITY.—Each State that is in com-
10 pliance with the provisions of subsection (e) shall be
11 entitled to a portion of the revenues derived from
12 the UCR Agreement in accordance with subsection
13 (g).

14 “(2) ENTITLEMENT TO REVENUES.—A State
15 that is in compliance with the provisions of sub-
16 section (e) may retain an amount of the gross reve-
17 nues it collects from motor carriers, motor private
18 carriers, brokers, freight forwarders and leasing
19 companies under the UCR Agreement equivalent to
20 the portion of revenues to which the State is entitled
21 under subsection (g). All revenues a Participating
22 State collects in excess of the amount to which the
23 State is so entitled shall be forwarded to the deposi-
24 tory designated by the Board under subsection
25 (d)(2)(D).

1 “(3) DISTRIBUTION OF FUNDS FROM DEPOSI-
2 TORY.—The excess funds collected in the depository
3 shall be distributed as follows:

4 “(A) Excess funds shall be distributed on
5 a pro rata basis to each Participating State
6 that did not collect revenues under the UCR
7 Agreement equivalent to the amount such State
8 is entitled under subsection (g), except that the
9 sum of the gross UCR Agreement revenues col-
10 lected by a Participating State and the amount
11 distributed to it from the depository shall not
12 exceed the amount to which the State is entitled
13 under subsection (g).

14 “(B) Any excess funds held by the deposi-
15 tory after all distributions under subparagraph
16 (A) have been made shall be used to pay the
17 administrative costs of the UCR Plan and the
18 UCR Agreement.

19 “(C) Any excess funds held by the deposi-
20 tory after distributions and payments under
21 subparagraphs (A) and (B) shall be retained in
22 the depository, and the UCR Agreement fees
23 for motor carriers, motor private carriers, leas-
24 ing companies, freight forwarders, and brokers

1 for the next fee year shall be reduced by the
2 Board accordingly.

3 “(i) ENFORCEMENT.—

4 “(1) CIVIL ACTIONS.—Upon request by the Sec-
5 retary of Transportation, the Attorney General may
6 bring a civil action in a court of competent jurisdic-
7 tion to enforce compliance with this section and with
8 the terms of the Unified Carrier Registration Agree-
9 ment.

10 “(2) VENUE.—An action under this section
11 may be brought only in the Federal court sitting in
12 the State in which an order is required to enforce
13 such compliance.

14 “(3) RELIEF.—Subject to section 1341 of title
15 28, the court, on a proper showing—

16 “(A) shall issue a temporary restraining
17 order or a preliminary or permanent injunction;
18 and

19 “(B) may issue an injunction requiring
20 that the State or any person comply with this
21 section.

22 “(4) ENFORCEMENT BY STATES.—Nothing in
23 this section—

24 “(A) prohibits a Participating State from
25 issuing citations and imposing reasonable fines

1 and penalties pursuant to applicable State laws
2 and regulations on any motor carrier, motor
3 private carrier, freight forwarder, broker, or
4 leasing company for failure to—

5 “(i) submit documents as required
6 under subsection (d)(2); or

7 “(ii) pay the fees required under sub-
8 section (f); or

9 “(B) authorizes a State to require a motor
10 carrier, motor private carrier, or freight for-
11 warder to display as evidence of compliance any
12 form of identification in excess of those per-
13 mitted under section 14506 of this title on or
14 in a commercial motor vehicle.

15 “(j) APPLICATION TO INTRASTATE CARRIERS.—Not-
16 withstanding any other provision of this section, a State
17 may elect to apply the provisions of the UCR Agreement
18 to motor carriers and motor private carriers subject to its
19 jurisdiction that operate solely in intrastate commerce
20 within the borders of the State.”.

21 **SEC. 266. IDENTIFICATION OF VEHICLES.**

22 Chapter 145 is amended by adding at the end the
23 following:

1 **“§ 14506. Identification of vehicles**

2 “(a) RESTRICTION ON REQUIREMENTS.—No State,
3 political subdivision of a State, interstate agency, or other
4 political agency of 2 or more States may enact or enforce
5 any law, rule, regulation standard, or other provision hav-
6 ing the force and effect of law that requires a motor car-
7 rier, motor private carrier, freight forwarder, or leasing
8 company to display any form of identification on or in a
9 commercial motor vehicle, other than forms of identifica-
10 tion required by the Secretary of Transportation under
11 section 390.21 of title 49, Code of Federal Regulations.

12 “(b) EXCEPTION.—Notwithstanding paragraph (a), a
13 State may continue to require display of credentials that
14 are required—

15 “(1) under the International Registration Plan
16 under section 31704 of this title;

17 “(2) under the International Fuel Tax Agree-
18 ment under section 31705 of this title;

19 “(3) in connection with Federal requirements
20 for hazardous materials transportation under section
21 5103 of this title; or

22 “(4) in connection with the Federal vehicle in-
23 spection standards under section 31136 of this
24 title.”.

1 **SEC. 267. USE OF UCR AGREEMENT REVENUES AS MATCH-**
 2 **ING FUNDS.**

3 Section 31103(a) is amended by inserting “Amounts
 4 generated by the Unified Carrier Registration Agreement,
 5 under section 14504a of this title and received by a State
 6 and used for motor carrier safety purposes may be in-
 7 cluded as part of the State’s share not provided by the
 8 United States.” after “United States Government.”.

9 **SEC. 268. CLERICAL AMENDMENTS.**

10 (a) SECTION 13906 CAPTION.—The section caption
 11 for section 13906 is amended by inserting “**motor pri-**
 12 **vate carriers,**” after “**motor carriers,**”.

13 (b) TABLE OF CONTENTS.—The chapter analysis for
 14 chapter 139 is amended by striking the item relating to
 15 section 13906 and inserting the following:

“13906. Security of motor carriers, motor private carriers, brokers, and freight forwarders.”.

16 **TITLE III—HOUSEHOLD GOODS**
 17 **MOVERS**

18 **SEC. 301. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED**
 19 **STATES CODE.**

20 (a) SHORT TITLE.—This title may be cited as the
 21 “Household Goods Mover Oversight Enforcement and Re-
 22 form Act of 2003”.

23 (b) AMENDMENT OF TITLE 49, UNITED STATES
 24 CODE.—Except as otherwise specifically provided, when-

1 ever in this title an amendment is expressed in terms of
2 an amendment to a section or other provision of law, the
3 reference shall be considered to be made to a section or
4 other provision of title 49, United States Code.

5 **SEC. 302. FINDINGS; SENSE OF CONGRESS.**

6 The Congress finds the following:

7 (1) There are approximately 1,500,000 inter-
8 state household moves every year. While the vast
9 majority of these interstate moves are completed
10 successfully, consumer complaints have been increas-
11 ing since the Interstate Commerce Commission was
12 abolished in 1996 and oversight of the household
13 goods industry was transferred to the Department of
14 Transportation.

15 (2) While the overwhelming majority of house-
16 hold goods carriers are honest and operate within
17 the law, there appears to be a growing criminal ele-
18 ment that is exploiting a perceived void in Federal
19 and State enforcement efforts. The growing criminal
20 element tends to prey upon consumers.

21 (3) The movement of an individual's household
22 goods is unique and differs from the movement of a
23 commercial shipment. A consumer may utilize a
24 moving company once or twice in the consumer's

1 lifetime and entrust virtually all of the consumer's
2 worldly goods to a mover.

3 (4) Federal resources are inadequate to prop-
4 erly police or deter, on a nationwide basis, those
5 movers who willfully violate Federal regulations gov-
6 erning the household goods industry and knowingly
7 prey on consumers who are in a vulnerable position.
8 It is appropriate that a Federal-State partnership be
9 created to enhance enforcement against fraudulent
10 moving companies.

11 **SEC. 303. DEFINITIONS.**

12 In this title, the terms "carrier", "household goods",
13 "motor carrier", "Secretary", and "transportation" have
14 the meaning given such terms in section 13102 of title
15 49, United States Code.

16 **SEC. 304. PAYMENT OF RATES.**

17 Section 13707(b) is amended by adding at the end
18 the following:

19 (3) SHIPMENTS OF HOUSEHOLD GOODS.—

20 (A) IN GENERAL.—A carrier providing
21 transportation for a shipment of household
22 goods shall give up possession of the household
23 goods transported at the destination upon pay-
24 ment of—

1 “(i) 100 percent of the charges con-
2 tained in a binding estimate provided by
3 the carrier;

4 “(ii) not more than 110 percent of the
5 charges contained in a nonbinding estimate
6 provided by the carrier; or

7 “(iii) in the case of a partial delivery
8 of the shipment, the prorated percentage
9 of the charges calculated in accordance
10 with subparagraph (B).

11 “(B) CALCULATION OF PRORATED
12 CHARGES.—For purposes of subparagraph
13 (A)(iii), the prorated percentage of the charges
14 shall be the percentage of the total charges due
15 to the carrier as described in clause (i) or (ii)
16 of subparagraph (A) that is equal to the per-
17 centage of the total units listed on the inventory
18 provided by the carrier under section 14104(d)
19 of this title.”.

20 **SEC. 305. HOUSEHOLD GOODS CARRIER OPERATIONS.**

21 Section 14104 is amended—

22 (1) by striking paragraph (1) of subsection (b)
23 and inserting the following:

24 “(1) REQUIREMENT FOR WRITTEN ESTI-
25 MATE.—A motor carrier providing transportation of

1 household goods subject to jurisdiction under sub-
2 chapter I of chapter 135 shall provide to a prospec-
3 tive shipper a written estimate of all charges related
4 to the transportation of the household goods, includ-
5 ing charges for—

6 “(A) packing;

7 “(B) unpacking;

8 “(C) loading;

9 “(D) unloading; and

10 “(E) handling of the shipment from the
11 point of origin to the final destination (whether
12 that destination is storage or transit).”;

13 (2) by redesignating paragraph (2) of such sub-
14 section as paragraph (4); and

15 (3) by inserting after paragraph (1), as amend-
16 ed by paragraph (1), the following:

17 “(2) OTHER INFORMATION.—At the time that a
18 motor carrier provides the written estimate required
19 by paragraph (1), the motor carrier shall provide the
20 shipper a copy of the Department of Transportation
21 publication FMCSA–ESA–03–005 (or its successor
22 edition or publication) entitled ‘Ready to Move?’. Be-
23 fore the execution of a contract for service, a motor
24 carrier shall provide the shipper a copy of the De-
25 partment of Transportation publication OCE 100,

1 entitled ‘Your Rights and Responsibilities When You
2 Move’ required by section 375.2 of title 49, Code of
3 Federal Regulations (or any corresponding similar
4 regulation).

5 “(3) BINDING AND NONBINDING ESTIMATES.—
6 The written estimate required by paragraph (1) may
7 be either binding or nonbinding. If the written esti-
8 mate is nonbinding, and is not based on a visual in-
9 spection, the carrier shall, at the first opportunity
10 and prior to the execution of a contract for service,
11 conduct a visual inspection of the household goods to
12 be transported and provide a revised written esti-
13 mate if the estimated charges are different than the
14 original estimate. The Secretary may not prohibit
15 any such carrier from charging a prospective shipper
16 for providing a written, binding estimate for the
17 transportation and related services.”;

18 (4) by redesignating subsection (c) as sub-
19 section (e); and

20 (5) by inserting after subsection (b), as amend-
21 ed by paragraphs (1) and (2), the following:

22 “(c) NOTIFICATION OF FINAL CHARGES.—If the
23 final charges for a shipment of household goods exceed
24 100 percent of a binding estimate or 110 percent of a non-
25 binding estimate, the motor carrier shall provide the ship-

1 per an itemized statement of the charges. The statement
2 shall be provided to the shipper within 24 hours prior to
3 the delivery of the shipment unless the shipper waives this
4 requirement. Such notification shall—

5 “(1) be delivered in writing at the motor car-
6 rier’s expense; and

7 “(2) disclose the requirements of section
8 13707(b)(3) of this title regarding payment for de-
9 livery of a shipment of household goods.

10 “(d) REQUIREMENT FOR INVENTORY.—A motor car-
11 rier providing transportation of a shipment of household
12 goods, as defined in section 13012(10)(A), that is subject
13 to jurisdiction under subchapter I of chapter 135 of this
14 title shall, at the time of loading the shipment, prepare
15 a written inventory of all articles tendered and accepted
16 by the motor carrier for transportation. Such inventory
17 shall—

18 “(1) list or otherwise reasonably identify each
19 item tendered for transportation;

20 “(2) be signed by the shipper and the motor
21 carrier, or the agent of the shipper or carrier, at the
22 time the shipment is loaded and at the time the
23 shipment is unloaded at the final destination;

24 “(3) be attached to, and considered part of, the
25 bill of lading; and

1 “(4) be subject to the same requirements of the
2 Secretary for record inspection and preservation that
3 apply to bills of lading.”.

4 **SEC. 306. LIABILITY OF CARRIERS UNDER RECEIPTS AND**
5 **BILLS OF LADING.**

6 Section 14706(f) is amended—

7 (1) by resetting the text as a paragraph in-
8 dented 2 ems from the left margin and inserting
9 “(1) IN GENERAL.—” before “A carrier”; and

10 (2) by adding at the end, the following:

11 “(2) FULL VALUE PROTECTION OBLIGATION.—

12 Unless the carrier receives a waiver in writing under
13 paragraph (3), a carrier’s maximum liability for
14 household goods that are lost, damaged, destroyed,
15 or otherwise not delivered to the final destination is
16 an amount equal to the replacement value of such
17 goods, subject to a maximum amount equal to the
18 declared value of the shipment.

19 “(3) APPLICATION OF RATES.—The released
20 rates established by the Board under paragraph (1)
21 (commonly known as ‘released rates’) shall not apply
22 to the transportation of household goods by a carrier
23 unless the liability of the carrier for the full value
24 of such household goods under paragraph (2) is
25 waived in writing by the shipper.”.

1 **SEC. 307. DISPUTE SETTLEMENT FOR SHIPMENTS OF**
2 **HOUSEHOLD GOODS.**

3 (a) IN GENERAL.—Section 14708(a) is amended—

4 (1) by resetting the text as a paragraph in-
5 dented 2 ems from the left margin and inserting

6 “(1) REQUIREMENT TO OFFER.—” before “As
7 a condition”; and

8 (2) by striking “shippers of household goods
9 concerning damage or loss to the household goods
10 transported.” and inserting “shippers. The carrier
11 may not require the shipper to agree to use arbitra-
12 tion as a means to settle such a dispute.”; and

13 (3) by inserting at the end, the following:

14 “(2) REQUIREMENTS FOR CARRIERS.—If a dis-
15 pute with a carrier providing transportation of
16 household goods involves a claim that is—

17 “(A) not more than \$5,000 and the ship-
18 per requests arbitration, such arbitration shall
19 be binding on the parties; or

20 “(B) for more than \$5,000 and the shipper
21 requests arbitration, such arbitration shall be
22 binding on the parties only if the carrier agrees
23 to arbitration.”.

24 (b) ARBITRATION REQUIREMENTS.—

25 (1) IN GENERAL.—Section 14708(b) is amend-
26 ed—

1 (A) by striking paragraph (4) and insert-
 2 ing the following:

3 “(4) INDEPENDENCE OF ARBITRATOR.—The
 4 Secretary shall establish a system for the certifi-
 5 cation of persons authorized to arbitrate or other-
 6 wise settle a dispute between a shipper of household
 7 goods and a carrier. The Secretary shall ensure that
 8 each person so certified is—

9 “(A) independent of the parties to the dis-
 10 pute;

11 “(B) capable, as determined under such
 12 regulations as the Secretary may issue, to re-
 13 solve such disputes fairly and expeditiously; and

14 “(C) authorized and able to obtain from
 15 the shipper or carrier any material and relevant
 16 information to the extent necessary to carry out
 17 a fair and expeditious decisionmaking process.”;

18 (B) by striking paragraph (6); and

19 (C) by redesignating paragraphs (7) and
 20 (8) as paragraphs (6) and (7), respectively.

21 (2) CONFORMING AMENDMENT.—Section
 22 14708(d)(3)(A) is amended by striking “(b)(8)” and
 23 inserting “(b)(7)”.

24 (c) ATTORNEY’S FEES TO CARRIERS.—Section
 25 14708(e) is further amended by striking “only if” and all

1 that follows through the period at the end and inserting
2 “if—

3 “(1) the court proceeding is to enforce a deci-
4 sion rendered in favor of the carrier through arbitra-
5 tion under this section and is instituted after the
6 shipper has a reasonable opportunity to pay any
7 charges required by such decision; or

8 “(2) the shipper brought such action in bad
9 faith—

10 “(A) after resolution of such dispute
11 through arbitration under this section; or

12 “(B) after institution of an arbitration
13 proceeding by the shipper to resolve such dis-
14 pute under this section but before—

15 “(i) the period provided under sub-
16 section (b)(7) for resolution of such dis-
17 pute (including, if applicable, an extension
18 of such period under such subsection)
19 ends; and

20 “(ii) a decision resolving such dispute
21 is rendered.”.

22 (d) REVIEW AND REPORT ON DISPUTE SETTLEMENT
23 PROGRAMS.—

24 (1) REVIEW AND REPORT.—Not later than 18
25 months after the date of enactment of this Act, the

1 Secretary of Transportation shall complete a review
2 of the outcomes and the effectiveness of the pro-
3 grams carried out under title 49, United States
4 Code, to settle disputes between motor carriers and
5 shippers and submit a report on the review to the
6 Senate Committee on Commerce, Science, and
7 Transportation and the House of Representatives
8 Committee on Transportation and Infrastructure.
9 The report shall describe—

10 (A) the subject of, and amounts at issue is,

11 the disputes;

12 (B) patterns in disputes or settlements;

13 (C) the prevailing party in disputes, if
14 identifiable; and

15 (D) any other matters the Secretary con-
16 siders appropriate.

17 (2) REQUIREMENT FOR PUBLIC COMMENT.—

18 The Secretary shall publish notice of the review re-
19 quired by paragraph (1) and provide an opportunity
20 for the public to submit comments on the effective-
21 ness of such programs. Notwithstanding any con-
22 fidentiality or non-disclosure provision in a settle-
23 ment agreement between a motor carrier and a ship-
24 per, it shall not be a violation of that provision for
25 a motor carrier or shipper to submit a copy of the

1 settlement agreement, or to provide information in-
2 cluded in the agreement, to the Secretary for use in
3 evaluating dispute settlement programs under this
4 subsection. Notwithstanding anything to the con-
5 trary in section 552 of title 5, United States Code,
6 the Secretary may not post on the Department of
7 Transportation’s electronic docket system, or make
8 available to any requester in paper or electronic for-
9 mat, any information submitted to the Secretary by
10 a motor carrier or shipper under the preceding sen-
11 tence. The Secretary shall use the settlement agree-
12 ments or other information submitted by a motor
13 carrier or shipper solely to evaluate the effectiveness
14 of dispute settlement programs and shall not include
15 in the report required by this subsection the names
16 of, or other identifying information concerning,
17 motor carriers or shippers that submitted comments
18 or information under this subsection.

19 **SEC. 308. ENFORCEMENT OF REGULATIONS RELATED TO**
20 **TRANSPORTATION OF HOUSEHOLD GOODS.**

21 (a) **NONPREEMPTION OF INTRASTATE TRANSPOR-**
22 **TATION OF HOUSEHOLD GOODS.**—Section
23 14501(c)(2)(B) is amended by inserting “intrastate” be-
24 fore “transportation”.

1 (b) ENFORCEMENT OF FEDERAL LAW WITH RE-
2 SPECT TO INTERSTATE HOUSEHOLD GOODS CARRIERS.—

3 (1) IN GENERAL.—Chapter 147 is amended by
4 adding at the end the following:

5 **“§ 14710. Enforcement of Federal laws and regula-**
6 **tions with respect to transportation of**
7 **household goods**

8 “(a) ENFORCEMENT BY STATES.—Notwithstanding
9 any other provision of this title, a State authority may
10 enforce chapters 137, 147, and 149, subchapter I of chap-
11 ter 141, section 13907, and section 14124 of this title and
12 regulations thereunder related to transportation of house-
13 hold goods in interstate commerce. Any fine or penalty
14 imposed on a carrier in a proceeding under this subsection
15 shall, notwithstanding any provision of law to the con-
16 trary, be paid to and retained by the State.

17 “(b) STATE AUTHORITY DEFINED.—The term ‘State
18 authority’ means an agency of a State that has authority
19 under the laws of the State to regulate the intrastate
20 movement of household goods.

21 **“§ 14711. Enforcement by State attorneys general**

22 “(a) IN GENERAL.—A State, as *parens patriae*, may
23 bring a civil action on behalf of its residents in an appro-
24 priate district court of the United States to enforce this
25 part, or a regulation or order of the Secretary or Board,

1 as applicable, or to impose the civil penalties authorized
2 by this part or such regulation or order, whenever the at-
3 torney general of the State has reason to believe that the
4 interests of the residents of the State have been or are
5 being threatened or adversely affected by a carrier or
6 broker providing transportation subject to jurisdiction
7 under subchapter I or III of chapter 135 of this title, or
8 a foreign motor carrier providing transportation registered
9 under section 13902 of this title, that is engaged in house-
10 hold goods transportation that violates this part or a regu-
11 lation or order of the Secretary or Board, as applicable.

12 “(b) NOTICE.—The State shall serve written notice
13 to the Secretary or the Board, as the case may be, of any
14 civil action under subsection (a) prior to initiating such
15 civil action. The notice shall include a copy of the com-
16 plaint to be filed to initiate such civil action, except that
17 if it is not feasible for the State to provide such prior no-
18 tice, the State shall provide such notice immediately upon
19 instituting such civil action.

20 “(c) AUTHORITY TO INTERVENE.—Upon receiving
21 the notice required by subsection (b), the Secretary or
22 Board may intervene in such civil action and upon inter-
23 vening—

24 “(1) be heard on all matters arising in such
25 civil action; and

1 “(2) file petitions for appeal of a decision in
2 such civil action.

3 “(d) CONSTRUCTION.—For purposes of bringing any
4 civil action under subsection (a), nothing in this section
5 shall prevent the attorney general of a State from exer-
6 cising the powers conferred on the attorney general by the
7 laws of such State to conduct investigations or to admin-
8 ister oaths or affirmations or to compel the attendance
9 of witnesses or the production of documentary and other
10 evidence.

11 “(e) VENUE; SERVICE OF PROCESS.—In a civil action
12 brought under subsection (a)—

13 “(1) the venue shall be a judicial district in
14 which—

15 “(A) the carrier, foreign motor carrier, or
16 broker operates;

17 “(B) the carrier, foreign motor carrier, or
18 broker was authorized to provide transportation
19 at the time the complaint arose; or

20 “(C) where the defendant in the civil ac-
21 tion is found;

22 “(2) process may be served without regard to
23 the territorial limits of the district or of the State
24 in which the civil action is instituted; and

1 “(3) a person who participated with a carrier or
2 broker in an alleged violation that is being litigated
3 in the civil action may be joined in the civil action
4 without regard to the residence of the person.

5 “(f) ENFORCEMENT OF STATE LAW.—Nothing con-
6 tained in this section shall prohibit an authorized State
7 official from proceeding in State court to enforce a crimi-
8 nal statute of such State.”.

9 (2) CONFORMING AMENDMENT.—The analysis
10 for chapter 147 is amended by inserting after the
11 item relating to section 14709 the following:

“14710. Enforcement of Federal laws and regulations with respect to transpor-
tation of household goods.

“14711. Enforcement by State attorneys general.”.

12 **SEC. 309. WORKING GROUP FOR DEVELOPMENT OF PRAC-**
13 **TICES AND PROCEDURES TO ENHANCE FED-**
14 **ERAL-STATE RELATIONS.**

15 (a) IN GENERAL.—Not later than 90 days after the
16 date of enactment of this Act, the Secretary shall establish
17 a working group of State attorneys general, State authori-
18 ties that regulate the movement of household goods, and
19 Federal and local law enforcement officials for the purpose
20 of developing practices and procedures to enhance the
21 Federal-State partnership in enforcement efforts, ex-
22 change of information, and coordination of enforcement
23 efforts with respect to interstate transportation of house-
24 hold goods and making legislative and regulatory rec-

1 ommendations to the Secretary concerning such enforce-
2 ment efforts.

3 (b) CONSULTATION.—In carrying out subsection (a),
4 the working group shall consult with industries involved
5 in the transportation of household goods, the public, and
6 other interested parties.

7 **SEC. 310. CONSUMER HANDBOOK ON DOT WEBSITE.**

8 Within 6 months after the date of enactment of this
9 Act, the Secretary shall take such action as may be nec-
10 essary to ensure that the Department of Transportation
11 publication OCE 100, entitled “Your Rights and Respon-
12 sibilities When You Move” required by section 375.2 of
13 title 49, Code of Federal Regulations (or any cor-
14 responding similar regulation), is prominently displayed,
15 and available in language that is readily understandable
16 by the general public, on the website of the Department
17 of Transportation.

18 **SEC. 311. INFORMATION ABOUT HOUSEHOLD GOODS**
19 **TRANSPORTATION ON CARRIERS’ WEBSITES.**

20 Not later than 1 year after the date of enactment
21 of this Act, the Secretary shall modify the regulations con-
22 tained in part 375 of title 49, Code of Federal Regula-
23 tions, to require a motor carrier or broker that is subject
24 to such regulations and that establishes and maintains a
25 website to prominently display on the website—

1 (1) the number assigned to the motor carrier or
2 broker by the Department of Transportation;

3 (2) the OCE 100 publication referred to in sec-
4 tion 310; and

5 (3) in the case of a broker, a list of all motor
6 carriers providing transportation of household goods
7 used by the broker and a statement that the broker
8 is not a motor carrier providing transportation of
9 household goods.

10 **SEC. 312. CONSUMER COMPLAINTS.**

11 (a) REQUIREMENT FOR DATABASE.—Subchapter II
12 of chapter 141 is amended by adding at the end the fol-
13 lowing:

14 **“§ 14124. Consumer complaints**

15 “(a) ESTABLISHMENT OF SYSTEM AND DATABASE.—

16 The Secretary shall—

17 “(1) establish a system to—

18 “(A) file and log a complaint made by a
19 shipper that relates to motor carrier transpor-
20 tation of household goods; and

21 “(B) to compile any complaint information
22 gathered by a State with regard to such trans-
23 portation;

24 “(2) establish a database of such complaints;

25 and

1 “(3) develop a procedure—

2 “(A) to provide the public access to the
3 database;

4 “(B) to forward a complaint, including the
5 motor carrier bill of lading number related to
6 the complaint to a motor carrier named in such
7 complaint and to an appropriate State authority
8 (as defined in section 14710(c));

9 “(C) to permit a motor carrier to challenge
10 information in the database; and

11 “(D) to provide, for motor carriers in-
12 cluded in the database, the percentage of such
13 complaints that are disputed by each such
14 motor carrier.

15 “(b) REQUIREMENT FOR ANNUAL REPORTS.—The
16 Secretary shall issue regulations requiring a motor carrier
17 that provides transportation of household goods to submit
18 to the Secretary, not later than March 31st of each year,
19 an annual report covering the 12-month period ending on
20 the preceding March 31st that includes—

21 “(1) the number of shipments of household
22 goods that the motor carrier received from shippers
23 and that were delivered to a final destination during
24 the preceding calendar year;

1 “(2) the number and general category of com-
2 plaints lodged against the motor carrier during the
3 preceding calendar year;

4 “(3) the number of shipments described in
5 paragraph (1) that resulted in the filing of a claim
6 against the motor carrier for loss or damage to the
7 shipment for an amount in excess of \$500 during
8 the preceding calendar year broken down by—

9 “(A) the number of claims filed by ship-
10 pers relocated under a contract between the
11 motor carrier and shippers’ employers; and

12 “(B) the number of claims filed by other
13 shippers; and

14 “(4) the number of shipments described in
15 paragraph (3) that were—

16 “(A) resolved during the preceding cal-
17 endar year; or

18 “(B) pending on the last day of the pre-
19 ceding calendar year.”.

20 (b) CONFORMING AMENDMENT.—The analysis for
21 chapter 141 is amended by inserting after the item relat-
22 ing to section 14123 the following:

“14124. Consumer complaints.”.

23 **SEC. 313. REVIEW OF LIABILITY OF CARRIERS.**

24 (a) REVIEW.—Not later than 1 year after the date
25 of enactment of this Act, the Surface Transportation

1 Board shall complete a review of the current Federal regu-
 2 lations regarding the level of liability protection provided
 3 by motor carriers that provide transportation of household
 4 goods and revise such regulations, if necessary, to provide
 5 enhanced protection in the case of loss or damage.

6 (b) DETERMINATIONS.—The review required by sub-
 7 section (a) shall include a determination of—

8 (1) whether the current regulations provide ade-
 9 quate protection;

10 (2) the benefits of purchase by a shipper of in-
 11 surance to supplement the carrier’s limitations on li-
 12 ability;

13 (3) whether there are abuses of the current reg-
 14 ulations that leave the shipper unprotected in the
 15 event of loss and damage to a shipment of household
 16 goods; and

17 (4) whether the section 14706 of title 49,
 18 United States Code, should be modified or repealed.

19 **SEC. 314. CIVIL PENALTIES RELATING TO HOUSEHOLD**
 20 **GOODS BROKERS.**

21 Section 14901(d) is amended—

22 (1) by resetting the text as a paragraph in-
 23 dented 2 ems from the left margin and inserting
 24 “(1) IN GENERAL.—” before “If a carrier”; and

25 (2) by adding at the end the following:

1 “(2) ESTIMATE OF BROKER WITHOUT CARRIER
 2 AGREEMENT.—If a broker for transportation of
 3 household goods subject to jurisdiction under sub-
 4 chapter I of chapter 135 of this title makes an esti-
 5 mate of the cost of transporting any such goods be-
 6 fore entering into an agreement with a carrier to
 7 provide transportation of household goods subject to
 8 such jurisdiction, the broker is liable to the United
 9 States for a civil penalty of not less than \$10,000
 10 for each violation.

11 “(3) UNAUTHORIZED TRANSPORTATION.—If a
 12 person provides transportation of household goods
 13 subject to jurisdiction under subchapter I of chapter
 14 135 of this title or provides broker services for such
 15 transportation without being registered under chap-
 16 ter 139 of this title to provide such transportation
 17 or services as a motor carrier or broker, as the case
 18 may be, such person is liable to the United States
 19 for a civil penalty of not less than \$25,000 for each
 20 violation.”.

21 **SEC. 315. CIVIL AND CRIMINAL PENALTY FOR FAILING TO**
 22 **GIVE UP POSSESSION OF HOUSEHOLD**
 23 **GOODS.**

24 (a) IN GENERAL.—Chapter 149 is amended by add-
 25 ing at the end the following:

1 **“§ 14915. Penalties for failure to give up possession of**
2 **household goods**

3 “(a) CIVIL PENALTY.—Whoever is found to have
4 failed to give up possession of household goods is liable
5 to the United States for a civil penalty of not less than
6 \$10,000. Each day a carrier is found to have failed to
7 give up possession of household goods may constitute a
8 separate violation. If such person is a carrier or broker,
9 the Secretary may suspend for a period of not less than
10 6 months the registration of such carrier or broker under
11 chapter 139 of this title.

12 “(b) CRIMINAL PENALTY.—Whoever has been con-
13 victed of having failed to give up possession of household
14 goods shall be fined under title 18 or imprisoned for not
15 more than 2 years, or both.

16 “(c) FAILURE TO GIVE UP POSSESSION OF HOUSE-
17 HOLD GOODS DEFINED.—For purposes of this section,
18 the term ‘failed to give up possession of household goods’
19 means the knowing and willful failure of a motor carrier
20 to deliver to, or unload at, the destination of a shipment
21 of household goods that is subject to jurisdiction under
22 subchapter I or III of chapter 135 of this title, for which
23 charges have been estimated by the motor carrier pro-
24 viding transportation of such goods, and for which the
25 shipper has tendered a payment described in clause (i),
26 (ii), or (iii) of section 13707(b)(3)(A) of this title.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
 2 such chapter is amended by adding at the end the fol-
 3 lowing:

“14915. Penalties for failure to give up possession of household goods.”.

4 **SEC. 316. PROGRESS REPORT.**

5 Not later than 1 year after the date of enactment
 6 of this Act, the Secretary shall transmit to Congress a
 7 report on the progress being made in implementing the
 8 provisions of this title.

9 **TITLE IV—HAZARDOUS MATE-**
 10 **RIALS TRANSPORTATION**
 11 **SAFETY AND SECURITY**

12 **SEC. 401. SHORT TITLE.**

13 This title may be cited as the “Hazardous Material
 14 Transportation Safety and Security Reauthorization Act
 15 of 2003”.

16 **SEC. 402. AMENDMENT OF TITLE 49, UNITED STATES CODE.**

17 Except as otherwise expressly provided, whenever in
 18 this title an amendment or repeal is expressed in terms
 19 of an amendment to, or repeal of, a section or other provi-
 20 sion, the reference shall be considered to be made to a
 21 section or other provision of title 49, United States Code.

1 **Subtitle A—General Authorities on**
2 **Transportation of Hazardous**
3 **Materials**

4 **SEC. 421. PURPOSE.**

5 The text of section 5101 is amended to read as fol-
6 lows:

7 “The purpose of this chapter is to protect against the
8 risks to life, property, and the environment that are inher-
9 ent in the transportation of hazardous material in intra-
10 state, interstate, and foreign commerce.”.

11 **SEC. 422. DEFINITIONS.**

12 Section 5102 is amended as follows:

13 (1) **COMMERCE.**—Paragraph (1) is amended—

14 (A) by striking “or” after the semicolon in
15 subparagraph (A);

16 (B) by striking the “State.” in subpara-
17 graph (B) and inserting “State; or”; and

18 (C) by adding at the end the following:

19 “(C) on a United States-registered air-
20 craft.”.

21 (2) **HAZMAT EMPLOYEE.**—Paragraph (3) is
22 amended to read as follows:

23 “(3) ‘hazmat employee’ means an individual—

24 “(A) who—

1 “(i) is employed or used by a hazmat
2 employer; or

3 “(ii) is self-employed, including an
4 owner-operator of a motor vehicle, vessel,
5 or aircraft, transporting hazardous mate-
6 rial in commerce; and

7 “(B) who performs a function regulated by
8 the Secretary under section 5103(b)(1) of this
9 title.”.

10 (3) HAZMAT EMPLOYER.—Paragraph (4) is
11 amended to read as follows:

12 “(4) ‘hazmat employer’ means a person—

13 “(A) who—

14 “(i) employs or uses at least 1 hazmat
15 employee; or

16 “(ii) is self-employed, including an
17 owner-operator of a motor vehicle, vessel,
18 or aircraft, transporting hazardous mate-
19 rial in commerce; and

20 “(B) who performs, or employs or uses at
21 least 1 hazmat employee to perform, a function
22 regulated by the Secretary under section
23 5103(b)(1) of this title.”.

1 (4) IMMINENT HAZARD.—Paragraph (5) is
2 amended by inserting “relating to hazardous mate-
3 rial” after “of a condition”.

4 (5) MOTOR CARRIER.—Paragraph (7) is amend-
5 ed to read as follows:

6 “(7) ‘motor carrier’—

7 “(A) means a motor carrier, motor private
8 carrier, and freight forwarder as those terms
9 are defined in section 13102 of this title; but

10 “(B) does not include a freight forwarder,
11 as so defined, if the freight forwarder is not
12 performing a function relating to highway
13 transportation.”.

14 (6) NATIONAL RESPONSE TEAM.—Paragraph
15 (8) is amended—

16 (A) by striking “national response team”
17 both places it appears and inserting “National
18 Response Team”; and

19 (B) by striking “national contingency
20 plan” and inserting “National Contingency
21 Plan”.

22 (7) PERSON.—Paragraph (9)(A) is amended by
23 striking “offering” and all that follows and inserting
24 “that—

1 “(i) offers hazardous material for
2 transportation in commerce;

3 “(ii) transports hazardous material to
4 further a commercial enterprise; or

5 “(iii) manufactures, designs, inspects,
6 tests, reconditions, marks, or repairs a
7 packaging or packaging component that is
8 represented as qualified for use in trans-
9 porting hazardous material in commerce;
10 but”.

11 (8) SECRETARY OF TRANSPORTATION.—Section
12 5101 is further amended—

13 (A) by redesignating paragraphs (11),
14 (12), and (13), as paragraphs (12), (13), and
15 (14), respectively; and

16 (B) by inserting after paragraph (10) the
17 following:

18 “(11) ‘Secretary’ means the Secretary of Trans-
19 portation except as otherwise provided.”.

20 **SEC. 423. GENERAL REGULATORY AUTHORITY.**

21 (a) REFERENCE TO SECRETARY OF TRANSPOR-
22 TATION.—Section 5103(a) is amended by striking “of
23 Transportation”.

24 (b) DESIGNATING MATERIAL AS HAZARDOUS.—Sec-
25 tion 5103(a) is further amended—

1 (1) by striking “etiologic agent” and all that
2 follows through “corrosive material,” and inserting
3 “infectious substance, flammable or combustible liq-
4 uid, solid, or gas, toxic, oxidizing, or corrosive mate-
5 rial,”; and

6 (2) by striking “decides” and inserting “deter-
7 mines”.

8 (c) REGULATIONS FOR SAFE TRANSPORTATION.—
9 Section 5103(b)(1)(A) is amended to read as follows:

10 “(A) apply to a person who—

11 “(i) transports hazardous material in
12 commerce;

13 “(ii) causes hazardous material to be
14 transported in commerce;

15 “(iii) manufactures, designs, inspects,
16 tests, reconditions, marks, or repairs a
17 packaging or packaging component that is
18 represented as qualified for use in trans-
19 porting hazardous material in commerce;

20 “(iv) prepares or accepts hazardous
21 material for transportation in commerce;

22 “(v) is responsible for the safety of
23 transporting hazardous material in com-
24 merce;

1 “(vi) certifies compliance with any re-
2 quirement under this chapter;

3 “(vii) misrepresents whether such per-
4 son is engaged in any activity under clause
5 (i) through (vi) of this subparagraph; or

6 “(viii) performs any other act or func-
7 tion relating to the transportation of haz-
8 ardous material in commerce; and”.

9 (d) TECHNICAL AMENDMENT REGARDING CON-
10 SULTATION.—Section 5103 is amended—

11 (1) by striking subsection (b)(1)(C); and

12 (2) by adding at the end the following:

13 “(c) CONSULTATION.—When prescribing a security
14 regulation or issuing a security order that affects the safe-
15 ty of the transportation of hazardous material, the Sec-
16 retary of Homeland Security shall consult with the Sec-
17 retary of Transportation.”.

18 **SEC. 424. LIMITATION ON ISSUANCE OF HAZMAT LICENSES.**

19 (a) REFERENCE TO SECRETARY OF TRANSPOR-
20 TATION.—Section 5103a is amended by striking “of
21 Transportation” each place it appears in subsections
22 (a)(1), (c)(1)(B), and (d) and inserting “of Homeland Se-
23 curity”.

24 (b) COVERED HAZARDOUS MATERIALS.—Section
25 5103a(b) is amended by striking “with respect to—” and

1 all that follows and inserting “with respect to any material
2 defined as hazardous material by the Secretary for which
3 the Secretary requires placarding of a commercial motor
4 vehicle transporting that material in commerce.”.

5 (c) RECOMMENDATIONS ON CHEMICAL OR BIOLOGI-
6 CAL MATERIALS.—Section 5103a is further amended—

7 (1) by redesignating subsections (c), (d), and
8 (e) as subsections (d), (e), and (f), respectively; and

9 (2) by inserting after subsection (b) the fol-
10 lowing:

11 “(c) RECOMMENDATIONS ON CHEMICAL AND BIO-
12 LOGICAL MATERIALS.—The Secretary of Health and
13 Human Services shall recommend to the Secretary any
14 chemical or biological material or agent for regulation as
15 a hazardous material under section 5103(a) of this title
16 if the Secretary of Health and Human Services determines
17 that such material or agent is a threat to the national
18 security of the United States.”.

19 (d) CONFORMING AMENDMENT.—Section
20 5103a(a)(1) is amended by striking “subsection
21 (c)(1)(B),” and inserting “subsection (d)(1)(B),”.

22 **SEC. 425. REPRESENTATION AND TAMPERING.**

23 (a) REPRESENTATION.—Section 5104(a) is amend-
24 ed—

1 (1) by striking “a container,” and all that fol-
 2 lows through “(packaging) for” and inserting “a
 3 package, component of a package, or packaging
 4 for”; and

5 (2) by striking “the container” and all that fol-
 6 lows through “(packaging) meets” and inserting “the
 7 package, component of a package, or packaging
 8 meets”.

9 (b) TAMPERING.—Section 5104(b) is amended—

10 (1) by inserting “, without authorization from
 11 the owner or custodian,” after “may not”;

12 (2) by striking “unlawfully”; and

13 (3) by inserting “component of a package, or
 14 packaging,” after “package,” in paragraph (2).

15 **SEC. 426. TRANSPORTING CERTAIN HIGHLY RADIOACTIVE**
 16 **MATERIAL.**

17 (a) REPEAL OF ROUTES AND MODES STUDY.—Sec-
 18 tion 5105 is amended by striking subsection (d).

19 (b) REPEAL OF REQUIREMENT FOR INSPECTIONS OF
 20 CERTAIN MOTOR VEHICLES.—Section 5105 is amended
 21 by striking subsection (e).

22 **SEC. 427. HAZMAT EMPLOYEE TRAINING REQUIREMENTS**
 23 **AND GRANTS.**

24 (a) REFERENCE TO SECRETARY OF TRANSPOR-
 25 TATION.—Section 5107 is amended by striking “of Trans-

1 portation” each place it appears in subsections (a), (b),
 2 (c) (other than in paragraph (1)), (d), and (f).

3 (b) TRAINING GRANTS.—Section 5107(e) is amend-
 4 ed—

5 (1) by striking “section 5127(c)(3)” and insert-
 6 ing “section 5128(b)(1) of this title”;

7 (2) by inserting “and, to the extent determined
 8 appropriate by the Secretary, grants for such in-
 9 structors to train hazmat employees” after “employ-
 10 ees” in the first sentence thereof.

11 **SEC. 428. REGISTRATION.**

12 (a) REFERENCE TO SECRETARY OF TRANSPOR-
 13 TATION.—Section 5108 is amended by striking “of Trans-
 14 portation” each place it appears in subsections (a), (b)
 15 (other than following “Department”), (d), (e), (f), (g), (h),
 16 and (i).

17 (b) PERSONS REQUIRED TO FILE.—

18 (1) REQUIREMENT TO FILE.—Section
 19 5108(a)(1)(B) is amended by striking “class A or B
 20 explosive” and inserting “Division 1.1, 1.2, or 1.3
 21 explosive material”.

22 (2) AUTHORITY TO REQUIRE TO FILE.—Section
 23 5108(a)(2)(B) is amended to read as follows:

24 “(B) a person manufacturing, designing, in-
 25 specting, testing, reconditioning, marking, or repair-

1 ing a package or packaging component that is rep-
2 resented as qualified for use in transporting haz-
3 ardous material in commerce.”.

4 (3) NO TRANSPORTATION WITHOUT FILING.—
5 Section 5108(a)(3) is amended by striking “fab-
6 ricate,” and all that follows through “package or”
7 and inserting “design, inspect, test, recondition,
8 mark, or repair a package, packaging component,
9 or”.

10 (c) FORM AND CONTENT OF FILINGS.—Section
11 5108(b)(1)(C) by striking “the activity.” and inserting
12 “any of the activities.”.

13 (d) FILING.—Section 5108(c) is amended to read as
14 follows:

15 “(c) FILING.—Each person required to file a reg-
16 istration statement under subsection (a) of this section
17 shall file the statement in accordance with regulations pre-
18 scribed by the Secretary.”.

19 (e) FEES.—Section 5108(g)(1) is amended by strik-
20 ing “may establish,” and inserting “shall establish,”.

21 (f) RELATIONSHIP TO OTHER LAWS.—Section
22 5108(i)(2)(B) is amended by inserting “an Indian tribe,”
23 after “subdivision of a State,”.

24 (g) REGISTRATION AND ANNUAL FEES.—

1 (1) REDUCTION IN CAP.—Section
2 5108(g)(2)(A) is amended by striking “\$5,000” and
3 inserting “\$2,000”.

4 (2) RULEMAKING.—Any rule, regulation, or
5 order issued by the Secretary of Transportation
6 under which the assessment, payment, or collection
7 of fees under section 5108(g) of title 49, United
8 States Code, was suspended or terminated before the
9 date of enactment of this Act is declared null and
10 void effective 30 days after such date of enactment.
11 Beginning on the 31st day after such date of enact-
12 ment, the fee schedule established by the Secretary
13 and set forth at 65 Federal Register 7297 (as modi-
14 fied by the rule set forth at 67 Federal Register
15 58343) shall take effect and apply until such time
16 as it may be modified by a rulemaking proceeding.

17 (3) PLANNING AND TRAINING GRANTS.—Not-
18 withstanding any other provision of law to the con-
19 trary, including any limitation on the amount of
20 grants authorized by section 5116 of title 49, United
21 States Code, not contained in that section, the Sec-
22 retary shall make grants under that section from the
23 account established under section 5116(i) to reduce
24 the balance in that account over the 6 fiscal year pe-
25 riod beginning with fiscal year 2004, but in no fiscal

1 year shall the grants distributed exceed the level au-
2 thORIZED by section 5116 of title 49, United States
3 Code.

4 **SEC. 429. SHIPPING PAPERS AND DISCLOSURE.**

5 (a) REFERENCE TO SECRETARY OF TRANSPOR-
6 TATION.—Section 5110(a) is amended by striking “of
7 Transportation”.

8 (b) DISCLOSURE CONSIDERATIONS AND REQUIRE-
9 MENTS.—Section 5110 is amended—

10 (1) by striking “under subsection (b) of this
11 section.” in subsection (a) and inserting “in regula-
12 tions.”;

13 (2) by striking subsection (b); and

14 (3) by redesignating subsections (c), (d), and
15 (e) as subsections (b), (c), and (d), respectively.

16 (c) RETENTION OF PAPERS.—The first sentence of
17 section 5110(d), as redesignated by subsection (b)(3) of
18 this section, is amended to read as follows: “The person
19 who provides the shipping paper, and the carrier required
20 to keep it, under this section shall retain the paper, or
21 an electronic format of it, for a period of 3 years after
22 the date the shipping paper is provided to the carrier, with
23 the paper and format to be accessible through their re-
24 spective principal places of business.”.

1 **SEC. 430. RAIL TANK CARS.**

2 (a) REPEAL OF REQUIREMENTS.—Section 5111 is
3 repealed.

4 (b) CLERICAL AMENDMENT.—The chapter analysis
5 for chapter 51 is amended by striking the item relating
6 to section 5111.

7 **SEC. 431. HIGHWAY ROUTING OF HAZARDOUS MATERIAL.**

8 The second sentence of section 5112(a)(1) is amend-
9 ed by striking “However, the Secretary of Transportation”
10 and inserting “The Secretary”.

11 **SEC. 432. UNSATISFACTORY SAFETY RATINGS.**

12 (a) IN GENERAL.—The text of section 5113 is
13 amended to read as follows:

14 “A violation of section 31144(c)(3) of this title shall
15 be considered a violation of this chapter, and shall be sub-
16 ject to the penalties in sections 5123 and 5124 of this
17 title.”

18 (b) CONFORMING AMENDMENTS.—The first sub-
19 section (c) of section 31144 is amended—

20 (1) by striking “sections 521(b)(5)(A) and
21 5113” in paragraph (1) and inserting “section
22 521(b)(5)(A) of this title”; and

23 (2) by adding at the end of paragraph (3) “A
24 violation of this paragraph by an owner or operator
25 transporting hazardous material shall be considered
26 a violation of chapter 51 of this title, and shall be

1 subject to the penalties in sections 5123 and 5124
2 of this title.”.

3 **SEC. 433. AIR TRANSPORTATION OF IONIZING RADIATION**
4 **MATERIAL.**

5 Section 5114(b) is amended by striking “of Trans-
6 portation”.

7 **SEC. 434. TRAINING CURRICULUM FOR THE PUBLIC SEC-**
8 **TOR.**

9 (a) IN GENERAL.—Section 5115(a) is amended to
10 read as follows:

11 “(a) IN GENERAL.—In coordination with the Direc-
12 tor of the Federal Emergency Management Agency, the
13 Chairman of the Nuclear Regulatory Commission, the Ad-
14 ministrator of the Environmental Protection Agency, the
15 Secretaries of Labor, Energy, and Health and Human
16 Services, and the Director of the National Institute of En-
17 vironmental Health Sciences, and using existing coordi-
18 nating mechanisms of the National Response Team and,
19 for radioactive material, the Federal Radiological Pre-
20 paredness Coordinating Committee, the Secretary shall
21 maintain a current curriculum of lists of courses necessary
22 to train public sector emergency response and prepared-
23 ness teams in matters relating to the transportation of
24 hazardous material.”.

25 (b) REQUIREMENTS.—Section 5115(b) is amended—

1 portation” each place it appears in subsections (a), (b),
2 (c), (d), (g), and (i).

3 (b) GOVERNMENT SHARE OF COSTS.—Section
4 5116(e) is amended by striking the second sentence.

5 (c) MONITORING AND TECHNICAL ASSISTANCE.—
6 Section 5116(f) is amended by striking “national response
7 team” and inserting “National Response Team”.

8 (d) DELEGATION OF AUTHORITY.—Section 5116(g)
9 is amended by striking “Government grant programs” and
10 inserting “Federal financial assistance programs”.

11 (e) EMERGENCY PREPAREDNESS FUND.—

12 (1) NAME OF FUND.—Section 5116(i) is
13 amended by inserting after “an account” the fol-
14 lowing: “(to be known as the ‘Emergency Prepared-
15 ness Fund’)”.

16 (2) PUBLICATION OF EMERGENCY RESPONSE
17 GUIDE.—Section 5116(i) is further amended—

18 (A) by striking “collects under section
19 5108(g)(2)(A) of this title and”;

20 (B) by striking “and” after the semicolon
21 in paragraph (2);

22 (C) by redesignating paragraph (3) as
23 paragraph (4); and

24 (D) by inserting after paragraph (2) the
25 following:

1 “(3) to publish and distribute an emergency re-
2 sponse guide; and”.

3 (3) CONFORMING AMENDMENT.—Section
4 5108(g)(2)(C) is amended by striking “the account
5 the Secretary of the Treasury establishes” and in-
6 serting “the Emergency Response Fund estab-
7 lished”.

8 (f) REPORTS.—Section 5116(k) is amended—

9 (1) by striking the first sentence and inserting
10 “The Secretary shall make available to the public
11 annually information on the allocation and uses of
12 planning grants under subsection (a), training
13 grants under subsection (b), and grants under sub-
14 section (j) of this section and under section 5107 of
15 this title.”; and

16 (2) by striking “Such report” in the second
17 sentence and inserting “The information”.

18 **SEC. 436. SPECIAL PERMITS AND EXCLUSIONS.**

19 (a) SPECIAL PERMITS AND EXCLUSIONS.—

20 (1) IN GENERAL.—Section 5117(a)(1) is
21 amended by striking “the Secretary of Transpor-
22 tation may issue” and all that follows through “in
23 a way” and inserting “the Secretary may issue,
24 modify, or terminate a special permit authorizing
25 variances from this chapter, or a regulation pre-

1 scribed under section 5103(b), 5104, 5110, or 5112
 2 of this title, to a person performing a function regu-
 3 lated by the Secretary under section 5103(b)(1) of
 4 this title in a way”.

5 (2) DURATION.—Section 5117(a)(2) is amend-
 6 ed to read as follows:

7 “(2) A special permit under this subsection—

8 “(A) shall be effective when first issued for
 9 not more than 2 years; and

10 “(B) may be renewed for successive peri-
 11 ods of not more than 4 years each.”.

12 (b) REFERENCES TO SPECIAL PERMITS.—Section
 13 5117 is further amended—

14 (1) by striking “an exemption” each place it ap-
 15 pears and inserting “a special permit”; and

16 (2) by striking “the exemption” each place it
 17 appears and inserting “the special permit”.

18 (c) CONFORMING AND CLERICAL AMENDMENTS.—

19 (1) CONFORMING AMENDMENT.—The heading
 20 of section 5117 is amended to read as follows:

21 **“§ 5117. Special permits and exclusions”.**

22 (2) CLERICAL AMENDMENT.—The chapter anal-
 23 ysis for chapter 51 is amended by striking the item
 24 relating to section 5117 and inserting the following:

“5117. Special permits and exclusions.”.

25 (d) REPEAL OF SECTION 5118.—

1 (1) Section 5118 is repealed.

2 (2) The chapter analysis for chapter 51 is
3 amended by striking the item relating to section
4 5118 and inserting the following:

“5118. Repealed.”.

5 **SEC. 437. UNIFORM FORMS AND PROCEDURES.**

6 The text of section 5119 is amended to read as fol-
7 lows:

8 “(a) IN GENERAL.—The Secretary may prescribe
9 regulations to establish uniform forms and regulations for
10 States on the following:

11 “(1) To register and issue permits to persons
12 that transport or cause to be transported hazardous
13 material by motor vehicles in a State.

14 “(2) To permit the transportation of hazardous
15 material in a State.

16 “(b) UNIFORMITY IN FORMS AND PROCEDURES.—In
17 prescribing regulations under subsection (a) of this sec-
18 tion, the Secretary shall develop procedures to eliminate
19 discrepancies among the States in carrying out the activi-
20 ties covered by the regulations.

21 “(c) LIMITATION.—The regulations prescribed under
22 subsection (a) of this section may not define or limit the
23 amount of any fees imposed or collected by a State for
24 any activities covered by the regulations.

25 “(d) EFFECTIVE DATE.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2) of this subsection, the regulations pre-
3 scribed under subsection (a) of this section shall
4 take effect 1 year after the date on which pre-
5 scribed.

6 “(2) EXTENSION.—The Secretary may extend
7 the 1-year period in subsection (a) for an additional
8 year for good cause.

9 “(e) STATE REGULATIONS.—After the regulations
10 prescribed under subsection (a) of this section take effect
11 under subsection (d) of this section, a State may establish,
12 maintain, or enforce a requirement relating to the same
13 subject matter only if the requirement is consistent with
14 applicable requirements with respect to such activity in the
15 regulations.

16 “(f) INTERIM STATE PROGRAMS.—Pending the pre-
17 scription of regulations under subsection (a) of this sec-
18 tion, States may participate in the program of uniform
19 forms and procedures recommended by the Alliance for
20 Uniform Hazmat Transportation Procedures.”.

21 **SEC. 438. INTERNATIONAL UNIFORMITY OF STANDARDS**
22 **AND REQUIREMENTS.**

23 Section 5120 is amended by striking “of Transpor-
24 tation” each place it appears in subsections (a), (b), and
25 (c)(1).

1 **SEC. 439. HAZARDOUS MATERIALS TRANSPORTATION SAFE-**
2 **TY AND SECURITY.**

3 The text of section 5121 is amended to read as fol-
4 lows:

5 “(a) **GENERAL AUTHORITY.**—

6 “(1) To carry out this chapter, the Secretary
7 may investigate, conduct tests, make reports, issue
8 subpoenas, conduct hearings, require the production
9 of records and property, take depositions, and con-
10 duct research, development, demonstration, and
11 training activities.

12 “(2) Except as provided in subsections (c) and
13 (d) of this section, the Secretary shall provide notice
14 and an opportunity for a hearing before issuing an
15 order directing compliance with this chapter, a regu-
16 lation prescribed under this chapter, or an order,
17 special permit, or approval issued under this chap-
18 ter.

19 “(b) **RECORDS, REPORTS, PROPERTY, AND INFORMA-**
20 **TION.**—A person subject to this chapter shall—

21 “(1) maintain records, make reports, and pro-
22 vide property and information that the Secretary by
23 regulation or order requires; and

24 “(2) make the records, reports, property, and
25 information available for inspection when the Sec-
26 retary undertakes an inspection or investigation.

1 “(c) INSPECTIONS AND INVESTIGATIONS.—

2 “(1) A designated officer or employee of the
3 Secretary may—

4 “(A) inspect and investigate, at a reason-
5 able time and in a reasonable way, records and
6 property relating to a function described in sec-
7 tion 5103(b)(1) of this title;

8 “(B) except for packaging immediately ad-
9 jacent to the hazardous material contents, gain
10 access to, open, and examine a package offered
11 for or in transportation when the officer or em-
12 ployees has an objectively reasonable and
13 articulable belief that the package may contain
14 hazardous material;

15 “(C) remove from transportation a pack-
16 age or related packages in a shipment offered
17 for or in transportation for which—

18 “(i) such officer or employee has an
19 objectively reasonable and articulable belief
20 that the package may pose an imminent
21 hazard; and

22 “(ii) such officer or employee contem-
23 poraneously documents such belief in ac-
24 cordance with procedures set forth in regu-

1 lations prescribed under subsection (e) of
2 this section;

3 “(D) gather information from the offeror,
4 carrier, packaging manufacturer or retester, or
5 other person responsible for a package or pack-
6 ages to ascertain the nature and hazards of the
7 contents of the package or packages;

8 “(E) as necessary under terms and condi-
9 tions prescribed by the Secretary, order the of-
10 feror, carrier, or other person responsible for a
11 package or packages to have the package or
12 packages transported to an appropriate facility,
13 opened, examined, and analyzed; and

14 “(F) when safety might otherwise be com-
15 promised, authorize properly qualified personnel
16 to assist in activities carried out under this
17 paragraph.

18 “(2) An officer or employee acting under the
19 authority of the Secretary under this subsection
20 shall display proper credentials when requested.

21 “(3) In instances when, as a result of an in-
22 spection or investigation under this subsection, an
23 imminent hazards is not found to exist, the Sec-
24 retary shall, in accordance with procedures set forth
25 in regulations prescribed under subsection (e) of this

1 section, assist the safe resumption of transportation
2 of the package, packages, or transport unit con-
3 cerned.

4 “(d) EMERGENCY ORDERS.—

5 “(1) If, upon inspection, investigation, testing,
6 or research, the Secretary determines that a viola-
7 tion of a provision of this chapter, or a regulation
8 prescribed under this chapter, or an unsafe condition
9 or practice, constitutes or is causing an imminent
10 hazard, the Secretary may issue or impose emer-
11 gency restrictions, prohibitions, recalls, or out-of-
12 service orders, without notice or an opportunity for
13 a hearing, but only to the extent necessary to abate
14 the imminent hazard.

15 “(2) The action of the Secretary under para-
16 graph (1) of this subsection shall be in a written
17 emergency order that—

18 “(A) describes the violation, condition, or
19 practice that constitutes or is causing the immi-
20 nent hazard;

21 “(B) states the restrictions, prohibitions,
22 recalls, or out-of-service orders issued or im-
23 posed; and

24 “(C) describe the standards and proce-
25 dures for obtaining relief from the order.

1 “(3) After taking action under paragraph (1) of
2 this subsection, the Secretary shall provide for re-
3 view of the action under section 554 of title 5 if a
4 petition for review is filed within 20 calendar days
5 of the issuance of the order for the action.

6 “(4) If a petition for review of an action is filed
7 under paragraph (3) of this subsection and the re-
8 view under that paragraph is not completed by the
9 end of the 30-day period beginning on the date the
10 petition is filed, the action shall cease to be effective
11 at the end of such period unless the Secretary deter-
12 mines, in writing, that the imminent hazard pro-
13 viding a basis for the action continues to exist.

14 “(5) In this subsection, the term ‘out-of-service
15 order’ means a requirement that an aircraft, vessel,
16 motor vehicle, train, railcar, locomotive, other vehi-
17 cle, transport unit, transport vehicle, freight con-
18 tainer, potable tank, or other package not be moved
19 until specified conditions have been met.

20 “(e) REGULATIONS.—The Secretary shall prescribe
21 in accordance with section 553 of title 5 regulations to
22 carry out the authority in subsections (c) and (d) of this
23 section.

24 “(f) FACILITY, STAFF, AND REPORTING SYSTEM ON
25 RISKS, EMERGENCIES, AND ACTIONS.—

1 “(1) The Secretary shall—

2 “(A) maintain a facility and technical staff
3 sufficient to provide, within the United States
4 Government, the capability of evaluating a risk
5 relating to the transportation of hazardous ma-
6 terial and material alleged to be hazardous;

7 “(B) maintain a central reporting system
8 and information center capable of providing in-
9 formation and advice to law enforcement and
10 firefighting personnel, and other interested indi-
11 viduals, and officers and employees of the
12 United States Government and State and local
13 governments on meeting an emergency relating
14 to the transportation of hazardous material;
15 and

16 “(C) conduct a continuous review on all as-
17 pects of transporting hazardous material to de-
18 cide on and take appropriate actions to ensure
19 safe transportation of hazardous material.

20 “(2) Paragraph (1) of this subsection shall not
21 prevent the Secretary from making a contract with
22 a private entity for use of a supplemental reporting
23 system and information center operated and main-
24 tained by the contractor.

1 “(g) GRANTS, COOPERATIVE AGREEMENTS, AND
2 OTHER TRANSACTIONS.—The Secretary may enter into
3 grants, cooperative agreements, and other transactions
4 with a person, agency, or instrumentality of the United
5 States, a unit of State or local government, an Indian
6 tribe, a foreign government (in coordination with the De-
7 partment of State), an educational institution, or other ap-
8 propriate entity—

9 “(1) to expand risk assessment and emergency
10 response capabilities with respect to the security of
11 transportation of hazardous material;

12 “(2) to conduct research, development, dem-
13 onstration, risk assessment and emergency response
14 planning and training activities; or

15 “(3) to otherwise carry out this chapter.

16 “(h) REPORTS.—

17 “(1) The Secretary shall, once every 2 years,
18 submit to the Senate Committee on Commerce,
19 Science, and Transportation and the House of Rep-
20 resentatives Committee on Transportation and In-
21 frastructure a comprehensive report on the transpor-
22 tation of hazardous material during the preceding 2
23 calendar years. Each report shall include, for the pe-
24 riod covered by such report—

1 “(A) a statistical compilation of the acci-
2 dents and casualties related to the transpor-
3 tation of hazardous material during such pe-
4 riod;

5 “(B) a list and summary of applicable
6 Government regulations, criteria, orders, and
7 special permits;

8 “(C) a summary of the basis for each spe-
9 cial permit issued;

10 “(D) an evaluation of the effectiveness of
11 enforcement activities relating to the transpor-
12 tation of hazardous material during such pe-
13 riod, and of the degree of voluntary compliance
14 with regulations;

15 “(E) a summary of outstanding problems
16 in carrying out this chapter, set forth in order
17 of priority; and

18 “(F) any recommendations for legislative
19 or administrative action that the Secretary con-
20 siders appropriate.

21 “(2) Before December 31, 2004, and every 3
22 years thereafter, the Secretary, through the Bureau
23 of Transportation Statistics and in consultation with
24 other Federal departments and agencies, shall sub-
25 mit a report to the Senate Committee on Commerce,

1 Science, and Transportation and the House of Rep-
2 resentatives Committee on Transportation and In-
3 frastructure on the transportation of hazardous ma-
4 terial in all modes of transportation during the pre-
5 ceding 3 calendar years. Each report shall include,
6 for the period covered by such report—

7 “(A) a summary of the hazardous material
8 shipments, deliveries, and movements during
9 such period, set forth by tonnage by mode, both
10 domestically and across United States borders;
11 and

12 “(B) a summary of shipment estimates
13 during such period as a proxy for risk.

14 “(i) SECURITY SENSITIVE INFORMATION.—

15 “(1) If the Secretary determines that particular
16 information may reveal a vulnerability of a haz-
17 ardous material to attack during transportation in
18 commerce, or may facilitate the diversion of haz-
19 ardous material during transportation in commerce
20 for use in an attack on people or property, the Sec-
21 retary may disclose such information only—

22 “(A) to the owner, custodian, offeror, or
23 carrier of such hazardous material;

24 “(B) to an officer, employee, or agent of
25 the United States Government, or a State or

1 local government, including volunteer fire de-
2 partments, concerned with carrying out trans-
3 portation safety laws, protecting hazardous ma-
4 terial in the course of transportation in com-
5 merce, protecting public safety or national secu-
6 rity, or enforcing Federal law designed to pro-
7 tect public health or the environment; or

8 “(C) in an administrative or judicial pro-
9 ceeding brought under this chapter, under other
10 Federal law intended to protect public health or
11 the environment, or under other Federal law in-
12 tended to address terrorist actions or threats of
13 terrorist actions.

14 “(2) The Secretary may make determinations
15 under paragraph (1) of this subsection with respect
16 categories of information in accordance with regula-
17 tions prescribed by the Secretary.

18 “(3) A release of information pursuant to a de-
19 termination under paragraph (1) of this subsection
20 shall not be treated as a release of such information
21 to the public for purposes of section 552 of title 5.”.

22 **SEC. 440. ENFORCEMENT.**

23 (a) REFERENCE TO SECRETARY OF TRANSPOR-
24 TATION.—Section 5122(a) is amended by striking “of
25 Transportation”.

1 (b) GENERAL.—Section 5122(a) is further amend-
2 ed—

3 (1) by striking “chapter or a regulation pre-
4 scribed or order” in the first sentence and inserting
5 “chapter, a regulation prescribed under this chapter,
6 or an order, special permit, or approval”; and

7 (2) by striking the second sentence and insert-
8 ing “In an action under this subsection, the court
9 may award appropriate relief, including a temporary
10 or permanent injunction, civil penalties under sec-
11 tion 5123 of this title, and punitive damages.”.

12 (c) IMMINENT HAZARDS.—Section 5122(b)(1)(B) is
13 amended by striking “ameliorate” and inserting “miti-
14 gate”.

15 **SEC. 441. CIVIL PENALTIES.**

16 (a) REFERENCE TO SECRETARY OF TRANSPOR-
17 TATION.—Section 5123(b) is amended by striking “of
18 Transportation”.

19 (b) PENALTY.—Section 5123(a)(1) is amended—

20 (1) by striking “chapter or a regulation pre-
21 scribed or order” and inserting “chapter, a regula-
22 tion prescribed under this chapter, or an order, spe-
23 cial permit, or approval”; and

24 (2) by striking “\$25,000” and inserting
25 “\$100,000”.

1 (c) HEARING REQUIREMENT.—Section 5123(b) is
2 amended by striking “chapter or a regulation prescribed”
3 and inserting “chapter, a regulation prescribed under this
4 chapter, or an order, special permit, or approval issued”.

5 (d) CIVIL ACTIONS TO COLLECT.—Section 5123(d)
6 is amended by striking “section.” and inserting “section
7 and any accrued interest on the civil penalty as calculated
8 in accordance with section 1005 of the Oil Pollution Act
9 of 1990 (33 U.S.C. 2705). In the civil action, the amount
10 and appropriateness of the civil penalty shall not be sub-
11 ject to review.”.

12 (e) EFFECTIVE DATE.—(1) The amendments made
13 by subsections (b) and (c) of this section shall take effect
14 on the date of the enactment of this Act, and shall apply
15 with respect to violations described in section 5123(a) of
16 title 49, United States Code (as amended by this section),
17 that occur on or after that date.

18 (2) The amendment made by subsection (d) of this
19 section shall apply with respect to civil penalties imposed
20 on violations described in section 5123(a) of title 49,
21 United States Code (as amended by this section), which
22 violations occur on or after the date of the enactment of
23 this Act.

24 **SEC. 442. CRIMINAL PENALTIES.**

25 (a) IN GENERAL.—Section 5124 is amended—

1 (1) by inserting “(a) IN GENERAL.—” before
2 “A person”; and

3 (2) by striking “chapter or a regulation pre-
4 scribed or order” and inserting “chapter, a regula-
5 tion prescribed under this chapter, or an order, spe-
6 cial permit, or approval”.

7 (b) ADDITIONAL MATTERS.—That section is further
8 amended by adding at the end the following:

9 “(b) AGGRAVATED VIOLATIONS.—A person know-
10 ingly violating section 5104(b) of this title or willfully vio-
11 lating this chapter or a regulation prescribed, or an order,
12 special permit, or approval issued, under this chapter, who
13 thereby causes the release of hazardous material shall be
14 fined under title 18, imprisoned for not more than 20
15 years, or both.

16 “(c) SEPARATE VIOLATIONS.—A separate violation
17 occurs for each day the violation, committed by a person
18 who transports or causes to be transported hazardous ma-
19 terial, continues.”.

20 **SEC. 443. PREEMPTION.**

21 (a) REFERENCE TO SECRETARY OF TRANSPOR-
22 TATION.—Section 5125(b)(2) is amended by striking “of
23 Transportation”.

24 (b) PURPOSES.—Section 5125 is amended—

1 (1) by redesignating subsections (a), (b), (c),
2 (d), (e), (f), and (g) as subsections (b), (c), (d), (e),
3 (f), (g), and (h), respectively;

4 (2) by inserting before subsection (b), as so re-
5 designated, the following:

6 “(a) PURPOSES.—The Secretary shall exercise the
7 authority in this section—

8 “(1) to achieve uniform regulation of the trans-
9 portation of hazardous material;

10 “(2) to eliminate rules that are inconsistent
11 with the regulations prescribed under this chapter;
12 and

13 “(3) to otherwise promote the safe and efficient
14 movement of hazardous material in commerce.”;

15 (3) by striking subsection (g), as redesignated;
16 and

17 (4) by redesignating subsection (h), as redesign-
18 nated, as subsection (g).

19 (c) GENERAL PREEMPTION.—Section 5125(b), as re-
20 designated by subsection (b)(1) of this section, is further
21 amended by striking “GENERAL.—Except as provided in
22 subsection (b), (c), and (e)” and inserting “PREEMPTION
23 GENERALLY.—Except as provided in subsections (c), (d),
24 and (f)”.

1 (d) SUBSTANTIVE DIFFERENCES.—Section 5125(c),
2 as so redesignated, is further amended—

3 (1) in the matter preceding subparagraph (A)
4 of paragraph (1), by striking “subsection (c)” and
5 inserting “subsection (d)”;

6 (2) by striking subparagraph (E) of paragraph
7 (1) and inserting the following:

8 “(E) the manufacturing, designing, inspecting,
9 testing, reconditioning, or repairing of a packaging
10 or packaging component that is represented as quali-
11 fied for use in transporting hazardous material in
12 commerce.”; and

13 (3) by striking “prescribes after November 16,
14 1990. However, the” in paragraph (2) and inserting
15 “prescribes. The”.

16 (e) DECISIONS ON PREEMPTION.—Section 5125(e),
17 as so redesignated, is further amended by striking “sub-
18 section (a), (b)(1), or (c) of this section.” in the first sen-
19 tence and inserting “subsection (b), (c)(1), or (d) of this
20 section or section 5119(b) of this title.”.

21 (f) WAIVER OF PREEMPTION.—Section 5125(f), as so
22 redesignated, is further amended by striking “subsection
23 (a), (b)(1), or (c) of this section.” and inserting “sub-
24 section (b), (c)(1), or (d) of this section or section 5119(b)
25 of this title.”.

1 (g) EMERGENCY WAIVER OF PREEMPTION; ADDI-
2 TIONAL MATTERS.—Section 5125 is further amended—

3 (1) by redesignating subsection (g), as redesign-
4 nated by subsection (b)(4) of this section, as sub-
5 section (j); and

6 (2) by inserting after subsection (f), as redesign-
7 nated by subsection (b)(1) of this section, the fol-
8 lowing:

9 “(g) EMERGENCY WAIVER OF PREEMPTION.—

10 “(1) The Secretary may, upon a finding of good
11 cause, waive the preemption of a requirement of a
12 State, political subdivision of a State, or Indian tribe
13 under this section without prior notice or an oppor-
14 tunity for public comment thereon.

15 “(2) For purposes of paragraph (1) of this sub-
16 section, good cause exists when—

17 “(A) there is a potential threat that haz-
18 ardous material being transported in commerce
19 may be used in an attack on people or property;
20 and

21 “(B) notice and an opportunity for public
22 comment thereon are impracticable or contrary
23 to the public interest.

24 “(3)(A) A waiver of preemption under para-
25 graph (1) of this subsection shall be in effect for a

1 period specified by the Secretary, but not more than
2 6 months.

3 “(B) If the Secretary determines before the ex-
4 piration of a waiver of preemption under subpara-
5 graph (A) of this paragraph that the potential threat
6 providing the basis for the waiver continues to exist,
7 the Secretary may, after providing notice and an op-
8 portunity for public comment thereon, extend the
9 duration of the waiver for such period after the expi-
10 ration of the waiver under that subparagraph as the
11 Secretary considers appropriate.

12 “(4) An action of the Secretary under para-
13 graph (1) or (3) of this subsection shall be in writ-
14 ing and shall set forth the standards and procedures
15 for seeking reconsideration of the action.

16 “(5) After taking action under paragraph (1) or
17 (3) of this subsection, the Secretary shall provide for
18 review of the action if a petition for review of the
19 action is filed within 20 calendar days after the date
20 of the action.

21 “(6) If a petition for review of an action is filed
22 under paragraph (5) of this subsection and review of
23 the action is not completed by the end of the 30-day
24 period beginning on the date the petition is filed, the
25 waiver under this subsection shall cease to be effec-

1 tive at the end of such period unless the Secretary
2 determines, in writing, that the potential threat pro-
3 viding the basis for the waiver continues.

4 “(h) APPLICATION OF EACH PREEMPTION STAND-
5 ARD.—Each standard for preemption in subsection (b),
6 (c)(1), or (d) of this section, and in section 5119(b) of
7 this title, is independent in its application to a require-
8 ment of a State, political subdivision of a State, or Indian
9 tribe.

10 “(i) NON-FEDERAL ENFORCEMENT STANDARDS.—
11 This section does not apply to any procedure, penalty, re-
12 quired mental state, or other standard utilized by a State,
13 political subdivision of a State, or Indian tribe to enforce
14 a requirement applicable to the transportation of haz-
15 ardous material.”.

16 **SEC. 444. RELATIONSHIP TO OTHER LAWS.**

17 Section 5126 is amended—

18 (1) by striking “or causes to be transported
19 hazardous material,” in subsection (a) and inserting
20 “hazardous material, or causes hazardous material
21 to be transported,”;

22 (2) by striking “manufactures,” and all that
23 follows through “or sells” in subsection (a) and in-
24 serting “manufactures, designs, inspects, tests, re-

1 conditions, marks, or repairs a packaging or pack-
2 aging component that is represented”;

3 (3) by striking “must” in subsection (a) and in-
4 serting “shall”;

5 (4) by striking “manufacturing,” in subsection
6 (a) and all that follows through “testing” and in-
7 serting “manufacturing, designing, inspecting, test-
8 ing, reconditioning, marking, or repairing”; and

9 (5) by striking “39.” in subsection (b)(2) and
10 inserting “39, except in the case of an imminent
11 hazard.”.

12 **SEC. 445. JUDICIAL REVIEW.**

13 (a) IN GENERAL.—Chapter 51 is amended—

14 (1) by redesignating section 5127 as section
15 5128; and

16 (2) by inserting after section 5126 the fol-
17 lowing:

18 **“§ 5127. Judicial review**

19 “(a) FILING AND VENUE.—Except as provided in
20 section 20114(c) of this title, a person suffering legal
21 wrong or adversely affected or aggrieved by a final action
22 of the Secretary under this chapter may petition for review
23 of the final action in the United States Court of Appeals
24 for the District of Columbia or in the court of appeals
25 of the United States for the circuit in which the person

1 or resides or has the principal place of business. The peti-
2 tion shall be filed not more than 60 days after the action
3 of the Secretary becomes final.

4 “(b) PROCEDURES.—When a petition on a final ac-
5 tion is filed under subsection (a) of this section, the clerk
6 of the court shall immediately send a copy of the petition
7 to the Secretary. The Secretary shall file with the court
8 a record of any proceeding in which the final action was
9 issued as provided in section 2112 of title 28.

10 “(c) AUTHORITY OF COURT.—The court in which a
11 petition on a final action is filed under subsection (a) of
12 this section has exclusive jurisdiction, as provided in sub-
13 chapter II of chapter 5 of title 5 to affirm or set aside
14 any part of the final action and may order the Secretary
15 to conduct further proceedings. Findings of fact by the
16 Secretary, if supported by substantial evidence, are conclu-
17 sive.

18 “(d) REQUIREMENT FOR PRIOR OBJECTIONS.—In
19 reviewing a final action under this section, the court may
20 consider an objection to the final action only if—

21 “(1) the objection was made in the course of a
22 proceeding or review conducted by the Secretary; or

23 “(2) there was a reasonable ground for not
24 making the objection in the proceeding.”

1 (b) CLERICAL AMENDMENT.—The chapter analysis
2 for chapter 51 is amended by striking the item relating
3 to section 5127 and inserting the following:

“5127. Judicial review.

“5128. Authorization of appropriations.”.

4 **SEC. 446. AUTHORIZATION OF APPROPRIATIONS.**

5 Section 5128, as redesignated by section 445 of this
6 Act, is amended to read as follows:

7 **“§ 5128. Authorization of appropriations**

8 “(a) GENERAL.—In order to carry out this chapter
9 (except sections 5107(e), 5108(g), 5112, 5113, 5115,
10 5116, and 5119 of this title), the following amounts are
11 authorized to be appropriated to the Secretary:

12 “(1) For fiscal year 2004, not more than
13 \$24,981,000.

14 “(2) For fiscal year 2005, not more than
15 \$27,000,000.

16 “(3) For fiscal year 2006, not more than
17 \$29,000,000.

18 “(4) For each of fiscal years 2007 through
19 2009, not more than \$30,000,000.

20 “(b) EMERGENCY PREPAREDNESS FUND.—There
21 shall be available from the Emergency Preparedness Fund
22 under section 5116(i) of this title, amounts as follows:

1 “(1) To carry out section 5107(e) of this title,
2 \$4,000,000 for each of fiscal years 2004 through
3 2009.

4 “(2) To carry out section 5115 of this title,
5 \$200,000 for each of fiscal years 2004 through
6 2009.

7 “(3) To carry out section 5116(a) of this title,
8 \$8,000,000 for each of fiscal years 2004 through
9 2009.

10 “(4) To carry out section 5116(b) of this title,
11 \$13,800,000 for each of fiscal years 2004 through
12 2009.

13 “(5) To carry out section 5116(f) of this title,
14 \$150,000 for each of fiscal years 2004 through
15 2009.

16 “(6) To carry out section 5116(i)(4) of this
17 title, \$150,000 for each of fiscal years 2004 through
18 2009.

19 “(7) To carry out section 5116(j) of this title,
20 \$1,000,000 for each of fiscal years 2004 through
21 2009.

22 “(8) To publish and distribute an emergency
23 response guidebook under section 5116(i)(3) of title
24 49, United States Code, \$500,000 for each of fiscal
25 years 2004 through 2009.

1 “(c) CREDIT TO APPROPRIATIONS.—The Secretary
 2 may credit to any appropriation to carry out this chapter
 3 an amount received from a State, political subdivision of
 4 a State, Indian tribe, or other public authority or private
 5 entity for expenses the Secretary incurs in providing train-
 6 ing to the State, political subdivision, Indian tribe, or
 7 other authority or entity.

8 “(d) AVAILABILITY OF AMOUNTS.—Amounts avail-
 9 able under subsections (a) and (b) of this section shall
 10 remain available until expended.”.

11 **SEC. 447. ADDITIONAL CIVIL AND CRIMINAL PENALTIES.**

12 (a) TITLE 49 PENALTIES.—Section 46312 is amend-
 13 ed—

14 (1) by striking “part—” in subsection (a) and
 15 inserting “part or chapter 51 of this title—”; and

16 (2) by inserting “or chapter 51 of this title” in
 17 subsection (b) after “under this part”.

18 (b) TITLE 18 PENALTIES.—Section 3663(a)(1)(A) of
 19 title 18, United States Code, is amended by inserting
 20 “5124,” before “46312,”.

21 **Subtitle B—Other Matters**

22 **SEC. 461. ADMINISTRATIVE AUTHORITY FOR RESEARCH**
 23 **AND SPECIAL PROGRAMS ADMINISTRATION.**

24 Section 112 is amended—

1 (1) by redesignating subsection (e) as sub-
2 section (f); and

3 (2) by inserting after subsection (d) the fol-
4 lowing:

5 “(e) ADMINISTRATIVE AUTHORITIES.—

6 “(1) GRANTS, COOPERATIVE AGREEMENTS, AND
7 OTHER TRANSACTIONS.—The Administrator may
8 enter into grants, cooperative agreements, and other
9 transactions with Federal agencies, State and local
10 government agencies, other public entities, private
11 organizations, and other persons—

12 “(A) to conduct research into transpor-
13 tation service and infrastructure assurance; and

14 “(B) to carry out other research activities
15 of the Administration.

16 “(2) LIMITATION ON DISCLOSURE OF CERTAIN
17 INFORMATION.—

18 “(A) LIMITATION.—If the Administrator
19 determines that particular information devel-
20 oped in research sponsored by the Administra-
21 tion may reveal a systemic vulnerability of
22 transportation service or infrastructure, such
23 information may be disclosed only to—

1 “(i) a person responsible for the secu-
2 rity of the transportation service or infra-
3 structure; or

4 “(ii) a person responsible for pro-
5 tecting public safety; or

6 “(iii) an officer, employee, or agent of
7 the Federal Government, or a State or
8 local government, who, as determined by
9 the Administrator, has need for such infor-
10 mation in the performance of official du-
11 ties.

12 “(B) TREATMENT OF RELEASE.—The re-
13 lease of information under subparagraph (A)
14 shall not be treated as a release to the public
15 for purposes of section 552 of title 5.”.

16 **SEC. 462. MAILABILITY OF HAZARDOUS MATERIALS.**

17 (a) NONMAILABILITY GENERALLY.—Section 3001 of
18 title 39, United States Code, is amended—

19 (1) by redesignating subsection (n) as sub-
20 section (o); and

21 (2) by inserting after subsection (m) the fol-
22 lowing:

23 “(n)(1) Except as otherwise authorized by law or reg-
24 ulations of the Postal Service under section 3018 of this
25 title, hazardous material is nonmailable.

1 “(2) In this subsection, the term ‘hazardous material’
2 means a substance or material designated by the Secretary
3 of Transportation as hazardous material under section
4 5103(a) of title 49.”.

5 (b) MAILABILITY.—

6 (1) IN GENERAL.—Chapter 30 of title 39,
7 United States Code, is amended by adding at the
8 end the following:

9 **“§ 3018. Hazardous material**

10 “(a) IN GENERAL.—The Postal Service shall pre-
11 scribe regulations for the safe transportation of hazardous
12 material in the mails.

13 “(b) PROHIBITIONS.—No person may—

14 “(1) mail or cause to be mailed hazardous ma-
15 terial that has been declared by statute or Postal
16 Service regulation to be nonmailable;

17 “(2) mail or cause to be mailed hazardous ma-
18 terial in violation of any statute or Postal Service
19 regulation restricting the time, place, or manner in
20 which hazardous material may be mailed; or

21 “(3) manufacture, distribute, or sell any con-
22 tainer, packaging kit, or similar device that—

23 “(A) is represented, marked, certified, or
24 sold by such person for use in the mailing of
25 hazardous material; and

1 “(B) fails to conform with any statute or
2 Postal Service regulation setting forth stand-
3 ards for a container, packaging kit, or similar
4 device used for the mailing of hazardous mate-
5 rial.

6 “(c) CIVIL PENALTY.—

7 “(1) IN GENERAL.—A person who knowingly
8 violates this section or a regulation prescribed under
9 this section shall be liable to the Postal Service
10 for—

11 “(A) a civil penalty of at least \$250, but
12 not more than \$100,000, for each violation;

13 “(B) the costs of any clean-up associated
14 with such violation; and

15 “(C) damages.

16 “(2) KNOWING ACTION.—A person acts know-
17 ingly for purposes of paragraph (1) when—

18 “(A) the person has actual knowledge of
19 the facts giving rise to the violation; or

20 “(B) a reasonable person acting in the cir-
21 cumstances and exercising reasonable care
22 would have had that knowledge.

23 “(3) KNOWLEDGE OF STATUTE OR REGULA-
24 TION NOT ELEMENT OF OFFENSE.—Knowledge of
25 the existence of a statutory provision or Postal Serv-

1 ice regulation is not an element of an offense under
2 this subsection.

3 “(4) SEPARATE VIOLATIONS.—

4 “(A) VIOLATIONS OVER TIME.—A separate
5 violation under this subsection occurs for each
6 day hazardous material, mailed or cause to be
7 mailed in noncompliance with this section, is in
8 the mail.

9 “(B) SEPARATE ITEMS.—A separate viola-
10 tion under this subsection occurs for each item
11 containing hazardous material that is mailed or
12 caused to be mailed in noncompliance with this
13 section.

14 “(d) HEARINGS.—The Postal Service may determine
15 that a person has violated this section or a regulation pre-
16 scribed under this section only after notice and an oppor-
17 tunity for a hearing.

18 “(e) PENALTY CONSIDERATIONS.—In determining
19 the amount of a civil penalty for a violation of this section,
20 the Postal Service shall consider—

21 “(1) the nature, circumstances, extent, and
22 gravity of the violation;

23 “(2) with respect to the person who committed
24 the violation, the degree of culpability, any history of

1 prior violations, the ability to pay, and any effect on
2 the ability to continue in business;

3 “(3) the impact on Postal Service operations;
4 and

5 “(4) any other matters that justice requires.

6 “(f) CIVIL ACTIONS TO COLLECT.—

7 “(1) IN GENERAL.—In accordance with section
8 409(d) of this title, a civil action may be commenced
9 in an appropriate district court of the United States
10 to collect a civil penalty, clean-up costs, and dam-
11 ages assessed under subsection (c).

12 “(2) LIMITATION.—In a civil action under para-
13 graph (1), the validity, amount, and appropriateness
14 of the civil penalty, clean-up costs, and damages cov-
15 ered by the civil action shall not be subject to review.

16 “(3) COMPROMISE.—The Postal Service may
17 compromise the amount a civil penalty, clean-up
18 costs, and damages assessed under subsection (c) be-
19 fore commencing a civil action with respect to such
20 civil penalty, clean-up costs, and damages under
21 paragraph (1).

22 “(g) CIVIL JUDICIAL PENALTIES.—

23 “(1) IN GENERAL.—At the request of the Post-
24 al Service, the Attorney General may bring a civil
25 action in an appropriate district court of the United

1 States to enforce this section or a regulation pre-
2 scribed under this section.

3 “(2) RELIEF.—The court in a civil action under
4 paragraph (1) may award appropriate relief, includ-
5 ing a temporary or permanent injunction, civil pen-
6 alties as determined in accordance with this section,
7 or punitive damages.

8 “(3) CONSTRUCTION.—A civil action under this
9 subsection shall be in lieu of civil penalties for the
10 same violation under subsection (c)(1)(A).

11 “(h) DEPOSIT OF AMOUNTS COLLECTED.—Amounts
12 collected under this section shall be deposited into the
13 Postal Service Fund under section 2003 of this title.”.

14 (2) CONFORMING AMENDMENT.—The chapter
15 analysis for chapter 30 of title 39, United States
16 Code, is amended by adding at the end the fol-
17 lowing:

“3018. Hazardous material.”.

18 (c) CONFORMING AMENDMENT.—Section 2003(b) of
19 title 39, United States Code, is amended—

20 (1) by striking “and” after the semicolon in
21 paragraph (7);

22 (2) by striking “purposes.” in paragraph (8)
23 and inserting “purposes; and”; and

24 (3) by adding at the end the following:

1 “(9) any amounts collected under section 3018
2 of this title.”.

3 **SEC. 463. CRIMINAL MATTERS.**

4 Section 845(a)(1) of title 18, United States Code, is
5 amended by striking “which are regulated” and all that
6 follows and inserting “that is subject to the authority of
7 the Departments of Transportation and Homeland Secu-
8 rity;”.

9 **SEC. 464. CARGO INSPECTION PROGRAM.**

10 (a) IN GENERAL.—The Secretary of Transportation
11 may establish a program of random inspections of cargo
12 at points of entry into the United States for the purpose
13 of determining the extent to which undeclared hazardous
14 material is being offered for transportation in commerce
15 through such points of entry.

16 (b) INSPECTIONS.—Under the program under sub-
17 section (a)—

18 (1) an officer of the Department of Transpor-
19 tation who is not located at a point of entry into the
20 United States may select at random cargo shipments
21 at points of entry into the United States for inspec-
22 tion; and

23 (2) an officer or employee of the Department
24 may open and inspect each cargo shipment so se-
25 lected for the purpose described in subsection (a).

1 (c) COORDINATION.—The Secretary of Transpor-
2 tation shall coordinate any inspections under the program
3 under subsection (a) with the Secretary of Homeland Se-
4 curity.

5 (d) DISPOSITION OF HAZARDOUS MATERIALS.—The
6 Secretary of Transportation shall provide for the appro-
7 priate handling and disposition of any hazardous material
8 discovered pursuant to inspections under the program
9 under subsection (a).

10 **SEC. 465. INFORMATION ON HAZMAT REGISTRATIONS.**

11 The Administrator of the Department of Transpor-
12 tation's Research and Special Programs Administration
13 shall—

14 (1) transmit current hazardous material reg-
15 istrant information to the Federal Motor Carrier
16 Safety Administration to cross reference the reg-
17 istrant's Federal motor carrier registration number;
18 and

19 (2) notify the Federal Motor Carrier Safety Ad-
20 ministration immediately, and provide a registrant's
21 United States Department of Transportation identi-
22 fication number to the Administration, whenever a
23 new registrant registers to transport hazardous ma-
24 terials as a motor carrier.

1 **SEC. 466. REPORT ON APPLYING HAZARDOUS MATERIALS**
2 **REGULATIONS TO PERSONS WHO REJECT**
3 **HAZARDOUS MATERIALS.**

4 Within 6 months after the date of enactment of this
5 Act, the Secretary of Transportation shall complete an as-
6 sessment of the costs and benefits of subjecting persons
7 who reject hazardous material for transportation in com-
8 merce to the hazardous materials laws and regulations. In
9 completing this assessment, the Secretary shall—

10 (1) estimate the number of affected employers
11 and employees;

12 (2) determine what actions would be required
13 by them to comply with such laws and regulations;
14 and

15 (3) consider whether and to what extent the ap-
16 plication of Federal hazardous materials laws and
17 regulations should be limited to—

18 (A) particular modes of transportation;

19 (B) certain categories of employees; or

20 (C) certain classes or categories of haz-
21 arduous materials.

22 **Subtitle C—Sanitary Food**
23 **Transportation**

24 **SEC. 481. SHORT TITLE.**

25 This subtitle may be cited as the “Sanitary Food
26 Transportation Act of 2003”.

1 **SEC. 482. RESPONSIBILITIES OF THE SECRETARY OF**
2 **HEALTH AND HUMAN SERVICES.**

3 (a) UNSANITARY TRANSPORT DEEMED ADULTERA-
4 TION.—Section 402 of the Federal Food, Drug, and Cos-
5 metic Act (21 U.S.C. 342) is amended by adding at the
6 end the following:

7 “(i) NONCOMPLIANCE WITH SANITARY TRANSPOR-
8 TATION PRACTICES.—If the food is transported under
9 conditions that are not in compliance with the sanitary
10 transportation practices prescribed by the Secretary under
11 section 416.”.

12 (b) SANITARY TRANSPORTATION REQUIREMENTS.—
13 Chapter IV of the Federal Food, Drug, and Cosmetic Act
14 (21 U.S.C. 341 et seq.) is amended by adding at the end
15 the following:

16 **“SEC. 416. SANITARY TRANSPORTATION PRACTICES.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) BULK VEHICLE.—The term ‘bulk vehicle’
19 includes a tank truck, hopper truck, rail tank car,
20 hopper car, cargo tank, portable tank, freight con-
21 tainer, or hopper bin, and any other vehicle in which
22 food is shipped in bulk, with the food coming into
23 direct contact with the vehicle.

24 “(2) TRANSPORTATION.—The term ‘transporta-
25 tion’ means any movement in commerce by motor
26 vehicle or rail vehicle.

1 “(b) REGULATIONS.—The Secretary shall by regula-
2 tion require shippers, carriers by motor vehicle or rail ve-
3 hicle, receivers, and other persons engaged in the trans-
4 portation of food to use sanitary transportation practices
5 prescribed by the Secretary to ensure that food is not
6 transported under conditions that may render the food
7 adulterated.

8 “(c) CONTENTS.—The regulations shall—

9 “(1) prescribe such practices as the Secretary
10 determines to be appropriate relating to—

11 “(A) sanitation;

12 “(B) packaging, isolation, and other pro-
13 tective measures;

14 “(C) limitations on the use of vehicles;

15 “(D) information to be disclosed—

16 “(i) to a carrier by a person arranging
17 for the transport of food; and

18 “(ii) to a manufacturer or other per-
19 son that—

20 “(I) arranges for the transpor-
21 tation of food by a carrier; or

22 “(II) furnishes a tank vehicle or
23 bulk vehicle for the transportation of
24 food; and

25 “(E) recordkeeping; and

1 “(2) include—

2 “(A) a list of nonfood products that the
3 Secretary determines may, if shipped in a bulk
4 vehicle, render adulterated food that is subse-
5 quently transported in the same vehicle; and

6 “(B) a list of nonfood products that the
7 Secretary determines may, if shipped in a
8 motor vehicle or rail vehicle (other than a tank
9 vehicle or bulk vehicle), render adulterated food
10 that is simultaneously or subsequently trans-
11 ported in the same vehicle.

12 “(d) WAIVERS.—

13 “(1) IN GENERAL.—The Secretary may waive
14 any requirement under this section, with respect to
15 any class of persons, vehicles, food, or nonfood prod-
16 ucts, if the Secretary determines that the waiver—

17 “(A) will not result in the transportation
18 of food under conditions that would be unsafe
19 for human or animal health; and

20 “(B) will not be contrary to the public in-
21 terest.

22 “(2) PUBLICATION.—The Secretary shall pub-
23 lish in the Federal Register any waiver and the rea-
24 sons for the waiver.

25 “(e) PREEMPTION.—

1 “(1) IN GENERAL.—No State or political sub-
2 division of a State may directly or indirectly estab-
3 lish or continue in effect, as to any food in interstate
4 commerce, any authority or requirement concerning
5 transportation of food that is not identical to an au-
6 thority or requirement under this section.

7 “(2) APPLICABILITY.—This subsection applies
8 to transportation that occurs on or after the effec-
9 tive date of the regulations promulgated under sub-
10 section (b).

11 “(f) ASSISTANCE OF OTHER AGENCIES.—The Sec-
12 retary of Transportation, the Secretary of Agriculture, the
13 Administrator of the Environmental Protection Agency,
14 and the heads of other Federal agencies, as appropriate,
15 shall provide assistance on request, to the extent resources
16 are available, to the Secretary for the purposes of carrying
17 out this section.”.

18 (c) INSPECTION OF TRANSPORTATION RECORDS.—

19 (1) REQUIREMENT.—Section 703 of the Fed-
20 eral Food, Drug, and Cosmetic Act (21 U.S.C. 373)
21 is amended—

22 (A) by striking the section heading and all
23 that follows through “For the purpose” and in-
24 serting the following:

1 **“SEC. 703. RECORDS.**

2 “(a) IN GENERAL.—For the purpose”; and

3 (B) by adding at the end the following:

4 “(b) FOOD TRANSPORTATION RECORDS.—A shipper,
5 carrier by motor vehicle or rail vehicle, receiver, or other
6 person subject to section 416 shall, on request of an officer
7 or employee designated by the Secretary, permit the offi-
8 cer or employee, at reasonable times, to have access to
9 and to copy all records that the Secretary requires to be
10 kept under section 416(c)(1)(E).”.

11 (2) CONFORMING AMENDMENT.—Subsection (a)
12 of section 703 of the Federal Food, Drug, and Cos-
13 metic Act (as designated by paragraph (1)(A)) is
14 amended by striking “carriers.” and inserting “car-
15 riers, except as provided in subsection (b)”.

16 (d) PROHIBITED ACTS.—

17 (1) RECORDS INSPECTION.—Section 301(e) of
18 the Federal Food, Drug, and Cosmetic Act (21
19 U.S.C. 331(e)) is amended by inserting “416,” be-
20 fore “504,” each place it appears.

21 (2) UNSAFE FOOD TRANSPORTATION.—Section
22 301 of the Federal Food, Drug, and Cosmetic Act
23 (21 U.S.C. 331) is amended by adding at the end
24 the following:

25 “(hh) NONCOMPLIANCE WITH SANITARY TRANSPOR-
26 TATION PRACTICES.—The failure by a shipper, carrier by

1 motor vehicle or rail vehicle, receiver, or any other person
 2 engaged in the transportation of food to comply with the
 3 sanitary transportation practices prescribed by the Sec-
 4 retary under section 416.”.

5 **SEC. 483. DEPARTMENT OF TRANSPORTATION REQUIRE-**
 6 **MENTS.**

7 Chapter 57 of title 49, United States Code, is amend-
 8 ed to read as follows:

9 **“CHAPTER 57—SANITARY FOOD**
 10 **TRANSPORTATION**

“Sec.

“5701. Food transportation safety inspections.

11 **“§ 5701. Food transportation safety inspections**

12 “(a) INSPECTION PROCEDURES.—

13 “(1) IN GENERAL.—The Secretary of Transpor-
 14 tation, in consultation with the Secretary of Health
 15 and Human Services and the Secretary of Agri-
 16 culture, shall—

17 “(A) establish procedures for transpor-
 18 tation safety inspections for the purpose of
 19 identifying suspected incidents of contamination
 20 or adulteration of—

21 “(i) food in violation of regulations
 22 promulgated under section 416 of the Fed-
 23 eral Food, Drug, and Cosmetic Act; and

1 “(ii) meat subject to detention under
2 section 402 of the Federal Meat Inspection
3 Act (21 U.S.C. 672); and

4 “(iii) poultry products subject to de-
5 tention under section 19 of the Poultry
6 Products Inspection Act (21 U.S.C. 467a);
7 and

8 “(B) train personnel of the Department of
9 Transportation in the appropriate use of the
10 procedures.

11 “(2) APPLICABILITY.—The procedures estab-
12 lished under paragraph (1) of this subsection shall
13 apply, at a minimum, to Department of Transpor-
14 tation personnel that perform commercial motor ve-
15 hicle or railroad safety inspections.

16 “(b) NOTIFICATION OF SECRETARY OF HEALTH AND
17 HUMAN SERVICES OR SECRETARY OF AGRICULTURE.—
18 The Secretary of Transportation shall promptly notify the
19 Secretary of Health and Human Services or the Secretary
20 of Agriculture, as applicable, of any instances of potential
21 food contamination or adulteration of a food identified
22 during transportation safety inspections.

23 “(c) USE OF STATE EMPLOYEES.—The means by
24 which the Secretary of Transportation carries out sub-
25 section (b) of this section may include inspections con-

1 ducted by State employees using funds authorized to be
 2 appropriated under sections 31102 through 31104 of this
 3 title.”.

4 **SEC. 484. EFFECTIVE DATE.**

5 This subtitle takes effect on October 1, 2003.

6 **TITLE V—RECREATIONAL**
 7 **BOATING SAFETY PROGRAMS**

8 **SEC. 501. SHORT TITLE.**

9 This title may be cited as the “Sport Fishing and
 10 Recreational Boating Safety Act”.

11 **Subtitle A—Federal Aid in Sport**
 12 **Fish Restoration Act Amendments**

13 **SEC. 521. AMENDMENT OF FEDERAL AID IN FISH RESTORA-**
 14 **TION ACT.**

15 Except as otherwise expressly provided, whenever in
 16 this title an amendment or repeal is expressed in terms
 17 of an amendment to, or repeal of, a section or other provi-
 18 sion, the reference shall be considered to be made to a
 19 section or other provision of the Act entitled “An Act to
 20 provide that the United States shall aid the States in fish
 21 restoration and management projects, and for other pur-
 22 poses,” approved August 9, 1950 (64 Stat. 430; 16 U.S.C.
 23 777 et seq.).

24 **SEC. 522. AUTHORIZATION OF APPROPRIATIONS.**

25 Section 3 (16 U.S.C. 777b) is amended—

1 (1) by striking “the succeeding fiscal year.” in
2 the third sentence and inserting “succeeding fiscal
3 years.”; and

4 (2) by striking “in carrying on the research
5 program of the Fish and Wildlife Service in respect
6 to fish of material value for sport and recreation.”
7 and inserting “to supplement the 55.3 percent of
8 each annual appropriation to be apportioned among
9 the States, as provided for in section 4(b) of this
10 Act.”.

11 **SEC. 523. DIVISION OF ANNUAL APPROPRIATIONS.**

12 Section 4 (16 U.S.C. 777c) is amended—

13 (1) by striking subsections (a) through (d) and
14 redesignating subsections (e), (f), and (g) as sub-
15 sections (b), (c), and (d);

16 (2) by inserting before subsection (b), as redес-
17 ignated, the following:

18 “(a) IN GENERAL.—For fiscal years 2004 through
19 2009, each annual appropriation made in accordance with
20 the provisions of section 3 of this Act shall be distributed
21 as follows:

22 “(1) COASTAL WETLANDS.—18 percent to the
23 Secretary of the Interior for distribution as provided
24 in the Coastal Wetlands Planning, Protection, and
25 Restoration Act (16 U.S.C. 3951 et seq.).

1 “(2) BOATING SAFETY.—18 percent to the Sec-
2 retary of Homeland Security for State recreational
3 boating safety programs under section 13106 of title
4 46, United States Code.

5 “(3) CLEAN VESSEL ACT.—1.9 percent to the
6 Secretary of the Interior for qualified projects under
7 section 5604(c) of the Clean Vessel Act of 1992 (33
8 U.S.C. 1322 note).

9 “(4) BOATING INFRASTRUCTURE.—1.9 percent
10 to the Secretary of the Interior for obligation for
11 qualified projects under section 7404(d) of the
12 Sportfishing and Boating Safety Act of 1998 (16
13 U.S.C. 777g-1(d)).

14 “(5) NATIONAL OUTREACH AND COMMUNICA-
15 TIONS.—1.9 percent to the Secretary of the Interior
16 for the National Outreach and Communications Pro-
17 gram under section 8(d) of this Act. Such amounts
18 shall remain available for 3 fiscal years, after which
19 any portion thereof that is unobligated by the Sec-
20 retary for that program may be expended by the
21 Secretary under subsection (b) of this section.

22 “(6) SET-ASIDE FOR EXPENSES FOR ADMINIS-
23 TRATION OF THIS CHAPTER.—

24 “(A) IN GENERAL.—2.1 percent to the
25 Secretary of the Interior for expenses for ad-

1 ministration incurred in implementation of this
2 Act, in accordance with this section, section 9,
3 and section 14 of this Act.

4 “(B) APPORTIONMENT OF UNOBLIGATED
5 FUNDS.—If any portion of the amount made
6 available to the Secretary under subparagraph
7 (A) remains unexpended and unobligated at the
8 end of a fiscal year, that portion shall be appor-
9 tioned among the States, on the same basis and
10 in the same manner as other amounts made
11 available under this Act are apportioned among
12 the States under subsection (b) of this section,
13 within 60 days after the end of that fiscal year.
14 Any amount apportioned among the States
15 under this subparagraph shall be in addition to
16 any amounts otherwise available for appor-
17 tionment among the States under subsection (b) for
18 the fiscal year.”;

19 (3) by striking “of the Interior, after the dis-
20 tribution, transfer, use, and deduction under sub-
21 sections (a), (b), (c), and (d), respectively, and after
22 deducting amounts used for grants under section 14,
23 shall apportion the remainder” in subsection (b), as
24 redesignated, and inserting “shall apportion 55.3
25 percent”;

1 (4) by striking “per centum” each place it ap-
2 pears in subsection (b), as redesignated, and insert-
3 ing “percent”;

4 (5) by striking “subsections (a), (b)(3)(A),
5 (b)(3)(B), and (c)” in paragraph (1) of subsection
6 (d), as redesignated, and inserting “paragraphs (1),
7 (3), (4), and (5) of subsection (a)”; and

8 (6) by adding at the end the following:

9 “(e) TRANSFER OF CERTAIN FUNDS.—Amounts
10 available under paragraphs (3) and (4) of subsection (a)
11 that are unobligated by the Secretary after 3 fiscal years
12 shall be transferred to the Secretary of Homeland Security
13 and shall be expended for State recreational boating safety
14 programs under section 13106(a) of title 46, United
15 States Code.”.

16 **SEC. 524. MAINTENANCE OF PROJECTS.**

17 Section 8 (16 U.S.C. 777g) is amended—

18 (1) by striking “in carrying out the research
19 program of the Fish and Wildlife Service in respect
20 to fish of material value for sport or recreation.” in
21 subsection (b)(2) and inserting “to supplement the
22 55.3 percent of each annual appropriation to be ap-
23 portioned among the States under section 4(b) of
24 this Act.”; and

1 (2) by striking “subsection (e) or (d) of section
2 4” in subsection (d)(3) and inserting “paragraph (5)
3 or (6) of section 4(a)”.

4 **SEC. 525. BOATING INFRASTRUCTURE.**

5 Section 7404(d)(1) of the Sportfishing and Boating
6 Safety Act of 1998 (16 U.S.C. 777g–1(d)(1)) is amended
7 by striking “section 4(b)(3)(B)” and inserting “section
8 4(a)(4)”.

9 **SEC. 526. REQUIREMENTS AND RESTRICTIONS CON-**
10 **CERNING USE OF AMOUNTS FOR EXPENSES**
11 **FOR ADMINISTRATION.**

12 Section 9 (16 U.S.C. 777h) is amended—

13 (1) by striking “section 4(d)(1)” in subsection
14 (a) and inserting “section 4(a)(6)”; and

15 (2) by striking “section 4(d)(1)” in subsection
16 (b)(1) and inserting “section 4(a)(6)”.

17 **SEC. 527. PAYMENTS OF FUNDS TO AND COOPERATION**
18 **WITH PUERTO RICO, THE DISTRICT OF CO-**
19 **LUMBIA, GUAM, AMERICAN SAMOA, THE COM-**
20 **MONWEALTH OF THE NORTHERN MARIANA**
21 **ISLANDS, AND THE VIRGIN ISLANDS.**

22 Section 12 (16 U.S.C. 777k) is amended by striking
23 “in carrying on the research program of the Fish and
24 Wildlife Service in respect to fish of material value for
25 sport or recreation.” and inserting “to supplement the

1 55.3 percent of each annual appropriation to be appor-
2 tioned among the States under section 4(b) of this Act.”.

3 **SEC. 528. MULTISTATE CONSERVATION GRANT PROGRAM.**

4 Section 14 (16 U.S.C. 777m) is amended—

5 (1) by striking so much of subsection (a) as
6 precedes paragraph (2) and inserting the following:

7 “(a) IN GENERAL.—

8 “(1) AMOUNT FOR GRANTS.—For each of fiscal
9 years 2004 through 2009, 0.9 percent of each an-
10 nual appropriation made in accordance with the pro-
11 visions of section 3 of this Act shall be distributed
12 to the Secretary of the Interior for making
13 multistate conservation project grants in accordance
14 with this section.”;

15 (2) by striking “section 4(e)” each place it ap-
16 pears in subsection (a)(2)(B) and inserting “section
17 4(b)”;

18 (3) by striking “Of the balance of each annual
19 appropriation made under section 3 remaining after
20 the distribution and use under subsections (a), (b),
21 and (c) of section 4 for each fiscal year and after
22 deducting amounts used for grants under subsection
23 (a)—” in subsection (e) and inserting “Of amounts
24 made available under section 4(a)(6) for each fiscal
25 year—”.

1 **Subtitle B—Clean Vessel Act**
2 **Amendments**

3 **SEC. 541. GRANT PROGRAM.**

4 Section 5604(c)(2) of the Clean Vessel Act of 1992
5 (33 U.S.C. 1322 note) is amended—

6 (1) by striking subparagraph (A); and

7 (2) by redesignating subparagraphs (B) and
8 (C) as subparagraphs (A) and (B), respectively.

9 **Subtitle C—Recreational Boating**
10 **Safety Program Amendments**

11 **SEC. 561. STATE MATCHING FUNDS REQUIREMENT.**

12 Section 13103(b) of title 46, United States Code, is
13 amended by striking “one-half” and inserting “75 per-
14 cent”.

15 **SEC. 562. AVAILABILITY OF ALLOCATIONS.**

16 Section 13104(a) of title 46, United States Code, is
17 amended—

18 (1) by striking “2 years” in paragraph (1) and
19 inserting “3 years”; and

20 (2) by striking “2-year” in paragraph (2) and
21 inserting “3-year”.

1 **SEC. 563. AUTHORIZATION OF APPROPRIATIONS FOR**
2 **STATE RECREATIONAL BOATING SAFETY**
3 **PROGRAMS.**

4 Section 13106(c) of title 46, United States Code, is
5 amended—

6 (1) by striking “Secretary of Transportation
7 under paragraphs (2) and (3) of section 4(b)” and
8 inserting “Secretary under subsections (a)(2) and
9 (e) of section 4”; and

10 (2) by inserting “a minimum of” before
11 “\$2,083,333”.

12 **SEC. 564. MAINTENANCE OF EFFORT FOR STATE REC-**
13 **REATIONAL BOATING SAFETY PROGRAMS.**

14 (a) IN GENERAL.—Chapter 131 of title 46, United
15 States Code, is amended by inserting after section 13106
16 the following:

17 **“§ 13107. Maintenance of effort for State recreational**
18 **boating safety programs**

19 “(a) IN GENERAL.—The amount payable to a State
20 for a fiscal year from an allocation under section 13103
21 of this chapter shall be reduced if the usual amounts ex-
22 pended by the State for the State’s recreational boating
23 safety program, as determined under section 13105 of this
24 chapter, for the previous fiscal year is less than the aver-
25 age of the total of such expenditures for the 3 fiscal years
26 immediately preceding that previous fiscal year. The re-

1 duction shall be proportionate, as a percentage, to the
2 amount by which the level of State expenditures for such
3 previous fiscal year is less than the average of the total
4 of such expenditures for the 3 fiscal years immediately
5 preceding that previous fiscal year.

6 “(b) REDUCTION OF THRESHHOLD.—If the total
7 amount available for allocation and distribution under this
8 chapter in a fiscal year for all participating State rec-
9 reational boating safety programs is less than such
10 amount for the preceding fiscal year, the level of State
11 expenditures required under subsection (a) of this section
12 for the preceding fiscal year shall be decreased proportion-
13 ately.

14 “(c) WAIVER.—

15 “(1) IN GENERAL.—Upon the written request
16 of a State, the Secretary may waive the provisions
17 of subsection (a) of this section for 1 fiscal year if
18 the Secretary determines that a reduction in expend-
19 itures for the State’s recreational boating safety pro-
20 gram is attributable to a non-selective reduction in
21 expenditures for the programs of all Executive
22 branch agencies of the State government, or for
23 other reasons if the State demonstrates to the Sec-
24 retary’s satisfaction that such waiver is warranted.

1 “(2) 30-DAY DECISION.—The Secretary shall
2 approve or deny a request for a waiver not later
3 than 30 days after the date the request is received.”.

4 (b) CONFORMING AMENDMENT.—The chapter anal-
5 ysis for chapter 131 of title 46, United States Code, is
6 amended by inserting after the item relating to section
7 13106 the following:

 “13107. Maintenance of effort for State recreational boating safety programs.”.

8 **Subtitle D—Miscellaneous**

9 **SEC. 581. TECHNICAL CORRECTION TO HOMELAND SECU-** 10 **RITY ACT.**

11 Section 1511(e)(2) of the Homeland Security Act of
12 2002 (Public Law 107–296) is amended by striking “and
13 to any funds provided to the Coast Guard from the Aquat-
14 ic Resources Trust Fund of the Highway Trust Fund for
15 boating safety programs.” and inserting “and any funds
16 provided to the Coast Guard from the Highway Trust
17 Fund and transferred into the Sport Fish Restoration Ac-
18 count of the Aquatic Resources Trust Fund for boating
19 safety programs.”.

20 **TITLE VI—RAIL**

21 **TRANSPORTATION**

22 **Subtitle A—Amtrak**

23 **SEC. 601. AUTHORIZATION OF APPROPRIATIONS.**

24 The text of section 24104 of title 49, United States
25 Code, is amended to read as follows:

1 “There are authorized to be appropriated to the Sec-
2 retary of Transportation \$2,000,000,000 for each of fiscal
3 years 2004, 2005, 2006, 2007, 2008, and 2009 for the
4 benefit of Amtrak for operating expenses.”.

5 **SEC. 602. ESTABLISHMENT OF CORPORATION.**

6 There is established a nonprofit corporation, to be
7 known as the “Rail Infrastructure Finance Corporation”.
8 The Rail Infrastructure Finance Corporation is not an
9 agency or establishment of the United States Government.
10 The purpose of the Corporation is to support rail trans-
11 portation capital projects through the issuance of rail cap-
12 ital infrastructure bonds. The Corporation shall be subject
13 to the provisions of this title and, to the extent consistent
14 with this section, to the laws of the State of Delaware ap-
15 plicable to corporations not for profit.

16 **Subtitle B—Railroad Track**
17 **Modernization**

18 **SEC. 631. SHORT TITLE.**

19 This subtitle may be cited as the “Railroad Track
20 Modernization Act of 2003”.

21 **SEC. 632. CAPITAL GRANTS FOR RAILROAD TRACK.**

22 (a) **AUTHORITY.**—Chapter 223 of title 49, United
23 States Code, is amended to read as follows:

1 **“CHAPTER 223—CAPITAL GRANTS FOR**
 2 **RAILROAD TRACK**

“Sec.

“22301. Capital grants for railroad track.

3 **“§ 22301. Capital grants for railroad track**

4 “(a) ESTABLISHMENT OF PROGRAM.—

5 “(1) ESTABLISHMENT.—The Secretary of
 6 Transportation shall establish a program of capital
 7 grants for the rehabilitation, preservation, or im-
 8 provement of railroad track (including roadbed,
 9 bridges, and related track structures) of class II and
 10 class III railroads. Such grants shall be for rehabili-
 11 tating, preserving, or improving track used primarily
 12 for freight transportation to a standard ensuring
 13 that the track can be operated safely and efficiently,
 14 including grants for rehabilitating, preserving, or im-
 15 proving track to handle 286,000 pound rail cars.
 16 Grants may be provided under this chapter—

17 “(A) directly to the class II or class III
 18 railroad; or

19 “(B) with the concurrence of the class II
 20 or class III railroad, to a State or local govern-
 21 ment.

22 “(2) STATE COOPERATION.—Class II and class
 23 III railroad applicants for a grant under this chap-
 24 ter are encouraged to utilize the expertise and assist-

1 ance of State transportation agencies in applying for
2 and administering such grants. State transportation
3 agencies are encouraged to provide such expertise
4 and assistance to such railroads.

5 “(3) REGULATIONS.—

6 “(A) IN GENERAL.—The Secretary shall
7 prescribe regulations to carry out the program
8 under this section.

9 “(B) CRITERIA.—In developing the regula-
10 tions, the Secretary shall establish criteria
11 that—

12 “(i) condition the award of a grant to
13 a railroad on reasonable assurances by the
14 railroad that the facilities to be rehabili-
15 tated and improved will be economically
16 and efficiently utilized;

17 “(ii) ensure that the award of a grant
18 is justified by present and probable future
19 demand for rail services by the railroad to
20 which the grant is to be awarded;

21 “(iii) ensure that consideration is
22 given to projects that are part of a State-
23 sponsored rail plan; and

24 “(iv) ensure that all such grants are
25 awarded on a competitive basis.

1 “(b) MAXIMUM FEDERAL SHARE.—The maximum
2 Federal share for carrying out a project under this section
3 shall be 80 percent of the project cost. The non-Federal
4 share may be provided by any non-Federal source in cash,
5 equipment, or supplies. Other in-kind contributions may
6 be approved by the Secretary on a case by case basis con-
7 sistent with this chapter.

8 “(c) PROJECT ELIGIBILITY.—For a project to be eli-
9 gible for assistance under this section the track must have
10 been operated or owned by a class II or class III railroad
11 as of the date of the enactment of the Railroad Track
12 Modernization Act of 2003.

13 “(d) USE OF FUNDS.—Grants provided under this
14 section shall be used to implement track capital projects
15 as soon as possible. In no event shall grant funds be con-
16 tractually obligated for a project later than the end of the
17 third Federal fiscal year following the year in which the
18 grant was awarded. Any funds not so obligated by the end
19 of such fiscal year shall be returned to the Secretary for
20 reallocation.

21 “(e) ADDITIONAL PURPOSE.—In addition to making
22 grants for projects as provided in subsection (a), the Sec-
23 retary may also make grants to supplement direct loans
24 or loan guarantees made under title V of the Railroad Re-
25 vitalization and Regulatory Reform Act of 1976 (45

1 U.S.C. 822(d)), for projects described in the last sentence
2 of section 502(d) of such title. Grants made under this
3 subsection may be used, in whole or in part, for paying
4 credit risk premiums, lowering rates of interest, or pro-
5 viding for a holiday on principal payments.

6 “(f) EMPLOYEE PROTECTION.—The Secretary shall
7 require as a condition of any grant made under this sec-
8 tion that the recipient railroad provide a fair arrangement
9 at least as protective of the interests of employees who
10 are affected by the project to be funded with the grant
11 as the terms imposed under section 11326(a), as in effect
12 on the date of the enactment of the Railroad Track Mod-
13 ernization Act of 2001.

14 “(g) LABOR STANDARDS.—

15 “(1) PREVAILING WAGES.—The Secretary shall
16 ensure that laborers and mechanics employed by
17 contractors and subcontractors in construction work
18 financed by a grant made under this section will be
19 paid wages not less than those prevailing on similar
20 construction in the locality, as determined by the
21 Secretary of Labor under the Act of March 3, 1931
22 (known as the Davis-Bacon Act; 40 U.S.C. 276a et
23 seq.). The Secretary shall make a grant under this
24 section only after being assured that required labor

1 standards will be maintained on the construction
2 work.

3 “(2) WAGE RATES.—Wage rates in a collective
4 bargaining agreement negotiated under the Railway
5 Labor Act (45 U.S.C. 151 et seq.) are deemed for
6 purposes of this subsection to comply with the Act
7 of March 3, 1931 (known as the Davis-Bacon Act;
8 40 U.S.C. 276a et seq.).”.

9 (b) CONFORMING AMENDMENT.—The item relating
10 to chapter 223 in the table of chapters of subtitle V of
11 title 49, United States Code, is amended to read as fol-
12 lows:

“223. CAPITAL GRANTS FOR RAILROAD TRACK 22301”.

13 **SEC. 633. REGULATIONS.**

14 (a) REGULATIONS.—The Secretary of Transportation
15 shall prescribe under subsection (a)(3) of section 22301
16 of title 49, United States Code (as added by section 601),
17 interim and final regulations for the administration of the
18 grant program under such section as follows:

19 (1) INTERIM REGULATIONS.—The Secretary
20 shall prescribe the interim regulations to implement
21 the program not later than December 31, 2003.

22 (2) FINAL REGULATIONS.—The Secretary shall
23 prescribe the final regulations not later than October
24 1, 2004.

1 (b) INAPPLICABILITY OF RULEMAKING PROCEDURE
2 TO INTERIM REGULATIONS.—Subchapter II of chapter 5
3 of title 5, United States Code, shall not apply to the
4 issuance of an interim regulation or to any amendment
5 of such an interim regulation.

6 (c) CRITERIA.—The requirement for the establish-
7 ment of criteria under subparagraph (B) of section
8 22301(a)(3) of title 49, United States Code, applies to the
9 interim regulations as well as to the final regulations.

10 **SEC. 634. STUDY OF GRANT-FUNDED PROJECTS.**

11 (a) REQUIREMENT FOR STUDY.—The Secretary of
12 Transportation shall conduct a study of the projects car-
13 ried out with grant assistance under section 22301 of title
14 49, United States Code (as added by section 601), to de-
15 termine the public interest benefits associated with the
16 light density railroad networks in the States and their con-
17 tribution to a multimodal transportation system.

18 (b) REPORT.—Not later than March 31, 2004, the
19 Secretary shall submit to Congress a report on the results
20 of the study under subsection (a). The report shall include
21 any recommendations that the Secretary considers appro-
22 priate regarding the eligibility of light density rail net-
23 works for Federal infrastructure financing.

1 **SEC. 635. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to the Sec-
 3 retary of Transportation \$350,000,000 for each of fiscal
 4 years 2004, 2005, and 2006 for carrying out section
 5 22301 of title 49, United States Code (as added by section
 6 601).

7 **Subtitle C—Other Rail**
 8 **Transportation-related Provisions**

9 **SEC. 661. CAPITAL GRANTS FOR RAIL LINE RELOCATION**
 10 **PROJECTS.**

11 (a) ESTABLISHMENT OF PROGRAM.—

12 (1) PROGRAM REQUIREMENTS.—Chapter 201 of
 13 title 49, United States Code, is amended by adding
 14 at the end of subchapter II the following:

15 **“§ 20154. Capital grants for rail line relocation**
 16 **projects**

17 **“(a) ESTABLISHMENT OF PROGRAM.—**The Secretary
 18 of Transportation shall carry out a grant program to pro-
 19 vide financial assistance for local rail line relocation
 20 projects.

21 **“(b) ELIGIBILITY.—**A State is eligible for a grant
 22 under this section for any project for the improvement of
 23 the route or structure of a rail line passing through a mu-
 24 nicipality of the State that—

25 **“(1) is carried out for the purpose of mitigating**
 26 **the adverse effects of rail traffic on safety, motor ve-**

1 hicle traffic flow, or economic development in the
2 municipality;

3 “(2) involves a lateral or vertical relocation of
4 any portion of the rail line within the municipality
5 to avoid a closing of a grade crossing or the con-
6 struction of a road underpass or overpass; and

7 “(3) meets the costs-benefits requirement set
8 forth in subsection (c).

9 “(c) COSTS-BENEFITS REQUIREMENT.—A grant may
10 be awarded under this section for a project for the reloca-
11 tion of a rail line only if the benefits of the project for
12 the period equal to the estimated economic life of the relo-
13 cated rail line exceed the costs of the project for that pe-
14 riod, as determined by the Secretary considering the fol-
15 lowing factors:

16 “(1) The effects of the rail line and the rail
17 traffic on motor vehicle and pedestrian traffic, safe-
18 ty, and area commerce if the rail line were not so
19 relocated.

20 “(2) The effects of the rail line, relocated as
21 proposed, on motor vehicle and pedestrian traffic,
22 safety, and area commerce.

23 “(3) The effects of the rail line, relocated as
24 proposed, on the freight and passenger rail oper-
25 ations on the rail line.

1 “(d) CONSIDERATIONS FOR APPROVAL OF GRANT
2 APPLICATIONS.—In addition to considering the relation-
3 ship of benefits to costs in determining whether to award
4 a grant to an eligible State under this section, the Sec-
5 retary shall consider the following factors:

6 “(1) The capability of the State to fund the rail
7 line relocation project without Federal grant fund-
8 ing.

9 “(2) The requirement and limitation relating to
10 allocation of grant funds provided in subsection (e).

11 “(3) Equitable treatment of the various regions
12 of the United States.

13 “(e) ALLOCATION REQUIREMENTS.—

14 “(1) GRANTS NOT GREATER THAN
15 \$20,000,000.—At least 50 percent of all grant funds
16 awarded under this section out of funds appro-
17 priated for a fiscal year shall be provided as grant
18 awards of not more than \$20,000,000 each.

19 “(2) LIMITATION PER PROJECT.—Not more
20 than 25 percent of the total amount available for
21 carrying out this section for a fiscal year may be
22 provided for any 1 project in that fiscal year.

23 “(f) FEDERAL SHARE.—The total amount of a grant
24 awarded under this section for a rail line relocation project

1 shall be 90 percent of the shared costs of the project, as
2 determined under subsection (g)(4).

3 “(g) STATE SHARE.—

4 “(1) PERCENTAGE.—A State shall pay 10 per-
5 cent of the shared costs of a project that is funded
6 in part by a grant awarded under this section.

7 “(2) FORMS OF CONTRIBUTIONS.—The share
8 required by paragraph (1) may be paid in cash or
9 in kind.

10 “(3) IN-KIND CONTRIBUTIONS.—The in-kind
11 contributions that are permitted to be counted under
12 paragraph (2) for a project for a State are as fol-
13 lows:

14 “(A) A contribution of real property or
15 tangible personal property (whether provided by
16 the State or a person for the State).

17 “(B) A contribution of the services of em-
18 ployees of the State, calculated on the basis of
19 costs incurred by the State for the pay and ben-
20 efits of the employees, but excluding overhead
21 and general administrative costs.

22 “(C) A payment of any costs that were in-
23 curred for the project before the filing of an ap-
24 plication for a grant for the project under this
25 section, and any in-kind contributions that were

1 made for the project before the filing of the ap-
2 plication, if and to the extent that the costs
3 were incurred or in-kind contributions were
4 made, as the case may be, to comply with a
5 provision of a statute required to be satisfied in
6 order to carry out the project.

7 “(4) COSTS NOT SHARED.—

8 “(A) IN GENERAL.—For the purposes of
9 subsection (f) and this subsection, the shared
10 costs of a project in a municipality do not in-
11 clude any cost that is defrayed with any funds
12 or in-kind contribution that a source other than
13 the municipality makes available for the use of
14 the municipality without imposing at least 1 of
15 the following conditions:

16 “(i) The condition that the munici-
17 pality use the funds or contribution only
18 for the project.

19 “(ii) The condition that the avail-
20 ability of the funds or contribution to the
21 municipality is contingent on the execution
22 of the project.

23 “(B) DETERMINATIONS OF THE SEC-
24 RETARY.—The Secretary shall determine the
25 amount of the costs, if any, that are not shared

1 costs under this paragraph and the total
2 amount of the shared costs. A determination of
3 the Secretary shall be final.

4 “(h) MULTISTATE AGREEMENTS TO COMBINE
5 AMOUNTS.—Two or more States (not including political
6 subdivisions of States) may, pursuant to an agreement en-
7 tered into by the States, combine any part of the amounts
8 provided through grants for a project under this section
9 if—

10 “(1) the project will benefit each of the States
11 entering into the agreement; and

12 “(2) the agreement is not a violation of a law
13 of any such State.

14 “(i) REGULATIONS.—The Secretary shall prescribe
15 regulations for carrying out this section.

16 “(j) STATE DEFINED.—In this section, the term
17 ‘State’ includes, except as otherwise specifically provided,
18 a political subdivision of a State.

19 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to the Secretary for use
21 in carrying out this section \$350,000,000 for each of the
22 fiscal years 2004 through 2008.”.

23 (2) CLERICAL AMENDMENT.—The chapter anal-
24 ysis for such chapter is amended by adding at the
25 end the following:

“20154. Capital grants for rail line relocation projects.”.

1 (b) REGULATIONS.—

2 (1) INTERIM REGULATIONS.—Not later than
3 October 1, 2003, the Secretary of Transportation
4 shall issue temporary regulations to implement the
5 grant program under section 20154 of title 49,
6 United States Code, as added by subsection (a).
7 Subchapter II of chapter 5 of title 5, United States
8 Code, shall not apply to the issuance of a temporary
9 regulation under this subsection or of any amend-
10 ment of such a temporary regulation.

11 (2) FINAL REGULATIONS.—Not later than April
12 1, 2004, the Secretary shall issue final regulations
13 implementing the program.

14 **SEC. 662. FEDERAL BONDS FOR TRANSPORTATION INFRA-**
15 **STRUCTURE.**

16 (a) USE OF BOND PROCEEDS.—The proceeds from
17 the sale of any bonds authorized, issued, or guaranteed
18 by the Federal Government that are available to fund pas-
19 senger rail projects pursuant to any Federal law (enacted
20 before, on, or after the date of the enactment of this Act)
21 may be used to fund a qualified project if the Secretary
22 of Transportation determines that the qualified project is
23 a more cost-effective alternative for efficiently maximizing
24 mobility of individuals and goods than a passenger rail
25 project.

1 (b) COMPLIANCE OF BENEFICIARIES WITH CERTAIN
2 STANDARDS.—A recipient of proceeds of a grant, loan,
3 Federal tax-credit bonds, or any other form of financial
4 assistance provided under this title shall comply with the
5 standards described in section 24312 of title 49, United
6 States Code, as in effect on June 25, 2003, with respect
7 to any qualified project in the same manner that the Na-
8 tional Passenger Railroad Corporation is required to com-
9 ply with such standards for construction work financed
10 under an agreement entered into under section 24308(a)
11 of such title.

12 (c) QUALIFIED PROJECT DEFINED.—In this section,
13 the term “qualified project” means any transportation in-
14 frastructure project of any governmental unit or other per-
15 son that is proposed by a State, including a highway
16 project, a transit system project, a railroad project, an air-
17 port project, a port project, and an inland waterways
18 project.

Calendar No. 421

108TH CONGRESS
1ST SESSION

S. 1978

[Report No. 108-215]

A BILL

To authorize funds for highway safety programs, motor carrier safety programs, hazardous materials transportation safety programs, boating safety programs, and for other purposes.

NOVEMBER 25, 2003

Read twice and placed on the calendar