

103D CONGRESS
1ST SESSION

H. R. 896

To abolish the Interstate Commerce Commission.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1993

Mr. HEFLEY introduced the following bill; which was referred jointly to the Committees on Energy and Commerce and Public Works and Transportation

A BILL

To abolish the Interstate Commerce Commission.

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 “Interstate Commerce
5 Commission Sunset Act of 1993’.

6 **SEC. 2. PURPOSE.**

7 This Act is a part of the continuing effort by Con-
8 gress to reduce unnecessary and burdensome Government
9 regulations and to improve the productivity and competi-
10 tiveness of United States industries in domestic and world
11 markets.

1 **SEC. 3. FINDINGS.**

2 Congress finds that—

3 (1) a safe, sound, competitive, and fuel efficient
4 surface transportation system is vital to the mainte-
5 nance of a strong national economy, an improved
6 balance of payments, and a strong national defense;

7 (2) the statutes governing Federal regulation of
8 the truck, intercity bus, interstate water carrier,
9 household goods freight forwarder, broker, rail pas-
10 senger, pipeline (other than water, gas, or oil), and
11 ferry industries are outdated and should be substan-
12 tially amended to reflect the transportation needs
13 and realities of the present and future;

14 (3) historically, the existing regulatory struc-
15 ture has tended in certain circumstances to inhibit
16 market entry, carrier growth, maximum utilization
17 of equipment and energy resources, and opportuni-
18 ties for minorities, small businesses, and others to
19 enter the interstate trucking and bus industries;

20 (4) protective regulation has resulted in operat-
21 ing inefficiencies and anticompetitive pricing, has
22 tended to suppress technological and managerial in-
23 novation, and has tended to restrict the range of
24 price and service options available to shippers and
25 passengers;

1 (5) available evidence suggests that many bil-
2 lions of dollars in savings to a broad range of United
3 States industries have already been associated with
4 recent transportation law reforms and that removal
5 of the remaining regulations and adoption of addi-
6 tional transportation productivity measures will re-
7 sult in additional savings that will enable United
8 States companies to become much more productive
9 and more competitive in domestic and world mar-
10 kets;

11 (6) the Interstate Commerce Commission's reg-
12 ulatory responsibilities other than for rail are not
13 needed and should be eliminated entirely and its re-
14 maining authority over the transportation of prop-
15 erty by railroads should be transferred to the De-
16 partment of Transportation;

17 (7) the Interstate Commerce Commission
18 should cease operation at the end of fiscal year
19 1995; and

20 (8) legislative and resulting changes should be
21 implemented with the least amount of disruption
22 consistent with achieving the reforms enacted.

1 **SEC. 4. TERMINATION OF AUTHORITY UNDER TITLE 49.**

2 (a) CHAPTER 103.—The following provisions of chap-
3 ter 103 of title 49, United States Code, are repealed effec-
4 tive October 1, 1994:

5 (1) Section 10301.

6 (2) Section 10302.

7 (3) Section 10303.

8 (4) Section 10304.

9 (5) Section 10305.

10 (6) Section 10306.

11 (7) Section 10307.

12 (8) Section 10308.

13 (9) Subsection (b) of section 10310.

14 (10) Section 10311.

15 (11) Section 10322.

16 (12) Subsection (b) of section 10328.

17 (13) Sections 10329(a)(2), 10329(c)(2), and
18 10329(c)(3).

19 (14) Section 10330(b).

20 (15) Subchapter III.

21 (16) Section 10361.

22 (17) Section 10363.

23 (18) Section 10364.

24 (19) Subchapter V.

1 (b) CHAPTER 105.—The following provisions of chap-
2 ter 105 of title 49, United States Code, are repealed effec-
3 tive October 1, 1994:

- 4 (1) Section 10502.
- 5 (2) Section 10504.
- 6 (3) Sections 10521 through 10530.
- 7 (4) Subchapter III.
- 8 (5) Subchapter IV.

9 (c) CHAPTER 107.—The following provisions of chap-
10 ter 107 of title 49, United States Code, are repealed effec-
11 tive October 1, 1994:

- 12 (1) Subsections (d) and (e) of section 10701.
- 13 (2) Subsection (b) of section 10702.
- 14 (3) Subsections (b), (c), and (d) of section
15 10704.
- 16 (4) Subsections (a), (o), and (p) of section
17 10705a.
- 18 (5) Section 10706.
- 19 (6) Section 10708.
- 20 (7) Section 10722.
- 21 (8) Section 10725.
- 22 (9) Section 10733.
- 23 (10) Section 10735.
- 24 (11) Section 10749.
- 25 (12) Subsection (c) of section 10751.

1 (13) Subsection (b) of section 10761.

2 (14) Section 10766.

3 (d) CHAPTER 109.—The following provisions of chap-
4 ter 109 of title 49, United States Code, are repealed effec-
5 tive October 1, 1994:

6 (1) Section 10921.

7 (2) Subsections (a), (b), and (d) through (k) of
8 section 10922.

9 (3) Section 10923.

10 (4) Section 10924.

11 (5) Section 10925.

12 (6) Section 10926.

13 (7) Section 10927.

14 (8) Section 10928.

15 (9) Section 10929.

16 (10) Section 10930.

17 (11) Section 10931.

18 (12) Section 10932.

19 (13) Section 10933.

20 (14) Section 10934.

21 (e) CHAPTER 111.—The following provisions of chap-
22 ter 111 of title 49, United States Code, are repealed effec-
23 tive October 1, 1994:

24 (1) Subsections (b) and (c) of section 11101.

25 (2) Section 11102.

1 (3) Section 11106.

2 (4) Section 11107.

3 (5) Section 11108.

4 (6) Section 11110.

5 (7) Section 11111.

6 (8) Section 11127.

7 (9) Section 11142.

8 (f) CHAPTER 113.—The following provisions of chap-
9 ter 113 of title 49, United States Code, are repealed effec-
10 tive October 1, 1994:

11 (1) Section 11304.

12 (2) Section 11321.

13 (3) Section 11323.

14 (4) Subchapter III, other than section
15 11348(b).

16 (g) CHAPTER 115.—The following provisions of chap-
17 ter 115 of title 49, United States Code, are repealed effec-
18 tive October 1, 1994:

19 (1) Section 11503a.

20 (2) Section 11506.

21 (h) CHAPTER 117.—The following provisions of chap-
22 ter 117 of title 49, United States Code, are repealed effec-
23 tive October 1, 1994:

24 (1) Section 11704.

25 (2) Section 11708.

1 (3) Section 11711.

2 (i) CHAPTER 119.—The following provisions of chap-
3 ter 119 of title 49, United States Code, are repealed effec-
4 tive October 1, 1994:

5 (1) Section 11905.

6 (2) Section 11906.

7 (3) Section 11908.

8 (4) Subsections (b), (c), and (d) of section
9 11909.

10 (5) Subsections (a)(2) through (a)(4) of section
11 11910.

12 (6) Section 11912.

13 (7) Subsections (b), (c), and (d) of section
14 11914.

15 **SEC. 5. TRANSFER OF AUTHORITY TO DEPARTMENT OF**
16 **TRANSPORTATION.**

17 (a) CHAPTER 101.—There are hereby transferred to
18 and vested in the Secretary of Transportation all func-
19 tions, powers, and duties of the Interstate Commerce
20 Commission under the following sections of chapter 101
21 of title 49, United States Code, effective October 1, 1994:

22 (1) Section 10101 as amended in subsection
23 (a)—

1 (A) by striking “to provide for the impar-
2 tial regulation of the modes of transportation
3 subject to this subtitle,”;

4 (B) by striking paragraphs (1) and (2) and
5 inserting the following new paragraphs:

6 “(1) to promote safe, adequate, economical, and
7 efficient transportation;

8 “(2) to cooperate with each State and the offi-
9 cials of each State on transportation matters;”; and

10 (C) in paragraph (3)—

11 (i) by striking “carrier of passengers”
12 and inserting “carriers”;

13 (ii) by striking clause (B);

14 (iii) by redesignating clause (C) as
15 clause (B); and

16 (iv) by striking “enacted by the Bus
17 Regulatory Reform Act of 1982”.

18 (2) Section 10101a.

19 (3) Section 10102 as amended—

20 (A) in paragraph (4)—

21 (i) by striking “an express carrier, a
22 pipeline carrier,”;

23 (ii) by striking “a sleeping car car-
24 rier,”; and

25 (iii) by striking “household goods”;

1 (B) by striking paragraph (5);

2 (C) by inserting “and a freight forwarder”

3 before the period at the end of paragraph (6);

4 (D) by striking paragraph (8);

5 (E) in paragraph (9)—

6 (i) by striking “holding itself out to

7 the general public (other than as an ex-

8 press, pipeline, rail, sleeping car, motor, or

9 water carrier) to provide” and inserting

10 “that provides”;

11 (ii) by inserting “and” after the semi-

12 colon at the end of subparagraph (A);

13 (iii) by striking “and” after the semi-

14 colon following subparagraph (B) and in-

15 serting a period; and

16 (iv) by striking subparagraph (C);

17 (F) in paragraph (11) by striking “Com-

18 mission” each place it appears and inserting

19 “Federal Trade Commission”;

20 (G) by striking paragraph (12);

21 (H) by inserting after paragraph (12) the

22 following new paragraph:

23 “(13) ‘interstate transportation’ means trans-

24 portation—

25 “(A) between a place in—

1 “(i) a State and a place in another
2 State;

3 “(ii) a State and another place in the
4 same State through another State;

5 “(iii) the United States and a place in
6 a territory or possession of the United
7 States to the extent the transportation is
8 in the United States;

9 “(iv) the United States and another
10 place in the United States through a for-
11 eign country to the extent the transpor-
12 tation is in the United States; or

13 “(v) the United States and a place in
14 a foreign country to the extent the trans-
15 portation is in the United States; and

16 “(B) in a reservation under the exclusive
17 jurisdiction of the United States or on a public
18 highway.”;

19 (I) by striking paragraph (14) and insert-
20 ing the following new paragraph:

21 “(14) ‘motor contract carrier’ means a person,
22 other than a motor common carrier, providing motor
23 vehicle transportation for compensation under con-
24 tinuing agreements with a person or a number of
25 persons.”;

1 (J) in paragraph (16)(A) by striking “as
2 provided in section 10521(a) (1) and (2) of this
3 title” and inserting “interstate transportation”;

4 (K) in paragraph (17) by striking “deter-
5 mined by the Commission” and inserting
6 “thereof”;

7 (L) by striking paragraph (19);

8 (M) in paragraph (21) by striking “lighter,
9 and ferry” and inserting “and ferry”;

10 (N) in paragraph (22) by striking
11 “, fare,”;

12 (O) by striking paragraph (23);

13 (P) in paragraph (26)—

14 (i) by striking “of passengers or”;

15 (ii) by striking “, or both,”; and

16 (iii) by striking “passengers and”;

17 (Q) in paragraph (31) by striking “subject
18 to the jurisdiction of the Commission under this
19 subtitle”; and

20 (R) by redesignating the paragraphs of
21 such section 10102, as so amended, as para-
22 graphs (1) through (27), respectively.

23 (b) CHAPTER 103.—There are hereby transferred to
24 and vested in the Secretary of Transportation all func-
25 tions, powers, and duties of the Interstate Commerce

1 Commission under the following sections of chapter 103
2 of title 49, United States Code, effective October 1, 1994:

3 (1) Section 10309.

4 (2) Subsection (a) of section 10310.

5 (3) Section 10321 as amended—

6 (A) in subsection (c)(1) by striking “Com-
7 mission, an individual Commissioner, an em-
8 ployee board, an employee delegated to act
9 under section 10305 of this title” and inserting
10 “Secretary”; and

11 (B) by striking subsection (c)(2).

12 (4) Section 10324.

13 (5) Section 10326 as amended by striking “the
14 Commission, or a division, an individual Commis-
15 sioner, an employee board, an employee delegated to
16 act under section 10305 of this title, or another per-
17 son authorized to act on behalf of the Commission
18 for any part of the proceeding,” and inserting “the
19 Secretary”.

20 (6) Section 10327 as amended—

21 (A) by striking all references to divisions
22 and employee boards;

23 (B) by striking subsection (g)(2); and

24 (C) in subsection (g)—

25 (i) by striking “(1)”;

1 (ii) by striking “or” before “substan-
2 tially”; and

3 (iii) by inserting “, or the action in-
4 volves a matter of general transportation
5 importance” after “circumstances”.

6 (7) Section 10328(a).

7 (8) Subsections (a)(1), (b) (except for the sec-
8 ond sentence dealing with transportation by motor
9 carrier or broker), (c)(1) (insofar as it applies to rail
10 carriers), (d) (insofar as it applies to rail carriers),
11 and (e) (except as it applies to brokers, freight for-
12 warders, and water carriers) of section 10329.

13 (9) Subsections (a) and (c) of section 10330.

14 (10) Section 10362 as amended—

15 (A) in subsection (b) by striking “Rail
16 Services Planning Office shall” and inserting
17 “Department of Transportation may”;

18 (B) in subsection (b)(1) by striking “assist
19 the Interstate Commerce Commission in study-
20 ing and evaluating” and inserting “study and
21 evaluate”;

22 (C) in subsection (b)(2) by striking “assist
23 the Commission in developing” and inserting
24 “develop”;

25 (D) by striking subsection (b)(5)(B);

1 (E) by striking subsection (b)(8); and

2 (F) in subsection (d) by striking “Office”
3 and inserting “Secretary”.

4 (c) CHAPTER 105.—There are hereby transferred to
5 and vested in the Secretary of Transportation all func-
6 tions, powers, and duties of the Interstate Commerce
7 Commission under the following sections of chapter 105
8 of title 49, United States Code, insofar as they apply to
9 transportation of freight solely by a rail carrier or by a
10 rail carrier and a water carrier, when the transportation
11 is under common control, management, or arrangement
12 for a continuous carriage or shipment, effective October
13 1, 1994:

14 (1) Section 10501.

15 (2) Section 10503.

16 (3) Section 10505.

17 (d) CHAPTER 107.—There are hereby transferred to
18 and vested in the Secretary of Transportation all func-
19 tions, powers, and duties of the Interstate Commerce
20 Commission under the following sections of chapter 107
21 of title 49, United States Code, effective October 1, 1994:

22 (1) Section 10701 as amended—

23 (A) in subsection (a)—

24 (i) by striking the first sentence;

1 (ii) by striking “such a carrier (in-
2 cluding a rail carrier)” and inserting “a
3 rail carrier”; and

4 (iii) by striking “those carriers (in-
5 cluding rail carriers)” and inserting “rail
6 carriers”; and

7 (B) in subsection (c)—

8 (i) by striking “or III”; and

9 (ii) by striking “either of those sub-
10 chapters” and inserting “that subchapter”.

11 (2) Section 10701a.

12 (3) Section 10702(a), except for rules and prac-
13 tices affecting tickets and carrying of baggage.

14 (4) Section 10703 insofar as it applies to rail
15 carriers and the obligation rail carriers have to es-
16 tablish through routes with water common carriers.

17 (5) Subsections (a), (e), and (f) of section
18 10704.

19 (6) Section 10705 as amended—

20 (A) in subsection (a)(1) by striking “, II
21 (except a motor common carrier of property), or
22 III”;

23 (B) in subsection (a)(3) by striking “pre-
24 scribe—” and all that follows through “(B) a
25 through” and inserting “prescribe a through”;

1 (C) by striking subsection (b);

2 (D) in subsection (c) by striking “or (b)”
3 and “, water carrier, or motor common carrier
4 of property”;

5 (E) in subsection (e) by striking “water
6 common carrier”;

7 (F) in subsection (f) by striking “or (b)”;
8 and

9 (G) by striking subsection (h).

10 (7) Subsections (b) through (n) of section
11 10705a insofar as they apply to branch line sur-
12 charges and joint rate cancellations.

13 (8) Section 10707.

14 (9) Section 10707a.

15 (10) Section 10709.

16 (11) Section 10710.

17 (12) Section 10711 as amended by striking
18 “and (b)” and “10727,”.

19 (13) Section 10712.

20 (14) Section 10713 as amended—

21 (A) by inserting “and” after the semicolon
22 at the end of subsection (m)(1);

23 (B) by striking “; and” at the end of sub-
24 section (m)(2) and inserting a period; and

25 (C) by striking subsection (m)(3).

1 (15) Section 10721 as amended—

2 (A) by striking subsection (a);

3 (B) in subsection (b)(1)—

4 (i) by striking “, II or III”;

5 (ii) by inserting “any qualified per-
6 son” after “title 39, and”;

7 (iii) by striking “reduced” the last
8 place it appears and inserting “tendered”;

9 (iv) by striking “; except that any
10 rates for the transportation of household
11 goods for the United States Government
12 shall not be predatory”; and

13 (v) by adding at the end of such sub-
14 section the following new sentence: “Sec-
15 tion 3709 of the Revised Statutes of the
16 United States (41 U.S.C. 5) shall not
17 apply to transportation procured pursuant
18 to this section.”;

19 (C) by striking subsections (b)(2) and
20 (b)(3); and

21 (D) by striking subsection (c).

22 (16) Section 10723 insofar as it applies to rail
23 transportation.

24 (17) Section 10724 insofar as it applies to rail
25 transportation of property.

1 (18) Section 10726 insofar as it applies to rail
2 transportation.

3 (19) Section 10728.

4 (20) Section 10731 as amended—

5 (A) in subsection (b)—

6 (i) by inserting “and” after the semi-
7 colon at the end of paragraph (1);

8 (ii) by striking “; and” at the end of
9 paragraph (2) and inserting a period; and

10 (iii) by striking paragraph (3); and

11 (B) by striking subsection (d);

12 (21) Section 10734.

13 (22) Section 10741 insofar as it applies to rail
14 carriers.

15 (23) Section 10742 as amended—

16 (A) by striking “or III”, “passengers and”,
17 and “under either of those subchapters”; and

18 (B) by inserting “rail or water” after “an-
19 other”;

20 (24) Section 10743 as it applies to rail trans-
21 portation.

22 (25) Section 10745.

23 (26) Section 10746.

24 (27) Section 10747 insofar as it applies to rail
25 transportation.

1 (28) Section 10748.

2 (29) Section 10750.

3 (30) Subsections (a) and (b) of section 10751
4 insofar as they apply to rail transportation.

5 (31) Subsections (a) and (c) of section 10761
6 insofar as they apply to rail transportation.

7 (32) Section 10762 as amended—

8 (A) in subsection (a)(1)—

9 (i) by striking “(except a motor com-
10 mon carrier)”;

11 (ii) by striking “and (A) if a common
12 carrier”; and

13 (iii) by striking “, and (B)” and all
14 that follows through “under this subtitle”;

15 (B) in subsection (a)(2) by striking the
16 last two sentences;

17 (C) in subsection (b)(1) by striking “sub-
18 chapter I, III, or IV of”;

19 (D) in subsection (b)(1)(B) by striking all
20 after the parenthetical phrase and inserting a
21 semicolon; and

22 (E) by striking subsection (b)(1)(C);

23 (F) by redesignating subsections (b)(1)(D)
24 and (b)(1)(E) as subsections (b)(1)(C) and
25 (b)(1)(D), respectively;

1 (G) in subsection (c)(1) by striking “(A)”,
2 “subchapter I of”, and “or (B) under another
3 subchapter of that chapter proposes to change
4 a rate, classification, rule, or practice,”;

5 (H) by striking subsection (c)(2);

6 (I) by striking the second sentence of sub-
7 section (c)(3);

8 (J) by striking “In the case of a rail car-
9 rier, a” at the beginning of the third sentence
10 of subsection (c)(3) and inserting “A”;

11 (K) by striking the last sentence of sub-
12 section (c)(3);

13 (L) by redesignating subsection (c)(3) as
14 subsection (c)(2);

15 (M) in subsection (d)(1) by striking “sub-
16 sections (a) and” and inserting “subsection”;

17 (N) in subsection (d)(2) by striking “sub-
18 chapter I of”; and

19 (O) by striking subsections (f) and (g).

20 (33) Section 10763.

21 (34) Section 10764 as amended—

22 (A) by striking the last sentence of sub-
23 section (a)(1);

24 (B) by striking subsection (b); and

1 (C) by redesignating subsection (c) as sub-
2 section (b);

3 (35) Section 10765 as amended by striking the
4 parenthetical phrase in subsection (a).

5 (36) Section 10781.

6 (37) Subchapter V of chapter 107 insofar as it
7 applies to rail transportation.

8 (e) CHAPTER 109.—There are hereby transferred to
9 and vested in the Secretary of Transportation all func-
10 tions, powers, and duties of the Interstate Commerce
11 Commission under the following sections of chapter 109
12 of title 49, United States Code, effective October 1, 1994:

13 (1) Subchapter I insofar as it applies to rail
14 carriers of property, including section 10903 as
15 amended by inserting in the last sentence of sub-
16 section (b)(2) “prior to its repeal by the Interstate
17 Commerce Commission Sunset Act of 1993” after
18 “title”.

19 (2) Section 10922(c) as amended—

20 (A) by striking paragraph (1);

21 (B) by striking paragraph (2)(A);

22 (C) in paragraph (2)(B)—

23 (i) by striking “issue a certificate to a
24 person authorizing that” and inserting
25 “authorize a”;

1 (ii) by striking “has been granted au-
2 thority, or will be granted authority, after
3 the effective date of this section to pro-
4 vide” and inserting “provides”;

5 (iii) by striking “to be authorized by
6 the certificate”; and

7 (iv) by striking “issuance of the cer-
8 tificate” and inserting “authorization”;

9 (D) in paragraph (2)(C)—

10 (i) by striking “, as defined in section
11 10526(b)(1) of this title,”;

12 (ii) by inserting “interstate” after
13 “regular-route”; and

14 (iii) by striking “of passengers subject
15 to the jurisdiction of the Commission
16 under subchapter II of chapter 105 of this
17 title”;

18 (E) by striking paragraph (2)(D);

19 (F) in paragraph (2)(E) by striking “a
20 certificate issued” and inserting “authority
21 granted”;

22 (G) by striking paragraphs (2)(F), (2)(H),
23 and (2)(I);

24 (H) by striking paragraphs (3) through
25 (9); and

1 (I) by striking the subsection heading and
2 inserting “SPECIAL POWERS RELATING TO
3 MOTOR CARRIERS”.

4 (3) Section 10935 as amended—

5 (A) in subsection (a) by striking “, and
6 interstate authority under a certificate issued
7 under section 10922 of this subchapter, to pro-
8 vide” and inserting “and providing interstate”;

9 (B) in subsection (e)(1)(A) by striking
10 “Subject to paragraph (3) of this subsection,
11 if” and inserting “If”;

12 (C) in subsection (e)(1)(B) by striking
13 “August 1, 1982” and inserting “the date of
14 the enactment of the Interstate Commerce
15 Commission Sunset Act of 1993”;

16 (D) by striking subsections (e)(2) and
17 (e)(3);

18 (E) by redesignating subsection (e)(4) as
19 subsection (e)(2);

20 (F) in subsection (g)(2) by striking “or
21 (e)(2)”;

22 (G) in subsection (h) by striking “a motor
23 common carrier of passengers subject to the ju-
24 risdiction of the Commission under subchapter
25 II of chapter 105 of this title corresponding to

1 an interstate service initiated pursuant to the
2 provisions of section 10922(c)(4) of this title”
3 and inserting “an interstate motor common car-
4 rier of passengers”.

5 (f) CHAPTER 111.—There are hereby transferred to
6 and vested in the Secretary of Transportation all func-
7 tions, powers, and duties of the Interstate Commerce
8 Commission under the following sections of chapter 111
9 of title 49, United States Code, effective October 1, 1994:

10 (1) Section 11101(a) as amended by striking
11 the second sentence.

12 (2) Section 11103.

13 (3) Section 11104.

14 (4) Section 11105 insofar as it applies to rail
15 carriers.

16 (5) Section 11121 as amended by striking
17 “11127,”.

18 (6) Section 11122.

19 (7) Section 11123.

20 (8) Section 11124.

21 (9) Section 11125.

22 (10) Section 11126 as amended by striking
23 “11127,”.

1 (11) Section 11128 as amended by striking
2 “sections 11123(a)(4) and 11127(a)(1)(C)” and in-
3 serting “section 11123(a)”.

4 (12) Section 11141 insofar as it applies to rail
5 carriers.

6 (13) Section 11143 insofar as it applies to rail
7 carriers.

8 (14) Section 11144 insofar as it applies to rail
9 carriers.

10 (15) Section 11145 as amended—

11 (A) in subsection (a)—

12 (i) by inserting “rail” before “car-
13 riers”;

14 (ii) by striking “brokers,”; and

15 (iii) by striking “or express”;

16 (B) in subsection (b) by striking “broker,”
17 and the second sentence; and

18 (C) by striking subsection (c).

19 (16) Subchapter IV.

20 (g) CHAPTER 113.—There are hereby transferred to
21 and vested in the Secretary of Transportation all func-
22 tions, powers, and duties of the Interstate Commerce
23 Commission under the following sections of chapter 113
24 of title 49, United States Code, effective October 1, 1994:

1 (1) Section 11301 as amended by striking “or
2 sleeping car” in subsection (a)(1).

3 (2) Section 11303 insofar as it applies to rail
4 carriers.

5 (3) Section 11322.

6 (4) Section 11348(b) insofar as it applies to
7 rail carriers.

8 (5) Subchapter IV.

9 (h) CHAPTER 115.—There are hereby transferred to
10 and vested in the Secretary of Transportation all func-
11 tions, powers, and duties of the Interstate Commerce
12 Commission under the following sections of chapter 115
13 of title 49, United States Code, effective October 1, 1994:

14 (1) Section 11501 as amended—

15 (A) by striking subsection (a);

16 (B) in the first sentence of subsection
17 (c)—

18 (i) by inserting “or passenger trans-
19 portation” after “title”;

20 (ii) by inserting “or, in the case of
21 passenger transportation, with the stand-
22 ards applicable to rail transportation of
23 property” before the period at the end of
24 the sentence;

1 (C) in subsection (d)(1) by inserting “or
2 passenger transportation” after “title”;

3 (D) in subsection (e)(1) by striking “trans-
4 portation subject to the jurisdiction of the Com-
5 mission under subchapter II of chapter 105 of
6 this title” and inserting “interstate transpor-
7 tation”;

8 (E) in subsection (e)(5) by striking “sub-
9 ject to the jurisdiction of the Commission under
10 subchapter II of chapter 105 of this title” and
11 by striking “authorized”;

12 (F) by striking subsection (e)(6); and

13 (G) by striking subsection (g) and insert-
14 ing the following new subsection:

15 “(g) PREEMPTION OF CERTAIN STATE REGULA-
16 TION.—Notwithstanding any other provision of law, no
17 State or political subdivision thereof and no interstate
18 agency or other political agency of 2 or more States shall
19 enact or enforce any law, rule, regulation, standard, or
20 other provision having the force and effect of law relating
21 to interstate or intrastate rates, routes, or services of any
22 motor carrier, motor private carrier, water carrier, freight
23 forwarder, or broker that provides transportation of prop-
24 erty in interstate commerce.”.

25 (2) Section 11502 as amended—

- 1 (A) in subsection (a)—
2 (i) by striking “(1)”;
3 (ii) by striking “subchapter I, III, or
4 IV of”;
5 (iii) by striking paragraph (2);
6 (iv) by striking “(A)” the first place it
7 appears and inserting “(1)”; and
8 (v) by striking “(B)” the first place it
9 appears and inserting “(2)”;
10 (B) in subsection (b) by striking “sub-
11 chapter I or IV of”; and
12 (C) in subsection (c) by striking “sub-
13 chapter I or III of”.
14 (3) Section 11503.
15 (4) Section 11504 as amended—
16 (A) in subsection (a)(2) by striking
17 “, express, or sleeping car”;
18 (B) in subsection (b) by striking “(1)” and
19 by striking paragraph (2); and
20 (C) by striking subsection (c).
21 (5) Section 11505 as amended by striking “(a)”
22 and by striking subsection (b).
23 (6) Section 11507.
24 (i) CHAPTER 117.—There are hereby transferred to
25 and vested in the Secretary of Transportation all func-

1 tions, powers, and duties of the Interstate Commerce
2 Commission under the following sections of chapter 117
3 of title 49, United States Code, effective October 1, 1994:

4 (1) Section 11701 as amended—

5 (A) in subsection (a)—

6 (i) by striking “, broker or freight for-
7 warder”;

8 (ii) by striking the last two sentences;

9 and

10 (B) in subsection (b)—

11 (i) by striking “, or broker for,”;

12 (ii) by striking “or a foreign motor
13 carrier or a foreign motor private carrier
14 providing transportation under a certificate
15 of registration issued under section 10530
16 of this title, or freight forwarder”;

17 (iii) by striking “and, if it is against
18 a water carrier, must be made under
19 oath”; and

20 (iv) by striking the last sentence.

21 (2) Section 11702 as amended—

22 (A) in subsection (a)(1) by striking “or
23 10933”;

24 (B) by striking subsection (a)(2) and in-
25 serting the following:

1 “(2) to enforce section 11109 of this title and
2 to compel compliance with the order of the Secretary
3 under that section; and”;

4 (C) by striking subsection (a)(4);

5 (D) by redesignating subsections (a)(5)
6 and (a)(6) as subsections (a)(4) and (a)(5), re-
7 spectively;

8 (E) by striking subsection (b); and

9 (F) by striking “(a)” the first place it ap-
10 pears.

11 (3) Section 11703.

12 (4) Section 11705 as amended—

13 (A) by striking “subchapter I or III of”
14 each place it appears;

15 (B) in subsection (a) by striking “or a
16 freight forwarder”;

17 (C) in subsection (b)(1) by striking “or a
18 freight forwarder” and by striking “or the ap-
19 plicable freight forwarder rate, as the case may
20 be”;

21 (D) by striking subsection (b)(3);

22 (E) by striking the last sentence of sub-
23 section (c)(1); and

24 (F) in subsection (d)(1)—

25 (i) by striking “if a rail carrier,”;

1 (ii) by striking “, or (D) if a water
2 carrier, in which a port of call on a route
3 operated by that carrier is located”; and

4 (iii) by inserting “or” before “(C)”.

5 (5) Section 11706 as amended—

6 (A) in subsection (a) by striking “or a
7 freight forwarder” and by striking “or freight
8 forwarder”;

9 (B) in subsection (b) by striking “sub-
10 chapter I or III of”;

11 (C) in subsection (c) by striking “(1)” and
12 by striking paragraph (2); and

13 (D) in subsection (d) by striking “(c)(1)”
14 and inserting “(c)”.

15 (6) Section 11707 as amended—

16 (A) in subsection (a)(1)—

17 (i) by striking “(1)”;

18 (ii) by striking “, II, or IV” each
19 place it appears;

20 (iii) by striking “and a freight for-
21 warder” in the first sentence;

22 (iv) by striking “or freight forwarder”
23 in the second and fourth sentences; and

24 (v) by striking “, except in the case of
25 a freight forwarder,” in the third sentence;

1 (B) by striking subsection (a)(2); and

2 (C) in subsection (c) by striking para-
3 graphs (2) and (3) and by redesignating para-
4 graph (4) as paragraph (2).

5 (7) Section 11709.

6 (8) Section 11710.

7 (j) CHAPTER 119.—There are hereby transferred to
8 and vested in the Secretary of Transportation all func-
9 tions, powers, and duties of the Interstate Commerce
10 Commission under the following sections of chapter 119
11 of title 49, United States Code, effective October 1, 1994:

12 (1) Section 11901 as amended—

13 (A) by striking subsections (g) through
14 (k); and

15 (B) by redesignating subsection (l) as sub-
16 section (g) and in such subsection by striking
17 “(1)” and by striking paragraph (2).

18 (2) Section 11902.

19 (3) Section 11903.

20 (4) Section 11904 as amended by striking sub-
21 sections (b), (c), and (d).

22 (5) Section 11907.

23 (6) Section 11909(a).

24 (7) Subsections (a)(1), (b) (insofar as it applies
25 to rail carriers), (c), and (d) of section 11910.

1 (8) Section 11911.

2 (9) Section 11913.

3 (10) Section 11913a.

4 (11) Subsection (a) of section 11914.

5 (12) Section 11915.

6 (13) Section 11916.

7 **SEC. 6. MISCELLANEOUS AMENDMENTS.**

8 (a) RATES AND LIABILITY BASED ON VALUE.—Sec-
9 tion 10730 of title 49, United States Code, is amended—

10 (1) by striking subsections (a) and (b) and in-
11 serting the following:

12 “(a)(1) Subject to the provisions of paragraph (2) of
13 this subsection, a motor common carrier may agree with
14 a shipper that the liability of the carrier for such property
15 is limited to a value established by written declaration of
16 the shipper or by written agreement between the carrier
17 and shipper if that value would be reasonable under the
18 circumstances surrounding the transportation.

19 “(2) Before a carrier may limit a contract of carriage
20 for any service under paragraph (1) of this subsection, it
21 shall provide a contract of carriage for such service which
22 does not limit the liability of the carrier.”; and

23 (2) by redesignating subsection (c) as sub-
24 section (b) and in such subsection by striking “pro-
25 viding transportation or service subject to the juris-

1 diction of the Commission under subchapter I of
2 chapter 105 of the title”.

3 (b) BACKHAUL ALLOWANCES.—Section 10732 of
4 such title is amended—

5 (1) by striking “food and grocery” each place
6 it appears;

7 (2) by striking subsection (b);

8 (3) by striking “(a)”; and

9 (4) by striking the section heading and insert-
10 ing “**BACKHAUL ALLOWANCES**”.

11 (c) LIABILITY FOR PAYMENT OF RATES.—Section
12 10744 of such title is amended—

13 (1) in subsection (a)(1) by striking “, motor, or
14 water common”;

15 (2) in each of subsections (b) and (c)(3) by
16 striking “or express”; and

17 (3) by striking subsection (c)(2) and by redesignig-
18 nating subsection (c)(3) as subsection (c)(2).

19 (d) UNFAIR TRADE PRACTICES OF CONTIGUOUS
20 FOREIGN GOVERNMENTS.—Section 10922(1) of such title
21 is amended to read as follows:

22 “(l) UNFAIR TRADE PRACTICES OF CONTIGUOUS
23 FOREIGN GOVERNMENTS.—

24 “(1) CONSULTATIONS.—Whenever the Presi-
25 dent of the United States determines that the gov-

1 ernment of any foreign country contiguous to the
2 United States or the government of any political
3 subdivision or any instrumentality of such country,
4 has engaged in unfair, discriminatory, or restrictive
5 practices that have a substantial adverse competitive
6 impact upon a United States transportation com-
7 pany providing, or seeking to provide motor carrier
8 transportation of property or passengers to, from, or
9 within such foreign country, the President shall seek
10 elimination of such practices through consultations.

11 “(2) LIMITATION ON CERTAIN FOREIGN OPER-
12 ATIONS IN UNITED STATES.—Notwithstanding any
13 other provision of law, when consultations fail to re-
14 sult in the elimination of the unfair, discriminatory,
15 or restrictive practices cited in paragraph (1), the
16 President may suspend, modify, amend, condition, or
17 limit operations in the United States by motor car-
18 riers of property or passengers domiciled in such for-
19 eign country or owned or controlled by persons of
20 such foreign country, if the President determines
21 such action to be in the national interest. The Presi-
22 dent shall publish notice of such determination, in-
23 cluding the reasons for the determination and the
24 action being proposed, in the Federal Register. Un-
25 less the President determines that expeditious action

1 is required, the President shall provide an oppor-
2 tunity for presentation of views concerning the tak-
3 ing of such action.

4 “(3) MODIFICATION OF LIMITATIONS.—The
5 President may also remove or modify any action
6 taken under paragraph (2) if the President deter-
7 mines that such removal or modification is likewise
8 in the national interest.

9 “(4) DELEGATION OF AUTHORITY; REGULA-
10 TIONS.—The President may delegate any or all au-
11 thority under this subsection to the Secretary of
12 Transportation who shall consult with other agencies
13 as appropriate. Any suspension, modification,
14 amendment, condition, or limitation imposed under
15 paragraph (2), and documentary requirements that
16 may be necessary to institute and enforce such ac-
17 tions, shall be accomplished in accordance with di-
18 rections of the President under regulations issued by
19 the Secretary of Transportation, in consultation with
20 other agencies as appropriate. Such regulations and
21 orders shall be enforced by the Department of
22 Transportation, the Department of the Treasury,
23 and the Department of Justice.

24 “(5) COMPLIANCE WITH OTHER APPLICABLE
25 LAWS.—This section shall in no way affect the re-

1 requirement for all foreign motor carriers operating in
2 the United States to comply fully with all applicable
3 laws and regulations pertaining to safety fitness,
4 safety of operation, financial responsibility, and
5 taxes imposed by section 4481 of the Internal Reve-
6 nue Code of 1986.”.

7 (e) **LOADING AND UNLOADING OF MOTOR VEHI-**
8 **CLES.**—Section 11109 of such title is amended by striking
9 “(whether or not such transportation is subject to the ju-
10 risdiction of the Commission under subchapter II of chap-
11 ter 105 of this title)” each place it appears.

12 (f) **WEIGHT-BUMPING.**—Section 11917 of such title
13 is amended—

14 (1) by striking “a shipment of household goods
15 which is subject to the jurisdiction of the Commis-
16 sion under subchapter II of chapter 105 of this
17 title” and inserting “an interstate shipment”; and

18 (2) in the section heading by striking “**IN**
19 **HOUSEHOLD GOODS TRANSPORTATION**”.

20 (g) **FEDERAL MARITIME COMMISSION JURISDIC-**
21 **TION.**—Nothing in this Act, the Shipping Act, 1916, or
22 the Intercoastal Shipping Act, 1933 shall be construed to
23 confer upon the Federal Maritime Commission jurisdiction
24 over any carrier providing water transportation between
25 the contiguous United States and Hawaii, Alaska, or a

1 United States territory or possession as part of a joint
2 through transportation arrangement with a carrier provid-
3 ing interstate transportation within the continental United
4 States.

5 **SEC. 7. AMENDMENTS TO GENERAL DUTIES AND POWERS.**

6 (a) SAFETY INFORMATION AND INTERVENTION IN
7 ICC PROCEEDINGS.—Section 307 of title 49, United
8 States Code, is repealed.

9 (b) RESPONSIBILITY FOR CERTAIN RAIL
10 PROJECTS.—Section 333 of such title is amended—

11 (1) by striking subsection (d)(1)(C) and redес-
12 ignating subparagraphs (D) and (E) of subsection
13 (d)(1) as subparagraphs (C) and (D), respectively;
14 and

15 (2) by striking subsection (e).

16 (c) REPORT TO CONGRESS.—Subchapter I of chapter
17 5 of such title is amended by adding the following new
18 section:

19 **“§ 508. Report to Congress.**

20 “Two years from the effective date of the Interstate
21 Commerce Commission Sunset Act of 1993, the Secretary
22 of Transportation shall submit a status report and evalua-
23 tion, including recommendations, to Congress concerning
24 implementation of the National Governors’ Association

1 Consensus Agenda on standards for uniform State regula-
2 tion of interstate motor carriers.”.

3 (d) MOTOR CARRIER SAFETY DEFINITIONS.—Sec-
4 tion 3101(3) of such title is amended—

5 (1) by inserting “interstate” before “transporta-
6 tion” the first place it appears; and

7 (2) by striking “referred to in section 10521(a)
8 of this title”.

9 (e) APPLICABILITY.—Section 3102(a)(1) of such title
10 is amended to read as follows:

11 “(1) defined as ‘interstate transportation’ by
12 section 10102;”.

13 (f) RESEARCH, INVESTIGATION, AND TESTING.—Sec-
14 tion 3103(a) of such title is amended by striking “a motor
15 carrier subject to subchapter II of chapter 105 of this title
16 and a motor private carrier” and inserting “an interstate
17 motor carrier or motor private carrier”.

18 (g) IDENTIFICATION OF MOTOR VEHICLES.—Section
19 3104(a) of such title is amended—

20 (1) by striking “and” at the end of paragraph
21 (1);

22 (2) by striking the period at the end of para-
23 graph (2) and inserting “; and”; and

24 (3) by adding at the end the following new
25 paragraph:

1 “(3) require each of those carriers and inter-
2 state motor carriers to display on the vehicle such
3 identification as the Secretary may require.”.

4 **SEC. 8. FEDERAL TRADE COMMISSION.**

5 (a) JURISDICTION OF FTC.—Motor carriers, water
6 carriers (except those regulated by the Federal Maritime
7 Commission), freight forwarders, and railroad passenger
8 carriers shall be subject to the jurisdiction of the Federal
9 Trade Commission under the Federal Trade Commission
10 Act (15 U.S.C. 41–58) and section 11 of the Clayton Act
11 (15 U.S.C. 21).

12 (b) EXCLUSIVE JURISDICTION OF FTC.—The Fed-
13 eral Trade Commission is empowered exclusively to en-
14 force the household goods regulations for motor carriers
15 under section 1056 of title 49 of the Code of Federal Reg-
16 ulations and for freight forwarders under section 1085 of
17 such title, which regulations shall remain in effect until
18 revised or revoked by the Federal Trade Commission
19 under subsection (c) of this section.

20 (c) FTC REVIEW.—The Federal Trade Commission
21 shall institute a proceeding within 120 days of the date
22 of the enactment of this Act to review the necessity and
23 effectiveness of sections 1056 and 1085 of title 49 of the
24 Code of Federal Regulations and, where appropriate,
25 make revisions (1) to ensure that shippers of household

1 goods receive adequate protection in their dealings with
2 carriers, and (2) to eliminate unnecessary regulations. The
3 initial proceeding conducted to implement this section
4 shall be governed by section 553 of title 5, United States
5 Code, and the Federal Trade Commission may dispense
6 with the rulemaking requirements imposed under section
7 18 of the Federal Trade Commission Act (15 U.S.C. 57a),
8 except that any such rule promulgated shall be subject to
9 the judicial review procedures of subsection (e) of such
10 section 18. This proceeding shall be completed within 1
11 year after commencement of the proceeding.

12 (d) OTHER AGENCIES REVIEWS.—Not later than 1
13 year after the Federal Trade Commission issues its final
14 regulations pursuant to subsection (c), all departments,
15 agencies, and instrumentalities of the United States shall
16 revise and conform their rules and regulations pertaining
17 to the transportation of household goods for the United
18 States to those household goods regulations issued by the
19 Federal Trade Commission.

20 **SEC. 9. TRANSFER AND ALLOCATIONS OF APPROPRIA-**
21 **TIONS AND PERSONNEL.**

22 (a) TRANSFERS.—The personnel (including career
23 members of the Senior Executive Service and excluding
24 all political appointees) employed in connection with, and
25 the assets, liabilities, contracts, property, records, and un-

1 expended balances of appropriations, authorizations, allo-
2 cations, and other funds employed, held, used, arising
3 from, available to, or to be made available in connection
4 with, any function transferred by this Act, subject to sec-
5 tion 1531 of title 31, United States Code, shall be trans-
6 ferred to the head of the agency to which such function
7 is transferred for appropriate allocation. Personnel em-
8 ployed in connection with functions so transferred shall
9 be transferred in accordance with any applicable laws and
10 regulations relating to transfer of functions. Unexpended
11 funds transferred pursuant to this subsection shall only
12 be used for the purpose and period of time for which the
13 funds were originally authorized and appropriated. The
14 unobligated balance of appropriations available in connec-
15 tion with any function abolished by this Act shall lapse
16 on October 1, 1995, and the obligated balance of such ap-
17 propriations shall be transferred to the Secretary of
18 Transportation for the purpose of administering the pay-
19 ment of such obligations.

20 (b) AUTHORITY OF OMB.—In the absence of enacted
21 appropriations 30 days in advance of the transfer date,
22 the Director of the Office of Management and Budget is
23 authorized and directed, in consultation with the heads of
24 the agencies affected by such transfer, to determine the
25 number of personnel to be transferred.

1 (c) AGENCY DISPUTE RESOLUTION.—In order to fa-
2 cilitate the transfers made by this Act, the Director of the
3 Office of Management and Budget is authorized and di-
4 rected, in consultation with the Interstate Commerce Com-
5 mission and the heads of the agencies to which functions
6 are so transferred, to make such determinations as may
7 be necessary with regard to the functions so transferred,
8 and to make such additional incidental dispositions of per-
9 sonnel, assets, liabilities, contracts, property, records, and
10 unexpended balances of appropriations, authorizations, al-
11 locations, and other funds held, used, arising from, avail-
12 able to, or to be made available in connection with, such
13 functions, as may be necessary to resolve disputes between
14 the Interstate Commerce Commission and the agencies to
15 which functions are transferred by this Act.

16 (d) DATE OF TRANSFERS.—The Chairman of the
17 Interstate Commerce Commission, the Secretary of Trans-
18 portation, and the Chairman of the Federal Trade Com-
19 mission shall, beginning as soon as practicable after the
20 date of the enactment of this Act, effect the transfer of
21 functions and personnel pursuant to this Act.

22 (e) INTERIM USE OF ICC PERSONNEL.—With the
23 consent of the Interstate Commerce Commission, the head
24 of each agency to which functions are transferred by this
25 Act is authorized to use the services of such officers, em-

1 ployees, and other personnel of the Commission for such
2 period of time up to September 30, 1994, as may reason-
3 ably be needed to facilitate the orderly transfer of such
4 functions.

5 **SEC. 10. SAVINGS PROVISIONS.**

6 (a) IN GENERAL.—All orders, determinations, rules,
7 regulations, permits, contracts, certificates, licenses, and
8 privileges—

9 (1) which have been issued, made, or granted
10 by any agency or official thereof, or by a court of
11 competent jurisdiction, in the performance of any
12 function which is transferred by this Act from the
13 Interstate Commerce Commission to another agency;
14 and

15 (2) which are in effect on October 1, 1994,
16 shall continue in effect according to their terms until
17 modified, terminated, superseded, set aside, or re-
18 voked in accordance with law by the head of the
19 agency to which such function is transferred, or
20 other authorized officials, a court of competent juris-
21 diction, or by operation of law.

22 (b) CONTINUATION OF PROCEEDINGS.—The trans-
23 fers of functions made by this Act shall not affect any
24 proceedings or any application for any license, permit, or
25 certificate relating to transferred functions pending before

1 the Interstate Commerce Commission at the time such
2 transfers take effect; but such proceedings and applica-
3 tions, to the extent that they relate to functions so trans-
4 ferred, shall be continued. Orders shall be issued in such
5 proceedings, and appeals may be taken therefrom, as if
6 this Act had not been enacted; and orders issued in any
7 such proceedings shall continue in effect until modified,
8 terminated, superseded, or revoked by a duly authorized
9 official, by a court of competent jurisdiction, or by oper-
10 ation of law. Nothing in this subsection shall be deemed
11 to prohibit the discontinuance or modification of any such
12 proceeding under the same terms and conditions and to
13 the same extent that such proceeding could have been dis-
14 continued or modified if this Act had not been enacted.

15 (c) AFFECT ON PENDING SUITS.—Except as pro-
16 vided in subsection (e)—

17 (1) the transfer of any function under this Act
18 shall not affect any suit relating to such function
19 which is commenced prior to the date the transfer
20 takes effect, and

21 (2) in all such suits, proceedings shall be had,
22 appeals taken, and judgments rendered in the same
23 manner and effect as if this Act had not been en-
24 acted.

1 (d) NONABATEMENT OF SUITS.—No suit, action, or
2 other proceeding commenced by or against any officer in
3 his or her official capacity as an officer of the Interstate
4 Commerce Commission shall abate by reason of the trans-
5 fer of any function under this Act. No cause of action by
6 or against the Interstate Commerce Commission, or by or
7 against any officer thereof in his or her official capacity,
8 shall abate by reason of the transfer of any function under
9 this Act.

10 (e) JUDICIAL ADMINISTRATIVE PROVISION.—If, be-
11 fore October 1, 1994, the Interstate Commerce Commis-
12 sion, or officer thereof in his or her official capacity, is
13 a party to a suit relating to a function transferred by this
14 Act, then such suit shall be continued with the head of
15 the Federal agency to which the function is transferred.

16 (f) REFERENCES.—With respect to any function
17 transferred to another agency by this Act and exercised
18 after the effective date of such transfer, reference in any
19 Federal law to the Interstate Commerce Commission or
20 the Commission (insofar as such term refers to the Inter-
21 state Commerce Commission), or to any officer or office
22 of the Interstate Commerce Commission, shall be deemed
23 to refer to that agency, or other official or component of
24 the agency, in which such function vests.

1 (g) AUTHORITY.—In the exercise of any function
2 transferred under this Act, the head of the agency to
3 which such function is transferred shall have the same au-
4 thority as that vested in the Interstate Commerce Com-
5 mission with respect to such function immediately preced-
6 ing its transfer, and actions of the head of such agency
7 in exercising such function shall have the same force and
8 effect as when exercised by the Interstate Commerce
9 Commission.

10 (h) CONSIDERATION OF OPERATIONAL CONTINU-
11 ITY.—In exercising any function transferred by this Act,
12 the head of the agency to which such function is trans-
13 ferred shall give full consideration to the need for oper-
14 ational continuity of the function transferred.

15 **SEC. 11. DEFINITIONS.**

16 For purposes of this Act—

17 (1) the term “agency” has the same meaning
18 such term has in section 551(1) of title 5, United
19 States Code; and

20 (2) the term “function” means a function,
21 power, or duty.

22 **SEC. 12. CONFORMING AMENDMENTS.**

23 (a) ANALYSES.—The provisions and chapter analyses
24 of title 49, United States Code, shall be amended to con-
25 form with the amendments made by this Act.

1 (b) CLAYTON ACT.—The following provisions of the
2 Clayton Act are amended effective October 1, 1994:

3 (1) Section 7 (15 U.S.C. 18) by striking “Inter-
4 state Commerce Commission,”.

5 (2) Section 11(a) (15 U.S.C. 21(a)) by striking
6 “in the Interstate Commerce Commission where ap-
7 plicable to common carriers subject to the Interstate
8 Commerce Act, as amended;”.

9 (3) Section 16 (15 U.S.C. 26)—

10 (A) by striking “Act to regulate commerce
11 approved February fourth, eighteen hundred
12 and eighty-seven” and inserting “Interstate
13 Commerce Commission Sunset Act of 1993”;
14 and

15 (B) by striking “Interstate Commerce
16 Commission” and inserting “Department of
17 Transportation”.

18 **SEC. 13. SEVERABILITY CLAUSE.**

19 If any provision of this Act, or the application of such
20 provision to any person or circumstance, is held invalid,
21 the remainder of this Act and the application of such pro-
22 vision to any other person or circumstance shall not be
23 affected by such invalidation.

1 **SEC. 14. EFFECTIVE DATE.**

2 This Act shall be effective on the date of its enact-
3 ment, except as specifically provided otherwise.

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