

1 government regulation of our Nation's transportation in-
2 dustries and to streamline the remaining regulation in
3 order to improve the productivity and competitiveness of
4 United States industries in domestic and world markets.

5 FINDINGS

6 SEC. 3. FINDINGS.—The Congress finds that—

7 (a) a safe, sound, competitive, and efficient
8 transportation system is vital to the maintenance of
9 a strong national economy, an improved balance of
10 payments, and a strong national defense;

11 (b) protective regulation is outdated, unneces-
12 sary and has resulted in operating and pricing ineffi-
13 ciencies, has tended to suppress technological and
14 managerial innovation, and has tended to restrict
15 the range of price and service options available to
16 shippers and passengers;

17 (c) available evidence suggests that many bil-
18 lions of dollars in savings to consumers and a broad
19 range of United States industries have already ac-
20 crued from recent transportation reforms, and that
21 removal of the remaining regulations and adoption
22 of additional transportation productivity measures
23 will result in additional consumer benefits and sav-
24 ings that will enable United States companies to be-
25 come more productive and competitive in domestic
26 and world markets;

1 (d) the Interstate Commerce Commission's reg-
2 ulatory responsibilities over the transportation of
3 property by railroads should be reduced and trans-
4 ferred to the Departments of Transportation and
5 Labor;

6 (e) antitrust immunity for regulated carriers
7 should be eliminated and such carriers should be
8 subject to the normal antitrust laws applicable to
9 most industries;

10 (f) the Interstate Commerce Commission should
11 cease operation as of September 30, 1996; and

12 (g) legislative and resulting changes should be
13 implemented with the least amount of disruption
14 consistent with achieving the reforms enacted.

15 TERMINATION OF AUTHORITY

16 SEC. 4. (a) Section 307 of title 49, United States
17 Code, is repealed.

18 (b) The following provisions of chapter 103 of title
19 49, United States Code, are repealed effective September
20 30, 1996:

21 (1) Section 10301.

22 (2) Section 10302.

23 (3) Section 10304.

24 (4) Section 10305.

25 (5) Section 10306.

26 (6) Section 10307.

1 (7) Section 10308.

2 (8) Section 10309.

3 (9) Section 10310(b).

4 (10) Section 10311.

5 (11) Section 10322.

6 (12) Section 10326.

7 (13) Subsection (b) of section 10328.

8 (14) Subsections 10329(a)(2), 10329(c) (2) and
9 (3), and 10329(e).

10 (15) Subsection 10330.

11 (16) Subchapter III—Joint Boards.

12 (17) Section 10361.

13 (18) Section 10362.

14 (19) Section 10363.

15 (20) Section 10364.

16 (21) Subchapter V—Office of Rail Public Coun-
17 sel.

18 (c) The following provisions of chapter 105 of title
19 49, United States Code, are repealed effective September
20 30, 1996, except for section 10530:

21 (1) Section 10502.

22 (2) Section 10503.

23 (3) Section 10504.

24 (4) Sections 10521 through 10531.

25 (5) Subchapter III.

1 (6) Subchapter IV.

2 (d) The following provisions of chapter 107 of title
3 49, United States Code, are repealed effective September
4 30, 1996:

5 (1) Subsections (c), (d), and (e) of section
6 10701.

7 (2) Subsection (c) of section 10701a.

8 (3) Section 10702.

9 (4) Section 10703.

10 (5) Section 10705a.

11 (6) Section 10706.

12 (7) Section 10707.

13 (8) Section 10708.

14 (9) Section 10710.

15 (10) Section 10711.

16 (11) Section 10712.

17 (12) Section 10722.

18 (13) Section 10723.

19 (14) Section 10724.

20 (15) Section 10725.

21 (16) Section 10726.

22 (17) Section 10728.

23 (18) Section 10730.

24 (19) Section 10731.

25 (20) Section 10733.

- 1 (21) Section 10734.
- 2 (22) Section 10735.
- 3 (23) Section 10741.
- 4 (24) Section 10742.
- 5 (25) Section 10743.
- 6 (26) Section 10744.
- 7 (27) Section 10745.
- 8 (28) Section 10746.
- 9 (29) Section 10747.
- 10 (30) Section 10748.
- 11 (31) Section 10749.
- 12 (32) Section 10751.
- 13 (33) Section 10761.
- 14 (34) Subsections (a)(1), (a)(2), (b), (c), (d), (e),
15 (f), (g), and (j) of section 10762.
- 16 (35) Subsections (b) and (c) of section 10763.
- 17 (36) Section 10764.
- 18 (37) Section 10765.
- 19 (38) Section 10766.
- 20 (39) Section 10767.
- 21 (40) Subchapter V of chapter 107.
- 22 (e) The following provisions of chapter 109 of title
23 49, United States Code, are repealed effective September
24 30, 1996:

1 (1) Subsections (a), (b), and (c) of section
2 10901.

3 (2) Section 10902.

4 (3) Section 10904.

5 (4) Subsection (a) of section 10907.

6 (5) Section 10908.

7 (6) Section 10909.

8 (7) Subchapter II of chapter 109.

9 (f) The following provisions of chapter 111 of title
10 49, United States Code, are repealed effective September
11 30, 1996:

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

13 (2) Section 11102.

14 (3) Section 11105.

15 (4) Section 11106.

16 (5) Section 11108.

17 (6) Section 11110.

18 (7) Section 11111.

19 (8) Section 11121.

20 (9) Section 11124.

21 (10) Section 11126.

22 (11) Section 11127.

23 (12) Section 11142.

24 (13) Section 11161.

25 (14) Section 11162.

1 (15) Section 11163.

2 (16) Section 11164.

3 (17) Section 11167.

4 (18) Section 11168.

5 (g) The following provisions of chapter 113 of title
6 49, United States Code, are repealed effective September
7 30, 1996:

8 (1) Section 11301.

9 (2) Section 11304.

10 (3) Section 11321.

11 (4) Section 11322.

12 (5) Section 11323.

13 (6) Section 11341.

14 (7) Section 11342.

15 (8) Section 11343.

16 (9) Section 11344.

17 (10) Section 11345.

18 (11) Section 11345a.

19 (12) Section 11346.

20 (13) Section 11348.

21 (14) Section 11349.

22 (15) Section 11350.

23 (16) Section 11351.

24 (17) Section 11361.

25 (18) Section 11362.

1 (19) Section 11363.

2 (20) Section 11364.

3 (21) Section 11365.

4 (22) Section 11366.

5 (23) Section 11367.

6 (h) The following provisions of chapter 115 of title
7 49, United States Code, are repealed effective September
8 30, 1996:

9 (1) Section 11502.

10 (2) Section 11505.

11 (3) Section 11506.

12 (4) Section 11507.

13 (i) The following provisions of chapter 117 of title
14 49, United States Code, are repealed effective September
15 30, 1996:

16 (1) Section 11702.

17 (2) Section 11704.

18 (3) Section 11708.

19 (4) Section 11709.

20 (5) Section 11711.

21 (6) Section 11712.

22 (j) The following provisions of chapter 119 of title
23 49, United States Code, are repealed effective September
24 30, 1996:

25 (1) Section 11901 (c) and (g) through (l).

1 (2) Section 11902.

2 (3) Section 11903.

3 (4) Section 11904.

4 (5) Section 11905.

5 (6) Section 11906.

6 (7) Section 11907.

7 (8) Section 11908.

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

10 (10) Section 11911.

11 (11) Section 11912.

12 (12) Section 11913a.

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

15 (14) Section 11916.

16 (15) Section 11917.

17 TRANSFER OF AUTHORITY TO DEPARTMENT OF
18 TRANSPORTATION

19 SEC. 5. (a) For purposes of the authorities trans-
20 ferred by this section, unless otherwise specified, the fol-
21 lowing provisions are amended in general by striking ref-
22 erence to the “Interstate Commerce Commission” or
23 “Commission” wherever those terms appear and inserting
24 “Secretary” in lieu thereof where appropriate.

25 (b) There are hereby transferred to and vested in the
26 Secretary of Transportation all functions, powers and du-

1 ties of the Interstate Commerce Commission under the fol-
2 lowing sections of chapter 101 of title 49, United States
3 Code, effective September 30, 1996:

4 (1) Section 10101 is amended in subsection (a)
5 as follows:

6 (A) By striking “to provide for the impar-
7 tial regulation of the modes of transportation
8 subject to this subtitle, and—”.

9 (B) By amending subparagraphs (1) and
10 (2) to read as follows:

11 “(1) to promote safe, adequate, economical, and
12 efficient transportation; and

13 “(2) to cooperate with each State and the offi-
14 cials of each State on transportation matters.”.

15 (C) By striking subparagraph (3).

16 (2) Section 10101a, is amended by striking
17 paragraphs (11) and (13).

18 (3) Section 10102, is amended as follows:

19 (A) In subparagraph (4)—

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

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

24 (iii) by striking “household goods”.

25 (B) By striking subparagraph (5).

1 (C) In subparagraph (6), by striking
2 “and” and inserting a comma in lieu thereof
3 and by inserting “and a freight forwarder” at
4 the end of subparagraph.

5 (D) By striking subparagraph (8).

6 (E) In subparagraph (9)—

7 (i) by striking “holding itself out to
8 the general public (other than as an ex-
9 press, pipeline, rail, sleeping car, motor, or
10 water carrier) to provide” and inserting
11 “that provides” in lieu thereof;

12 (ii) by inserting “and” after the semi-
13 colon following subparagraph (A);

14 (iii) by striking “and” after the semi-
15 colon following subparagraph (B) and in-
16 serting a period in lieu thereof; and

17 (iv) in subparagraph (C) by inserting
18 before the word “carrier” the following:
19 “motor, water or rail” and by striking
20 “subject to the jurisdiction of the Inter-
21 state Commerce Commission under sub-
22 chapter I, II, or III of chapter 105 of this
23 title”.

1 (F) In subparagraph (11) by striking “as
2 the Commission may provide by regulation”
3 each time it appears.

4 (G) By striking subparagraph (12).

5 (H) In subparagraph (13)(B) by striking
6 “approved under section 10706(b)”.

7 (I) By inserting after the definition of “in-
8 dividually determined rate, classification, rule,
9 or practice” a new subparagraph as follows:

10 “(11) ‘interstate transportation’ means trans-
11 portation—

12 “(A) between a place in—

13 “(i) a State and a place in another
14 State;

15 “(ii) a State and another place in the
16 same State through another State;

17 “(iii) the United States and a place in
18 a territory or possession of the United
19 States to the extent the transportation is
20 in the United States or on the high seas;

21 “(iv) the United States and another
22 place in the United States through a for-
23 eign country to the extent the transpor-
24 tation is in the United States; or

1 “(v) the United States and a place in
2 a foreign country to the extent the trans-
3 portation is in the United States; and

4 “(B) in a reservation under the exclusive
5 jurisdiction of the United States or on a public
6 highway.”.

7 (J) In subparagraph (15) by inserting “ex-
8 cept that after the date of enactment of this
9 Act, it shall mean a motor carrier” at the end
10 of the sentence.

11 (K) Subparagraph (16) is amended to read
12 as follows:

13 “(16) ‘motor contract carrier’ means a person,
14 other than a motor common carrier, providing motor
15 vehicle transportation for compensation under con-
16 tinuing agreements with a person or a number of
17 persons, except that after the date of enactment of
18 this Act, it shall mean a motor carrier.”.

19 (L) In subparagraph (17)(A) by striking
20 “as provided in section 10521 (a) (1) and (2)
21 of this title” and inserting “interstate transpor-
22 tation” in lieu thereof.

23 (M) In subparagraph (18) by striking “de-
24 termined by the Commission” and inserting
25 “thereof” in lieu thereof.

1 (N) By striking subparagraph (21).

2 (O) In subparagraph (23) by striking
3 “lighter, and ferry” and inserting “and ferry”
4 in lieu thereof.

5 (P) In subparagraph (24) by striking “,
6 fare,”.

7 (Q) By striking subparagraph (25).

8 (R) In subparagraph (28)—

9 (i) in subparagraph (A) by striking
10 “of passengers or” and by striking “, or
11 both, ”, and

12 (ii) in subparagraph (B) by striking
13 “passengers and”.

14 (S) In subparagraph (33) by striking “sub-
15 ject to the jurisdiction of the Commission under
16 this subtitle”; and

17 (T) By redesignating the subparagraphs of
18 section 10102, as amended, as subparagraphs
19 (1) through (29), respectively.

20 (4) Section 10103.

21 (c) There are hereby transferred to and vested in the
22 Secretary of Transportation all functions, powers and du-
23 ties of the Interstate Commerce Commission under the fol-
24 lowing sections of chapter 103 of title 49, United States
25 Code, effective September 30, 1996:

1 (1) Section 10303, as amended by striking sub-
2 paragraph (a) and the designator “(b)”.

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

4 (3) Section 10321, is amended as follows:

5 (A) By striking “, and brokers for,” in
6 subsection (b)(1).

7 (B) By striking “or brokers” and “or
8 broker” in subsection (b)(2).

9 (C) By striking “, brokers,” in subsection
10 (b)(3).

11 (D) By repealing subsection (b)(4).

12 (E) In subsection (c)(1) by striking “The
13 Commission, an individual Commissioner, an
14 employee board, an employee delegated to act
15 under section 10305 of this title” and inserting
16 “the Secretary,” in lieu thereof and in the sec-
17 ond sentence by striking “the Commission”
18 where it first appears and inserting in lieu
19 thereof “the Attorney General, on behalf of the
20 Secretary,”.

21 (F) By striking subparagraph (c)(2).

22 (4) Section 10324.

23 (5) Section 10327, is amended to read as
24 follows:

1 **“§ 10327. Rules of procedure**

2 “(a) The Secretary shall promulgate rules establish-
3 ing simplified procedures for the disposition of proceedings
4 under this subtitle. Such rules shall provide for adequate
5 notice and an opportunity for any interested person to file
6 appropriate written evidence and argument but need not
7 provide for oral evidentiary hearings.

8 “(b) The Secretary may use such simplified proce-
9 dures in any case if the Secretary determines that the use
10 of such simplified procedures is in the public interest. The
11 rules adopted by the Secretary pursuant to this section
12 shall, to the extent the Secretary finds it practicable, set
13 forth the standards the Secretary intends to apply in de-
14 termining whether to employ such simplified procedures,
15 and in deciding cases in which such procedures are
16 employed.”

17 (6) Section 10328(a).

18 (7) Section 10329 as follows:

19 (A) Subparagraph (a)(1).

20 (B) Subparagraph (b), except for the sec-
21 ond sentence dealing with transportation by
22 motor carrier or broker.

23 (C) Subparagraph (c)(1), insofar as it ap-
24 plies to rail carriers.

1 (D) Subparagraph (d), insofar as it applies
2 to rail carriers and amended by striking “in
3 fact who filed the tariff”.

4 (d) There are hereby transferred to and vested in the
5 Secretary of Transportation all functions, powers, and du-
6 ties of the Interstate Commerce Commission under the fol-
7 lowing sections of chapter 105 of title 49, United States
8 Code, insofar as they apply to transportation of freight
9 solely by a rail carrier or by rail and water carrier, effec-
10 tive September 30, 1996:

11 (1) Section 10501 is amended by adding “of
12 property” after “transportation” in the first sen-
13 tence.

14 (2) Section 10505, is amended by:

15 (A) Striking “and motor carrier” in the
16 title.

17 (B) Striking the phrase “or a motor car-
18 rier providing transportation of property other
19 than household goods, or in noncontiguous do-
20 mestic trade,” in subsections (a) and (f).

21 (C) Striking subsection (b).

22 (D) Amending subsection (g) to read as
23 follows.

1 “(g) The Secretary may not exercise this authority
2 to relieve a carrier of its obligation to protect the interests
3 of employees as required by this subtitle.”.

4 (E) Redesignating subsections (c), (d), (e),
5 and (f) as (b), (c), (d), and (e), respectively.

6 (e) There are hereby transferred to and vested in the
7 Secretary of Transportation all functions, powers and du-
8 ties of the Interstate Commerce Commission under the fol-
9 lowing sections of chapter 107 of title 49, United States
10 Code, effective September 30, 1996:

11 (1) Section 10701, is amended as follows:

12 (A) By amending subsection (a) to read as
13 follows:

14 “(a) A classification, rule or practice related to trans-
15 portation or service provided by a rail carrier subject to
16 the jurisdiction of the Secretary of Transportation under
17 chapter 105 of this title must be reasonable when the Sec-
18 retary determines under section 10709 of this title that
19 the rail carrier has market dominance over the transpor-
20 tation.”.

21 (B) In subsection (f) by—

22 (i) striking in subparagraph (1),
23 “under subchapter II of chapter 105 of
24 this title” wherever it occurs;

1 (ii) striking in subparagraph (B)(i),
2 “Commission” and inserting “Commission
3 at the time that the claim arose” in lieu
4 thereof;

5 (iii) striking subparagraph (7);

6 (iv) striking in subparagraph (8), “(1)
7 through (7)” and inserting “(1) through
8 (6) each time it appears; and

9 (v) in subparagraph (9), striking “as
10 defined in section 10733” and inserting in
11 lieu thereof “meaning waste products for
12 recycling or reuse in the furtherance of
13 recognized pollution control programs.”

14 (2) Section 2(e) of Public Law 103–180 (the
15 Negotiated Rates Act of 1993), codified at 49
16 U.S.C. 10701 note, is amended by—

17 (A) striking “under subchapter II of chap-
18 ter 105 of such title”; and

19 (B) striking “provided before September
20 30, 1990,”.

21 (3) Subsections (a) and (b) of section 10701a.

22 (4) Section 10704 is amended by—

23 (A) amending subsection (a) to read as
24 follows:

1 “If the Secretary determines, under section 10709 of
2 this title, on the Secretary’s own initiative or on complaint,
3 that a rail carrier subject to the jurisdiction of the Sec-
4 retary under subchapter I of chapter 105 has market
5 dominance over the transportation to which a particular
6 rate of that carrier applies and that such rate does or will
7 violate this subtitle, the Secretary may prescribe the rate,
8 classification, rule, or practice to be followed. The Sec-
9 retary may order the carrier to stop the violation. When
10 a rate, classification, rule, or practice is prescribed under
11 this section, the affected rail carrier may not charge or
12 collect a different rate and shall adopt the classification
13 and observe the rule or practice prescribed by the
14 Secretary.”.

15 (B) by redesignating (a)(2) as subsection
16 (b); and

17 (C) by striking the remainder of the sec-
18 tion.

19 (5) Section 10705 is amended to read as
20 follows:

21 “If the Secretary determines, under subchapter I of
22 chapter 105 has market dominance under section 10709
23 of this title, on the Secretary’s own initiative or on com-
24 plaint, that a rail carrier subject to the jurisdiction of the
25 Secretary over the transportation to which a particular

1 through route, joint classification, joint rate, or division
2 of a joint rate of that carrier applies and that such
3 through route, joint classification, joint rate, or division
4 of a joint rate does or will violate this subtitle, the Sec-
5 retary may prescribe the through route, joint classifica-
6 tion, joint rate, or division of a joint rate to be followed.
7 The Secretary may order the carrier to stop the violation.
8 A through route, joint classification, joint rate, or division
9 of a joint rate prescribed under this subsection shall be
10 followed by the affected rail carrier, who may not imple-
11 ment a different through route, joint classification, joint
12 rate, or division of a joint rate.”.

13 (6) Section 10707a is amended as follows:

14 (A) In subparagraph (b) by striking “plus
15 any rate increases implemented under sub-
16 sections (c) or (d) of this section”, and by strik-
17 ing subparagraph (3).

18 (B) By striking subsection (c), (d), and
19 (e).

20 (C) By redesignating subsections (f), (g),
21 and (h) as subsections (c), (d), and (e), respec-
22 tively.

23 (7) Section 10709, is amended as follows:

24 (A) In subsection (b) by—

1 (i) striking “within 90 days after the
2 start of a proceeding under section 10707
3 of this title to investigate the lawfulness of
4 that rate,” and inserting “upon complaint”
5 in lieu thereof;

6 (ii) striking “proposing” and inserting
7 “charging” in lieu thereof; and

8 (iii) striking the second sentence.

9 (B) In subsection (c) by—

10 (i) striking the word “proposed”; and

11 (ii) striking the last two sentences;

12 (C) In subsection (d) by—

13 (i) striking subparagraph (1)(B)(i);

14 (ii) in subparagraph (2), inserting
15 after “less than” the term “180 percent.”
16 and striking the remainder of the subpara-
17 graph. The repeal of the 10709(d)(2) (A)
18 through (E) does not alter standards for
19 cases pending on the date of enactment of
20 the Interstate Commerce Commission Sun-
21 set Act of 1995.;

22 (iii) in subparagraph (3), by striking
23 “pursuant to section 10705a(m)(1) of this
24 title, with adjustments specified” and
25 striking the last sentence; and

1 (iv) by striking subparagraph (5).

2 (8) Section 10713, is amended to read as
3 follows:

4 **“§ 10713. Contracts**

5 “(a) One or more rail carriers providing transpor-
6 tation subject to the jurisdiction of the Secretary under
7 subchapter 1 of chapter 105 of this title may enter into
8 a contract with one or more purchasers of rail services
9 to provide specific services under specified rates and condi-
10 tions.

11 “(b) A contract specifically referencing provisions of
12 this section shall not be subject to this subtitle, and may
13 not be subsequently challenged before the Secretary or in
14 any court on the grounds that such contract violates a
15 provision of this subtitle.

16 “(c) The exclusive remedy for any alleged breach of
17 a contract entered into under this section shall be an ac-
18 tion in an appropriate State court or United States dis-
19 trict court, unless the parties otherwise agree.”.

20 (9) Section 10721 is amended to read as fol-
21 lows:

22 **“§ 10721. Government traffic**

23 “A carrier providing transportation or service for the
24 United States Government may transport property or indi-
25 viduals for the United States Government without charge

1 or at a rate reduced from the applicable commercial rate.
2 Section 3709 of the Revised Statutes (41 U.S.C. 5) does
3 not apply when transportation for the United States Gov-
4 ernment can be obtained from a carrier lawfully operating
5 in the area where the transportation would be provided.”.

6 (10) Section 10750.

7 (11) Subsections (a)(3)–(a)(5), and subsections
8 (h) and (i) of section 10762, as amended by striking
9 the last sentence in each.

10 (12) Section 10763, as amended by striking
11 “(a)(1)” and inserting “(a)” in lieu thereof and by
12 striking “(a)(2)” and inserting “(b)” in lieu thereof.

13 (f) There are hereby transferred to and vested in the
14 Secretary of Transportation all functions, powers, and du-
15 ties of the Interstate Commerce Commission under the fol-
16 lowing sections of chapter 109 of title 49, United States
17 Code, effective September 30, 1996:

18 (1) Section 10901 is amended as follows:

19 (A) By amending the title of the section to
20 read “**Rail Line Crossings for New**
21 **Lines**”.

22 (B) In subsection (d) by—

23 (i) striking “Where a rail carrier has
24 been issued a certificate of public conven-
25 ience and necessity by the Commission au-

1 thorizing the construction or extension of”
2 and inserting “Where a rail carrier desires
3 to construct or extend” in lieu thereof; and

4 (ii) redesignating subsection (d) as
5 new subsection (a); and

6 (C) In subsection (e) by—

7 (i) striking “Commission” and insert-
8 ing in lieu thereof “Secretary of Labor”;
9 and

10 (ii) redesignating subsection (e) as
11 new subsection (b).

12 (2) Section 10903 is amended to read as
13 follows:

14 “(a) A rail carrier providing transportation subject
15 to the jurisdiction of the Secretary under subchapter I of
16 chapter 105 of this title may—

17 “(1) abandon any part of its railroad lines; or

18 “(2) discontinue the operation of all rail trans-
19 portation over any part of its railroad lines, 60 days
20 after filing a notice of intent to abandon or dis-
21 continue a rail line with the Secretary, except as
22 provided in subsection (e) of this section, but only
23 if approved by the Secretary. Upon compliance with
24 the requirements of this section, the Secretary shall
25 certify that all requirements have been met. As a

1 condition of such certification, the Secretary shall
2 include provisions to protect the interests of employ-
3 ees. The provisions shall be at least as beneficial to
4 those interests as the provisions established under
5 section 11347 and section 405(b) of the Rail Pas-
6 senger Service Act (45 U.S.C. 565(b)).

7 “(b) A notice of intent filed with the Secretary shall
8 contain—

9 “(1) a description of the line that will be aban-
10 doned or discontinued and the date of such proposed
11 abandonment or discontinuance;

12 “(2) a statement that the line is available for
13 subsidy or sale in accordance with section 10905 of
14 this title;

15 “(3) a statement that the carrier shall promptly
16 provide to each interested party an estimate of the
17 subsidy and minimum purchase price required to
18 keep the line in operation, calculated in accordance
19 with section 10905 of this title, and

20 “(4) the name and business address of the per-
21 son who is authorized to discuss the sale or subsidy
22 terms for the carrier.

23 “(c) The rail carrier shall—

24 “(1) send, by certified mail, a copy of the notice
25 of intent to the chief executive officer of each State

1 that would be directly affected by the proposed
2 abandonment or discontinuance;

3 “(2) post a copy of the notice in each terminal
4 and station on each portion of a railroad line pro-
5 posed to be abandoned or over which rail transpor-
6 tation is to be discontinued;

7 “(3) publish a copy of the notice for three con-
8 secutive weeks in a newspaper of general circulation
9 in each county in which each such portion is located;
10 and

11 “(4) mail a copy of the notice, to the extent
12 practicable, to all shippers that have made signifi-
13 cant us of the railroad line during the 12 months
14 preceding the filing of the application.

15 “(d) A rail carrier may file a notice of intent with
16 the Secretary only after complying with subsection (c)
17 above. Such notice shall include an affidavit certifying the
18 rail carrier performed all the actions required by sub-
19 section (c) above within the 30 days immediately preceding
20 the filing of the notice.

21 “(e) Any time after the issuance of the notice of in-
22 tent and before the abandonment or discontinuance of the
23 line, a person may submit a notice of intent to make an
24 offer to pay the carrier a subsidy or offer to purchase the
25 line to assure the continued operation of the line. If a no-

1 tice of intent to make an offer is received by the owner
2 of the railroad line, the line may not be abandoned pend-
3 ing the full consideration of the offer in accordance with
4 the provisions of section 10905.”.

5 (3) Section 10905, is amended by—

6 (A) in subsection (b) by striking “an appli-
7 cation for a certificate of abandonment or dis-
8 continuance” and inserting “a notice of intent
9 to abandon or discontinue a rail line with the
10 Secretary” in lieu thereof.

11 (B) in subsection (c) by—

12 (i) striking the first two sentences and
13 inserting “At any time prior to abandon-
14 ment, a person may submit to the carrier
15 a notice of intent to make an offer to sub-
16 sidize or purchase the line under section
17 10903.” in lieu thereof; and

18 (ii) adding “The owner of the railroad
19 line shall give full consideration to the
20 offer.” at the end of subsection (c).

21 (C) redesignating subsection (d) as new
22 subsection (e) and amending it by—

23 (i) striking “If, within 15 days after
24 the publication required in subsection (c)
25 of this section, the Commission finds

1 that—” and inserting “If a request is
2 made to the Secretary to establish an ap-
3 propriate subsidy or purchase price and
4 the Secretary finds that—” in lieu thereof;
5 and

6 (ii) striking “the Commission shall
7 postpone the issuance of a certificate au-
8 thorizing abandonment or discontinuance
9 in accordance with subsections (e) and (f)
10 of this section.” and inserting “the Sec-
11 retary shall, within 30 days, establish an
12 appropriate subsidy or purchase price as
13 provided in subsection (f) of this section.”
14 in lieu thereof;

15 (D) redesignating subsection (e) as new
16 subsection (d) and amending it to read as
17 follows:

18 “(d)(1) If the carrier and the person offering a sub-
19 sidy or offering to purchase the line enter into an agree-
20 ment, the line shall not be abandoned but shall be con-
21 trolled by the terms of the agreement. If the parties fail
22 to reach agreement, either party may request the Sec-
23 retary to establish an appropriate subsidy or purchase
24 price under the provisions of subsection (f) of this section.

1 “(2) At any time after the receipt of a notice of intent
2 to make an offer to subsidize or purchase the line (but
3 not more than once each 30 days), the owning carrier may
4 ask the Secretary to determine whether the offer is a bona
5 fide offer.

6 “(3) Pursuant to a request for determination under
7 paragraph (2) of this subsection, the Secretary may, after
8 consideration of all relevant fact—

9 “(A) find that the offeror is exerting its best ef-
10 fort to bring the negotiation to fruition and require
11 that negotiations continue, or

12 “(B) find that the offeror has not made a bona
13 fide effort to pursue the negotiations toward comple-
14 tion and set a date upon which the abandonment
15 shall become effective.”.

16 (E) in subsection (f)(1) by striking “When-
17 ever the Commission is requested to establish
18 the conditions and amount of compensation
19 under this section—” and inserting “Whenever
20 the Secretary is required to establish an appro-
21 priate subsidy or purchase price as provided in
22 subsection (e) of this section—” in lieu thereof;

23 (F) in subsection (f)(2) by striking “the
24 Commission shall immediately issue a certificate
25 authorizing the abandonment or discontinuance,

1 unless other offers are being considered pursu-
2 ant to paragraph (3) of this subsection” and in-
3 sserting “the line may be abandoned or discon-
4 tinued in accordance with the provisions of sec-
5 tion 10903, as if no offer had been received.”.

6 (4) Section 10906.

7 (5) Subsection (b) of section 10907, as amend-
8 ed by striking the paragraph designator “(b)”.

9 (6) Section 10910, is amended by—

10 (A) amending subsection (b)(1) to read as
11 follows:

12 “(1) When the Secretary finds that the public
13 convenience and necessity require the sale of a par-
14 ticular railroad line under this section and an offer
15 to purchase such line has been made by a financially
16 responsible person, the Secretary shall require the
17 rail carrier owning the railroad line to sell such line
18 to such financially responsible person at a price of
19 not less than the constitutional minimum value.”.

20 (B) striking “, after a hearing on the
21 record,” in subsection (c)(1);

22 (C) amending subsection (c)(2) to read as
23 follows:

24 “(2) In a proceeding under this section, the
25 burden of proving that the public convenience and

1 necessity require the sale of a particular railroad line
2 is on the person offering to acquire the line.”; and

3 (D) striking subsections (e), (f), (g), (i),
4 and (k) and redesignating subsections (h) and
5 (j) as new subsections (e) and (f), respectively.

6 (g) There are hereby transferred to and vested in the
7 Secretary of Transportation all functions, powers and du-
8 ties of the Interstate Commerce Commission under the fol-
9 lowing sections of chapter 111 of title 49, United States
10 Code, effective September 30, 1996:

11 (1) Section 11101, is amended by—

12 (A) amending subsection (a) to read:

13 “A common carrier providing transportation or serv-
14 ice subject to the jurisdiction of the Secretary under chap-
15 ter 105 of this title shall provide the transportation or
16 service to a shipper or to a connecting rail carrier on rea-
17 sonable request. A rail carrier shall not be found to have
18 violated this section because it fulfills its commitments
19 under transportation contracts before responding to rea-
20 sonable requests for service from shipper.”; and

21 (B) in subsection (d), by striking “under
22 subchapter II of chapter 105 of this title”.

23 (2) Section 11103 is amended by—

24 (A) in subsection (a) by striking “The
25 Interstate Commerce Commission may” and in-

1 serting “If the Secretary determines, under sec-
2 tion 10709 of this title, that a rail carrier has
3 market dominance over the transportation of
4 certain freight, the Secretary may, with respect
5 to that freight,” in lieu thereof and by striking
6 “a rail carrier” and inserting “that rail carrier”
7 in lieu thereof;

8 (B) in subsection (c)(1) by striking “The
9 Commission” and inserting “If the Secretary
10 determines, under section 10709 of this title,
11 that a rail carrier has market dominance over
12 the transportation of certain freight, then with
13 respect to that freight, the Secretary ”; and

14 (C) in subsection (c)(2) by striking “Com-
15 mission” and inserting “Secretary of Labor”.

16 (3) Section 11104.

17 (4) Section 11107, is amended to read as fol-
18 lows:

19 “The Secretary may prescribe regulations concerning
20 arrangements between a motor carrier providing transpor-
21 tation of property and any other person under which such
22 other person is to provide any portion of such transpor-
23 tation by a motor vehicle not owned by the carrier.”.

24 (5) Section 11122, is amended by adding the
25 following new subsection:

1 “(c) The Secretary may prescribe and maintain such
2 rules and regulations with respect to car hire as the Sec-
3 retary deems necessary.”;

4 (6) Section 11123.

5 (7) Section 11125.

6 (8) Section 11128, is amended by striking “sec-
7 tions 11123(a)(4) and 11127(a)(1)(C)” and insert-
8 ing “section 11123(a)” in lieu thereof.

9 (9) Section 11141, insofar as it applies to rail
10 carriers.

11 (10) Section 11143, insofar as it applies to rail
12 carriers.

13 (11) Section 11144, insofar as it applies to rail
14 carriers.

15 (12) Section 11145, is amended as follows:

16 (A) In subsection (a) by inserting “rail”
17 before the word “carriers” and by striking
18 “brokers,” and “or express”.

19 (B) By amending subsection (b) to read as
20 follows:

21 “(b) The Secretary may require motor carriers, motor
22 private carriers, freight forwarders, brokers, lessors, and
23 associations, or classes of them as the Secretary may pre-
24 scribe, to respond to surveys concerning their operations.”.

25 (C) By striking (c).

1 (13) Section 11165.

2 (14) Section 11166.

3 (15) Subchapter IV.

4 (h) There are hereby transferred to and vested in the
5 Secretary of Transportation all functions, powers and du-
6 ties of the Interstate Commerce Commission under the fol-
7 lowing section of chapter 113 of title 49, United States
8 Code, effective September 30, 1996:

9 (1) Section 11303, is amended by adding a new
10 subsection as follows:

11 “(c) The Secretary may establish a fee system for
12 using the lien recordation system. Fees collected under
13 this subsection in a fiscal year shall equal as nearly as
14 possible the costs of operating the recordation system in
15 that fiscal year. Such fees may be credited to the Depart-
16 ment of Transportation appropriation account charged in
17 proportion to the amount expended from the account for
18 these purposes, and shall be available for expenditure until
19 expended.”.

20 (i) There are hereby transferred to and vested in the
21 Secretary of Transportation all functions, powers, and du-
22 ties of the Interstate Commerce Commission under the fol-
23 lowing sections of chapter 115 of title 49, United States
24 Code, effective September 30, 1996:

25 (1) Section 11501, is amended as follows:

1 (A) By striking subsections (a), (b), (c),
2 (d), and (f).

3 (B) By inserting a new subsection (a) to
4 read as follows:

5 “(a) Notwithstanding any other provision of law, no
6 State or political subdivision thereof and no interstate
7 agency or other political agency of two or more States
8 shall enact or enforce any law, rule, regulation, standard,
9 or other provision having the force and effect of law relat-
10 ing to interstate or intrastate market entry, exit, rates,
11 or services of a rail carrier that provides transportation
12 of property in interstate commerce subject to the jurisdic-
13 tion of the Secretary under subchapter I of chapter 105
14 of this title.”.

15 (C) In the first sentence of subsection (e)
16 by—

17 (i) inserting after “relating to” the
18 words “rates, routes, services or”;

19 (ii) inserting ‘an interstate’ before
20 “motor common carrier of passengers”;

21 (iii) striking “subject to the jurisdic-
22 tion of the Commission under subchapter
23 II of chapter 105 of this title”;

24 (iv) striking the word “authorized”;

1 (v) striking “reduction in the rates for
2 such transportation” and inserting “aban-
3 donment of service” in lieu thereof; and

4 (vi) redesignating subsection (e) as
5 subsection (b).

6 (D) In subsection (g) by—

7 (i) in subparagraph (1) by striking
8 “(1) GENERAL RULE.—Subject to para-
9 graph (2) of this subsection, no” and in-
10 sserting “No” in lieu thereof and by strik-
11 ing “interstate” the last three times it ap-
12 pears;

13 (ii) striking subsection (2); and

14 (iii) redesignating subsection (g) as
15 subsection (c).

16 (E) By striking subsection (h) and amend-
17 ing section 41713(b) of title 49, United States
18 Code by adding the text of subsection (h) as
19 new subparagraph 41713(b)(5).

20 (2) Section 11503.

21 (3) Section 11503a.

22 (4) Section 11504, is amended as follows:

23 (A) In subsection (a) by striking “subject
24 to the jurisdiction of the Commission under
25 subchapter I of chapter 105 of this title”.

1 (B) In subparagraph (b)(1) by striking
2 “subject to the jurisdiction of the Commission
3 under subchapter II of chapter 105 of this
4 title”.

5 (C) In subparagraph (c)(2) by striking
6 “water carrier providing transportation subject
7 to the jurisdiction of the Commission under
8 subchapter III of chapter 105 of this title
9 or a”.

10 (j) There are hereby transferred to and vested in the
11 Secretary of Transportation all functions, powers and du-
12 ties of the Interstate Commerce Commission under the fol-
13 lowing sections of chapter 117 of title 49, United States
14 Code, effective September 30, 1996:

15 (1) Section 11701, is amended to read as
16 follows:

17 “The Secretary may begin an investigation under this
18 subtitle on his or her own initiative or on complaint of
19 any person, including a governmental authority, of a viola-
20 tion of this subtitle by a rail carrier or a motor carrier,
21 including a foreign motor carrier. The Secretary may dis-
22 miss a complaint he or she determines does not state rea-
23 sonable grounds for investigation or action. If the Sec-
24 retary finds a violation of this subtitle, the Secretary shall
25 take appropriate action to compel compliance with this

1 subtitle. An investigation undertaken by the Secretary
2 shall be concluded within 180 days after the date on which
3 it was begun.”.

4 (2) Section 11702, is amended to read as
5 follows:

6 “The Attorney General, on behalf of the Secretary
7 may bring a civil action to enforce an order or regulation
8 of the Secretary issued under authority of this subtitle.”.

9 (3) Section 11703, is amended in subparagraph
10 (a) by striking “or permit” both times it appears.

11 (4) Section 11705, is amended as follows:

12 (A) By striking “subchapter I or III of”
13 wherever it appears.

14 (B) In subsection (a) by—

15 (i) striking “or a freight forwarder”;

16 (ii) inserting “(1)” after the word
17 “obey”; and

18 (iii) inserting after “money,” the
19 phrase “(2) a regulation of the Secretary
20 prescribed under section 11107 of this
21 title.”.

22 (C) In subsection (b)—

23 (i) by striking subparagraphs (1) and
24 (3) and redesignating subparagraph (2) as
25 subparagraph (1); and

1 (ii) by inserting a new subparagraph
2 (2) as follows:

3 “(2) A motor carrier of property is liable for
4 treble damages sustained by a person as a result of
5 a violation of a regulation prescribed by the Sec-
6 retary under section 11107 of this title.”.

7 (D) In subsection (c)(1) by striking
8 “11701(b)” and inserting “11701” in lieu
9 thereof and by striking the last sentence.

10 (E) In subparagraph (d)(1)—

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

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

15 (iii) by inserting “or” before the des-
16 ignator (c).

17 (5) Section 11706, is amended as follows:

18 (A) In subsection (a) by striking “or a
19 freight forwarder”, “or freight forwarder” and
20 “or freight forwarder (other than a household
21 goods freight forwarder)”.

22 (B) In subsection (b) by striking “sub-
23 chapter I or III of”.

1 (C) By striking subparagraph (c)(2) and
2 redesignating subparagraph (c)(1) as subsection
3 (c).

4 (D) In subsection (d) by striking “(c)(1)”
5 and inserting “(c)” in lieu thereof.

6 (6) Section 11710.

7 (7) Section 11712, is amended in subsection (a)
8 by striking “subject to the jurisdiction of the Com-
9 mission under subchapter II of chapter 105 of this
10 title (other than motor carriers providing transpor-
11 tation of household goods)”.

12 (k) There are hereby transferred to and vested in the
13 Secretary of Transportation all functions, powers and du-
14 ties of the Interstate Commerce Commission under the fol-
15 lowing sections of chapter 119 of title 49, United States
16 Code, effective September 30, 1996:

17 (1) Section 11901, as amended as follows:

18 (A) In subsection (b) by striking “10761,
19 10762, 10764, 10765, or”.

20 (B) In subsection (d) by—

21 (i) striking “sections 10901–10907”
22 and inserting “sections 10901, 10903,
23 10905, and 10907” in lieu thereof; and

24 (ii) redesignating subsection (d) as
25 subsection “(c)”.

1 (C) By striking “11124” and “11127”
2 from subsection (e)(1) and redesignating it as
3 subsection “(d)”.

4 (D) In subsection (f) by—

5 (i) in subparagraphs (2) and (3),
6 striking \$100 in both places and inserting
7 “\$500” in lieu thereof;

8 (ii) redesignating subparagraph (4) as
9 (5) and inserting a new subparagraph (4)
10 as follows:

11 “(4) A motor carrier, motor private carrier,
12 broker, lessor, or association of such entities re-
13 quired to respond to a survey under section
14 11145(b) of this title that does not respond, is liable
15 to the United States Government for a civil penalty
16 of \$500 for each violation.”.

17 (iii) redesignating subsection (f) as
18 subsection “(e)”.

19 (E) In subsection (m), by—

20 (i) striking “(a)–(f)” and inserting
21 “(a)–(e)” in lieu thereof;

22 (ii) by striking subparagraph (2); and

23 (iii) by redesignating subsection
24 (m)(1) as subsection (f).

25 (2) Section 11902a.

1 (3) Section 11909(a), as amended by striking
2 “(a)”.

3 (4) Section 11910 is amended—

4 (i) in subsection (a)(2), by striking
5 “providing transportation subject to the ju-
6 risdiction of the Commission under sub-
7 chapter II of chapter 105 of this title”;

8 (ii) in subsection (a)(3), by striking
9 “providing transportation subject to the ju-
10 risdiction of the Commission under sub-
11 chapter III of chapter 105 of this title”;
12 and

13 (iii) in subsection (a)(4), by striking
14 “providing transportation subject to the ju-
15 risdiction of the Commission under sub-
16 chapter IV of chapter 105 of this title”
17 and by striking “household goods” each
18 time it appears.

19 (5) Section 11913.

20 (6) Subsection (a) of section 11914, is amended
21 by striking the last two sentences.

22 (7) Section 11915.

23 MISCELLANEOUS AMENDMENTS

24 SEC. 6. (a) LOSS AND DAMAGE LIABILITY OF CAR-
25 RIERS.—Section 11707 of title 49, United States Code is
26 amended to read as follows—

1 **“§ 11707. Liability of carriers and freight forwarders**
2 **under receipts and bills of lading**

3 “(a)(1) A motor or rail carrier providing transpor-
4 tation service and a freight forwarder shall issue a receipt
5 or bill of lading for property it receives for transportation.
6 The carrier or freight forwarder that delivers the property
7 is liable to the person entitled to recover under the receipt
8 or bill of lading. The liability imposed under this section,
9 subject to subsection (e) below, is for the actual loss, dam-
10 age or delay to the property caused by—

11 “(1) the receiving carrier,

12 “(2) the delivering carrier, or

13 “(3) another carrier over whose line or route
14 the property is transported in the United States or
15 from a place in the United States to a place in an
16 adjacent foreign country when transported under a
17 through bill of lading and, except in the case of a
18 freight forwarder, applies to re-consigned or diverted
19 property.

20 Failure to issue a receipt or bill of lading does not affect
21 the liability of a carrier or freight forwarder. A delivering
22 carrier is deemed to be the carrier performing the line-
23 haul transportation nearest the destination but does not
24 include a carrier providing only a switching service at the
25 destination.

1 “(2) A freight forwarder is both the receiving and de-
2 livering carrier. When a freight forwarder provides service
3 and uses a motor carrier providing transportation, the
4 motor carrier may execute the bill of lading or shipping
5 receipt for the freight forwarder with its consent. With
6 the consent of the freight forwarder, a motor carrier may
7 deliver property for a freight forwarder on the freight for-
8 warder’s bill of lading, freight bill, or shipping receipt to
9 the consignee named in it, and receipt for the property
10 may be made on the freight forwarder’s delivery receipt.

11 “(b) The carrier issuing the receipt or bill of lading
12 under subsection (a) of this section or delivering the prop-
13 erty for which the receipt or bill of lading was issued is
14 entitled to recover from the carrier over whose line or
15 route the loss, damage or delay occurred the amount re-
16 quired to be paid to the owners of the property, as evi-
17 denced by a receipt, judgment, or transcript, and the
18 amount of its expenses reasonably incurred in defending
19 a civil action brought by that person.

20 “(c)(1) A civil action under this section may be
21 brought against a delivering carrier (other than a rail car-
22 rier) in a district court of the United States or in a State
23 court. Trial, if the action is brought in a district court
24 of the United States is in a judicial district, and if in a

1 State court, is in a State through which the defendant
2 carrier operates a railroad or route.

3 “(2)(A) A civil action under this section may only be
4 brought—

5 “(i) against the originating rail carrier, in the
6 judicial district in which the point of origin is
7 located;

8 “(ii) against the delivering rail carrier, in the
9 judicial district in which the principal place of busi-
10 ness or the person bringing the action is located if
11 the delivering carrier operates a railroad or a route
12 through such judicial district, or in the judicial dis-
13 trict in which the point of destination is located; and

14 “(iii) against the carrier alleged to have caused
15 the loss or damage, in the judicial district in which
16 such loss or damage is alleged to have occurred.

17 “(B) In this section, ‘judicial district’ means—

18 (i) in the case of a United States district court,
19 a judicial district of the United States, and

20 (ii) in the case of a State court, the applicable
21 geographic area over which such court exercises ju-
22 risdiction.

23 “(d) A carrier or freight forwarder may not provide
24 by rule, contract, or otherwise, a period of less than 2
25 years for bringing a civil action against it under this sec-

1 tion. The period for bringing a civil action is computed
2 from the date the carrier or freight forwarder gives a per-
3 son written notice that the carrier or freight forwarder has
4 disallowed any part of the claim specified in the notice.
5 For the purposes of this subsection—

6 “(1) an offer of compromise shall not constitute
7 a disallowance of any part of the claim unless the
8 carrier or freight forwarder, in writing, informs the
9 claimant that such part of the claim is disallowed
10 and provides reasons for such disallowance; and

11 “(2) communication received from a carrier’s or
12 freight forwarder’s insurer shall not constitute a dis-
13 allowance of any part of the claim unless the in-
14 surer, in writing informs the claimant that such part
15 of the claim is disallowed, provides reason for such
16 disallowance and informs the claimant that the in-
17 surer is acting on behalf of the carrier or freight for-
18 warder.

19 “(e) A carrier or freight forwarder may not limit or
20 be exempt from liability imposed by subsection (a) of this
21 section except as provided in this subsection:

22 “(1) When a motor or rail carrier or freight
23 forwarder is liable for loss resulting from loss, dam-
24 age or delay the motor or rail carrier’s or freight
25 forwarder’s liability shall be the full value of the

1 goods lost, damaged or delayed. By written agree-
2 ment between the motor or rail carrier or freight
3 forwarder and the shipper different limits of liability
4 may be fixed in the receipt or the bill of lading.

5 “(2) If loss, damage or delay to property occurs
6 while it is in the custody of a water carrier, the li-
7 ability of that carrier is determined by its bill of lad-
8 ing and the law applicable to water transportation.
9 The liability of the initial or delivering carrier is the
10 same as the liability of the water carrier.

11 “(3) A common carrier of passengers may limit
12 its liability for loss, damage or delay to baggage car-
13 ried on passenger trains, boats, or motor vehicles in
14 accordance with subsection (e)(1) of this section.

15 “(f) The documents referred to in this section may
16 be issued in any form which preserves a record of the in-
17 formation contained therein. When the carrier and the
18 shipper have agreed to communicate electronically, the
19 documents referred to in this section may be replaced by
20 an equivalent electronic data interchange message.”.

21 (b) BACKHAUL ALLOWANCES.—Section 10732 of
22 title 49, United States Code, is amended—

23 (1) by striking “food and grocery” both times
24 it appears;

1 (2) by striking subparagraph (b) and the sub-
2 paragraph designator “(a)”; and

3 (3) by amending the title to read “Backhaul
4 Allowances”.

5 (c) FOREIGN MOTOR CARRIERS.—Subchapter 311 of
6 title 49, United States Code is amended by adding a new
7 section as follows:

8 **“§ 31181. Restrictions on motor carriers domiciled in**
9 **or owned or controlled by nationals of a**
10 **contiguous foreign country**

11 “(a) If the President of the United States, or his or
12 her delegate, determines that an act, policy or practice of
13 a foreign country contiguous to the United States, or any
14 political subdivision or any instrumentality of any such
15 country is unreasonable or discriminatory and burdens or
16 restricts United States transportation companies provid-
17 ing, or seeking to provide, motor carrier transportation of
18 property or passengers to, from or within such foreign
19 country, the President, or his or her delegate, may—

20 “(1) seek elimination of such practices through
21 consultations; or

22 “(2) notwithstanding any other provision of
23 law, suspend, modify, amend, condition, or restrict
24 operations, including geographical restriction of op-
25 erations, in the United States by motor carriers of

1 property or passengers domiciled in such foreign
2 country or owned or controlled by persons of such
3 foreign country.

4 “(b) Any action taken under paragraph (a)(2) to
5 eliminate an act, policy or practice shall be so devised so
6 as to equal to the extent possible the burdens or restric-
7 tions imposed by such foreign country on United States
8 transportation companies.

9 “(c) The President, or his or her delegate, may re-
10 move or modify in whole or in part any action taken under
11 paragraph (a)(2) if the President, or his delegate, deter-
12 mines that such removal or modification is consistent with
13 the obligations of the United States under a trade agree-
14 ment or with United States transportation policy.

15 “(d) Unless and until the President or his or her dele-
16 gate makes a determination under paragraphs (a) or (c)
17 above, nothing in this subsection shall affect—

18 “(1) operations of motor carriers of property or
19 passengers domiciled in any contiguous foreign coun-
20 try or owned or controlled by persons of any contig-
21 uous foreign country permitted in the commercial
22 zones along the United States-Mexico border as de-
23 fined at the time of enactment of the Interstate
24 Commerce Commission Sunset Act of 1995; or

1 “(2) any existing restrictions on operations of
2 motor carriers of property or passengers domiciled
3 in any contiguous foreign country or owned or con-
4 trolled by persons of any contiguous foreign country
5 or any modifications thereof pursuant to section 6 of
6 the Bus Regulatory Reform Act of 1982.

7 “(e) Unless the President, or his or her delegate, de-
8 termines that expeditious action is required, he shall pub-
9 lish in the Federal Register any determination under para-
10 graphs (a) or (c) together with a description of the facts
11 on which such a determination is based and any proposed
12 action to be taken pursuant to paragraphs (a)(2) or (c)
13 and provide an opportunity for public comments.

14 “(f) The President may delegate any or all authority
15 under this subsection to the Secretary of Transportation
16 who shall consult with other agencies as appropriate. In
17 accordance with the directions of the President, the Sec-
18 retary of Transportation may issue regulations to enforce
19 this subsection.

20 “(g) The Attorney General, on behalf of the Secretary
21 of Transportation, may bring a civil action in an appro-
22 priate district court of the United States to enforce this
23 subsection or a regulation prescribed or order issued under
24 this subsection. The court may award appropriate relief,
25 including injunctive relief.

1 “(h) This subsection shall not affect the requirement
2 for all foreign motor carriers operating in the United
3 States to fully comply with all applicable laws and regula-
4 tions pertaining to safety fitness; safety of operations; fi-
5 nancial responsibility; and taxes imposed by section 4481
6 of Internal Revenue Code of 1994.”.

7 (d) LUMPING PRACTICES.—Section 11109 of title 49,
8 United States Code is amended by striking the parenthet-
9 ical phrase both times it appears.

10 (e) LABOR PROTECTION.—Section 11347 is amend-
11 ed, effective September 30, 1996, by—

12 (1) striking “Interstate Commerce Commis-
13 sion” and “Commission” wherever those terms ap-
14 pear and inserting “Secretary of Labor” in lieu
15 thereof;

16 (2) striking “When a rail carrier is involved in
17 a transaction for which approval is sought under
18 sections 11344 and 11345 or section 11346 of this
19 title, the Interstate Commerce Commission shall re-
20 quire the carrier” and inserting “The Secretary of
21 Labor shall require a rail carrier undertaking a
22 transaction (and may require any other person un-
23 less exempted under section 10505 of this title) in-
24 volving a purchase, lease, or transfer of a rail line,

1 the acquisition of trackage or operating rights, or
2 joint ownership or joint use of a rail line,”; and

3 (3) inserting after the last sentence: “The Sec-
4 retary of Transportation shall determine whether or
5 not the person acquiring the property or rights in-
6 volved in the transaction is a rail carrier.”

7 (f) TAX DISCRIMINATION.—Subparagraph (a)(3) of
8 section 11503a of title 49, United States Code, is amended
9 to read as follows:

10 “(3) ‘motor carrier transportation property’
11 means property owned or used by a motor carrier
12 providing transportation in interstate commerce;
13 and”.

14 (g) Section 22101(a)(1) of title 49, United States
15 Code, is amended by striking “the Interstate Commerce
16 Commission has authorized, or exempted from the require-
17 ments of that authorization, the abandonment of, or the
18 discontinuance of rail transportation on, the rail line relat-
19 ed to the project;” and insert “a notice of intent to aban-
20 don or discontinue has been filed with the Secretary pur-
21 suant to section 10903 of this title;” in lieu thereof.

22 (h) Subsection (c) of section 24301 of title 49, United
23 States Code, is amended by striking the paragraph des-
24 ignator “(1)” and striking subparagraph (2) in its en-
25 tirety.

1 (i) Subsection (b)(1) of section 24306 of title 49,
2 United States Code, is amended by inserting a period after
3 “route” and striking the remainder of the paragraph.

4 (j) Section 24308 of title 49, United States Code, is
5 amended by striking “Interstate Commerce Commission”
6 and “Commission” wherever they appear and inserting
7 “Secretary” in lieu thereof.

8 (k) Section 24311 of title 49, United States Code,
9 is amended by striking “Interstate Commerce Commis-
10 sion” and “Commission” wherever they appear and insert-
11 ing “Secretary” in lieu thereof.

12 (l) Section 24505 of title 49, United States Code, is
13 amended by striking “Interstate Commerce Commission”
14 and “Commission” wherever they appear and inserting
15 “Secretary” in lieu thereof.

16 (m) Subsection (j) of section 24902 of title 49, Unit-
17 ed States Code, is amended by striking the subparagraph
18 designator “(1)” in the first subparagraph and by striking
19 subparagraphs (2) and (3).

20 (n) Section 24904 of title 49, United States Code,
21 is amended by striking “Interstate Commerce Commis-
22 sion” and “Commission” wherever they appear and insert-
23 ing “Secretary” in lieu thereof.

24 (o) Section 451 of title 2, United States Code, is
25 amended by striking “Interstate Commerce Commission”.

1 (p) Section 1291(a) of title 7, United States Code,
2 is amended by striking “Interstate Commerce Commis-
3 sion” and “Commission” wherever they appear and insert-
4 ing “Secretary” in lieu thereof.

5 (q) Section 2145(a) of title 7, United States Code,
6 is amended by striking “Interstate Commerce Commis-
7 sion, the”.

8 (r) Title 11 of the United States Code is amended
9 by—

10 (1) in section 1164 by striking “Commission,
11 the.”

12 (2) in section 1170 by—

13 (A) amending subsection (b) to read as
14 follows:

15 “(b) The court may authorize the abandonment
16 under subsection (a) provided that the trustee files a no-
17 tice of intent to abandon or discontinue service, as re-
18 quired by section 10903 of title 49, United States Code.

19 (B) striking subparagraph (c); and

20 (C) striking “the Commission,” in sub-
21 section (d)(2)

22 (3) in section 1172 by striking “Commission”
23 wherever it appears and inserting “Secretary of
24 Transportation” in lieu thereof.

1 (s) Title 15 of the United States Code is amended
2 by—

3 (1) in section 1681s by striking “Interstate
4 Commerce Commission” and inserting “Secretary of
5 Transportation” in lieu thereof;

6 (2) in section 1691c by striking “Interstate
7 Commerce Commission” and inserting “Secretary of
8 Transportation” in lieu thereof; and

9 (3) in section 1692l by striking “Interstate
10 Commerce Commission” and inserting “Secretary of
11 Transportation” in lieu thereof.

12 (t) Title 16 of the United States Code is amended
13 by—

14 (1) in section 1247 by—

15 (A) striking “, the Chairman of the Inter-
16 state Commerce Commission,” and

17 (B) striking “Commission” and inserting
18 “Secretary of Transportation” in lieu thereof;
19 and

20 (2) in section 1248 by striking “, the Interstate
21 Commerce Commission,”.

22 (u) Title 26 of the United States Code is amended
23 by—

24 (1) in section 3231(a) by—

1 (A) striking “Interstate Commerce Com-
2 mission” and inserting “Secretary of Transpor-
3 tation” in lieu thereof; and

4 (B) striking “upon request of the Sec-
5 retary, or”

6 (2) in section 7701(a)(33) by—

7 (A) striking “Interstate Commerce Com-
8 mission” and inserting “Secretary of Transpor-
9 tation” in lieu thereof; and

10 (B) striking “of the Interstate Commerce
11 Commission under subchapter III of chapter
12 105 of title 49, or subject to the jurisdiction”
13 in subparagraph (F).

14 (v) Title 28 of the United States Code is amended
15 by—

16 (1) in section 1336 by striking “Interstate
17 Commerce Commission” and inserting “Secretary of
18 Transportation” in lieu thereof;

19 (2) in section 2321 (a) and (b) by striking
20 “Interstate Commerce Commission” and inserting
21 “Secretary of Transportation” in lieu thereof;

22 (3) in section 2323 by striking “Interstate
23 Commerce Commission” and inserting “Secretary of
24 Transportation, subject to the Attorney General’s
25 consent,” in lieu thereof, and by inserting “private”

1 between “such” and “party” in the final sentence
2 thereof;

3 (4) in section 2341(3)(A) by striking “Inter-
4 state Commerce Commission”; and

5 (5) in section 2342(5) by striking “Interstate
6 Commerce Commission” and “Commission” and in-
7 sserting “Secretary of Transportation” in lieu there-
8 of.

9 (w) Section 3726(b) of title 31, United States Code,
10 is amended by striking paragraphs (1) and (2) and insert-
11 ing after “under” the following: “a commercial rate or a
12 rate established pursuant to section 10721 of title 49 or
13 an equivalent arrangement or an exemption.”.

14 (x) Section 5005(b)(3) of title 39, United States
15 Code, is amended by striking “either the Interstate Com-
16 merce Commission or”.

17 (y) Sections 13369 and 6362 of title 42, United
18 States Code, are amended by striking “Interstate Com-
19 merce Commission” and inserting “Secretary of Transpor-
20 tation” in lieu thereof.

21 (z) Title 45 of the United States Code is amended
22 by—

23 (1) in section 151, striking “Interstate Com-
24 merce Commission” and inserting “Secretary of
25 Transportation” in lieu thereof;

1 (2) in section 231(a)(2)(ii)—

2 (A) striking “Interstate Commerce Com-
3 mission” and inserting “Secretary of Transpor-
4 tation” in lieu thereof; and

5 (B) striking “after hearing”.

6 (3) in section 351(a) by—

7 (A) striking “Interstate Commerce Com-
8 mission” and inserting “Secretary of Transpor-
9 tation” in lieu thereof; and

10 (B) striking “after hearing”.

11 (4) in section 352(h)(3) by striking “Interstate
12 Commerce Commission” and inserting “Secretary of
13 Transportation” in lieu thereof;

14 (5) in section 661 by striking subsection (2)
15 and redesignating subsections (3) and (4) as sub-
16 sections “(2)” and “(3)” respectively;

17 (6) in section 662(a) by striking “after con-
18 sultation with the Commission”;

19 (7) in section 662(b) by—

20 (A) striking “after consultation with the
21 Commission”; and

22 (B) striking “and the operation over the
23 lines shall be subject to the approval of the
24 Commission pursuant to the provisions of sub-

1 chapter III of chapter 113 of title 49,” and “or
2 the Commission”;

3 (8) in section 665(a) by striking “, and shall
4 consult with the Interstate Commerce Commission in
5 carrying out the provisions of this chapter”;

6 (9) by amending section 744(d) by—

7 (A) in paragraph (1) striking “only if the
8 Commission determines, on petition by any af-
9 fected party, that the agreement would substan-
10 tially impair such railroad’s ability to serve ade-
11 quately its own patrons or to meet its outstand-
12 ing common carrier obligations”;

13 (B) in paragraph (1)(A) striking “, unless
14 the Commission determines that such rail serv-
15 ice continuation could be performed more effi-
16 ciently and economically by another railroad”;
17 and

18 (C) in paragraph (1)(B) striking “or if the
19 Commission makes a determination in accord-
20 ance with subparagraph (A) of this paragraph”;

21 (10) by amending section 744(g) to read as
22 follows:

23 “(g) ABANDONMENT BY CORPORATION.—The Cor-
24 poration may abandon any rail properties in accordance

1 with the provisions of section 10903 of title 49, United
2 States Code.”; and

3 (11) by amending section 1207 by striking
4 “Interstate Commerce Commission” wherever it ap-
5 pears and inserting “Secretary of Transportation”
6 in lieu thereof.

7 (aa) Section 333 of title 49, United States Code, is
8 amended by—

9 (1) striking subparagraph (d)(1)(C) and redес-
10 ignating subparagraphs (D) and (E) as “(C)” and
11 “(D)”, respectively; and

12 (2) by striking subsection (e).

13 (bb) Section 131 of title 13, United States Code, is
14 amended by inserting the words “in cooperation with the
15 Department of Transportation and” after the open paren-
16 thesis and before the word “exclusive”.

17 (cc) Section 5314 of title 5, United States Code, is
18 amended by striking “Chairman, Interstate Commerce
19 Commission” from the listing of positions at Level III of
20 the Executive Schedule.

21 (dd) Section 5315 of title 5, United States Code, is
22 amended by inserting “Members, Interstate Commerce
23 Commission” from the listing of positions at Level IV of
24 the Executive Schedule.

1 MOTOR CARRIER REGISTRATION AND INSURANCE
2 REQUIREMENTS

3 SEC. 7. (a) Chapter 311 of title 49, United States
4 Code, is amended as follows:

5 (1) Section 31102, is amended in subparagraph
6 (b)(1) by inserting a new subparagraph as follows:

7 “(Q) ensures that the State will cooperate
8 in the enforcement of registration and financial
9 responsibility requirements under sections
10 31140 and 31146 of this title, or regulations is-
11 sued thereunder.”.

12 (2) Section 31132, is amended as follows:

13 (A) By inserting after the definition of
14 “interstate commerce” a new subparagraph as
15 follows:

16 (6) ‘motor carrier’ means a person providing
17 transportation of passengers or property by commer-
18 cial motor vehicle, and includes ‘motor common car-
19 rier’, ‘motor contract carrier’, and ‘motor private
20 carrier’ as those terms are defined in section 10102
21 of this title.”; and

22 (B) By renumbering subparagraphs (6)
23 through (10) as subparagraphs (7) through
24 (11).

25 (3) Section 31138, is amended as follows:

1 (A) By redesignating subparagraph (a) as
2 (a)(1).

3 (B) By redesignating subparagraph (a)(1)
4 as (a)(1)(A).

5 (C) By redesignating subparagraph (a)(2)
6 as (a)(1)(B).

7 (D) By redesignating subparagraph (a)(3)
8 as (a)(1)(C).

9 (E) By inserting a new subparagraph after
10 (a)(1) as follows:

11 “(2) The current regulations in effect at the
12 time of enactment remain in effect until altered or
13 revised by the Secretary pursuant to the Secretary’s
14 authority under this section.”.

15 (F) By striking subparagraph (b).

16 (4) Section 31139, is amended as follows:

17 (A) By striking in subparagraph (b)(2)
18 “The level of financial responsibility established
19 under paragraph (1) of this subsection shall be
20 at least \$750,000.” and inserting in lieu thereof
21 “The current regulations in effect at the time
22 of enactment remain in effect until altered or
23 revised by the Secretary pursuant to the Sec-
24 retary’s authority under this section.”.

25 (B) By striking subparagraph (c).

1 (C) In subparagraph (d) by striking “(as
2 those terms are defined in section 10530 of this
3 title) providing transportation of property under
4 a certificate of registration issued under section
5 10530” and inserting “(as those terms are de-
6 fined in section 31501) providing transportation
7 of passengers or property” in lieu thereof.

8 (5) By inserting a new section as follows:

9 **“§ 31140. Commercial Motor Carrier Financial Re-**
10 **sponsibility Information System**

11 “(a) GENERAL REQUIREMENT.—The Secretary of
12 Transportation is authorized to enter into an agreement
13 under subsection (b) of this section for the operation of,
14 or establish under subsection (c) of this section, an infor-
15 mation system that will serve as a clearinghouse and de-
16 pository of information about compliance with the re-
17 quired levels of financial responsibility, identification, and
18 disqualification of commercial motor carriers. The Sec-
19 retary shall consult with the States in carrying out this
20 section. Any agreement that the Secretary enters into to
21 carry out this section shall ensure the integrity of the
22 system.

23 “(b) STATE AGREEMENTS.—If the Secretary decides
24 that an information system used by a State or States re-
25 garding the financial responsibility of commercial motor

1 vehicles and motor carriers or another State-operated in-
2 formation system could be used to carry out this section,
3 and the State or States agree to the use of the system
4 for carrying out this section, the Secretary may enter into
5 an agreement with such State or States to use the system
6 as provided in this section. An agreement made under this
7 subsection shall contain terms the Secretary considers nec-
8 essary to carry out this chapter.

9 “(c) ESTABLISHMENT BY SECRETARY.—If the Sec-
10 retary elects not to enter into an agreement under sub-
11 section (b) of this section, the Secretary shall establish an
12 information system regarding the financial responsibility
13 status of commercial motor vehicles and motor carriers as
14 provided in this section.

15 “(d) CONTENTS.—(1) At a minimum, the informa-
16 tion system under this section shall include for each motor
17 carrier—

18 “(A) information the Secretary considers appro-
19 priate to ensure identification of the motor carrier;

20 “(B) the tax identification number of the motor
21 carrier and other identification numbers the Sec-
22 retary considers appropriate to identify the operator;

23 “(C) the name of the State(s) within which the
24 carrier operates that issued registration(s) to the

1 motor carrier and in which it registers its commer-
2 cial motor vehicles; and

3 “(D) the levels and types of financial respon-
4 sibility applicable to the motor carrier.

5 “(2) Not later than six months following the enact-
6 ment of this section the Secretary shall prescribe regula-
7 tions with respect to an identification system to ensure
8 the identification of commercial motor carriers.

9 “(e) AVAILABILITY OF INFORMATION.—(1) On the
10 request of any State, the Secretary or operator of the in-
11 formation system, as the case may be, may make available
12 to such State any information contained in the system es-
13 tablished under this section.

14 “(2) On request of a motor carrier, the Secretary or
15 the operator of the information system, as the case may
16 be, may make available to the motor carrier any informa-
17 tion in the system pertaining to the requesting motor
18 carrier.

19 “(3) On the request of any person, the Secretary or
20 the operator of the information system, as the case may
21 be, may make available to such person information in the
22 system about any motor carrier.

23 “(4) On the request of the Secretary, the operator
24 of the information system shall make available to the Sec-

1 retary any information in the system, including summary
2 reports that the system has the capacity to produce.

3 “(f) FEE SYSTEM.—The Secretary is authorized to
4 establish a fee system for using the information system,
5 pursuant to section 9701, title 31, United States Code.
6 Fees collected under this subsection in a fiscal year shall
7 equal as nearly as possible the costs of operating the infor-
8 mation system in that fiscal year. Such fees may be cred-
9 ited to the Department of Transportation appropriation
10 account charged in proportion to the amount expended
11 from the account for these purposes, and shall be available
12 for expenditure until expended.”.

13 (6) By renumbering section 31140 as 31141.

14 (7) By renumbering section 31141 as 31142.

15 (8) By renumbering section 31142 as 31143.

16 (9) By renumbering section 31143 as 31144.

17 (10) By renumbering section 31144 as 31145.

18 (11) By inserting a new section, as follows:

19 **“§31146. Registration**

20 “(a) PERSONS REQUIRED TO FILE.—(1) The Sec-
21 retary of Transportation is authorized to require any
22 motor carrier that transports or causes to be transported
23 passengers or property in commerce, as defined by section
24 31301, in a commercial motor vehicle to register its com-
25 mercial motor vehicle operations.

1 “(2) The Secretary may require motor carriers domi-
2 ciled in foreign countries to register with the Department
3 of Transportation when offering transportation services
4 within the United States.

5 “(3) DEPARTMENT OF TRANSPORTATION IDENTI-
6 FICATION NUMBER AND CERTIFICATE.—Upon receipt of
7 a registration statement completed in accordance with the
8 requirements of this section, the Secretary shall issue a
9 Department of Transportation identification number and
10 certificate to the motor carrier as proof of registration.

11 “(b) COMPLIANCE WITH REGISTRATION REQUIRE-
12 MENTS.—

13 “(1) No motor carrier required to file a reg-
14 istration statement under subsection (a) may oper-
15 ate or cause to be operated any commercial motor
16 vehicles in commerce unless the motor carrier’s oper-
17 ations are currently registered with the Secretary
18 and the motor carrier has a valid certificate and
19 identification number issued by the Secretary.

20 “(2) The Secretary may deny, revoke, or sus-
21 pend a motor carrier’s registration, identification
22 number and certificate, as provided for in this sec-
23 tion, because of noncompliance with the motor car-
24 rier safety fitness standards, required levels of finan-
25 cial responsibility, or any restrictions or conditions

1 imposed pursuant to section 31181, as determined
2 by the Secretary.

3 “(c) FORM, CONTENTS, AND LIMITATIONS ON FIL-
4 INGS.—(1) A registration statement under subsection (a)
5 of this section shall be in the form and contain information
6 the Secretary of Transportation requires by regulation.
7 The statement shall include, at a minimum—

8 “(A) the name and principal place of business
9 of the registrant;

10 “(B) a description of the activity the registrant
11 carries out for which filing a statement under sub-
12 section (a) of this section is required;

13 “(C) each State in which the person carries out
14 the activity; and

15 “(D) a designated agent for service of process
16 that is domiciled within the United States if the ap-
17 plicant motor carrier is a foreign motor carrier as
18 defined in section 31501 of this title.

19 “(2) A motor carrier carrying out more than one ac-
20 tivity; or an activity at more than one location for which
21 filing is required, need only file one registration statement
22 to comply with subsection (a) of this section.

23 “(d) SECURITY OF MOTOR CARRIERS.—The Sec-
24 retary may issue a Department of Transportation identi-
25 fication number and certificate under this section only if

1 the motor carrier, as defined in section 31132, applying
2 for such registration number, files with the Department
3 proof of financial responsibility in an amount not less than
4 that prescribed by the Secretary pursuant to, or required
5 by, sections 31138 and 31139 of this title, and the laws
6 of the State or States in which the carrier is operating,
7 to the extent applicable. The security obtained by the
8 motor carrier must remain in effect for the entire period
9 that the carrier is registered with the Department.

10 “(e) FILING DEADLINES AND AMENDMENTS.—(1)
11 Motor carriers that are required to file a registration
12 statement under subsection (a) of this section and are
13 presently in possession of a Department of Transportation
14 number must renew their registration with the Depart-
15 ment within 1 year of the effective date of regulations is-
16 sued pursuant to this section. All other motor carriers that
17 are required to file a registration statement must register
18 with the Department within 6 months of the effective date
19 of such regulations. Motor carriers shall renew their reg-
20 istrations periodically consistent with regulations the Sec-
21 retary prescribes, but not more than once each year and
22 not less than once every 5 years.

23 “(2) The Secretary may decide by regulation when
24 and under what circumstances a registration statement

1 must be amended and the procedures to follow in amend-
2 ing the statement.

3 “(f) FEE SYSTEM.—The Secretary is authorized to
4 establish a fee system for using the information system,
5 pursuant to section 9701, title 31, United States Code.
6 Fees collected under this subsection in a fiscal year shall
7 equal as nearly as possible the costs of operating the infor-
8 mation system in that fiscal year. Such fees may be cred-
9 ited to the Department of Transportation appropriation
10 account charged in proportion to the amount expended
11 from the account for these purposes, and shall be available
12 for expenditure until expended.

13 “(g) MAINTAINING PROOF OF FILING AND PAYMENT
14 OF FEES.—Valid Department of Transportation identi-
15 fication numbers and certificates of registration shall serve
16 as proof of filing and receipt of certification and identifica-
17 tion numbers from the Secretary.”.

18 (12) By renumbering section 31145 as 31147.

19 (13) By renumbering section 31146 as 31148.

20 (14) By renumbering section 31147 as 31149.

21 AMENDMENTS TO GENERAL DUTIES AND POWERS

22 SEC. 8. (a) Section 31501 of title 49, United States
23 Code, is amended in subparagraph (3)—

24 (1) by inserting “interstate” before the word
25 “transportation” the first time it appears; and

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

3 (b) Subparagraph 31502(a)(1) of title 49, United
4 States Code, is amended to read as follows:

5 “(1) defined as “interstate transportation” by
6 section 10102.”.

7 (c) Subparagraph 31503(a) of title 49, United States
8 Code, is amended by striking “a motor carrier subject to
9 subchapter II of chapter 105 of this title and a motor pri-
10 vate carrier” and inserting “an interstate motor carrier
11 or motor private carrier” in lieu thereof.

12 (d) The amendments made by this section shall be
13 effective September 30, 1996.

14 FEDERAL TRADE COMMISSION

15 SEC. 9. The Federal Trade Commission Act (15
16 U.S.C. 41 et seq.), is amended as follows:

17 (a) Section 5(a)(2) (15 U.S.C. section 45(a)(2))
18 is amended by deleting the following: “common car-
19 riers subject to the Acts to regulate commerce” and
20 adding in lieu thereof: “common carriers subject to
21 the Communications Act of 1934 or Acts amend-
22 atory thereof or supplementary thereof”.

23 (b) Section 6 (15 U.S.C. section 46) is amend-
24 ed by striking the phrase “common carriers subject
25 to the Act to regulate commerce” wherever it ap-

1 pears and adding in lieu thereof “common carriers
2 described in section 5(a)(2)”.

3 APPLICATION OF THE ANTITRUST LAWS

4 SEC. 10. (a) Section 7 of the Clayton Act (15 U.S.C.
5 18) is amended—

6 (1) in the first and second paragraphs, by strik-
7 ing out “or” immediately after “stock” and inserting
8 a comma in lieu thereof and by striking out “and no
9 person subject to the jurisdiction of the Federal
10 Trade Commission shall acquire the whole or any
11 part of the” and inserting in lieu thereof “or”;

12 (2) by deleting the fourth paragraph; and

13 (3) in the final paragraph, by striking out
14 “Interstate Commerce Commission,”.

15 (b) Section 11(a) of the Clayton Act (15 U.S.C. sec-
16 tion 21(a)) is amended by striking “in the Interstate Com-
17 merce Commission where applicable to common carriers
18 subject to subtitle IV of title 49”; and

19 (c) Section 16 of the Clayton Act (15 U.S.C. 26) is
20 amended by striking the entire proviso beginning with the
21 words “*Provided, That*” through the end of the paragraph,
22 and striking the colon after the word “issue” and inserting
23 a period in lieu thereof.

24 (d) The amendments made by this section shall be
25 effective as of September 30, 1996.

1 TRANSFER OF APPROPRIATIONS AND PERSONNEL

2 SEC. 11. (a) The personnel (including career mem-
3 bers of the Senior Executive Service and excluding all po-
4 litical appointees) employed in connection with, and the
5 assets, liabilities, contracts, property, records, and unex-
6 pended balances of appropriations and other funds em-
7 ployed, held, used, arising from, available to or to be made
8 available in connection with, any function transferred by
9 this Act, subject to section 1531 of title 31, United States
10 Code, shall be transferred to the Secretary of Transpor-
11 tation or the Secretary of Labor in accordance with the
12 transfer of such function. Personnel employed in connec-
13 tion with functions so transferred shall be transferred in
14 accordance with any applicable laws and regulations relat-
15 ing to transfer of functions. Unexpended funds transferred
16 pursuant to this subsection shall only be used for the pur-
17 pose and period of time for which the funds were originally
18 authorized and appropriated. The unobligated balance of
19 appropriations available in connection with any function
20 abolished by this Act shall lapse on September 30, 1996,
21 and the obligated balance of such appropriations shall be
22 transferred to the Secretary of Transportation or the Sec-
23 retary of Labor in connection with any function trans-
24 ferred by this Act for the purpose of administering the
25 payment of such obligations.

1 (1) which have been issued, made, or granted
2 by any agency or official thereof, or by a court of
3 competent jurisdiction, in the performance of any
4 function which is transferred by this Act from Inter-
5 state Commerce Commission to the Secretary of
6 Transportation or the Secretary of Labor, and

7 (2) which are in effect on September 30,
8 1996—shall continue in effect according to their
9 terms until modified, terminated, superseded, set
10 aside, or revoked in accordance with law by the Sec-
11 retary of the Department to which such function is
12 transferred, or other authorized officials, a court of
13 competent jurisdiction, or by operation of law.

14 (b) The transfers of functions made by this Act shall
15 not affect any proceedings or any application for any li-
16 cense, permit, or certificate relating to transferred func-
17 tions pending before the Interstate Commerce Commission
18 at the time such transfers take effect; but such proceed-
19 ings and applications, to the extent that they relate to
20 functions so transferred, shall be continued. Orders shall
21 be issued in such proceedings, and appeals may be taken
22 therefrom, as if this Act had not been enacted; and orders
23 issued in any such proceedings shall continue in effect
24 until modified, terminated, superseded, or revoked by a
25 duly authorized official, by a court of competent jurisdic-

1 tion, or by operation of law. Nothing in this section shall
2 be deemed to prohibit the discontinuance or modification
3 of any such proceeding under the same terms and condi-
4 tions and to the same extent that such proceeding could
5 have been discontinued or modified if this Act had not
6 been enacted.

7 (c) Except as provided in subsection (e)—

8 (1) the transfer of any function under this Act
9 shall not affect any suite relating to such function
10 which is commenced prior to the date the transfer
11 takes effect, and

12 (2) in all such suites, proceedings shall be had,
13 appeals taken, and judgments rendered in the same
14 manner and effect as if this Act had not been en-
15 acted.

16 (d) No suit, action, or other proceeding commenced
17 by or against any officer in his or her official capacity
18 as an officer of the Interstate Commerce Commission shall
19 abate by reason of the transfer of any function under this
20 Act. No cause of action by or against the Interstate Com-
21 merce Commission, or by or against any officer thereof
22 in his or her official capacity, shall abate by reason of the
23 transfer of any function under this Act.

24 (e) If, before September 30, 1996, the Interstate
25 Commerce Commission, or officer thereof in his or her of-

1 ficial capacity, is a party to a suit relating to a function
2 transferred by this Act, then such suit shall be continued
3 with the Secretary of the Department to which the func-
4 tion is transferred.

5 (f) With respect to any function transferred to the
6 Secretary of Transportation or the Secretary of Labor by
7 this Act and exercised after the effective date of such
8 transfer, reference in any Federal law to the Interstate
9 Commerce Commission or the Commission (insofar as
10 such term refers to the Interstate Commerce Commis-
11 sion), or to any officer or office of the Interstate Com-
12 merce Commission, shall be deemed to refer to that De-
13 partment, or other official or component to the Depart-
14 ment, in which such function vests.

15 (g) In the exercise of any function transferred under
16 this Act, the Secretary of Transportation or the Secretary
17 of Labor shall have the same authority as that vested in
18 the Interstate Commerce Commission with respect to such
19 function, immediately preceding its transfer, and actions
20 of the Secretary of the Department in exercising such
21 function shall have the same force and effect as when exer-
22 cised by the Interstate Commerce Commission.

23 (h) In exercising any function transferred by this Act,
24 the Secretary of Transportation or the Secretary of Labor

1 shall give full consideration to the need for operational
2 continuity of the function transferred.

3 CONFORMING AMENDMENTS

4 SEC. 13. The provisions and chapter analyses of title
5 49, United States Code, shall be amended to conform with
6 the amendments made by this Act.

7 FEDERAL MARITIME COMMISSION

8 SEC. 14. (a) FINDINGS.—The Congress finds that:

9 (1) Statutory provisions providing jurisdiction
10 for the Federal Maritime Commission to regulate
11 the reasonableness of rates charged by ocean car-
12 riers in the domestic offshore trades (those between
13 the 48 mainland States, on the one hand, and points
14 in Alaska, Hawaii, Puerto Rico, and United States
15 territories and possessions, on the other), and in cer-
16 tain circumstances to establish reasonable rates of
17 return for such carriers in those trades no longer
18 serve a useful regulatory purpose and should be
19 eliminated; and

20 (2) Statutory provisions requiring ocean car-
21 riers in domestic offshore trades and domestic con-
22 tiguous States trades (comprising waterborne trans-
23 portation between points on the United States in-
24 land waterways, intracoastal waterways and the
25 Great Lakes) to set forth the rates they charge in
26 tariffs filed with either the Interstate Commerce

1 Commission or the Federal Maritime Commission no
2 longer serve a useful regulatory purpose and should
3 also be eliminated.

4 (b) TERMINATION OF AUTHORITY.—

5 (1) Chapter 23A of title 46, United States
6 Code, commonly referred to as the Intercoastal Ship-
7 ping Act, 1933, is repealed in its entirety effective
8 September 30, 1996.

9 (2) The following provisions of chapter 23 of
10 title 46, United States Code, commonly referred to
11 as the Shipping Act, 1916, are repealed effective
12 September 30, 1996:

13 (A) Section 804.

14 (B) Section 817.

15 (C) Section 818.

16 (D) Section 832.

17 (3) The following provisions of chapter 23 of
18 title 46, United States Code, commonly referred to
19 as the Shipping Act, 1916, are amended effective
20 September 30, 1996, as follows:

21 (A) Section 812 is amended by—

22 (i) striking the subparagraph denomi-
23 nated “First” in its entirety;

24 (ii) by redesignating the subparagraph
25 denominated “Second” as “First”;

1 (iii) by redesignating the subpara-
2 graph denominated “Third” as “Second”;
3 and

4 (iv) by redesignating the subpara-
5 graph denominated “Fourth” as “Third”;
6 (B) Section 815 is amended by—

7 (i) striking the subparagraph denomi-
8 nated “Second” in its entirety;

9 (ii) by redesignating the subparagraph
10 denominated “Third” as “Second”;

11 (iii) by deleting the penultimate sub-
12 paragraph of the section; and

13 (iv) by amending the last subpara-
14 graph of the section to read as follows:
15 “Whoever violates any provision of this
16 section shall be guilty of a misdemeanor
17 punishable by a fine of not more than
18 \$5,000 for each offense.”.

19 (C) Section 820 is amended by—

20 (i) striking the designation “(a)” from
21 the opening subparagraph; and

22 (ii) by striking the subparagraph de-
23 nominated “(b)” in its entirety.

24 SEVERABILITY CLAUSE

25 SEC. 15. If any provision of this Act, or the applica-
26 tion of such provision to any person or circumstance, is

1 held invalid, the remainder of this Act and the application
2 of such provision to any other person or circumstance shall
3 not be affected by such invalidation.

4 EFFECTIVE DATE

5 SEC. 16. This Act shall be effective upon enactment,
6 except as specifically provided otherwise.

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