To amend title 49, United States Code, to provide for enhanced motorcoach safety, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2011

Mr. SHUSTER (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. HOLDEN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Ways and Means, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To amend title 49, United States Code, to provide for enhanced motorcoach safety, and for other purposes.

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

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

4 (a) Short Title.—This Act may be cited as the
5 “Bus Uniform Standards and Enhanced Safety Act of
6 2011” or the “BUSES Act of 2011”.

7 (b) Table of Contents.—

Sec. 1. Short title; table of contents.
TITLE I—MOTORCOACH SAFETY

Sec. 101. Improved oversight of providers of motorcoach services and other motor carriers of passengers.

Sec. 102. Motorcoach driver training.

Sec. 103. Review of requirements for commercial driver’s license passenger endorsement.

Sec. 104. Improved physical fitness oversight and commercial driver medical certificates.

Sec. 105. Commercial motor vehicle safety inspection programs.

Sec. 106. Registration of motor carriers.

Sec. 107. Effective periods of registration.

Sec. 108. Duties of employers and employees.

Sec. 109. Required safety standards for motorcoaches.

TITLE II—CREDIT FOR COST OF MOTORCOACHES COMPLYING WITH FEDERAL SAFETY REQUIREMENTS

Sec. 201. Credit for costs of motorcoaches complying with Federal safety requirements.

TITLE III—OTHER PROVISIONS

Sec. 301. Department of Transportation grants.

Sec. 302. Small business administration loans and loan guarantees.

Sec. 303. Authorization of appropriations.

1 TITLE I—MOTORCOACH SAFETY

2 SEC. 101. IMPROVED OVERSIGHT OF PROVIDERS OF MOTORCOACH SERVICES AND OTHER MOTOR CARRIERS OF PASSENGERS.

3 (a) IN GENERAL.—Section 31144 of title 49, United States Code, is amended by adding at the end the following:

4 "(h) SUSTAINED MONITORING OF OWNERS AND OPERATORS OF COMMERCIAL MOTOR VEHICLES DESIGNED OR USED TO TRANSPORT PASSENGERS.—"

5 "(1) SAFETY MONITORING.—Not later than 3 years after the date of enactment of this subsection, the Secretary shall require monitoring on a regular basis, through a comprehensive safety analysis, of
the safety performance of each owner or operator of a commercial motor vehicle designed or used to transport passengers.

“(2) ELEMENTS OF MONITORING AND SAFETY ENFORCEMENT.—Regulations issued under paragraph (1) shall provide for the following:

“(A) Monitoring of the safety performance of an owner or operator of a commercial motor vehicle designed or used to transport passengers in critical safety categories, as defined in the regulation. Monitoring activities shall include activities that can be conducted either on-site at the offices of the owner or operator or off-site.

“(B) Progressive interventions designed to correct unsafe practices of an owner or operator of a commercial motor vehicle designed or used to transport passengers. In the event such practices are not corrected, the interventions shall result in an enforcement action and, if necessary, a final determination that the owner or operator is not fit and prohibited from operating as provided in subsection (c)(2).

“(3) ENFORCEMENT STRIKE FORCES.—In addition to the enhanced monitoring and enforcement actions required by paragraph (2), the Secretary may
organize special enforcement strike forces targeting owners or operators of commercial motor vehicles designed or used to transport passengers, when and where the Secretary considers appropriate.”.

(b) Revision of Safety Fitness Determination Methodology.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall revise the safety fitness determination methodology of the Department of Transportation established pursuant to section 31144 of title 49, United States Code, to ensure that such methodology meets the goals of Safety Recommendation H–99–6 of the National Transportation Safety Board, issued February 26, 1999.

SEC. 102. MOTORCOACH DRIVER TRAINING.

The Secretary of Transportation shall prescribe regulations establishing minimum training requirements for drivers seeking a commercial driver’s license passenger endorsement. The training shall include certification that a driver has met the requirements established by the Secretary. The training may be provided by an owner or operator of a commercial motor vehicle designed or used to transport passengers if the owner or operator has in effect a training program that meets or exceeds the minimum training requirements established by the Secretary.
SEC. 103. REVIEW OF REQUIREMENTS FOR COMMERCIAL DRIVER’S LICENSE PASSENGER ENDORSEMENT.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of Transportation shall review and assess the current knowledge and skill testing requirements for a commercial driver’s license passenger endorsement to determine if improvements are needed to ensure the safe operation of commercial motor vehicles designed or used to transport passengers.

(b) REPORT.—Not later than 120 days after completion of the review and assessment under subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the review and assessment conducted under subsection (a), together with a description of plans to implement improvements.

SEC. 104. IMPROVED PHYSICAL FITNESS OVERSIGHT AND COMMERCIAL DRIVER MEDICAL CERTIFICATES.

(a) EXAMINATION REQUIREMENT FOR NATIONAL REGISTRY OF MEDICAL EXAMINERS.—Section 31149(c)(1)(D) of title 49, United States Code, is amended to read as follows:
“(D) develop requirements applicable to a medical examiner seeking to be listed in the national registry established under this section, including—

“(i) as appropriate, specific courses and materials that must be completed;

“(ii) a rigorous examination for which a passing grade must be achieved; and

“(iii) at a minimum, self-certification requirements to verify that the medical examiner has completed specific training, including refresher courses;”.

(b) ADDITIONAL OVERSIGHT OF LICENSING AUTHORITIES.—

(1) IN GENERAL.—Section 31149(c)(1) of title 49, United States Code, is amended—

(A) in subparagraph (E) by striking “and” at the end;

(B) in subparagraph (F) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(G) each year, review the implementation of commercial driver’s license requirements of a minimum of 10 States to assess the accuracy and validity of physical examination reports and
medical certificates submitted by certified med-
cial examiners.”.

(2) INTERNAL OVERSIGHT POLICY.—

(A) IN GENERAL.—Not later than 2 years
after the date of enactment of this Act, the Sec-
retary of Transportation shall establish an over-
sight policy and process within the Department
of Transportation for the purposes of carrying
out the requirement of section 31149(c)(1)(G)
of title 49, United States Code, as added by
paragraph (1).

(B) EFFECTIVE DATE.—The requirement
of section 31149(c)(1)(G) of such title, as
added by paragraph (1), shall take effect on the
date that the oversight policies and processes
are established pursuant to subparagraph (A).

(c) DEADLINE FOR ESTABLISHMENT OF NATIONAL
REGISTRY OF MEDICAL EXAMINERS.—Not later than 2
years after the date of enactment of this Act, the Sec-
retary shall establish the national registry of medical ex-
aminers required by section 31149(d)(1) of such title.

(d) ADDITIONAL FUNCTION OF MEDICAL REVIEW
BOARD.—Section 31149(a)(1) of title 49, United States
Code, is amended to read as follows:
“(1) Establishment and Function.—The Secretary shall establish a Medical Review Board with the following functions:

“(A) Providing the Federal Motor Carrier Safety Administration with medical advice and recommendations on medical standards and guidelines for—

“(i) the physical qualifications of operators of commercial motor vehicles;

“(ii) medical examiner education; and

“(iii) medical research.

“(B) Providing the Secretary with advice and recommendations concerning the criteria to be used for evaluating medical examiners for admission to the national registry established under this section.”.

SEC. 105. COMMERCIAL MOTOR VEHICLE SAFETY INSPECTION PROGRAMS.

(a) Study.—The Secretary of Transportation shall conduct a study to review the regulations prescribed pursuant to section 31142(b) of title 49, United States Code, relating to commercial motor vehicle safety inspections.

(b) Contents.—The study shall include—

(1) an assessment of the risks associated with improperly maintained or inspected commercial...
motor vehicles designed or used to transport passengers;

(2) an assessment of the effectiveness of the Government standards for inspection of commercial motor vehicles designed or used to transport passengers to mitigate the risks identified in paragraph (1) and to ensure the safe and proper operating condition of commercial motor vehicles subject to section 31142 of title 49, United States Code;

(3) an assessment of the effectiveness of at least 2 alternatives to the current standards prescribed pursuant to section 31142 of title 49, United States Code; and

(4) a comparison of the costs and benefits of the alternatives and the current standards prescribed pursuant to section 31142 of title 49, United States Code.

(c) Report.—

(1) in general.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.
(2) CONTENTS.—The report shall include—

   (A) the findings and conclusions of the Secretary with respect to the study;
   (B) any recommendation of the Secretary for improving the commercial motor vehicle safety inspection standards; and
   (C) any recommendations of the Secretary for additional authority to improve commercial motor vehicle safety inspections.

SEC. 106. REGISTRATION OF MOTOR CARRIERS.

Section 13902(b) of title 49, United States Code, is amended—

   (1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and
   (2) by inserting after paragraph (1) the following:

   ``(2) REVIEW OF PASSENGER CARRIER APPLICATIONS.—The Secretary shall not register a motor carrier of passengers under subsection (a)(1) until the application for registration filed under that subsection is reviewed to ensure that the applicant is willing and able to comply with the requirements of that subsection. This review process shall include a determination of whether the applicant is or has been related, through common ownership, common
management, or common familial relationship to any other motor carrier of passengers within 3 years of the filing of the application for registration. If following this review it is determined that the applicant has failed to disclose such relationships with other such carriers, the Secretary may withhold the registration.”.

SEC. 107. EFFECTIVE PERIODS OF REGISTRATION.

Section 13905 of title 49, United States Code, is amended—

(1) by striking subsection (d)(1) and inserting the following:

“(1) IN GENERAL.—On application of the registrant, the Secretary may amend or revoke a registration. On complaint or on the Secretary’s own initiative and after notice and an opportunity for a proceeding, the Secretary may—

“(A) suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder for willful failure to comply with this part, an applicable regulation or order of the Secretary or of the Board (including the accessibility requirements established by the Secretary under subpart H of part 37 of title 49, Code of Federal Regulations, or such suc-
cessor regulations to those accessibility requirements as the Secretary may issue, for transportation provided by an over-the-road bus), or a condition of its registration;

“(B) suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder—

“(i) for failure to pay a civil penalty imposed under chapter 5, 51, 149, or 311 of this title; or

“(ii) for failure to arrange and abide by an acceptable payment plan for such civil penalty, within 90 days of the time specified by order of the Secretary for the payment of such penalty; and

“(C) deny, suspend, amend, or revoke any part of a registration of a motor carrier of passengers for failure to disclose in its application for registration a material fact relevant to its willingness and ability to comply with this part, an applicable regulation or order of the Secretary or of the Board, or a condition of its registration.

Subparagraph (B) shall not apply to any person who is unable to pay a civil penalty because such person
is a debtor in a case under chapter 11 of title 11.”; and

(2) in subsection (e) by inserting “or if the Secretary determines that the registrant has failed to disclose a material fact in its application for registration in accordance with subsection (d)(1)(C),” after “registrant,”.

SEC. 108. DUTIES OF EMPLOYERS AND EMPLOYEES.

Section 31135 of title 49, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d) MOTOR CARRIERS OF PASSENGERS.—If the Secretary finds that common ownership, common management, or common familial relationship between 2 or more motor carriers of passengers is being used to enable any or all such motor carriers of passengers to avoid compliance, or mask or otherwise conceal noncompliance, with regulations on commercial motor vehicle safety prescribed under this subchapter, or an order of the Secretary issued under authority of such regulations, the Secretary may deny, suspend, amend, or revoke all or part of any such motor carrier’s registration under section 13905.”.
SEC. 109. REQUIRED SAFETY STANDARDS FOR MOTORCOACHES.

(a) Safety Standards for New Motorcoaches.—

(1) Occupant protection systems.—

(A) In general.—Not later than 3 years after the date of enactment of this Act, the Secretary of Transportation shall prescribe standards for motorcoach occupant protection systems that account for frontal impact collisions, side impact collisions, rear impact collisions, and rollovers. Such standards shall not eliminate or lessen the occupant protection standards currently in effect and shall—

(i) be based on sound scientific research, extensive testing, and analysis by the National Highway Traffic Safety Administration, consistent with the recommendations of the National Transportation Safety Board regarding motorcoach occupant protection; and

(ii) take into consideration the various types of motorcoaches and the various uses and configurations of the occupant compartment as well as local, State, and Federal size and weight limits and restrictions.
(B) CONTENTS.—Such standards may include seatbelts or other occupant protection systems, passive or otherwise, for passengers, including those in child safety restraint systems.

(C) CONSULTATION.—Prior to promulgating such standards, the Secretary shall consult with affected parties, as appropriate, on the proceedings leading to the promulgation of the standards required by this subparagraph. Any communications concerning such consultation shall be included in the public record of the proceedings leading to the promulgation of such standards and shall be subject to public comment.

(2) ROOF STRENGTH.—

(A) RESEARCH AND TESTING.—The Secretary shall conduct research and testing on roof strength to determine the method or methods that provide adequate survival space for all seating positions.

(B) STANDARDS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall prescribe roof strength standards for motorcoaches based on the results of such research and testing and taking into account all
motorcoach window dimensions and highway size and weight restrictions.

(3) Window Glazing.—

(A) Research and Testing.—The Secretary shall conduct research and testing on advanced window glazing and securement to determine the best method or methods for window glazing to prevent motorcoach occupant protection ejection.

(B) Standards.—Not later than 3 years after the date of enactment of this Act, the Secretary shall revise window glazing standards for motorcoaches based on the results of such research and testing and taking into account all motorcoach window dimensions and highway height and weight restrictions.

(4) Fire Prevention and Mitigation.—

(A) Research and Testing.—The Secretary shall conduct research and testing to determine the most prevalent causes of motorcoach fires and the best methods to prevent such fires and to mitigate the effect of such fires, both inside and outside the motorcoach.

(B) Standards.—Not later than 3 years after the date of enactment of this Act, the Sec-
retary shall promulgate fire prevention and
mitigation standards for motorcoaches, based
on the results of the Secretary’s research and
testing, taking into account motorcoach high-
way size and weight restrictions.

(5) EMERGENCY EVACUATION DESIGN.—

(A) RESEARCH AND TESTING.—The Sec-
retary shall conduct research and testing to de-
determine any necessary changes in motorcoach
design standards, including windows and doors,
to improve motorcoach emergency evacuation.

(B) STANDARDS.—Not later than 3 years
after the date of enactment of this Act, the Sec-
retary shall promulgate motorcoach emergency
evacuation design standards, including—

(i) window standards that enhance the
use of windows for emergency evacuation
to the maximum extent feasible, while not
detracting from the window glazing stand-
ards to be promulgated under this sub-
section; and

(ii) door standards, including design
of the wheelchair lift door for emergency
evacuation use. Such standards shall take
into account motorcoach highway size and weight restrictions.

(6) GENERAL PROVISIONS.—

(A) EFFECT ON STATE AND LOCAL LAWS.—Notwithstanding any provision of chapter 301 of title 49, United States Code, a State or a political subdivision of a State may not adopt or enforce a law or regulation related to a motorcoach crash avoidance and occupant protection system prior to the effective date of the regulations promulgated pursuant to this subsection.

(B) APPLICABILITY OF STANDARDS.—The standards prescribed under paragraphs (1) through (5) shall require motorcoaches manufactured after the last day of 3-year period beginning on the date on which such standards are prescribed to be engineered and equipped to meet such standards.

(C) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection or in the regulations prescribed pursuant to this subsection shall be construed as indicating an intention by Congress to affect, change, or modify in any way the liability, if any, of a motorcoach

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manufacturer or motorcoach owner or operator
under applicable law to buses or motorcoaches,
manufactured and operated with or without
passenger seat belts or other passenger re-
straint systems, prior to the effective date of
the regulations promulgated pursuant to this
subsection.

(b) **Safety Standards for Existing Motorcoaches.**—

(1) **In general.**—Not later than 3 years after
the date of enactment of this subsection, the Sec-
retary shall prescribe standards for motorcoaches
that are manufactured before the date that is 3
years after the date on which the standards required
under subsection (a) are prescribed, taking into ac-
count the limitations posed by the need to retrofit
existing motorcoaches. Such standards shall have the
same objectives as the standards required under
paragraphs (1) through (5) of subsection (a), but
may differ from such standards based on what is
technically feasible for existing motorcoaches.

(2) **Standards for Component Parts and
Equipment.**—In lieu of promulgating comprehen-
sive standards for motorcoaches under paragraph
(1), the Secretary may develop standards for various
component parts and equipment of motorcoaches that would increase occupant protection.

(3) **Effective date.**—The effective date for the standards prescribed pursuant to this subsection shall be the same as the effective date for the standards prescribed pursuant to subsection (a).

(4) **Certification.**—The Secretary shall establish, by regulation, a system whereby the motorcoaches to which the standards prescribed under paragraph (1) apply shall be certified as in compliance with such standards. Such certification shall be carried out by the Secretary or by private parties at the discretion and authorization of the Secretary.

(c) **Compliance Timetables.**—

(1) **Effective date.**—The effective date of the standards prescribed under subsections (a) and (b) shall be 3 years after the date on which such final standards are promulgated. All motorcoaches manufactured after such date shall comply with such standards.

(2) **Phased in requirements.**—

(A) **First phase.**—Not later than 6 years after the effective date of the standards prescribed under subsections (a) and (b), a motor-
coach owner or operator shall ensure that at least 50 percent of the motorcoaches used by the owner or operator comply with either the standards prescribed under subsection (a) or the standards prescribed under subsection (b), as appropriate.

(B) SECOND PHASE.—Not later than 12 years after the effective date of the standards prescribed under subsections (a) and (b), a motorcoach owner or operator shall ensure that 100 percent of the motorcoaches used by the owner or operator comply with either of such standards.

(3) STATE AND LOCAL LAWS.—

(A) LIABILITY OF MOTORCOACH MANUFACTURERS AND OWNERS AND OPERATORS.—Nothing in this section shall be construed to affect, change, or modify in any way the liability, if any, of a motorcoach manufacturer or motorcoach owner or operator under applicable law to buses or motorcoaches unless such manufacturer or owner or operator is shown not to be in compliance with the timetables set forth in paragraphs (1) and (2).
(B) PREEMPTION.—Notwithstanding any provision of chapter 301 of title 49, United States Code, a State or a political subdivision of a State may not adopt or enforce a law or regulation related to any of the standards required by subsections (a) and (b) during the time periods set forth in paragraphs (1) and (2).

(d) DEFINITION OF MOTORCOACH.—In this section, the term “motorcoach” means an over-the-road bus, characterized by an elevated passenger deck located over a baggage compartment.

TITLE II—CREDIT FOR COST OF MOTORCOACHES COMPLYING WITH FEDERAL SAFETY REQUIREMENTS

SEC. 201. CREDIT FOR COSTS OF MOTORCOACHES COMPLYING WITH FEDERAL SAFETY REQUIREMENTS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 45R the following new section:
“SEC. 45S. CREDIT FOR COSTS OF MOTORCOACHES COMPLYING WITH FEDERAL SAFETY REQUIREMENTS.

“(a) In General.—For purposes of section 38, the qualified motorcoach safety credit determined under this subsection for any taxable year is an amount equal to 10 percent of the aggregate amount paid or incurred by the taxpayer during the taxable year for—

“(1) qualified new motorcoaches, and

“(2) such improvements to any existing motorcoach which is used by the taxpayer as are necessary for such motorcoach to satisfy the requirements prescribed under section 109(b) of the Bus Uniform Standards and Enhanced Safety Act of 2009.

“(b) Limitation.—The credit determined under subsection (a) with respect to any motorcoach shall not exceed $45,000.

“(c) Qualified New and Existing Motorcoaches.—For purposes of this section—

“(1) Qualified Motorcoach.—The term ‘qualified new motorcoach’ means any motorcoach—

“(A) the original use of which commences with the taxpayer,

“(B) which is acquired for use or lease by the taxpayer and not for resale,
“(C) which is property of a character subject to an allowance for depreciation,

“(D) which is made by a manufacturer,

“(E) which is manufactured after the specified effective date, and

“(F) which meets the requirements prescribed under section 109(a) of the Bus Uniform Standards and Enhanced Safety Act of 2009.

“(2) Existing motorcoach.—The term ‘existing motorcoach’ means any motorcoach—

“(A) which is property of a character subject to an allowance for depreciation, and

“(B) which is manufactured on or before the specified effective date.

“(d) Other definitions and special rules.—For purposes of this section—

“(1) Motorcoach.—The term ‘motorcoach’ means any vehicle to which the requirements prescribed under section 109(a) of the Bus Uniform Standards and Enhanced Safety Act of 2009, apply, or would apply if such vehicle were manufactured after the specified effective date.

“(2) Specified effective date.—The term ‘specified effective date’ means the effective date de-

“(3) Basis reduction.—The basis of any property for which a credit is determined under subsection (a) shall be reduced by the amount of the credit so determined.

“(4) RecapTURE.—The Secretary shall, by regulations, provide for recaptering the benefit of any credit determined under subsection (a) with respect to any property which ceases to be property eligible for such credit.

“(5) Property used outside United States, etc., not qualified.—No credit shall be determined under subsection (a) with respect to—

“(A) the portion of the cost of any property taken into account under section 179, or

“(B) any property referred to in section 50(b).

“(6) Election not to take credit.—No credit shall be determined under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

“(e) Termination.—No credit shall be determined under this subsection for any taxable year ending after December 31, 2026.”.
(b) Denial of Double Benefit.—Section 280C of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(i) Credit for Costs of Motorcoaches Complying With Federal Safety Requirements.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for the taxable year under section 45S(a).”.

(c) Conforming Amendments.—

(1) Section 38(b) of the Internal Revenue Code of 1986 is amended by striking “plus” at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting “, plus”, and by adding at the end the following:

“(37) the qualified motorcoach safety credit determined under section 45S(a).”.

(2) Section 1016(a) of such Code is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 45S(d)(3).”.
(3) Section 6501(m) of such Code is amended by inserting “45S(d)(6),” after “45H(g),”.

(4) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 45R the following new item:

“Sec. 45S. Credit for costs of motorcoaches complying with Federal safety requirements.”.

(d) Effective Date.—The amendments made by this section shall apply to taxable years ending after December 31, 2011.

TITLE III—OTHER PROVISIONS

SEC. 301. DEPARTMENT OF TRANSPORTATION GRANTS.

(a) In General.—The Secretary of Transportation shall develop and administer grants, not to exceed $20,000 per vehicle, for owners and operators of motorcoaches in order to assist with the cost of retrofitting motorcoaches for purposes of complying with the standards prescribed under section 109.

(b) Eligibility.—To be eligible for a grant under subsection (a), a motorcoach owner or operator shall—

(1) have a fleet of not more than 25 motorcoaches;

(2) have total annual revenue of less than $5,000,000; and

(3) demonstrate to the Secretary that—
(A) the owner or operator has been in business as an over-the-road charter bus owner or operator for not less than 3 consecutive years; and

(B) the owner or operator was unable to recover, through allowed tax credits established by section 45R of the Internal Revenue Code of 1986, as added by section 201 of this Act, in a consecutive 2-year period, the full cost of retrofitting motorcoaches in order to comply with the applicable standards.

(c) GRANT REQUIREMENTS.—A grant under this section shall be subject to all of the terms and conditions applicable to subrecipients who provide intercity bus transportation under section 5311(f) of title 49, United States Code, and such other terms and conditions as the Secretary may prescribe.

SEC. 302. SMALL BUSINESS ADMINISTRATION LOANS AND LOAN GUARANTEES.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding after paragraph (35) the following:

“(36) BUSES AND MOTORCOACHES.—In carrying out this subsection with respect to the over-
the-road charter bus industry, the following shall apply:

“(A) The Administrator shall adopt underwriting criteria specific to that industry.

“(B) The Administrator shall make available the assistance under this subsection to members of that industry to facilitate retrofitting of buses and motorcoaches for occupant protection.

“(C) Multiple buses or motorcoaches shall be treated as a single source of collateral.

“(D) A member of that industry who owns a single bus or motorcoach shall be treated as eligible for such assistance, without regard to whether the member otherwise meets the applicable size standard for eligibility.

“(E) The Administrator shall provide any applicant who is a member of that industry with counseling and advice regarding the other assistance programs of the Administration that may be available to members of that industry.”.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary of Transportation such sums as may be necessary
to carry out the authorities of the Secretary under this Act, including the amendments made by this Act.