

The word “rules” is omitted as being synonymous with “regulations”.

#### AMENDMENTS

2015—Pub. L. 114-94 amended section generally. Prior to amendment, section related to United States Government’s share of costs incurred by a State.

2012—Subsec. (a). Pub. L. 112-141, § 32933(c), substituted “section 31102(b)(2)(E)” for “section 31102(b)(1)(E)”.

Subsec. (b). Pub. L. 112-141, § 32933(d), struck out “authorized by section 31104(f)(2)” after “public education activities”.

2005—Subsec. (a). Pub. L. 109-59 substituted “31102(b)(1)(E)” for “31102(b)(1)(D)” and inserted before last sentence “Amounts generated under the unified carrier registration agreement under section 14504a and received by a State and used for motor carrier safety purposes may be included as part of the State’s share not provided by the United States.”

1998—Pub. L. 105-178 designated existing provisions as subsec. (a), inserted subsec. heading, inserted “improve commercial motor vehicle safety and” after “implementing programs to”, and added subsec. (b).

#### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2016, subject to a transition provision, see section 5101(f), (g) of Pub. L. 114-94, set out as Effective Date of 2015 Amendment and Transition notes under section 31102 of this title.

#### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

#### RELATIONSHIP TO OTHER LAWS

Except as provided in sections 14504, 14504a, and 14506 of this title, subtitle C (§§ 4301-4308) of title IV of Pub. L. 109-59 is not intended to prohibit any State or any political subdivision of any State from enacting, imposing, or enforcing any law or regulation with respect to a motor carrier, motor private carrier, broker, freight forwarder, or leasing company that is not otherwise prohibited by law, see section 4302 of Pub. L. 109-59, set out as a note under section 13902 of this title.

### § 31104. Authorization of appropriations

(a) FINANCIAL ASSISTANCE PROGRAMS.—The following sums are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account):

(1) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Subject to paragraph (2) and subsection (c), to carry out section 31102 (except subsection (l))—

- (A) \$292,600,000 for fiscal year 2017;
- (B) \$298,900,000 for fiscal year 2018;
- (C) \$304,300,000 for fiscal year 2019; and
- (D) \$308,700,000 for fiscal year 2020.

(2) HIGH PRIORITY ACTIVITIES PROGRAM.—Subject to subsection (c), to carry out section 31102(l)—

- (A) \$42,200,000 for fiscal year 2017;
- (B) \$43,100,000 for fiscal year 2018;
- (C) \$44,000,000 for fiscal year 2019; and
- (D) \$44,900,000 for fiscal year 2020.

(3) COMMERCIAL MOTOR VEHICLE OPERATORS GRANT PROGRAM.—To carry out section 31103—

- (A) \$1,000,000 for fiscal year 2017;
- (B) \$1,000,000 for fiscal year 2018;
- (C) \$1,000,000 for fiscal year 2019; and

(D) \$1,000,000 for fiscal year 2020.

(4) COMMERCIAL DRIVER’S LICENSE PROGRAM IMPLEMENTATION PROGRAM.—Subject to subsection (c), to carry out section 31313—

- (A) \$31,200,000 for fiscal year 2017;
- (B) \$31,800,000 for fiscal year 2018;
- (C) \$32,500,000 for fiscal year 2019; and
- (D) \$33,200,000 for fiscal year 2020.

(b) REIMBURSEMENT AND PAYMENT TO RECIPIENTS FOR GOVERNMENT SHARE OF COSTS.—

(1) IN GENERAL.—Amounts made available under subsection (a) shall be used to reimburse financial assistance recipients proportionally for the Federal Government’s share of the costs incurred.

(2) REIMBURSEMENT AMOUNTS.—The Secretary shall reimburse a recipient, in accordance with a financial assistance agreement made under section 31102, 31103, or 31313, an amount that is at least 85 percent of the costs incurred by the recipient in a fiscal year in developing and implementing programs under such sections. The Secretary shall pay the recipient an amount not more than the Federal Government share of the total costs approved by the Federal Government in the financial assistance agreement. The Secretary shall include a recipient’s in-kind contributions in determining the reimbursement.

(3) VOUCHERS.—Each recipient shall submit vouchers at least quarterly for costs the recipient incurs in developing and implementing programs under sections 31102, 31103, and 31313.

(c) DEDUCTIONS FOR PARTNER TRAINING AND PROGRAM SUPPORT.—On October 1 of each fiscal year, or as soon after that date as practicable, the Secretary may deduct from amounts made available under paragraphs (1), (2), and (4) of subsection (a) for that fiscal year not more than 1.50 percent of those amounts for partner training and program support in that fiscal year. The Secretary shall use at least 75 percent of those deducted amounts to train non-Federal Government employees and to develop related training materials in carrying out such programs.

(d) GRANTS AND COOPERATIVE AGREEMENTS AS CONTRACTUAL OBLIGATIONS.—The approval of a financial assistance agreement by the Secretary under section 31102, 31103, or 31313 is a contractual obligation of the Federal Government for payment of the Federal Government’s share of costs in carrying out the provisions of the grant or cooperative agreement.

(e) ELIGIBLE ACTIVITIES.—The Secretary shall establish criteria for eligible activities to be funded with financial assistance agreements under this section and publish those criteria in a notice of funding availability before the financial assistance program application period.

(f) PERIOD OF AVAILABILITY OF FINANCIAL ASSISTANCE AGREEMENT FUNDS FOR RECIPIENT EXPENDITURES.—The period of availability for a recipient to expend funds under a grant or cooperative agreement authorized under subsection (a) is as follows:

(1) For grants made for carrying out section 31102, other than section 31102(l), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next fiscal year.

(2) For grants made or cooperative agreements entered into for carrying out section 31102(l)(2), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 2 fiscal years.

(3) For grants made for carrying out section 31102(l)(3), for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 4 fiscal years.

(4) For grants made for carrying out section 31103, for the fiscal year in which the Secretary approves the financial assistance agreement and for the next fiscal year.

(5) For grants made or cooperative agreements entered into for carrying out section 31313, for the fiscal year in which the Secretary approves the financial assistance agreement and for the next 4 fiscal years.

(g) CONTRACT AUTHORITY; INITIAL DATE OF AVAILABILITY.—Amounts authorized from the Highway Trust Fund (other than the Mass Transit Account) by this section shall be available for obligation on the date of their apportionment or allocation or on October 1 of the fiscal year for which they are authorized, whichever occurs first.

(h) AVAILABILITY OF FUNDING.—Amounts made available under this section shall remain available until expended.

(i) REALLOCATION.—Amounts not expended by a recipient during the period of availability shall be released back to the Secretary for reallocation for any purpose under section 31102, 31103, or 31313 or this section to ensure, to the maximum extent possible, that all such amounts are obligated.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 987; Pub. L. 105–130, §7, Dec. 1, 1997, 111 Stat. 2559; Pub. L. 105–178, title IV, §4003(e)–(g), June 9, 1998, 112 Stat. 397; Pub. L. 108–88, §7(b), Sept. 30, 2003, 117 Stat. 1120; Pub. L. 108–202, §11(b), Feb. 29, 2004, 118 Stat. 490; Pub. L. 108–224, §9(b), Apr. 30, 2004, 118 Stat. 638; Pub. L. 108–263, §9(b), June 30, 2004, 118 Stat. 709; Pub. L. 108–280, §9(b), July 30, 2004, 118 Stat. 886; Pub. L. 108–310, §7(b), Sept. 30, 2004, 118 Stat. 1153; Pub. L. 109–14, §6(b), May 31, 2005, 119 Stat. 330; Pub. L. 109–20, §6(b), July 1, 2005, 119 Stat. 352; Pub. L. 109–35, §6(b), July 20, 2005, 119 Stat. 385; Pub. L. 109–37, §6(b), July 22, 2005, 119 Stat. 400; Pub. L. 109–40, §6(b), July 28, 2005, 119 Stat. 417; Pub. L. 109–59, title IV, §§4101(a), (b), 4107(a), Aug. 10, 2005, 119 Stat. 1714, 1719; Pub. L. 110–244, title III, §301(a), June 6, 2008, 122 Stat. 1616; Pub. L. 111–147, title IV, §422(a), (b), (d), Mar. 18, 2010, 124 Stat. 86, 87; Pub. L. 111–322, title II, §2202(a), (b), (d), Dec. 22, 2010, 124 Stat. 3524, 3525; Pub. L. 112–5, title II, §202(a), (b), (d), Mar. 4, 2011, 125 Stat. 16, 17; Pub. L. 112–30, title I, §122(a), (b), (d), Sept. 16, 2011, 125 Stat. 348, 349; Pub. L. 112–102, title II, §202(a), (b), (d), Mar. 30, 2012, 126 Stat. 273, 274; Pub. L. 112–140, title II, §202(a), (b), (d), June 29, 2012, 126 Stat. 394, 395; Pub. L. 112–141, div. C, title II, §32603(a), (b), (d), div. G, title II, §112002(a), (b), July 6, 2012, 126 Stat. 807, 808, 982; Pub. L. 113–159, title I, §1102(a), (b), (d), Aug. 8, 2014, 128 Stat. 1843, 1844; Pub. L. 114–21, title I, §1102(a), (b), (d), May 29, 2015, 129 Stat. 221, 222; Pub. L. 114–41, title I, §1102(a), (b), (d), July 31, 2015, 129 Stat. 448, 449; Pub. L. 114–73, title I, §1102(a), (b), (d),

Oct. 29, 2015, 129 Stat. 571, 572; Pub. L. 114–87, title I, §1102(a), (b), (d), Nov. 20, 2015, 129 Stat. 680, 681; Pub. L. 114–94, div. A, title V, §§5101(c), 5103(c)(1), 5105(a), (c), Dec. 4, 2015, 129 Stat. 1523, 1527, 1529.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31104(a) .....	49 App.:2304(a).	Jan. 6, 1983, Pub. L. 97–424, §404(a), 96 Stat. 2156; restated Oct. 27, 1986, Pub. L. 99–570, §12014, 100 Stat. 3207–186; Dec. 18, 1991, Pub. L. 102–240, §4002(e), 105 Stat. 2142.
31104(b) .....	49 App.:2304(c).	Jan. 6, 1983, Pub. L. 97–424, §404(c), 96 Stat. 2156; Oct. 27, 1986, Pub. L. 99–570, §12014, 100 Stat. 3207–186; restated Dec. 18, 1991, Pub. L. 102–240, §4002(f), 105 Stat. 2142.
	49 App.:2304(e).	Jan. 6, 1983, Pub. L. 97–424, §404(b), (d), (e), 96 Stat. 2156; restated Oct. 27, 1986, Pub. L. 99–570, §12014, 100 Stat. 3207–186.
31104(c) .....	49 App.:2304(b).	
31104(d) .....	49 App.:2304(d).	
31104(e) .....	49 App.:2304(f)(1).	Jan. 6, 1983, Pub. L. 97–424, §404(f), 96 Stat. 2156; Oct. 27, 1986, Pub. L. 99–570, §12014, 100 Stat. 3207–186; restated Dec. 18, 1991, Pub. L. 102–240, §4002(g), 105 Stat. 2142.
31104(f) .....	49 App.:2304(f)(2).	
31104(g)(1) ..	49 App.:2304(g) (less last sentences of (5) and (6)).	Jan. 6, 1983, Pub. L. 97–424, §404(g), 96 Stat. 2155, §404(g), (h); added Dec. 18, 1991, Pub. L. 102–240, §4002(h), (i), 105 Stat. 2143.
31104(g)(2) ..	49 App.:2304(g)(5) (last sentence).	
31104(g)(3) ..	49 App.:2304(g)(6) (last sentence).	
31104(h) .....	49 App.:2304(h).	
31104(i) .....	49 App.:2304 (note).	Dec. 18, 1991, Pub. L. 102–240, §4002(k), 105 Stat. 2144.
31104(j) .....	49 App.:2302 (note).	Dec. 18, 1991, Pub. L. 102–240, §4002(l), 105 Stat. 2144.

In subsection (a), the text of 49 App.:2304(a)(1) and the references to fiscal years ending September 30, 1987–1992, are omitted as obsolete.

In subsection (b), the text of 49 App.:2304(e) is omitted as superseded by 49 App.:2304(c) restated by section 4002(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, 105 Stat. 2142) and restated in this subsection.

In subsection (b)(2), the words “Amounts made available under section 404(a)(2) of the Surface Transportation Assistance Act of 1982 before October 1, 1991” are substituted for “Funds made available under this subchapter” for clarity and because of the restatement.

In subsection (c), the words “Funds authorized to be appropriated” are omitted because of the omission of 49 App.:2304(a)(1) as obsolete.

In subsection (e), the words “for administrative expenses incurred in carrying out section 31102 of this title” are substituted for “for administration of this section” for clarity and consistency with the source provisions restated in this section and section 31102 of the revised title.

In subsection (i), before clause (1), the words “Not later than 6 months after December 18, 1991” are omitted as obsolete. The words “for grants under section 31102(a) of this title” are substituted for “under the motor carrier safety assistance program” for clarity and because of the restatement. The words “In prescribing those regulations” are substituted for “In conducting such a revision” because of the restatement.

In subsection (j), the words “Not later than 9 months after December 18, 1991” are omitted as obsolete. The word “final” is omitted as unnecessary. The words “regulations to be enforced under section 31102(a) of this title” are substituted for “under the motor carrier safety assistance program” for clarity and because of the restatement.

## AMENDMENTS

2015—Pub. L. 114-94, § 5101(c), amended section generally. Prior to amendment, section related to availability of appropriated amounts.

Subsec. (a)(10). Pub. L. 114-94, § 5105(a), added par. (10) and struck out former par. (10) which read as follows: “\$218,000,000 for fiscal year 2015; and”.

Pub. L. 114-41, § 1102(a)(2), added par. (10) and struck out former par. (10) which read as follows: “\$181,567,123 for the period beginning on October 1, 2014, and ending on July 31, 2015.”

Pub. L. 114-21, § 1102(a), amended par. (10) generally. Prior to amendment, par. (10) read as follows: “\$145,134,247 for the period beginning on October 1, 2014, and ending on May 31, 2015.”

Subsec. (a)(11). Pub. L. 114-94, § 5105(a), added par. (11) and struck out former par. (11) which read as follows: “\$38,715,847 for the period beginning on October 1, 2015, and ending on December 4, 2015.”

Pub. L. 114-87, § 1102(a), amended par. (11) generally. Prior to amendment, par. (11) read as follows: “\$30,377,049 for the period beginning on October 1, 2015, and ending on November 20, 2015.”

Pub. L. 114-73, § 1102(a), amended par. (11) generally. Prior to amendment, par. (11) read as follows: “\$17,273,224 for the period beginning on October 1, 2015, and ending on October 29, 2015.”

Pub. L. 114-41, § 1102(a), added par. (11).

Subsec. (i). Pub. L. 114-94, § 5103(c)(1), redesignated subsec. (j) as (i) and struck out former subsec. (i) which related to authorization of appropriations for certain administrative expenses of the Federal Motor Carrier Safety Administration. See section 31110 of this title.

Subsec. (i)(1)(J). Pub. L. 114-41, § 1102(b)(2), added subpar. (J) and struck out former subpar. (J) which read as follows: “\$215,715,068 for the period beginning on October 1, 2014, and ending on July 31, 2015.”

Pub. L. 114-21, § 1102(b), amended subpar. (J) generally. Prior to amendment, subpar. (J) read as follows: “\$172,430,137 for the period beginning on October 1, 2014, and ending on May 31, 2015.”

Subsec. (i)(1)(K). Pub. L. 114-87, § 1102(b), amended subpar. (K) generally. Prior to amendment, subpar. (K) read as follows: “\$36,090,164 for the period beginning on October 1, 2015, and ending on November 20, 2015.”

Pub. L. 114-73, § 1102(b), amended subpar. (K) generally. Prior to amendment, subpar. (K) read as follows: “\$20,521,858 for the period beginning on October 1, 2015, and ending on October 29, 2015.”

Pub. L. 114-41, § 1102(b), added subpar. (K).

Subsec. (j). Pub. L. 114-94, § 5103(c)(1)(B), redesignated subsec. (k) as (j). Former subsec. (j) redesignated (i).

Subsec. (j)(2). Pub. L. 114-94, § 5105(c), substituted “2016 for States,” for “2015 and up to \$2,663,934 for the period beginning on October 1, 2015, and ending on December 4, 2015, for States.”

Subsec. (k). Pub. L. 114-94, § 5103(c)(1)(B), redesignated subsec. (k) as (j).

Subsec. (k)(2). Pub. L. 114-87, § 1102(d), substituted “and up to \$2,663,934 for the period beginning on October 1, 2015, and ending on December 4, 2015,” for “and up to \$2,090,164 for the period beginning on October 1, 2015, and ending on November 20, 2015.”

Pub. L. 114-73, § 1102(d), substituted “and up to \$2,090,164 for the period beginning on October 1, 2015, and ending on November 20, 2015,” for “and up to \$1,188,525 for the period beginning on October 1, 2015, and ending on October 29, 2015.”

Pub. L. 114-41, § 1102(d), substituted “each of fiscal years 2006 through 2015 and up to \$1,188,525 for the period beginning on October 1, 2015, and ending on October 29, 2015,” for “each of fiscal years 2006 through 2014 and up to \$12,493,151 for the period beginning on October 1, 2014, and ending on July 31, 2015.”

Pub. L. 114-21, § 1102(d), substituted “and up to \$12,493,151 for the period beginning on October 1, 2014, and ending on July 31, 2015,” for “and up to \$9,986,301 for the period beginning on October 1, 2014, and ending on May 31, 2015.”

2014—Subsec. (a)(10). Pub. L. 113-159, § 1102(a), added par. (10).

Subsec. (i)(1)(J). Pub. L. 113-159, § 1102(b), added subpar. (J).

Subsec. (k)(2). Pub. L. 113-159, § 1102(d), inserted “and up to \$9,986,301 for the period beginning on October 1, 2014, and ending on May 31, 2015,” after “2014”.

2012—Subsec. (a)(7). Pub. L. 112-141, § 32603(a)(1), struck out “and” at end.

Subsec. (a)(8). Pub. L. 112-141, § 112002(a), amended par. (8) generally. Prior to amendment, par. (8) read as follows: “\$159,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”

Pub. L. 112-141, § 32603(a)(2), (3), added par. (8) and struck out former par. (8) which read as follows: “\$212,000,000 for fiscal year 2012.”

Pub. L. 112-140, § 1(c), 202(a), temporarily amended par. (8) generally, authorizing \$161,120,000 for the period beginning on Oct. 1, 2011, and ending on July 6, 2012. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112-102, § 202(a), amended par. (8) generally. Prior to amendment, par. (8) read as follows: “\$106,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

Subsec. (a)(9). Pub. L. 112-141, § 32603(a)(3), added par. (9).

Subsec. (i)(1)(F). Pub. L. 112-141, § 112002(b)(2), struck out open quotation marks and duplicate subpar. (F) designation after “(F)”.

Subsec. (i)(1)(G). Pub. L. 112-141, § 32603(b)(1), struck out “and” at end.

Subsec. (i)(1)(H). Pub. L. 112-141, § 112002(b)(1), amended subpar. (H) generally. Prior to amendment, subpar. (H) read as follows: “\$183,108,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”

Pub. L. 112-141, § 32603(b)(2), (3), added subpar. (H) and struck out former subpar. (H) which read as follows: “\$244,144,000 for fiscal year 2012.”

Pub. L. 112-140, § 1(c), 202(b), temporarily amended subpar. (H) generally, authorizing \$185,549,440 for the period beginning on Oct. 1, 2011, and ending on July 6, 2012. See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112-102, § 202(b), amended subpar. (H) generally. Prior to amendment, subpar. (H) read as follows: “\$122,072,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

Subsec. (i)(1)(I). Pub. L. 112-141, § 32603(b)(3), added subpar. (I).

Subsec. (k)(2). Pub. L. 112-141, § 32603(d), substituted “2014” for “2011 and \$11,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”

Pub. L. 112-140, § 1(c), 202(d), temporarily substituted “2011 and \$11,400,000 for the period beginning on October 1, 2011, and ending on July 6, 2012,” for “2011 and \$11,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” See Effective and Termination Dates of 2012 Amendment note below.

Pub. L. 112-102, § 202(d), substituted “2011 and \$11,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” for “2011 and \$7,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.”

2011—Subsec. (a)(7). Pub. L. 112-5, § 202(a), amended par. (7) generally. Prior to amendment, par. (7) read as follows: “\$38,753,000 for the period beginning October 1, 2010, and ending on March 4, 2011.”

Subsec. (a)(8). Pub. L. 112-30, § 122(a), added par. (8).

Subsec. (i)(1)(G). Pub. L. 112-5, § 202(b), amended subpar. (G) generally, substituting “(G) \$244,144,000 for fiscal year 2011.” for “(G) \$103,678,000 for the period beginning October 1, 2010, and ending on March 4, 2011.”

Subsec. (i)(1)(H). Pub. L. 112-30, § 122(b), added subpar. (H).

Subsec. (k)(2). Pub. L. 112-30, § 122(d), substituted “2011 and \$7,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” for “2011”.

Pub. L. 112-5, § 202(d), substituted “through 2011” for “through 2010 and \$6,370,000 for the period beginning October 1, 2010, and ending on March 4, 2011”.

2010—Subsec. (a)(6). Pub. L. 111-147, §422(a), added par. (6).

Subsec. (a)(7). Pub. L. 111-322, §2202(a), substituted “\$88,753,000 for the period beginning October 1, 2010, and ending on March 4, 2011.” for “\$52,679,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

Pub. L. 111-147, §422(a), added par. (7).

Subsec. (i)(1)(F). Pub. L. 111-147, §422(b), added subpar. (F).

Subsec. (i)(1)(G). Pub. L. 111-322, §2202(b), substituted “\$103,678,000 for the period beginning October 1, 2010, and ending on March 4, 2011.” for “\$61,036,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.”

Pub. L. 111-147, §422(b), added subpar. (G).

Subsec. (k)(2). Pub. L. 111-322, §2202(d), substituted “2010 and \$6,370,000 for the period beginning October 1, 2010, and ending on March 4, 2011” for “2009, \$15,000,000 for fiscal year 2010, and \$3,781,000 for the period beginning on October 1, 2010, and ending on December 31, 2010”.

Pub. L. 111-147, §422(d), substituted “2009, \$15,000,000 for fiscal year 2010, and \$3,781,000 for the period beginning on October 1, 2010, and ending on December 31, 2010” for “2009”.

2008—Subsec. (f). Pub. L. 110-244 struck out par. (1) designation and heading before “On October” and struck out par. (2) which permitted the Secretary to designate certain allocated amounts for high-priority and border activities.

2005—Subsec. (a). Pub. L. 109-59, §4101(a), reenacted heading without change and amended text of subsec. (a) generally. Prior to amendment, text contained pars. (1) to (8) making amounts available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102 for fiscal years 1998 to 2004 and part of 2005.

Subsec. (a)(8). Pub. L. 109-40 amended par. (8) generally. Prior to amendment, par. (8) read as follows: “Not more than \$138,904,110 for the period of October 1, 2004, through July 27, 2005.”

Pub. L. 109-37 amended par. (8) generally. Prior to amendment, par. (8) read as follows: “Not more than \$136,589,041 for the period of October 1, 2004, through July 21, 2005.”

Pub. L. 109-35 amended par. (8) generally. Prior to amendment, par. (8) read as follows: “Not more than \$135,200,000 for the period of October 1, 2004, through July 19, 2005.”

Pub. L. 109-20 amended par. (8) generally. Prior to amendment, par. (8) read as follows: “Not more than \$126,402,740 for the period of October 1, 2004, through June 30, 2005.”

Pub. L. 109-14 amended par. (8) generally. Prior to amendment, par. (8) read as follows: “Not more than \$112,512,329 for the period of October 1, 2004, through May 31, 2005.”

Subsecs. (i), (j). Pub. L. 109-59, §4101(b), added subsecs. (i) and (j).

Subsec. (k). Pub. L. 109-59, §4107(a), added subsec. (k).

2004—Subsec. (a)(7). Pub. L. 108-280 amended par. (7) generally. Prior to amendment, par. (7) read as follows: “Not more than \$140,833,333 for the period of October 1, 2003, through July 31, 2004.”

Pub. L. 108-263 amended par. (7) generally. Prior to amendment, par. (7) read as follows: “Not more than \$126,519,126 for the period of October 1, 2003, through June 30, 2004.”

Pub. L. 108-224 amended par. (7) generally. Prior to amendment, par. (7) read as follows: “Not more than \$98,352,000 for the period of October 1, 2003, through April 30, 2004.”

Pub. L. 108-202 amended par. (7) generally. Prior to amendment, par. (7) read as follows: “Not more than \$68,750,000 for the period of October 1, 2003, through February 29, 2004.”

Subsec. (a)(8). Pub. L. 108-310 added par. (8).

2003—Subsec. (a)(7). Pub. L. 108-88 added par. (7).

1998—Subsec. (a). Pub. L. 105-178, §4003(e), amended heading and text of subsec. (a) generally, substituting provisions relating to appropriations for fiscal years 1998 to 2003 for provisions relating to appropriations for fiscal years ending Sept. 30, 1993 to 1997 and for period of Oct. 1, 1997 through Mar. 31, 1998.

Subsec. (b). Pub. L. 105-178, §4003(f), struck out par. (1) designation and par. (2) which read as follows: “Amounts made available under section 404(a)(2) of the Surface Transportation Assistance Act of 1982 before October 1, 1991, that are not obligated on October 1, 1992, are available for reallocation and obligation under paragraph (1) of this subsection.”

Subsec. (f). Pub. L. 105-178, §4003(g)(1), added subsec. (f) and struck out heading and text of former subsec. (f). Text read as follows: “On October 1 of each fiscal year or as soon after that date as practicable, the Secretary, after making the deduction described in subsection (e) of this section, shall allocate under criteria the Secretary establishes the amounts available for that fiscal year among the States with plans approved under section 31102 of this title. However, the Secretary may designate specific eligible States among which to allocate those amounts in allocating amounts available—

“(1) for research, development, and demonstration under subsection (g)(1)(F) of this section; and

“(2) for public education under subsection (g)(1)(G) of this section.”

Subsec. (g). Pub. L. 105-178, §4003(g)(1), (2), redesignated subsec. (h) as (g) and struck out former subsec. (g) which related to specific allocations.

Subsec. (h). Pub. L. 105-178, §4003(g)(4), redesignated subsec. (j) as (h). Former subsec. (h) redesignated (g).

Subsec. (i). Pub. L. 105-178, §4003(g)(3), struck out heading and text of subsec. (i). Text read as follows: “The Secretary shall prescribe regulations to develop an improved formula and process for allocating amounts made available for grants under section 31102(a) of this title among States eligible for those amounts. In prescribing those regulations, the Secretary shall—

“(1) consider ways to provide incentives to States that demonstrate innovative, successful, cost-efficient, or cost-effective programs to promote commercial motor vehicle safety and hazardous material transportation safety;

“(2) place special emphasis on incentives to States that conduct traffic safety enforcement activities that are coupled with motor carrier safety inspections; and

“(3) consider ways to provide incentives to States that increase compatibility of State commercial motor vehicle safety and hazardous material transportation regulations with Government safety regulations and promote other factors intended to promote effectiveness and efficiency the Secretary decides are appropriate.”

Subsec. (j). Pub. L. 105-178, §4003(g)(4), redesignated subsec. (j) as (h).

1997—Subsec. (a). Pub. L. 105-130 substituted “Not more” for “not more” in pars. (1) to (5) and added par. (6).

#### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by sections 5103(c)(1) and 5105(a), (c) of Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

Amendment by section 5101(c) of Pub. L. 114-94 effective Oct. 1, 2016, subject to a transition provision, see section 5101(f), (g) of Pub. L. 114-94, set out as Effective Date of 2015 Amendment and Transition notes under section 31102 of this title.

#### EFFECTIVE AND TERMINATION DATES OF 2012 AMENDMENT

Amendment by section 32603(a), (b) of Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141,

set out as a note under section 101 of Title 23, Highways.

Amendment by section 112002(a), (b) of Pub. L. 112-141 effective July 1, 2012, see section 114001 of Pub. L. 112-141, set out as a note under section 5305 of this title.

Amendment by Pub. L. 112-140 to cease to be effective on July 6, 2012, with text as amended by Pub. L. 112-140 to revert back to read as it did on the day before June 29, 2012, and amendments by Pub. L. 112-141 to be executed as if Pub. L. 112-140 had not been enacted, see section 1(c) of Pub. L. 112-140, set out as a note under section 101 of Title 23, Highways.

#### FUNDING

Pub. L. 109-59, title IV, § 4116(d), Aug. 10, 2005, 119 Stat. 1728, as amended by Pub. L. 114-94, div. A, title V, § 5103(c)(2), Dec. 4, 2015, 129 Stat. 1527, provided that: "Amounts made available pursuant to section 31110 of title 49, United States Code, shall be used by the Secretary [of Transportation] to carry out section 31149 of title 49, United States Code."

#### INCREASED AUTHORIZATIONS FOR MOTOR CARRIER SAFETY GRANTS

Pub. L. 105-178, title IV, § 4003(i), as added by Pub. L. 106-159, title I, § 103(b)(1), Dec. 9, 1999, 113 Stat. 1753, provided that: "The amount made available to incur obligations to carry out section 31102 of title 49, United States Code, by section 31104(a) of such title for each of fiscal years 2001 through 2003 shall be increased by \$65,000,000."

### § 31105. Employee protections

(a) PROHIBITIONS.—(1) A person may not discharge an employee, or discipline or discriminate against an employee regarding pay, terms, or privileges of employment, because—

(A)(i) the employee, or another person at the employee's request, has filed a complaint or begun a proceeding related to a violation of a commercial motor vehicle safety or security regulation, standard, or order, or has testified or will testify in such a proceeding; or

(ii) the person perceives that the employee has filed or is about to file a complaint or has begun or is about to begin a proceeding related to a violation of a commercial motor vehicle safety or security regulation, standard, or order;

(B) the employee refuses to operate a vehicle because—

(i) the operation violates a regulation, standard, or order of the United States related to commercial motor vehicle safety, health, or security; or

(ii) the employee has a reasonable apprehension of serious injury to the employee or the public because of the vehicle's hazardous safety or security condition;

(C) the employee accurately reports hours on duty pursuant to chapter 315;

(D) the employee cooperates, or the person perceives that the employee is about to cooperate, with a safety or security investigation by the Secretary of Transportation, the Secretary of Homeland Security, or the National Transportation Safety Board; or

(E) the employee furnishes, or the person perceives that the employee is or is about to furnish, information to the Secretary of Transportation, the Secretary of Homeland Security, the National Transportation Safety Board, or any Federal, State, or local regu-

latory or law enforcement agency as to the facts relating to any accident or incident resulting in injury or death to an individual or damage to property occurring in connection with commercial motor vehicle transportation.

(2) Under paragraph (1)(B)(ii) of this subsection, an employee's apprehension of serious injury is reasonable only if a reasonable individual in the circumstances then confronting the employee would conclude that the hazardous safety or security condition establishes a real danger of accident, injury, or serious impairment to health. To qualify for protection, the employee must have sought from the employer, and been unable to obtain, correction of the hazardous safety or security condition.

(b) FILING COMPLAINTS AND PROCEDURES.—(1) An employee alleging discharge, discipline, or discrimination in violation of subsection (a) of this section, or another person at the employee's request, may file a complaint with the Secretary of Labor not later than 180 days after the alleged violation occurred. All complaints initiated under this section shall be governed by the legal burdens of proof set forth in section 42121(b). On receiving the complaint, the Secretary of Labor shall notify, in writing, the person alleged to have committed the violation of the filing of the complaint.

(2)(A) Not later than 60 days after receiving a complaint, the Secretary of Labor shall conduct an investigation, decide whether it is reasonable to believe the complaint has merit, and notify, in writing, the complainant and the person alleged to have committed the violation of the findings. If the Secretary of Labor decides it is reasonable to believe a violation occurred, the Secretary of Labor shall include with the decision findings and a preliminary order for the relief provided under paragraph (3) of this subsection.

(B) Not later than 30 days after the notice under subparagraph (A) of this paragraph, the complainant and the person alleged to have committed the violation may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of objections does not stay a reinstatement ordered in the preliminary order. If a hearing is not requested within the 30 days, the preliminary order is final and not subject to judicial review.

(C) A hearing shall be conducted expeditiously. Not later than 120 days after the end of the hearing, the Secretary of Labor shall issue a final order. Before the final order is issued, the proceeding may be ended by a settlement agreement made by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

(3)(A) If the Secretary of Labor decides, on the basis of a complaint, a person violated subsection (a) of this section, the Secretary of Labor shall order the person to—

(i) take affirmative action to abate the violation;

(ii) reinstate the complainant to the former position with the same pay and terms and privileges of employment; and

(iii) pay compensatory damages, including backpay with interest and compensation for