

105TH CONGRESS
1ST SESSION

S. 1267

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 8, 1997

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to provide for enhanced intermodal transportation 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.**

4 This Act may be cited as the “Intermodal Transpor-
5 tation Safety Act of 1997”.

6 **SEC. 2. AMENDMENT OF TITLE 49, UNITED STATES CODE.**

7 Except as otherwise expressly provided, whenever in
8 this Act an amendment or repeal is expressed in terms
9 of an amendment to, or a repeal of, a section or other
10 provision, the reference shall be considered to be made to

1 a section or other provision of title 49, United States

2 Code.

3 **SEC. 3. TABLE OF CONTENTS.**

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

Sec. 1. Short title.

Sec. 2. Amendment of title 49, United States Code.

Sec. 3. Table of contents.

TITLE I—HIGHWAY SAFETY

Sec. 101. Highway safety programs.

Sec. 102. National driver register.

Sec. 103. Authorizations of appropriations.

TITLE II—TRAFFIC SAFETY

Sec. 201. Amendment to title 23, United States Code.

Sec. 202. Amendments to chapter 301 (motor vehicle safety).

TITLE III—HAZARDOUS MATERIALS TRANSPORTATION
REAUTHORIZATION

Sec. 301. Findings and purposes; definitions.

Sec. 302. Handling criteria repeal.

Sec. 303. Hazmat employee training requirements.

Sec. 304. Registration.

Sec. 305. Shipping paper retention.

Sec. 306. Unsatisfactory safety rating.

Sec. 307. Public sector training curriculum.

Sec. 308. Planning and training grants.

Sec. 309. Special permits and exclusions.

Sec. 310. Administration.

Sec. 311. Cooperative agreements.

Sec. 312. Enforcement.

Sec. 313. Penalties.

Sec. 314. Preemption.

Sec. 315. Judicial review.

Sec. 316. Hazardous material transportation reauthorization.

Sec. 317. Authorization of appropriations.

TITLE IV—COMPREHENSIVE ONE-CALL NOTIFICATION

Sec. 401. Findings.

Sec. 402. Establishment of one-call notification programs.

TITLE V—MOTOR CARRIER SAFETY

Sec. 501. Statement of purpose.

Sec. 502. Grants to States.

Sec. 503. Federal share.

Sec. 504. Authorization of appropriations.

Sec. 505. Information systems and strategic safety initiatives.

Sec. 506. Improved flow of driver history pilot program.

Sec. 507. Motor carrier and driver safety research.
 Sec. 508. Authorization of appropriations.
 Sec. 509. Conforming amendments.
 Sec. 510. Automobile transporter defined.
 Sec. 511. Repeal of review panel; review procedure.
 Sec. 512. Commercial motor vehicle operators.
 Sec. 513. Penalties.
 Sec. 514. International registration plan and international fuel tax agreement.
 Sec. 515. Study of adequacy of parking facilities.
 Sec. 516. National minimum drinking age—technical corrections.
 Sec. 517. Application of regulations.
 Sec. 518. Authority over charter bus transportation.
 Sec. 519. Federal motor carrier safety investigations.
 Sec. 520. Foreign motor carrier safety fitness.
 Sec. 521. Commercial motor vehicle safety advisory committee.
 Sec. 522. Waivers and pilot programs.

TITLE VI—RAIL AND MASS TRANSPORTATION ANTI-TERRORISM AND SAFETY

Sec. 601. Purpose.
 Sec. 602. Amendments to the “Wrecking Trains” statute.
 Sec. 603. Terrorist attacks against mass transportation.
 Sec. 604. Investigative jurisdiction.
 Sec. 605. Safety considerations in grants or loans to commuter railroads.
 Sec. 606. Railroad accident and incident reporting.
 Sec. 607. Vehicle weight limitations—mass transportation buses.

1 **TITLE I—HIGHWAY SAFETY**

2 **SEC. 101. HIGHWAY SAFETY PROGRAMS.**

3 (a) UNIFORM GUIDELINES.—Section 402(a) of title
 4 23, United States Code, is amended—

5 (1) by striking the fifth sentence; and

6 (2) by striking “section 4007” and inserting
 7 “section 4004”.

8 (b) ADMINISTRATIVE REQUIREMENTS.—Section
 9 402(b) of such title is amended—

10 (1) in paragraph (1) by striking the period at
 11 the end of each of subparagraphs (A) and (B) and
 12 inserting a semicolon;

1 (2) in paragraph (1)(C) by inserting “, includ-
 2 ing Indian tribes,” after “subdivisions of such
 3 State”;

4 (3) in paragraph (1)(C) by striking the period
 5 at the end and inserting “; and”;

6 (4) by striking paragraph (1)(E); and

7 (5) by striking paragraphs (3) and (4) and re-
 8 designating paragraph (5) as paragraph (3).

9 (c) APPORTIONMENT OF FUNDS.—Section 402(c) of
 10 such title is amended—

11 (1) in the 6th sentence by inserting “the appor-
 12 tionment to the Secretary of the Interior shall not
 13 be less than three-fourths of 1 percent of the total
 14 apportionment and” after “except that”; and

15 (2) by striking the 7th and 8th sentences.

16 (d) APPLICATION IN INDIAN COUNTRY.—Section
 17 402(i) of such title is amended to read as follows:

18 “(i) APPLICATION IN INDIAN COUNTRY.—

19 “(1) IN GENERAL.—For the purpose of applica-
 20 tion of this section in Indian country, the terms
 21 ‘State’ and ‘Governor of a State’ include the Sec-
 22 retary of the Interior and the term ‘political subdivi-
 23 sion of a State’ includes an Indian tribe. Notwith-
 24 standing the provisions of subparagraph (b)(1)(C) of
 25 this section, 95 percent of the funds apportioned to

1 the Secretary of the Interior under this section shall
2 be expended by Indian tribes to carry out highway
3 safety programs within their jurisdictions. The pro-
4 visions of subparagraph (b)(1)(D) of this section
5 shall be applicable to Indian tribes, except to those
6 tribes with respect to which the Secretary deter-
7 mines that application of such provisions would not
8 be practicable.

9 “(2) INDIAN COUNTRY DEFINED.—For the pur-
10 poses of this subsection, the term ‘Indian country’
11 means—

12 “(A) all land within the limits of any In-
13 dian reservation under the jurisdiction of the
14 United States, notwithstanding the issuance of
15 any patent, and including rights-of-way running
16 through the reservation;

17 “(B) all dependent Indian communities
18 within the borders of the United States whether
19 within the original or subsequently acquired ter-
20 ritory thereof and whether within or without
21 the limits of a State; and

22 “(C) all Indian allotments, the Indian ti-
23 tles to which have not been extinguished, in-
24 cluding rights-of-way running through such al-
25 lotments.”.

1 (e) RULEMAKING PROCESS.—Section 402(j) of such
 2 title is amended to read as follows:

3 “(j) RULEMAKING PROCESS.—The Secretary may
 4 from time to time conduct a rulemaking process to identify
 5 highway safety programs that are highly effective in re-
 6 ducing motor vehicle crashes, injuries and deaths. Any
 7 such rulemaking shall take into account the major role of
 8 the States in implementing such programs. When a rule
 9 promulgated in accordance with this section takes effect,
 10 States shall consider these highly effective programs when
 11 developing their highway safety programs.”.

12 (f) SAFETY INCENTIVE GRANTS.—Section 402(k) of
 13 such title is amended to read as follows:

14 “(k)(1) SAFETY INCENTIVE GRANTS: GENERAL AU-
 15 THORITY.—The Secretary shall make a grant to a State
 16 that takes specific actions to advance highway safety
 17 under subsection (l), (m), (n), or (o) of this section. A
 18 State may qualify for more than one grant and shall re-
 19 ceive a separate grant for each subsection for which it
 20 qualifies. Such grants may only be used by recipient
 21 States to implement and enforce, as appropriate, the pro-
 22 grams for which the grants are awarded.

23 “(2) MAINTENANCE OF EFFORT.—No grant may be
 24 made to a State under subsection (l), (m), (n), or (o) of
 25 this section in any fiscal year unless such State enters into

1 such agreements with the Secretary as the Secretary may
 2 require to ensure that such State will maintain its aggre-
 3 gate expenditures from all other sources for the specific
 4 actions for which a grant is provided at or above the aver-
 5 age level of such expenditures in its 2 fiscal years preced-
 6 ing the date of the enactment of this subsection.

7 “(3) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL
 8 SHARE FOR GRANTS.—Each grant under subsection (l),
 9 (m), (n), or (o) of this section shall be available for not
 10 more than 6 fiscal years beginning in the fiscal year after
 11 September 30, 1997, in which the State becomes eligible
 12 for the grant. The Federal share payable for any grant
 13 under subsection (l), (m), (n), or (o) shall not exceed—

14 “(A) in the first and second fiscal years in
 15 which the State receives the grant, 75 percent of the
 16 cost of implementing and enforcing, as appropriate,
 17 in such fiscal year a program adopted by the State;

18 “(B) in the third and fourth fiscal years in
 19 which the State receives the grant, 50 percent of the
 20 cost of implementing and enforcing, as appropriate,
 21 in such fiscal year such program; and

22 “(C) in the fifth and sixth fiscal years in which
 23 the State receives the grant, 25 percent of the cost
 24 of implementing and enforcing, as appropriate, in
 25 such fiscal year such program.

1 “(1) ALCOHOL-IMPAIRED DRIVING COUNTER-
 2 MEASURES: BASIC GRANT ELIGIBILITY.—The Secretary
 3 shall make grants to those States that adopt and imple-
 4 ment effective programs to reduce traffic safety problems
 5 resulting from persons driving under the influence of alco-
 6 hol. A State shall become eligible for one or more of three
 7 basic grants under this subsection by adopting or dem-
 8 onstrating the following to the satisfaction of the Sec-
 9 retary:

10 “(1) BASIC GRANT A.—At least 4 of the follow-
 11 ing:

12 “(A) ADMINISTRATIVE LICENSE REVOCA-
 13 TION.—An administrative driver’s license sus-
 14 pension or revocation system for persons who
 15 operate motor vehicles while under the influence
 16 of alcohol which requires that—

17 “(i) in the case of a person who, in
 18 any 5-year period beginning after the date
 19 of enactment of this subsection, is deter-
 20 mined on the basis of a chemical test to
 21 have been operating a motor vehicle under
 22 the influence of alcohol or is determined to
 23 have refused to submit to such a test as
 24 proposed by a law enforcement officer, the
 25 State agency responsible for administering

drivers' licenses, upon receiving the report
of the law enforcement officer—

“(I) shall suspend the driver's li-
cense of such person for a period of
not less than 90 days if such person
is a first offender in such 5-year pe-
riod; and

“(II) shall suspend the driver's li-
cense of such person for a period of
not less than 1 year, or revoke such li-
cense, if such person is a repeat of-
fender in such 5-year period; and

“(ii) the suspension and revocation re-
ferred to under clause (A)(i) of this sub-
paragraph shall take effect not later than
30 days after the day on which the person
refused to submit to a chemical test or re-
ceived notice of having been determined to
be driving under the influence of alcohol,
in accordance with the State's procedures.

“(B) UNDERAGE DRINKING PROGRAM.—

An effective system, as determined by the Sec-
retary, for preventing operators of motor vehi-
cles under age 21 from obtaining alcoholic bev-
erages. Such system may include the issuance

1 of drivers' licenses to individuals under age 21
2 that are easily distinguishable in appearance
3 from drivers' licenses issued to individuals age
4 21 years of age or older.

5 “(C) STOPPING MOTOR VEHICLES.—Ei-
6 ther—

7 “(i) A statewide program for stopping
8 motor vehicles on a nondiscriminatory,
9 lawful basis for the purpose of determining
10 whether the operators of such motor vehi-
11 cles are driving while under the influence
12 of alcohol, or

13 “(ii) a statewide Special Traffic En-
14 forcement Program for impaired driving
15 that emphasizes publicity for the program.

16 “(D) REPEAT OFFENDERS.—Effective
17 sanctions for repeat offenders convicted of driv-
18 ing under the influence of alcohol. Such sanc-
19 tions, as determined by the Secretary, may in-
20 clude electronic monitoring; alcohol interlocks;
21 intensive supervision of probation; vehicle im-
22 poundment, confiscation, or forfeiture; and
23 dedicated detention facilities.

24 “(E) GRADUATED LICENSING SYSTEM.—A
25 three-stage graduated licensing system for

1 young drivers that includes nighttime driving
2 restrictions during the first two stages, requires
3 all vehicle occupants to be properly restrained,
4 and makes it unlawful for a person under age
5 21 to operate a motor vehicle with a blood alco-
6 hol concentration of .02 percent or greater.

7 “(2) BASIC GRANT B.—Both of the following:

8 “(A) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver’s license sus-
9 pension or revocation system for persons who
10 operate motor vehicles while under the influence
11 of alcohol which requires that—
12

13 “(i) in the case of a person who, in
14 any 5-year period beginning after the date
15 of enactment of this subsection, is deter-
16 mined on the basis of a chemical test to
17 have been operating a motor vehicle under
18 the influence of alcohol or is determined to
19 have refused to submit to such a test as
20 requested by a law enforcement officer, the
21 State agency responsible for administering
22 drivers’ licenses, upon receiving the report
23 of the law enforcement officer—

24 “(I) shall suspend the driver’s li-
25 cense of such person for a period of

1 not less than 90 days if such person
2 is a first offender in such 5-year pe-
3 riod; and

4 “(II) shall suspend the driver’s li-
5 cense of such person for a period of
6 not less than 1 year, or revoke such li-
7 cense, if such person is a repeat of-
8 fender in such 5-year period; and

9 “(ii) the suspension and revocation re-
10 ferred to under clause (A)(i) of this sub-
11 paragraph shall take effect not later than
12 30 days after the day on which the person
13 refused to submit to a chemical test or re-
14 ceives notice of having been determined to
15 be driving under the influence of alcohol,
16 in accordance with the State’s procedures;
17 and

18 “(B) .08 BAC PER SE LAW.—A law that
19 provides that any person with a blood alcohol
20 concentration of 0.08 percent or greater while
21 operating a motor vehicle shall be deemed to be
22 driving while intoxicated.

23 “(3) BASIC GRANT C.—Both of the following:

24 “(A) FATAL IMPAIRED DRIVER PERCENT-
25 AGE REDUCTION.—The percentage of fatally in-

1 jured drivers with 0.10 percent or greater blood
2 alcohol concentration in the State has decreased
3 in each of the 3 most recent calendar years for
4 which statistics for determining such percent-
5 ages are available; and

6 “(B) FATAL IMPAIRED DRIVER PERCENT-
7 AGE COMPARISON.—The percentage of fatally
8 injured drivers with 0.10 percent or greater
9 blood alcohol concentration in the State has
10 been lower than the average percentage for all
11 States in each of such calendar years.

12 “(4) BASIC GRANT AMOUNT.—The amount of
13 each basic grant under this subsection for any fiscal
14 year shall be up to 15 percent of the amount appor-
15 tioned to the State for fiscal year 1997 under sec-
16 tion 402 of this title.

17 “(5) ALCOHOL-IMPAIRED DRIVING COUNTER-
18 MEASURES: SUPPLEMENTAL GRANTS.—During the
19 period in which a State is eligible for a basic grant
20 under this subsection, the State shall be eligible to
21 receive a supplemental grant in no more than two
22 fiscal years of up to 5 percent of the amount appor-
23 tioned to the State in fiscal year 1997 under section
24 402 of this title. The State may receive a separate

1 supplemental grant for meeting each of the following
2 criteria:

3 “(A) OPEN CONTAINER LAWS.—The State
4 makes unlawful the possession of any open alco-
5 holic beverage container, or the consumption of
6 any alcoholic beverage, in the passenger area of
7 any motor vehicle located on a public highway
8 or the right-of-way of a public highway, ex-
9 cept—

10 “(i) as allowed in the passenger area,
11 by a person (other than the driver), of any
12 motor vehicle designed to transport more
13 than 10 passengers (including the driver)
14 while being used to provide charter trans-
15 portation of passengers; or

16 “(ii) as otherwise specifically allowed
17 by such State, with the approval of the
18 Secretary, but in no event may the driver
19 of such motor vehicle be allowed to possess
20 or consume an alcoholic beverage in the
21 passenger area.

22 “(B) MANDATORY BLOOD ALCOHOL CON-
23 CENTRATION TESTING PROGRAMS.—The State
24 provides for mandatory blood alcohol concentra-
25 tion testing whenever a law enforcement officer

1 has probable cause under State law to believe
2 that a driver of a motor vehicle involved in a
3 crash resulting in the loss of human life or, as
4 determined by the Secretary, serious bodily in-
5 jury, has committed an alcohol-related traffic
6 offense.

7 “(C) VIDEO EQUIPMENT FOR DETECTION
8 OF DRUNK DRIVERS.—The State provides for a
9 program to acquire video equipment to be used
10 in detecting persons who operate motor vehicles
11 while under the influence of alcohol and in
12 prosecuting those persons, and to train person-
13 nel in the use of that equipment.

14 “(D) BLOOD ALCOHOL CONCENTRATION
15 FOR PERSONS UNDER AGE 21.—The State en-
16 acts and enforces a law providing that any per-
17 son under age 21 with a blood alcohol con-
18 centration of 0.02 percent or greater when driv-
19 ing a motor vehicle shall be deemed to be driv-
20 ing while intoxicated or driving under the influ-
21 ence of alcohol, and further provides for a mini-
22 mum suspension of the person’s driver’s license
23 for not less than 30 days.

24 “(E) SELF-SUSTAINING DRUNK DRIVING
25 PREVENTION PROGRAM.—The State provides

1 for a self-sustaining drunk driving prevention
2 program under which a significant portion of
3 the fines or surcharges collected from individ-
4 uals apprehended and fined for operating a
5 motor vehicle while under the influence of alco-
6 hol are returned to those communities which
7 have comprehensive programs for the preven-
8 tion of such operations of motor vehicles.

9 “(F) REDUCING DRIVING WITH A SUS-
10 PENDED LICENSE.—The State enacts and en-
11 forces a law to reduce driving with a suspended
12 license. Such law, as determined by the Sec-
13 retary, may require a “zebra” stripe that is
14 clearly visible on the license plate of any motor
15 vehicle owned and operated by a driver with a
16 suspended license.

17 “(G) EFFECTIVE DWI TRACKING SYS-
18 TEM.—The State demonstrates an effective
19 driving while intoxicated (DWI) tracking sys-
20 tem. Such a system, as determined by the Sec-
21 retary, may include data covering arrests, case
22 prosecutions, court dispositions and sanctions,
23 and provide for the linkage of such data and
24 traffic records systems to appropriate jurisdic-
25 tions and offices within the State.

1 “(H) ASSESSMENT OF PERSONS CON-
2 VICTED OF ABUSE OF CONTROLLED SUB-
3 STANCES; ASSIGNMENT OF TREATMENT FOR
4 ALL DWI/DUI OFFENDERS.—The State provides
5 for assessment of individuals convicted of driv-
6 ing while intoxicated or driving under the influ-
7 ence of alcohol or controlled substances, and for
8 the assignment of appropriate treatment.

9 “(I) USE OF PASSIVE ALCOHOL SEN-
10 SORS.—The State provides for a program to ac-
11 quire passive alcohol sensors to be used by po-
12 lice officers in detecting persons who operate
13 motor vehicles while under the influence of alco-
14 hol, and to train police officers in the use of
15 that equipment.

16 “(J) EFFECTIVE PENALTIES FOR PROVI-
17 SION OR SALE OF ALCOHOL TO PERSONS
18 UNDER 21.—The State enacts and enforces a
19 law that provides for effective penalties or other
20 consequences for the sale or provision of alco-
21 holic beverages to any individual under 21 years
22 of age.

23 “(6) DEFINITIONS.—For the purposes of this
24 subsection, the following definitions apply:

1 “(A) ‘Alcoholic beverage’ has the meaning
2 such term has under section 158(c) of this title.

3 “(B) ‘Controlled substances’ has the mean-
4 ing such term has under section 102(6) of the
5 Controlled Substances Act (21 U.S.C. 802(6)).

6 “(C) ‘Motor vehicle’ means a vehicle driven
7 or drawn by mechanical power and manufac-
8 tured primarily for use on public streets, roads,
9 and highways, but does not include a vehicle op-
10 erated only on a rail line.

11 “(D) ‘Open alcoholic beverage container’
12 means any bottle, can, or other receptacle—

13 “(i) which contains any amount of an
14 alcoholic beverage; and

15 “(ii)(I) which is open or has a broken
16 seal, or

17 “(II) the contents of which are par-
18 tially removed.

19 “(m) OCCUPANT PROTECTION: BASIC GRANT ELIGI-
20 BILITY.—The Secretary shall make basic grants to those
21 States that adopt and implement effective programs to re-
22 duce highway deaths and injuries resulting from persons
23 riding unrestrained or improperly restrained in motor ve-
24 hicles. A State may establish its eligibility for one or both

1 of the grants by adopting or demonstrating the following
2 to the satisfaction of the Secretary:

3 “(1) BASIC GRANT A.—At least 4 of the follow-
4 ing:

5 “(A) SAFETY BELT USE LAW FOR ALL
6 FRONT SEAT PASSENGERS.—The State has in
7 effect a safety belt use law that makes unlawful
8 throughout the State the operation of a pas-
9 senger motor vehicle whenever a person in the
10 front seat of the vehicle (other than a child who
11 is secured in a child restraint system) does not
12 have a safety belt properly secured about the
13 person’s body.

14 “(B) PRIMARY SAFETY BELT USE LAW OR
15 PENALTY POINTS.—The State provides for pri-
16 mary enforcement of its safety belt use law or
17 provides for the imposition of penalty points
18 against a person’s driver’s license for a violation
19 of its safety belt use law.

20 “(C) CHILD PASSENGER PROTECTION
21 LAW.—The State has in effect a law that re-
22 quires any child up to 4 years of age who is
23 riding in a passenger motor vehicle to be prop-
24 erly secured in a child safety seat.

1 “(D) MINIMUM FINES.—The State re-
 2 quires a minimum fine of at least \$25 for viola-
 3 tions of its safety belt use law and a minimum
 4 fine of at least \$25 for violations of its child
 5 passenger protection law.

6 “(E) SPECIAL TRAFFIC ENFORCEMENT
 7 PROGRAM.—The State demonstrates implemen-
 8 tation of a statewide Special Traffic Enforce-
 9 ment Program for occupant protection that em-
 10 phasizes publicity for the program.

11 “(2) BASIC GRANT B.—Both of the following:

12 “(A) STATE SAFETY BELT USE RATE.—
 13 The State demonstrates a statewide safety belt
 14 use rate in both front outboard seating posi-
 15 tions in all passenger motor vehicles of 80 per-
 16 cent or higher in each of the first three years
 17 a grant under this paragraph is received, and of
 18 85 percent or higher in each of the fourth, fifth,
 19 and sixth years a grant under this paragraph is
 20 received.

21 “(B) SURVEY METHOD.—The State follows
 22 safety belt use survey methods which conform
 23 to guidelines issued by the Secretary ensuring
 24 that such measurements are accurate and rep-
 25 resentative.

1 “(3) BASIC GRANT AMOUNT.—The amount of
2 each basic grant for which a State qualifies under
3 this subsection for any fiscal year shall equal up to
4 20 percent of the amount apportioned to the State
5 for fiscal year 1997 under section 402 of this title.

6 “(4) OCCUPANT PROTECTION PROGRAM: SUP-
7 PLEMENTAL GRANTS.—During the period in which a
8 State is eligible for a basic grant under this sub-
9 section, the State shall be eligible to receive a sup-
10 plemental grant in a fiscal year of up to 5 percent
11 of the amount apportioned to the State in fiscal year
12 1997 under section 402 of this title. The State may
13 receive a separate supplemental grant for meeting
14 each of the following criteria:

15 “(A) PENALTY POINTS AGAINST A DRIV-
16 ER’S LICENSE FOR VIOLATIONS OF CHILD PAS-
17 SENGER PROTECTION REQUIREMENTS.—The
18 State has in effect a law that requires the impo-
19 sition of penalty points against a driver’s li-
20 cense for violations of child passenger protec-
21 tion requirements.

22 “(B) ELIMINATION OF NON-MEDICAL EX-
23 EMPTIONS TO SAFETY BELT AND CHILD PAS-
24 SENGER PROTECTION LAWS.—The State has in

1 effect safety belt and child passenger protection
2 laws that contain no nonmedical exemptions.

3 “(C) CHILD OCCUPANT PROTECTION EDU-
4 CATION PROGRAM.—The State demonstrates
5 implementation of a statewide comprehensive
6 child occupant protection education program
7 that includes education about proper seating
8 positions for children in air bag equipped motor
9 vehicles and instruction on how to reduce the
10 improper use of child restraints systems.

11 “(D) OPEN BED LAWS.—The State has in
12 effect a law that prohibits persons from riding
13 in the open bed of a pickup truck.

14 “(E) SAFETY BELT USE IN REAR SEATS.—
15 The State has in effect a law that requires safe-
16 ty belt use by all rear-seat passengers in all
17 passenger motor vehicles with a rear seat.

18 “(5) DEFINITIONS.—As used in this sub-
19 section—

20 “(A) ‘Child safety seat’ means any device
21 except safety belts, designed for use in a motor
22 vehicle to restrain, seat, or position children
23 who weigh 50 pounds or less.

24 “(B) ‘Motor vehicle’ means a vehicle driven
25 or drawn by mechanical power and manufac-

1 tured primarily for use on public streets, roads,
2 and highways, but does not include a vehicle op-
3 erated only on a rail line.

4 “(C) ‘Multipurpose passenger vehicle’
5 means a motor vehicle with motive power (ex-
6 cept a trailer), designed to carry not more than
7 10 individuals, that is constructed either on a
8 truck chassis or with special features for occa-
9 sional off-road operation.

10 “(D) ‘Passenger car’ means a motor vehi-
11 cle with motive power (except a multipurpose
12 passenger vehicle, motorcycle, or trailer) de-
13 signed to carry not more than 10 individuals.

14 “(E) ‘Passenger motor vehicle’ means a
15 passenger car or a multipurpose passenger
16 motor vehicle.

17 “(F) ‘Safety belt’ means—

18 “(i) with respect to open-body pas-
19 senger vehicles, including convertibles, an
20 occupant restraint system consisting of a
21 lap belt or a lap belt and a detachable
22 shoulder belt; and

23 “(ii) with respect to other passenger
24 vehicles, an occupant restraint system con-
25 sisting of integrated lap and shoulder belts.

1 “(n) STATE HIGHWAY SAFETY DATA IMPROVE-
 2 MENTS.—The Secretary shall make a grant to a State that
 3 takes effective actions to improve the timeliness, accuracy,
 4 completeness, uniformity, and accessibility of the State’s
 5 data needed to identify priorities within State and local
 6 highway and traffic safety programs, to evaluate the effec-
 7 tiveness of such efforts, and to link these State data sys-
 8 tems, including traffic records, together and with other
 9 data systems within the State, such as systems that con-
 10 tain medical and economic data:

11 “(1) FIRST-YEAR GRANT ELIGIBILITY.—A State
 12 is eligible for a first-year grant under this subsection
 13 in a fiscal year if such State either:

14 “(A) Demonstrates, to the satisfaction of
 15 the Secretary, that it has—

16 “(i) established a Highway Safety
 17 Data and Traffic Records Coordinating
 18 Committee with a multi-disciplinary mem-
 19 bership including the administrators, col-
 20 lectors, and users of such data (including
 21 the public health, injury control, and motor
 22 carrier communities) of highway safety and
 23 traffic records databases;

24 “(ii) completed within the preceding 5
 25 years a highway safety data and traffic

1 records assessment or audit of its highway
2 safety data and traffic records system; and

3 “(iii) initiated the development of a
4 multi-year highway safety data and traffic
5 records strategic plan to be approved by
6 the Highway Safety Data and Traffic
7 Records Coordinating Committee that
8 identifies and prioritizes its highway safety
9 data and traffic records needs and goals,
10 and that identifies performance-based
11 measures by which progress toward those
12 goals will be determined; or

13 “(B) Provides, to the satisfaction of the
14 Secretary—

15 “(i) certification that it has met the
16 provisions outlined in clauses (A)(i) and
17 (A)(ii) of subparagraph (A) of this para-
18 graph;

19 “(ii) a multi-year plan that identifies
20 and prioritizes the State’s highway safety
21 data and traffic records needs and goals,
22 that specifies how its incentive funds for
23 the fiscal year will be used to address those
24 needs and the goals of the plan, and that
25 identifies performance-based measures by

1 which progress toward those goals will be
2 determined; and

3 “(iii) certification that the Highway
4 Safety Data and Traffic Records Coordinating Committee continues to operate and
5 supports the multi-year plan described in
6 clause (B)(ii) of this subparagraph.

8 “(2) FIRST-YEAR GRANT AMOUNT.—The
9 amount of a first-year grant made for State highway
10 safety data and traffic records improvements for any
11 fiscal year to any State eligible for such a grant
12 under subparagraph (1)(A) of paragraph (A) of this
13 subsection shall equal \$125,000, subject to the avail-
14 ability of appropriations, and for any State eligible
15 for such a grant under subparagraph (1)(B) of this
16 subsection shall equal a proportional amount of the
17 amount apportioned to the State for fiscal year 1997
18 under section 402 of this title, except that no State
19 shall receive less than \$225,000, subject to the avail-
20 ability of appropriations.

21 “(3) STATE HIGHWAY SAFETY DATA AND TRAF-
22 FIC RECORDS IMPROVEMENTS: SUCCEEDING-YEAR
23 GRANTS.—A State shall be eligible for a grant in
24 any fiscal year succeeding the first fiscal year in
25 which the State receives a State highway safety data

1 and traffic records grant if the State, to the satis-
 2 faction of the Secretary:

3 “(A) Submits or updates a multi-year plan
 4 that identifies and prioritizes the State’s high-
 5 way safety data and traffic records needs and
 6 goals, that specifies how its incentive funds for
 7 the fiscal year will be used to address those
 8 needs and the goals of the plan, and that iden-
 9 tifies performance-based measures by which
 10 progress toward those goals will be determined;

11 “(B) Certifies that its Highway Safety
 12 Data and Traffic Records Coordinating Com-
 13 mittee continues to support the multi-year plan;
 14 and

15 “(C) Reports annually on its progress in
 16 implementing the multi-year plan.

17 “(4) SUCCEEDING-YEAR GRANT AMOUNTS.—

18 The amount of a succeeding-year grant made for
 19 State highway safety data and traffic records im-
 20 provements for any fiscal year to any State that is
 21 eligible for such a grant shall equal a proportional
 22 amount of the amount apportioned to the State for
 23 fiscal year 1997 under section 402 of this title, ex-
 24 cept that no State shall receive less than \$225,000,
 25 subject to the availability of appropriations.

1 “(o) DRUGGED DRIVING COUNTERMEASURES.—The
 2 Secretary shall make grants to those States that adopt
 3 and implement effective programs to reduce drug use and
 4 drugged driving:

5 “(1) GRANT ELIGIBILITY.—A State is eligible
 6 for a grant under this subsection in a fiscal year by
 7 meeting, to the satisfaction of the Secretary, 5 or
 8 more of the following criteria:

9 “(A) ZERO TOLERANCE FOR DRUGS.—The
 10 State has in effect a law that requires that any
 11 person with a measurable amount of a con-
 12 trolled substance, a combination of controlled
 13 substances, or a combination of alcohol and
 14 controlled substances when driving a motor ve-
 15 hicle shall be deemed to be driving under the
 16 influence of or impaired by a controlled sub-
 17 stance.

18 “(B) DRUG IMPAIRED DRIVING.—The
 19 State has in effect a law that makes it unlawful
 20 for any person to drive or be in actual physical
 21 control of a motor vehicle while under the influ-
 22 ence of or impaired by a drug or substance
 23 (licit or illicit).

24 “(C) MANDATORY TESTING FOR DRUGS OR
 25 SUBSTANCES.—The State has in effect a law

1 that provides for mandatory chemical testing
2 whenever a law enforcement officer has prob-
3 able cause under State law to believe that a
4 driver of a motor vehicle involved in a crash re-
5 sulting in the loss of human life or, as deter-
6 mined by the Secretary, serious bodily injury,
7 has committed a drug or substance-related traf-
8 fic offense.

9 “(D) ADMINISTRATIVE LICENSE REVOCATION.—The State has in effect an administra-
10 tive driver’s license suspension or revocation
11 system for persons who operate motor vehicles
12 while under the influence of a drug or sub-
13 stance which requires that—

15 “(i) in the case of a person who, in
16 any 5-year period beginning after the date
17 of enactment of this subsection, is deter-
18 mined on the basis of one or more chemical
19 tests to have been operating a motor vehi-
20 cle under the influence of a drug or sub-
21 stance or is determined to have refused to
22 submit to such a test as requested by the
23 law enforcement officer, the State agency
24 responsible for administering drivers’ li-

censes, upon receipt the report of the law enforcement officer—

“(I) shall suspend the driver’s license of such person for a period of not less than 90 days if such person is a first offender in such 5-year period; and

“(II) shall suspend the driver’s license of such person for a period of not less than 1 year, or revoke such license, if such person is a repeat offender in such 5-year period; and

“(ii) the suspension and revocation referred to under (D)(i) shall take effect not later than 30 days after the day on which the person was determined to have been driving under the influence of drugs or refused to take a chemical test in accordance with the State’s procedures.

“(E) LICENSE REVOCATION OR SUSPENSION OF PERSONS CONVICTED OF DRUG OFFENSES.—The State has in effect a law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception—

1 “(i) the revocation, or suspension for
2 at least 6 months, of the driver’s license of
3 any person who is convicted, after the en-
4 actment of such law, of—

5 “(I) any violation of the Con-
6 trolled Substances Act, or

7 “(II) any drug offense; and

8 “(ii) a delay in the issuance or rein-
9 statement of a driver’s license to such a
10 person for at least 6 months after the per-
11 son applies for the issuance or reinstate-
12 ment of a driver’s license if the person
13 does not have a driver’s license, or the
14 driver’s license of the person is suspended,
15 at the time the person is so convicted.

16 “(F) GRADUATED LICENSING.—The State
17 has adopted an effective three-stage graduated
18 licensing system for young drivers, as deter-
19 mined by the Secretary, that includes drug use
20 and drugged driving provisions.

21 “(G) ACTIVE ENFORCEMENT AND PUBLIC-
22 ITY.—The State provides for active enforcement
23 and publicity, as determined by the Secretary,
24 of drugged driving laws.

1 “(H) DRUG INTERVENTION.—The State
2 has in effect a system that provides for an as-
3 sessment of persons determined to have been
4 operating a motor vehicle under the influence
5 of or impaired by a drug or controlled sub-
6 stance, as determined by the Secretary, and re-
7 ferral to drug education, counseling, and treat-
8 ment, as appropriate.

9 “(I) DRUG EDUCATION.—The State has
10 adopted an effective educational program, as
11 determined by the Secretary, under which drug
12 information is provided to persons who apply
13 for and who renew their driver’s licenses, and
14 drug-related questions are included on drivers’
15 license examinations.

16 “(2) GRANT AMOUNT.—The amount of a grant
17 made for drugged driving countermeasures for any
18 fiscal year to any eligible State shall not be more
19 than 20 percent of the amount apportioned to the
20 State for fiscal year 1997 under section 402 of this
21 title.

22 “(3) DEFINITIONS.—For the purposes of this
23 subsection—

24 “(A) ‘Alcoholic beverage’ has the meaning
25 such term has under section 158(c) of this title.

1 “(B) ‘Controlled substances’ has the mean-
 2 ing such term has under section 102(6) of the
 3 Controlled Substances Act (21 U.S.C. 802(6)).

4 “(C) ‘Motor vehicle’ means a vehicle driven
 5 or drawn by mechanical power and manufac-
 6 tured primarily for use on public streets, roads,
 7 and highways, but does not include a vehicle op-
 8 erated only on a rail line.”.

9 (g) CONFORMING AMENDMENT.—Section 410 of
 10 chapter 4 of this title is repealed, and the analysis for
 11 chapter 4 of this title is amended by striking the item re-
 12 lating to Section 410.

13 **SEC. 102. NATIONAL DRIVER REGISTER.**

14 (a) TRANSFER OF SELECTED FUNCTIONS TO NON-
 15 FEDERAL MANAGEMENT.—Section 30302 of title 49,
 16 United States Code, is amended by adding at the end
 17 thereof the following:

18 “(e) TRANSFER OF SELECTED FUNCTIONS TO NON-
 19 FEDERAL MANAGEMENT.—(1) The Secretary may enter
 20 into an agreement with an organization that represents
 21 the interests of the States to manage, administer, and op-
 22 erate the National Driver Register’s computer timeshare
 23 and user assistance functions. If the Secretary decides to
 24 enter into such an agreement, the Secretary shall ensure
 25 that the management of these functions is compatible with

1 this chapter and the regulations issued to implement this
2 chapter.

3 “(2) Any transfer of the National Driver Register’s
4 computer timeshare and user assistance functions to an
5 organization that represents the interests of the States
6 shall begin only after a determination is made by the Sec-
7 retary that all States are participating in the National
8 Driver Register’s ‘Problem Driver Pointer System’ (the
9 system used by the Register to effect the exchange of
10 motor vehicle driving records), and that the system is
11 functioning properly.

12 “(3) The agreement entered into under this sub-
13 section shall include a provision for a transition period suf-
14 ficient to allow the States to make the budgetary and leg-
15 islative changes they may need to pay fees charged by the
16 organization representing their interests for their use of
17 the National Driver Register’s computer timeshare and
18 user assistance functions. During this transition period,
19 the Secretary (through the National Highway Traffic
20 Safety Administration) shall continue to fund these trans-
21 ferred functions.

22 “(4) The total of the fees charged by the organization
23 representing the interests of the States in any fiscal year
24 for the use of the National Driver Register’s computer
25 timeshare and user assistance functions shall not exceed

1 the total cost to the organization for performing these
 2 functions in such fiscal year.

3 “(5) Nothing in this subsection shall be construed to
 4 diminish, limit, or otherwise affect the authority of the
 5 Secretary to carry out this chapter.”.

6 (b) ACCESS TO REGISTER INFORMATION.—

7 (1) CONFORMING AMENDMENTS.—Section
 8 30305(b) of title 49, United States Code, is amend-
 9 ed—

10 (A) in paragraph (2), by inserting before
 11 the period at the end “, unless the information
 12 is about a revocation or suspension still in ef-
 13 fect on the date of the request”;

14 (B) In paragraph (8), as redesignated by
 15 section 207(b) of the Coast Guard Authoriza-
 16 tion Act of 1996 (Public Law 104–324, 110
 17 Stat. 3908), by striking “paragraph (2)” and
 18 substituting “subsection (a) of this section”;
 19 and

20 (C) by redesignating paragraph (8), as re-
 21 designated by section 502(b)(1) of the Federal
 22 Aviation Reauthorization Act of 1996 (Public
 23 Law 104–264, 110 Stat. 3262), as paragraph
 24 (9).

1 (2) FEDERAL AGENCY ACCESS PROVISION.—

2 Section 30305(b) of title 49, United States Code, is
3 further amended by—

4 (A) redesignating paragraph (6) as para-
5 graph (10) and inserting it after paragraph (9);

6 (B) inserting the following new paragraph
7 (6):

8 “(6) The head of a Federal department or
9 agency that issues motor vehicle operator’s licenses
10 may request the chief driver licensing official of a
11 State to obtain information under subsection (a) of
12 this section about an individual applicant for a
13 motor vehicle operator’s license from such depart-
14 ment or agency. The department or agency may re-
15 ceive the information, provided it transmits to the
16 Secretary a report regarding any individual who is
17 denied a motor vehicle operator’s license by that de-
18 partment or agency for cause; whose motor vehicle
19 operator’s license is revoked, suspended or canceled
20 by that department or agency for cause; or about
21 whom the department or agency has been notified
22 of a conviction of any of the motor vehicle-related
23 offenses or comparable offenses listed in subsection
24 30304(a)(3) and over whom the department or agen-
25 cy has licensing authority. The report shall contain

1 the information specified in subsection 30304(b).”;
 2 and

3 (C) inserting the following at the end of
 4 the subsection:

5 “(11) The head of a Federal department or
 6 agency authorized to receive information regarding
 7 an individual from the Register under this section
 8 may request and receive such information from the
 9 Secretary.”.

10 **SEC. 103. AUTHORIZATIONS OF APPROPRIATIONS.**

11 (a) HIGHWAY SAFETY PROGRAMS.—The following
 12 sums are authorized to be appropriated out of the High-
 13 way Trust Fund (other than the Mass Transit Account):

14 (1) CONSOLIDATED STATE HIGHWAY SAFETY
 15 PROGRAMS.—

16 (A) For carrying out the State and Com-
 17 munity Highway Safety Program under section
 18 402 of title 23, United States Code, by the Na-
 19 tional Highway Traffic Safety Administration,
 20 except for the incentive programs under sub-
 21 sections (l), (m), (n), and (o) of that section—

22 (i) \$116,370,000 for fiscal year 1998;

23 (ii) \$121,838,000 for fiscal year 1999;

24 (iii) \$125,125,000 for fiscal year
 25 2000;

- 1 (iv) \$128,505,000 for fiscal year
2 2001;
3 (v) \$131,809,000 for fiscal year 2002;
4 and
5 (vi) \$139,732,000 for fiscal year
6 2003.

7 (B) To carry out the alcohol-impaired driv-
8 ing countermeasures incentive grant provisions
9 of subsection (l) of section 402 of title 23, Unit-
10 ed States Code, by the National Highway Traf-
11 fic Safety Administration—

- 12 (i) \$30,570,000 for fiscal year 1998;
13 (ii) \$28,500,000 for fiscal year 1999;
14 (iii) \$29,273,000 for fiscal year 2000;
15 (iv) \$30,065,000 for fiscal year 2001;
16 (v) \$38,743,000 for fiscal year 2002;
17 and
18 (vi) \$39,815,000 for fiscal year 2003.

19 Amounts made available to carry out subsection
20 (l) are authorized to remain available until ex-
21 pended, provided that, in each fiscal year the
22 Secretary may reallocate any amounts remain-
23 ing available under subsection (l) to subsections
24 (m), (n), and (o) of section 402 of title 23,
25 United States Code, as necessary to ensure, to

1 the maximum extent possible, that States may
2 receive the maximum incentive funding for
3 which they are eligible under these programs.

4 (C) To carry out the occupant protection
5 program incentive grant provisions of sub-
6 section (m) of section 402 of title 23, United
7 States Code, by the National Highway Traffic
8 Safety Administration—

9 (i) \$13,950,000 for fiscal year 1998;

10 (ii) \$14,618,000 for fiscal year 1999;

11 (iii) \$15,012,000 for fiscal year 2000;

12 (iv) \$15,418,000 for fiscal year 2001;

13 (v) \$17,640,000 for fiscal year 2002;

14 and

15 (vi) \$17,706,000 for fiscal year 2003.

16 Amounts made available to carry out subsection
17 (m) are authorized to remain available until ex-
18 pended, provided that, in each fiscal year the
19 Secretary may reallocate any amounts remain-
20 ing available under subsection (m) to sub-
21 sections (l), (n), and (o) of section 402 of title
22 23, United States Code, as necessary to ensure,
23 to the maximum extent possible, that States
24 may receive the maximum incentive funding for
25 which they are eligible under these programs.

(D) To carry out the State highway safety data improvements incentive grant provisions of subsection (n) of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) \$8,370,000 for fiscal year 1998;

(ii) \$8,770,000 for fiscal year 1999;

(iii) \$9,007,000 for fiscal year 2000;

and

(iv) \$9,250,000 for fiscal year 2001.

Amounts made available to carry out subsection (n) are authorized to remain available until expended.

(E) To carry out the drugged driving countermeasures incentive grant provisions of section 402(o) of title 23, United States Code, by the National Highway Traffic Safety Administration—

(i) \$3,488,000 for fiscal year 1998;

(ii) \$3,654,000 for fiscal year 1999;

(iii) \$3,752,000 for fiscal year 2000;

(iv) \$3,850,000 for fiscal year 2001;

(v) \$3,950,000 for fiscal year 2002;

and

(vi) \$4,071,000 for fiscal year 2003.

1 Amounts made available to carry out sub-
 2 section (o) are authorized to remain available
 3 until expended, provided that, in each fiscal
 4 year the Secretary may reallocate any amounts
 5 remaining available under subsection (o) to sub-
 6 sections (l), (m), and (n) of section 402 of title
 7 23, United States Code, as necessary to ensure,
 8 to the maximum extent possible, that States
 9 may receive the maximum incentive funding for
 10 which they are eligible under these programs.

11 (2) NATIONAL DRIVER REGISTER.—For carry-
 12 ing out chapter 303 (National Driver Register) of
 13 title 49, United States Code, by the National High-
 14 way Traffic Safety Administration—

- 15 (i) \$1,605,000 for fiscal year 1998;
- 16 (ii) \$1,680,000 for fiscal year 1999;
- 17 (iii) \$1,726,000 for fiscal year 2000;
- 18 (iv) \$1,772,000 for fiscal year 2001;
- 19 (v) \$1,817,000 for fiscal year 2002;
- 20 and
- 21 (vi) \$1,872,000 for fiscal year 2003.

1 **TITLE II—TRAFFIC SAFETY**

2 **SEC. 201. AMENDMENT TO TITLE 23, UNITED STATES CODE.**

3 Section 402 of title 23, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(p) TRANSFER OF FUNDS AND PERFORMANCE OP-
7 TION: PRIMARY SAFETY BELT USE.—

8 “(1) TRANSFER.—

9 “(A) FISCAL YEAR 2002.—If, by the last
10 day of fiscal year 2002, a State has not enacted
11 and had in continuous effect a primary enforce-
12 ment safety belt use law described in subsection
13 (m), the Secretary shall transfer 1½ percent of
14 the funds apportioned to the State for fiscal
15 year 2003 under each of paragraphs (1), (3),
16 and (5)(B) of section 104(b) of this title to the
17 apportionment of the State under section 402
18 of this title. These transferred funds may be
19 used only for occupant protection programs.

20 “(B) THEREAFTER.—If, by the last day of
21 any fiscal year beginning after September 30,
22 2002, a State has not enacted and had in con-
23 tinuous effect a primary enforcement safety belt
24 use law described in subsection (m), the Sec-
25 retary shall transfer 3 percent of the funds ap-

1 portioned to the State for the succeeding fiscal
 2 year under each of paragraphs (1), (3), and
 3 (5)(B) of section 104(b) of this title to the ap-
 4 portionment of the State under section 402 of
 5 this title. These transferred funds may be used
 6 only for occupant protection programs.

7 “(2) FEDERAL SHARE.—The Federal share of
 8 the cost of any project carried out under section 402
 9 of this title with funds transferred to the appor-
 10 tionment of section 402 shall be 100 percent.

11 “(3) TRANSFER OF OBLIGATION AUTHORITY.—
 12 If the Secretary transfers under this subsection any
 13 funds to the apportionment of a State under section
 14 402 of this title for a fiscal year, the Secretary shall
 15 allocate an amount of obligation authority distrib-
 16 uted for such fiscal year to the State for Federal-
 17 aid highways and highway construction programs for
 18 carrying out only projects under section 402, which
 19 is determined by multiplying—

20 “(A) the amount of funds transferred to
 21 the apportionment of section 402 of the State
 22 under section 402 for such fiscal year, by

23 “(B) the ratio of the amount of obligation
 24 authority distributed for such fiscal year to the
 25 State for its Federal-aid highways and highway

1 construction programs to the total of the sums
2 apportioned to the State for its Federal-aid
3 highways and highway construction programs
4 (excluding sums not subject to any obligation
5 limitation) for such fiscal year.

6 “(4) LIMITATION ON APPLICABILITY OF HIGH-
7 WAY SAFETY OBLIGATIONS.—Notwithstanding any
8 other provision of law, no limitation on the total of
9 obligations for highway safety programs under sec-
10 tion 402 of this title shall apply to funds transferred
11 under this subsection to the State apportionment of
12 section 402.

13 “(5) PERFORMANCE OPTION.—Paragraph (1)
14 of this subsection shall not apply to a State in a fis-
15 cal year beginning after September 30, 2002, if the
16 Secretary certifies before each such fiscal year that
17 the State has a statewide safety belt use rate of 85
18 percent or higher in both front outboard seating po-
19 sitions in all passenger motor vehicles, as defined in
20 subsection (m) of this section. The State shall docu-
21 ment its safety belt use rate by conducting an an-
22 nual survey that conforms to guidelines issued by
23 the Secretary ensuring that measurements are accu-
24 rate and representative. The Secretary shall use this
25 survey and may use additional surveys or other rel-

1 evant information as necessary in deciding whether
 2 to certify that the State’s safety belt use rate is 85
 3 percent or higher.

4 “(6) DEFINITION.—For the purposes of this
 5 subsection, the term ‘safety belt’ means—

6 “(A) with respect to open-body passenger
 7 vehicles, including convertibles, an occupant re-
 8 straint system, consisting of a lap belt or a lap
 9 belt and a detachable shoulder belt; and

10 “(B) with respect to other passenger vehi-
 11 cles, an occupant restraint system consisting of
 12 integrated lap shoulder belts.”.

13 **SEC. 202. AMENDMENTS TO CHAPTER 301 (MOTOR VEHICLE**
 14 **SAFETY).**

15 (a) IN GENERAL.—Chapter 301 is amended by add-
 16 ing at the end the following new section:

17 **“§ 30148. International motor vehicle safety outreach**

18 “(a) ACTIVITIES.—The Secretary is authorized, in
 19 consultation with the Secretaries of State and Commerce
 20 where appropriate, to engage in activities that improve
 21 worldwide motor vehicle safety through appropriate activi-
 22 ties. Such activities may include—

23 “(1) promoting the adoption of international
 24 and national vehicle standards that are harmonized

1 with, functionally equivalent to, or compatible with
2 United States vehicle standards;

3 “(2) participating in efforts to foster an inter-
4 national acceptance of globally harmonized and/or
5 functionally equivalent or compatible motor vehicle
6 regulations and standards to otherwise improve
7 international highway and motor vehicle safety;

8 “(3) promoting international cooperative pro-
9 grams for conducting research, development, dem-
10 onstration projects, training, and other forms of
11 technology transfer and exchange, including safety
12 conferences, seminars, and/or expositions to enhance
13 international motor vehicle safety; and

14 “(4) providing technical assistance to other
15 countries relating to their adoption of United States
16 vehicle regulations or standards functionally equiva-
17 lent to United States vehicle standards.

18 “(b) COOPERATION.—The Secretary may carry out
19 the authority granted by this section, in cooperation with
20 appropriate United States government agencies, any State
21 or local agency, and any authority, association, institution,
22 corporation (profit or nonprofit), foreign government, mul-
23 tinationa1 institution, or any other organization or person.

24 “(c) CONSIDERATION.—When engaging in activities
25 to improve worldwide motor vehicle safety, the Secretary

1 shall ensure that these activities maintain or improve the
 2 level of safety of motor vehicles and motor vehicle equip-
 3 ment sold in the United States.”

4 (b) CONFORMING AMENDMENT.—The chapter analy-
 5 sis for chapter 301 is amended by adding at the end there-
 6 of the following:

“30148. International motor vehicle safety outreach.”.

7 **TITLE III—HAZARDOUS MATE-** 8 **RIALS TRANSPORTATION RE-** 9 **AUTHORIZATION**

10 **SEC. 301. FINDINGS AND PURPOSES; DEFINITIONS.**

11 (a) FINDINGS AND PURPOSES.—Section 5101 is
 12 amended to read as follows:

13 **“§ 5101. Findings and purposes**

14 “(a) FINDINGS.—The Congress finds with respect to
 15 hazardous materials transportation that—

16 “(1) approximately 4 billion tons of regulated
 17 hazardous materials are transported each year and
 18 that approximately 500,000 movements of hazardous
 19 materials occur each day, according to the Depart-
 20 ment of Transportation estimates;

21 “(2) accidents involving the release of hazard-
 22 ous materials are a serious threat to public health
 23 and safety;

24 “(3) many States and localities have enacted
 25 laws and regulations that vary from Federal laws

1 and regulations pertaining to the transportation of
2 hazardous materials, thereby creating the potential
3 for unreasonable hazards in other jurisdictions and
4 confounding shippers and carriers that attempt to
5 comply with multiple and conflicting registration,
6 permitting, routings, notification, loading, unloading,
7 incidental storage, and other regulatory require-
8 ments;

9 “(4) because of the potential risks to life, prop-
10 erty, and the environment posed by unintentional re-
11 leases of hazardous materials, consistency in laws
12 and regulations governing the transportation of haz-
13 ardous materials, including loading, unloading, and
14 incidental storage, is necessary and desirable;

15 “(5) in order to achieve greater uniformity and
16 to promote the public health, welfare, and safety at
17 all levels, Federal standards for regulating the trans-
18 portation of hazardous materials in intrastate, inter-
19 state, and foreign commerce are necessary and desir-
20 able;

21 “(6) in order to provide reasonable, adequate,
22 and cost-effective protection from the risks posed by
23 the transportation of hazardous materials, a network
24 of adequately trained State and local emergency re-
25 sponse personnel is required;

1 “(7) the movement of hazardous materials in
2 commerce is necessary and desirable to maintain
3 economic vitality and meet consumer demands, and
4 shall be conducted in a safe and efficient manner;
5 and

6 “(8) primary authority for the regulation of
7 such transportation should be consolidated in the
8 Department of Transportation to ensure the safe
9 and efficient movement of hazardous materials in
10 commerce.

11 “(b) PURPOSES.—The purposes of this chapter are—

12 “(1) to ensure the safe and efficient transpor-
13 tation of hazardous materials in intrastate, inter-
14 state, and foreign commerce, including the loading,
15 unloading, and incidental storage of hazardous ma-
16 terial;

17 “(2) to provide the Secretary with preemption
18 authority to achieve uniform regulation of hazardous
19 material transportation, to eliminate inconsistent
20 rules that apply differently from Federal rules, to
21 ensure efficient movement of hazardous materials in
22 commerce, and to promote the national health, wel-
23 fare, and safety; and

24 “(3) to provide adequate training for public sec-
25 tor emergency response teams to ensure safe re-

1 sponses to hazardous material transportation acci-
 2 dents and incidents.”.

3 (b) DEFINITIONS.—Section 5102 is amended—

4 (1) by striking paragraph (1) and inserting the
 5 following:

6 “(1) ‘commerce’ means trade or transportation
 7 in the jurisdiction of the United States—

8 “(A) between a place in a State and a
 9 place outside of the State;

10 “(B) that affects trade or transportation
 11 between a place in a State and a place outside
 12 of the State; or

13 “(C) on a United States-registered air-
 14 craft.”;

15 (2) by striking paragraphs (3) and (4) and in-
 16 serting the following:

17 “(3) ‘hazmat employee’ means an individual
 18 who—

19 “(A) is—

20 “(i) employed by a hazmat employer,

21 “(ii) self-employed, or

22 “(iii) an owner-operator of a motor
 23 vehicle; and

24 “(B) during the course of employment—

1 “(i) loads, unloads, or handles hazard-
2 ous material;

3 “(ii) manufactures, reconditions, or
4 tests containers, drums, or other
5 packagings represented as qualified for use
6 in transporting hazardous material;

7 “(iii) performs any function pertain-
8 ing to the offering of hazardous material
9 for transportation;

10 “(iv) is responsible for the safety of
11 transporting hazardous material; or

12 “(v) operates a vehicle used to trans-
13 port hazardous material.

14 “(4) ‘hazmat employer’ means a person who—

15 “(A) either—

16 “(i) is self-employed,

17 “(ii) is an owner-operator of a motor
18 vehicle, or

19 “(iii) has at least one employee; and

20 “(B) performs a function, or uses at least
21 one employee, in connection with—

22 “(i) transporting hazardous material
23 in commerce;

24 “(ii) causing hazardous material to be
25 transported in commerce, or

1 “(iii) manufacturing, reconditioning,
2 or testing containers, drums, or other
3 packagings represented as qualified for use
4 in transporting hazardous material.”;

5 (3) by striking “title. ” in paragraph (7) and
6 inserting “title, except that a freight forwarder is in-
7 cluded only if performing a function related to high-
8 way transportation”;

9 (4) by redesignating paragraphs (9) through
10 (13) as paragraphs (12) through (16);

11 (5) by inserting after paragraph (8) the follow-
12 ing:

13 “(9) ‘out-of-service order’ means a mandate
14 that an aircraft, vessel, motor vehicle, train, other
15 vehicle, or a part of any of these, not be moved until
16 specified conditions have been met.

17 “(10) ‘package’ or ‘outside package’ means a
18 packaging plus its contents.

19 “(11) ‘packaging’ means a receptacle and any
20 other components or materials necessary for the re-
21 ceptacle to perform its containment function in con-
22 formance with the minimum packaging requirements
23 established by the Secretary of Transportation.”;
24 and

1 (6) by striking “or transporting hazardous ma-
 2 terial to further a commercial enterprise;” in para-
 3 graph 12(A), as redesignated by paragraph (4) of
 4 this subsection, and inserting a comma and “trans-
 5 porting hazardous material to further a commercial
 6 enterprise, or manufacturing, reconditioning, or test-
 7 ing containers, drums, or other packagings rep-
 8 resented as qualified for use in transporting hazard-
 9 ous material”.

10 (c) CLERICAL AMENDMENT.—The chapter analysis
 11 of chapter 51 is amended by striking the item relating to
 12 section 5101 and inserting the following:

“5101. Findings and purposes.”.

13 **SEC. 302. HANDLING CRITERIA REPEAL.**

14 Section 5106 is repealed and the chapter analysis of
 15 chapter 51 is amended by striking the item relating to
 16 that section.

17 **SEC. 303. HAZMAT EMPLOYEE TRAINING REQUIREMENTS.**

18 Section 5107(f)(2) is amended by striking “and sec-
 19 tions 5106, 5108 (a)–(g)(1) and (h), and”.

20 **SEC. 304. REGISTRATION.**

21 Section 5108 is amended by—

22 (1) by striking subsection (b)(1)(C) and insert-
 23 ing the following:

24 “(C) each State in which the person car-
 25 ries out any of the activities.”;

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

3 “(c) **FILING SCHEDULE.**—Each person required to
4 file a registration statement under subsection (a) of this
5 section shall file that statement annually in accordance
6 with regulations issued by the Secretary.”;

7 (3) by striking “552(f)” in subsection (f) and
8 inserting “552(b)”;

9 (4) by striking “may” in subsection (g)(1) and
10 inserting “shall”; and

11 (5) by inserting “or an Indian tribe,” in sub-
12 section (i)(2)(B) after “State,”.

13 **SEC. 305. SHIPPING PAPER RETENTION.**

14 Section 5110(e) is amended by striking the first sen-
15 tence and inserting “After expiration of the requirement
16 in subsection (c) of this section, the person who provided
17 the shipping paper and the carrier required to maintain
18 it under subsection (a) of this section shall retain the
19 paper or an electronic image thereof, for a period of 1
20 year after the shipping paper was provided to the carrier,
21 to be accessible through their respective principal places
22 of business.”.

1 **SEC. 306. UNSATISFACTORY SAFETY RATING.**

2 Section 5113(d) is amended by striking “Secretary,
3 in consultation with the Interstate Commerce Commis-
4 sion,” and inserting “Secretary”.

5 **SEC. 307. PUBLIC SECTOR TRAINING CURRICULUM.**

6 Section 5115 is amended by—

7 (1) by striking “DEVELOPMENT AND UPDAT-
8 ING.—Not later than November 16, 1992, in” in
9 subsection (a) and inserting “UPDATING.—In”;

10 (2) by striking “develop and” in the first sen-
11 tence of subsection (a);

12 (3) by striking the second sentence of sub-
13 section (a);

14 (4) by striking “developed” in the first sentence
15 of subsection (b);

16 (5) by inserting “or involving an alternative fuel
17 vehicle” after “material” in subparagraphs (A) and
18 (B) of subsection (b)(1); and

19 (6) by striking subsection (d) and inserting the
20 following:

21 “(d) DISTRIBUTION AND PUBLICATION.—With the
22 national response team, the Secretary of Transportation
23 may publish a list of programs that use a course developed
24 under this section for training public sector employees to
25 respond to an accident or incident involving the transpor-
26 tation of hazardous material.”.

1 **SEC. 308. PLANNING AND TRAINING GRANTS.**

2 Section 5116 is amended by—

3 (1) by striking “of” in the second sentence of
4 subsection (e) and inserting “received by”;

5 (2) by striking subsection (f) and inserting the
6 following:

7 “(f) MONITORING AND TECHNICAL ASSISTANCE.—

8 The Secretary of Transportation shall monitor public sec-
9 tor emergency response planning and training for an acci-
10 dent or incident involving hazardous material. Considering
11 the results of the monitoring, the Secretary shall provide
12 technical assistance to a State, political subdivision of a
13 State, or Indian tribe for carrying out emergency response
14 training and planning for an accident or incident involving
15 hazardous material and shall coordinate the assistance
16 using the existing coordinating mechanisms of the Na-
17 tional Response Team for Oil and Hazardous Substances
18 and, for radioactive material, the Federal Radiological
19 Preparedness Coordinating Committee.”; and

20 (3) by adding at the end thereof the following:

21 “(l) SMALL BUSINESSES.—The Secretary may
22 authorize a State or Indian tribe receiving a grant
23 under this section to use up to 25 percent of the
24 amount of the grant to assist small businesses in
25 complying with regulations issued under this chap-
26 ter.”.

1 **SEC. 309. SPECIAL PERMITS AND EXCLUSIONS.**

2 (a) Section 5117 is amended by—

3 (1) by striking the section caption and inserting
4 the following:

5 **“§ 5117. Special permits and exclusions”;**

6 (2) by striking “exemption” each place it ap-
7 pears and inserting “special permit”;

8 (3) by inserting “authorizing variances” after
9 “special permit” the first place it appears; and

10 (4) by striking “2” and inserting “4” in sub-
11 section (a)(2).

12 (b) The chapter analysis for chapter 51 is amended
13 by striking the item related to section 5117 and inserting
14 the following:

“5117. Special permits and exclusions.”.

15 **SEC. 310. ADMINISTRATION.**

16 (a) Section 5121 is amended by striking subsections
17 (a), (b), and (c) and redesignating subsections (d) and (e)
18 as subsections (a) and (b).

19 (b) Section 5122 is amended by redesignating sub-
20 sections (a), (b), and (c) as subsections (d), (e), and (f),
21 and by inserting before subsection (d), as redesignated,
22 the following:

23 “(a) GENERAL AUTHORITY.—To carry out this chap-
24 ter, the Secretary of Transportation may investigate,
25 make reports, issue subpoenas, conduct hearings, require

1 the production of records and property, take depositions,
 2 and conduct research, development, demonstration, and
 3 training activities. After notice and an opportunity for a
 4 hearing, the Secretary may issue an order requiring com-
 5 pliance with this chapter or a regulation prescribed under
 6 this chapter.

7 “(b) RECORDS, REPORTS, AND INFORMATION.—A
 8 person subject to this chapter shall—

9 “(1) maintain records, make reports, and pro-
 10 vide information the Secretary by regulation or
 11 order requires; and

12 “(2) make the records, reports, and information
 13 available when the Secretary requests.

14 “(c) INSPECTION.—

15 “(1) The Secretary may authorize an officer,
 16 employee, or agent to inspect, at a reasonable time
 17 and in a reasonable way, records and property relat-
 18 ed to—

19 “(A) manufacturing, fabricating, marking,
 20 maintaining, reconditioning, repairing, testing,
 21 or distributing a packaging or a container for
 22 use by a person in transporting hazardous ma-
 23 terial in commerce; or

24 “(B) the transportation of hazardous ma-
 25 terial in commerce.

1 “(2) An officer, employee, or agent under this
2 subsection shall display proper credentials when re-
3 quested.”.

4 **SEC. 311. COOPERATIVE AGREEMENTS.**

5 Section 5121, as amended by section 310(a), is fur-
6 ther amended by adding at the end thereof the following:

7 “(c) AUTHORITY FOR COOPERATIVE AGREE-
8 MENTS.—To carry out this chapter, the Secretary may
9 enter into grants, cooperative agreements, and other
10 transactions with a person, agency or instrumentality of
11 the United States, a unit of State or local government,
12 an Indian tribe, a foreign government (in coordination
13 with the State Department), an educational institution, or
14 other entity to further the objectives of this chapter. The
15 objectives of this chapter include the conduct of research,
16 development, demonstration, risk assessment, emergency
17 response planning and training activities.”.

18 **SEC. 312. ENFORCEMENT.**

19 Section 5122, as amended by section 310(b), is fur-
20 ther amended by—

21 (1) by inserting “inspect,” after “may” in the
22 first sentence of subsection (a);

23 (2) by striking the last sentence of subsection
24 (a) and inserting: “Except as provided in subsection
25 (e) of this section, the Secretary shall provide notice

1 and an opportunity for a hearing prior to issuing an
2 order requiring compliance with this chapter or a
3 regulation, order, special permit, or approval issued
4 under this chapter.”;

5 (2) by redesignating subsections (d), (e) and (f)
6 as subsections (f), (g) and (h), and inserting after
7 subsection (c) the following:

8 “(d) OTHER AUTHORITY.—

9 “(1) INSPECTION.—During inspections and in-
10 vestigations, officers, employees, or agents of the
11 Secretary may—

12 “(A) open and examine the contents of a
13 package offered for, or in, transportation
14 when—

15 “(i) the package is marked, labeled,
16 certified, placarded, or otherwise rep-
17 resented as containing a hazardous mate-
18 rial, or

19 “(ii) there is an objectively reasonable
20 and articulable belief that the package may
21 contain a hazardous material;

22 “(B) take a sample, sufficient for analysis,
23 of material marked or represented as a hazard-
24 ous material or for which there is an objectively
25 reasonable and articulable belief that the mate-

1 rial may be a hazardous material, and analyze
2 that material;

3 “(C) when there is an objectively reason-
4 able and articulable belief that an imminent
5 hazard may exist, prevent the further transpor-
6 tation of the material until the hazardous quali-
7 ties of that material have been determined; and

8 “(D) when safety might otherwise be com-
9 promised, authorize properly qualified personnel
10 to conduct the examination, sampling, or analy-
11 sis of a material.

12 “(2) NOTIFICATION.—No package opened pur-
13 suant to this subsection shall continue its transpor-
14 tation until the officer, employee, or agent of the
15 Secretary—

16 “(A) affixes a label to the package indicat-
17 ing that the package was inspected pursuant to
18 this subsection; and

19 “(B) notifies the shipper that the package
20 was opened for examination.

21 “(e) EMERGENCY ORDERS.—

22 “(1) If, through testing, inspection, investiga-
23 tion, or research carried out under this chapter, the
24 Secretary decides that an unsafe condition or prac-
25 tice, or a combination of them, causes an emergency

1 situation involving a hazard of death, personal in-
2 jury, or significant harm to the environment, the
3 Secretary may immediately issue or impose restric-
4 tions, prohibitions, recalls, or out-of-service orders,
5 without notice or the opportunity for a hearing, that
6 may be necessary to abate the situation.

7 “(2) The Secretary’s action under this sub-
8 section must be in a written order describing the
9 condition or practice, or combination of them, that
10 causes the emergency situation; stating the restric-
11 tions, prohibitions, recalls, or out-of-service orders
12 being issued or imposed; and prescribing standards
13 and procedures for obtaining relief from the order.

14 “(3) After taking action under this subsection,
15 the Secretary shall provide an opportunity for review
16 of that action under section 554 of title 5.

17 “(4) If a petition for review is filed and the re-
18 view is not completed by the end of the 30-day pe-
19 riod beginning on the date the petition was filed, the
20 action will cease to be effective at the end of that
21 period unless the Secretary determines in writing
22 that the emergency situation still exists.”.

23 **SEC. 313. PENALTIES.**

24 (a) Section 5123(a)(1) is amended by striking the
25 first sentence and inserting the following: “A person that

1 knowingly violates this chapter or a regulation, order, spe-
 2 cial permit, or approval issued under this chapter is liable
 3 to the United States Government for a civil penalty of at
 4 least \$250 but not more than \$27,500 for each violation.”.

5 (b) Section 5123(c)(2) is amended to read as follows:

6 “(2) with respect to the violator, the degree of
 7 culpability, any good-faith efforts to comply with the
 8 applicable requirements, any history of prior viola-
 9 tions, any economic benefit resulting from the viola-
 10 tion, the ability to pay, and any effect on the ability
 11 to continue to do business; and”.

12 (c) Section 5124 is amended to read as follows:

13 **“§ 5124. Criminal penalty**

14 “(a) IN GENERAL.—A person knowingly violating
 15 section 5104(b) of this title or willfully violating this chap-
 16 ter or a regulation, order, special permit, or approval is-
 17 sued under this chapter, shall be fined under title 18, im-
 18 prisoned for not more than 5 years, or both.

19 “(b) AGGRAVATED VIOLATIONS.—A person know-
 20 ingly violating section 5104(b) of this title or willfully vio-
 21 lating this chapter or a regulation, order, special permit,
 22 or approval issued under this chapter, and thereby causing
 23 the release of a hazardous material, shall be fined under
 24 title 18, imprisoned for not more than 20 years, or both.”.

1 **SEC. 314. PREEMPTION.**

2 (a) REQUIREMENTS CONTRARY TO PURPOSES OF
3 CHAPTER.—Section 5125(a)(2) is amended by inserting
4 a comma and “the purposes of this chapter,” after “this
5 chapter” the first place it appears.

6 (b) DEADWOOD.—Section 5125(b)(2) is amended by
7 striking “prescribes after November 16, 1990.” and in-
8 serting “prescribes.”.

9 **SEC. 315. JUDICIAL REVIEW.**

10 (a) Chapter 51 is amended by redesignating section
11 5127 as section 5128, and by inserting after section 5126
12 the following new section:

13 **“§ 5127. Judicial review**

14 “(a) FILING AND VENUE.—Except as provided in
15 section 20114(c) of this title, a person disclosing a sub-
16 stantial interest in a final order issued, under the author-
17 ity of section 5122 or 5123 of this title, by the Secretary
18 of Transportation, the Administrators of the Research and
19 Special Programs Administration, the Federal Aviation
20 Administration, or the Federal Highway Administration,
21 or the Commandant of the United States Coast Guard
22 (‘modal Administrator’), with respect to the duties and
23 powers designated to be carried out by the Secretary
24 under this chapter, may apply for review in the United
25 States Court of Appeals for the District of Columbia or
26 in the court of appeals for the United States for the circuit

1 in which the person resides or has its principal place of
2 business. The petition must be filed not more than 60 days
3 after the order is issued. The court may allow the petition
4 to be filed after the 60th day only if there are reasonable
5 grounds for not filing by the 60th day.

6 “(b) JUDICIAL PROCEDURES.—When a petition is
7 filed under subsection (a) of this section, the clerk of the
8 court immediately shall send a copy of the petition to the
9 Secretary or the modal Administrator, as appropriate. The
10 Secretary or the modal Administrator shall file with the
11 court a record of any proceeding in which the order was
12 issued, as provided in section 2112 of title 28.

13 “(c) AUTHORITY OF COURT.—When the petition is
14 sent to the Secretary or the modal Administrator, the
15 court has exclusive jurisdiction to affirm, amend, modify,
16 or set aside any part of the order and may order the Sec-
17 retary or the modal Administrator to conduct further pro-
18 ceedings. After reasonable notice to the Secretary or the
19 modal Administrator, the court may grant interim relief
20 by staying the order or taking other appropriate action
21 when good cause for its action exists. Findings of fact by
22 the Secretary or the modal Administrator, if supported by
23 substantial evidence, are conclusive.

24 “(d) REQUIREMENT FOR PRIOR OBJECTION.—In re-
25 viewing a final order under this section, the court may

1 consider an objection to a final order of the Secretary or
 2 the modal Administrator only if the objection was made
 3 in the course of a proceeding or review conducted by the
 4 Secretary, the modal Administrator, or an administrative
 5 law judge, or if there was a reasonable ground for not
 6 making the objection in the proceeding.

7 “(e) SUPREME COURT REVIEW.—A decision by a
 8 court under this section may be reviewed only by the Su-
 9 preme Court under section 1254 of title 28, United States
 10 Code.”.

11 (b) The chapter analysis for chapter 51 is amended
 12 by striking the item related to section 5127 and inserting
 13 the following:

“5127. Judicial review.

“5128. Authorization of appropriations.”.

14 **SEC. 316. HAZARDOUS MATERIAL TRANSPORTATION REAU-**
 15 **THORIZATION.**

16 (a) IN GENERAL.—Chapter 51, as amended by sec-
 17 tion 315 of this Act, is amended by redesignating section
 18 5128 as section 5129 and by inserting after section 5127
 19 the following:

20 **“§ 5128. High risk hazardous material; motor carrier**
 21 **safety study**

22 “(a) STUDY.—The Secretary of Transportation shall
 23 conduct a study—

1 “(1) to determine the safety benefits and ad-
2 ministrative efficiency of implementing a Federal
3 permit program for high risk hazardous material
4 carriers;

5 “(2) to identify and evaluate alternative regu-
6 latory methods and procedures that may improve the
7 safety of high risk hazardous material carriers and
8 shippers;

9 “(3) to examine the safety benefits of increased
10 monitoring of high risk hazardous material carriers,
11 and the costs, benefits, and procedures of existing
12 State permit programs;

13 “(4) to make such recommendations as may be
14 appropriate for the improvement of uniformity
15 among existing State permit programs; and

16 “(5) to assess the potential of advanced tech-
17 nologies for improving the assessment of high risk
18 hazardous material carriers’ compliance with motor
19 carrier safety regulations.

20 “(b) TIMEFRAME.—The Secretary shall begin the
21 study required by subsection (a) within 6 months after
22 the date of enactment of the Intermodal Transportation
23 Safety Act of 1997 and complete it within 30 months.

24 “(c) REPORT.—The Secretary shall report the find-
25 ings of the study required by subsection (a), together with

1 such recommendations as may be appropriate, within 36
2 months after the date of enactment of that Act.”.

3 (b) SECTION 5109 REGULATIONS TO REFLECT
4 STUDY FINDINGS.—Section 5109(h) is amended by strik-
5 ing “not later than November 16, 1991.” and inserting
6 “based upon the findings of the study required by section
7 5128(a).”.

8 (c) CONFORMING AMENDMENT.—The chapter analy-
9 sis for chapter 51, as amended by section 315, is amended
10 by striking the item relating to section 5128 and inserting
11 the following:

“5128. High risk hazardous material; motor carrier safety study.
“5129. Authorization of appropriations.”.

12 **SEC. 317. AUTHORIZATION OF APPROPRIATIONS.**

13 Section 5129, as redesignated, is amended—

14 (1) by striking subsection (a) and inserting the
15 following:

16 “(a) GENERAL.—There are authorized to be appro-
17 priated to the Secretary of Transportation to carry out
18 this chapter (except sections 5107(e), 5108(g)(2), 5113,
19 5115, and 5116) not more than—

20 “(1) \$15,492,000 for fiscal year 1998;

21 “(2) \$16,000,000 for fiscal year 1999;

22 “(3) \$16,500,000 for fiscal year 2000;

23 “(4) \$17,000,000 for fiscal year 2001;

24 “(5) \$17,500,000 for fiscal year 2002; and

1 “(6) \$18,000,000 for fiscal year 2003.”; and

2 (2) by striking subsections (c) and (d) and inserting
3 the following:

4 “(c) TRAINING CURRICULUM.—Not more than
5 \$200,000 is available to the Secretary of Transportation
6 from the account established under section 5116(i) of this
7 title for each of the fiscal years ending September 30,
8 1999-2003, to carry out section 5115 of this title.

9 “(d) PLANNING AND TRAINING.—

10 (1) Not more than \$2,444,000 is available to
11 the Secretary of Transportation from the account es-
12 tablished under section 5116(i) of this title for the
13 fiscal year ending September 30, 1998, and such
14 sums as may be necessary for fiscal years 1999-
15 2003, to carry out section 5116(a) of this title.

16 “(2) Not more than \$3,666,000 is available to
17 the Secretary of Transportation from the account es-
18 tablished under section 5116(i) of this title for the
19 fiscal year ending September 30, 1998, and such
20 sums as may be necessary for fiscal years 1999-
21 2003, to carry out section 5116(b) of this title.

22 “(3) Not more than \$600,000 is available to
23 the Secretary of Transportation from the account es-
24 tablished under section 5116(i) of this title for the
25 fiscal year ending September 30, 1998, and such

1 sums as may be necessary for fiscal years 1999-
2 2003, to carry out section 5116(f) of this title.”.

3 **TITLE IV—COMPREHENSIVE**
4 **ONE-CALL NOTIFICATION**

5 **SEC. 401. FINDINGS.**

6 The Congress finds that—

7 (1) unintentional damage to underground facili-
8 ties during excavation is a significant cause of dis-
9 ruptions in telecommunications, water supply, elec-
10 tric power and other vital public services, such as
11 hospital and air traffic control operations, and is a
12 leading cause of natural gas and hazardous liquid
13 pipeline accidents;

14 (2) excavation that is performed without prior
15 notification to an underground facility operator or
16 with inaccurate marking of such a facility prior to
17 excavation can cause damage that results in fatali-
18 ties, serious injuries, harm to the environment and
19 disruption of vital services to the public; and

20 (3) protection of the public and the environ-
21 ment from the consequences of underground facility
22 damage caused by excavations will be enhanced by
23 a coordinated national effort to improve one-call no-
24 tification programs in each State and the effective-

1 ness and efficiency of one-call notification systems
 2 that operate under such programs.

3 **SEC. 402. ESTABLISHMENT OF ONE-CALL NOTIFICATION**
 4 **PROGRAMS.**

5 (a) IN GENERAL.—Subtitle III is amended by adding
 6 at the end thereof the following:

 “CHAPTER 61—ONE-CALL NOTIFICATION PROGRAMS

 “Sec.

 “6101. Purposes.

 “6102. Definitions.

 “6103. Minimum standards for State one-call notification programs.

 “6104. Compliance with minimum standards.

 “6105. Review of one-call system best practices.

 “6106. Grants to States.

 “6107. Authorization of appropriations.

7 **“§ 6101. Purposes**

8 “The purposes of this chapter are—

9 “(1) to enhance public safety;

10 “(2) to protect the environment;

11 “(3) to minimize risks to excavators; and

12 “(4) to prevent disruption of vital public serv-
 13 ices,

14 by reducing the incidence of damage to underground facili-
 15 ties during excavation through the adoption and efficient
 16 implementation by all States of State one-call notification
 17 programs that meet the minimum standards set forth
 18 under section 6103.

19 **“§ 6102. Definitions**

20 “For purposes of this chapter—

1 “(1) ONE-CALL NOTIFICATION SYSTEM.—The
 2 term “one-call notification system” means a system
 3 operated by an organization that has as one of its
 4 purposes to receive notification from excavators of
 5 intended excavation in a specified area in order to
 6 disseminate such notification to underground facility
 7 operators that are members of the system so that
 8 such operators can locate and mark their facilities in
 9 order to prevent damage to underground facilities in
 10 the course of such excavation.

11 “(2) STATE ONE-CALL NOTIFICATION PRO-
 12 GRAM.—The term “State one-call notification pro-
 13 gram” means the State statutes, regulations, orders,
 14 judicial decisions, and other elements of law and pol-
 15 icy in effect in a State that establish the require-
 16 ments for the operation of one-call notification sys-
 17 tems in such State.

18 “(3) STATE.—The term ‘State’ means a State,
 19 the District of Columbia, and Puerto Rico.

20 “(4) SECRETARY.—The term ‘Secretary’ means
 21 the Secretary of Transportation.

22 **“§ 6103. Minimum standards for State one-call notifi-**
 23 **cation programs**

24 “(a) MINIMUM STANDARDS.—A State one-call notifi-
 25 cation program shall, at a minimum, provide for—

1 “(1) appropriate participation by all under-
2 ground facility operators;

3 “(2) appropriate participation by all excavators;
4 and

5 “(3) flexible and effective enforcement under
6 State law with respect to participation in, and use
7 of, one-call notification systems.

8 “(b) APPROPRIATE PARTICIPATION.—In determining
9 the appropriate extent of participation required for types
10 of underground facilities or excavators under subsection
11 (a), a State shall assess, rank, and take into consideration
12 the risks to the public safety, the environment, excavators,
13 and vital public services associated with—

14 “(1) damage to types of underground facilities;
15 and

16 “(2) activities of types of excavators.

17 “(c) IMPLEMENTATION.—A State one-call notifica-
18 tion program also shall, at a minimum, provide for—

19 “(1) consideration of the ranking of risks under
20 subsection (b) in the enforcement of its provisions;

21 “(2) a reasonable relationship between the ben-
22 efits of one-call notification and the cost of imple-
23 menting and complying with the requirements of the
24 State one-call notification program; and

1 “(3) voluntary participation where the State de-
2 termines that a type of underground facility or an
3 activity of a type of excavator poses a *de minimis*
4 risk to public safety or the environment.

5 “(d) PENALTIES.—To the extent the State deter-
6 mines appropriate and necessary to achieve the purposes
7 of this chapter, a State one-call notification program shall,
8 at a minimum, provide for—

9 “(1) administrative or civil penalties commensu-
10 rate with the seriousness of a violation by an exca-
11 vator or facility owner of a State one-call notification
12 program;

13 “(2) increased penalties for parties that repeat-
14 edly damage underground facilities because they fail
15 to use one-call notification systems or for parties
16 that repeatedly fail to provide timely and accurate
17 marking after the required call has been made to a
18 one-call notification system;

19 “(3) reduced or waived penalties for a violation
20 of a requirement of a State one-call notification pro-
21 gram that results in, or could result in, damage that
22 is promptly reported by the violator;

23 “(4) equitable relief; and

24 “(5) citation of violations.

1 **“§ 6104. Compliance with minimum standards**

2 “(a) REQUIREMENT.—In order to qualify for a grant
3 under section 6106, each State shall, within 2 years after
4 the date of the enactment of the Intermodal Transpor-
5 tation Safety Act of 1997, submit to the Secretary a grant
6 application under subsection (b).

7 “(b) APPLICATION.—

8 “(1) Upon application by a State, the Secretary
9 shall review that State’s one-call notification pro-
10 gram, including the provisions for implementation of
11 the program and the record of compliance and en-
12 forcement under the program.

13 “(2) Based on the review under paragraph (1),
14 the Secretary shall determine whether the State’s
15 one-call notification program meets the minimum
16 standards for such a program set forth in section
17 6103 in order to qualify for a grant under section
18 6106.

19 “(3) In order to expedite compliance under this
20 section, the Secretary may consult with the State as
21 to whether an existing State one-call notification
22 program, a specific modification thereof, or a pro-
23 posed State program would result in a positive de-
24 termination under paragraph (2).

25 “(4) The Secretary shall prescribe the form of,
26 and manner of filing, an application under this sec-

1 tion that shall provide sufficient information about a
 2 State’s one-call notification program for the Sec-
 3 retary to evaluate its overall effectiveness. Such in-
 4 formation may include the nature and reasons for
 5 exceptions from required participation, the types of
 6 enforcement available, and such other information as
 7 the Secretary deems necessary.

8 “(5) The application of a State under para-
 9 graph (1) and the record of actions of the Secretary
 10 under this section shall be available to the public.

11 “(c) ALTERNATIVE PROGRAM—A State may main-
 12 tain an alternative one-call notification program if that
 13 program provides protection for public safety, the environ-
 14 ment, or excavators that is equivalent to, or greater than,
 15 protection under a program that meets the minimum
 16 standards set forth in section 6103.

17 “(d) REPORT—Within 3 years after the date of the
 18 enactment of the Intermodal Transportation Safety Act
 19 of 1997, the Secretary shall begin to include the following
 20 information in reports submitted under section 60124 of
 21 this title—

22 “(1) a description of the extent to which each
 23 State has adopted and implemented the minimum
 24 Federal standards under section 6103 or maintains
 25 an alternative program under subsection (c);

1 “(2) an analysis by the Secretary of the overall
2 effectiveness of the State’s one-call notification pro-
3 gram and the one-call notification systems operating
4 under such program in achieving the purposes of
5 this chapter;

6 “(3) the impact of the State’s decisions on the
7 extent of required participation in one-call notifica-
8 tion systems on prevention of damage to under-
9 ground facilities; and

10 “(4) areas where improvements are needed in
11 one-call notification systems in operation in the
12 State.

13 The report shall also include any recommendations the
14 Secretary determines appropriate. If the Secretary deter-
15 mines that the purposes of this chapter have been substan-
16 tially achieved, no further report under this section shall
17 be required.

18 **“§ 6105. Review of one-call system best practices**

19 “(a) STUDY OF EXISTING ONE-CALL SYSTEMS.—Ex-
20 cept as provided in subsection (d), the Secretary, in con-
21 sultation with other appropriate Federal agencies, State
22 agencies, one-call notification system operators, under-
23 ground facility operators, excavators, and other interested
24 parties, shall undertake a study of damage prevention

1 practices associated with existing one-call notification sys-
2 tems.

3 “(b) PURPOSE OF STUDY OF DAMAGE PREVENTION
4 PRACTICES.—The purpose of the study is to assemble in-
5 formation in order to determine which existing one-call no-
6 tification systems practices appear to be the most effective
7 in preventing damage to underground facilities and in pro-
8 tecting the public, the environment, excavators, and public
9 service disruption. As part of the study, the Secretary
10 shall at a minimum consider—

11 “(1) the methods used by one-call notification
12 systems and others to encourage participation by ex-
13 cavators and owners of underground facilities;

14 “(2) the methods by which one-call notification
15 systems promote awareness of their programs, in-
16 cluding use of public service announcements and
17 educational materials and programs;

18 “(3) the methods by which one-call notification
19 systems receive and distribute information from ex-
20 cavators and underground facility owners;

21 “(4) the use of any performance and service
22 standards to verify the effectiveness of a one-call no-
23 tification system;

24 “(5) the effectiveness and accuracy of mapping
25 used by one-call notification systems;

1 “(6) the relationship between one-call notifica-
2 tion systems and preventing intentional damage to
3 underground facilities;

4 “(7) how one-call notification systems address
5 the need for rapid response to situations where the
6 need to excavate is urgent;

7 “(8) the extent to which accidents occur due to
8 errors in marking of underground facilities, untimely
9 marking or errors in the excavation process after a
10 one-call notification system has been notified of an
11 excavation;

12 “(9) the extent to which personnel engaged in
13 marking underground facilities may be endangered;

14 “(10) the characteristics of damage prevention
15 programs the Secretary believes could be relevant to
16 the effectiveness of State one-call notification pro-
17 grams; and

18 “(11) the effectiveness of penalties and enforce-
19 ment activities under State one-call notification pro-
20 grams in obtaining compliance with program re-
21 quirements.

22 “(c) REPORT—Within 1 year after the date of the
23 enactment of the Intermodal Transportation Safety Act
24 of 1997, the Secretary shall publish a report identifying

1 those practices of one-call notification systems that are the
 2 most and least successful in—

3 “(1) preventing damage to underground facili-
 4 ties; and

5 “(2) providing effective and efficient service to
 6 excavators and underground facility operators.

7 The Secretary shall encourage States and operators of
 8 one-call notification programs to adopt and implement the
 9 most successful practices identified in the report.

10 “(d) SECRETARIAL DISCRETION—Prior to undertak-
 11 ing the study described in subsection (a), the Secretary
 12 shall determine whether timely information described in
 13 subsection (b) is readily available. If the Secretary deter-
 14 mines that such information is readily available, the Sec-
 15 retary is not required to carry out the study.

16 **“§ 6106. Grants to States**

17 “(a) IN GENERAL.—The Secretary may make a grant
 18 of financial assistance to a State that qualifies under sec-
 19 tion 6104(b) to assist in improving—

20 “(1) the overall quality and effectiveness of one-
 21 call notification systems in the State;

22 “(2) communications systems linking one-call
 23 notification systems;

1 “(3) location capabilities, including training
2 personnel and developing and using location tech-
3 nology;

4 “(4) record retention and recording capabilities
5 for one-call notification systems;

6 “(5) public information and education;

7 “(6) participation in one-call notification sys-
8 tems; or

9 “(7) compliance and enforcement under the
10 State one-call notification program.

11 “(b) STATE ACTION TAKEN INTO ACCOUNT.—In
12 making grants under this section the Secretary shall take
13 into consideration the commitment of each State to im-
14 proving its State one-call notification program, including
15 legislative and regulatory actions taken by the State after
16 the date of enactment of the Intermodal Transportation
17 Safety Act of 1997.

18 “(c) FUNDING FOR ONE-CALL NOTIFICATION SYS-
19 TEMS.—A State may provide funds received under this
20 section directly to any one-call notification system in such
21 State that substantially adopts the best practices identi-
22 fied under section 6105.

23 **“§ 6107. Authorization of appropriations**

24 “(a) FOR GRANTS TO STATES.—There are author-
25 ized to be appropriated to the Secretary in fiscal year

1 1999 no more than \$1,000,000 and in fiscal year 2000
 2 no more than \$5,000,000, to be available until expended,
 3 to provide grants to States under section 6106.

4 “(b) FOR ADMINISTRATION.—There are authorized
 5 to be appropriated to the Secretary such sums as may be
 6 necessary during fiscal years 1998, 1999, and 2000 to
 7 carry out sections 6103, 6104, and 6105.

8 “(c) GENERAL REVENUE FUNDING.—Any sums ap-
 9 propriated under this section shall be derived from general
 10 revenues and may not be derived from amounts collected
 11 under section 60301 of this title.”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) The analysis of chapters for subtitle III is
 14 amended by adding at the end thereof the following:

“CHAPTER 61—ONE-CALL NOTIFICATION PROGRAM.”.

15 (2) Chapter 601 of title 49, United States
 16 Code, is amended

17 (A) by striking “sections 60114 and” in
 18 section 60105(a) of that chapter and inserting
 19 “section”;

20 (B) by striking section 60114 and the item
 21 relating to that section in the table of sections
 22 for that chapter;

1 (C) by striking “60114(c), 60118(a),” in
 2 section 60122(a)(1) of that chapter and insert-
 3 ing “60118(a),”;

4 (D) by striking “60114(c) or” in section
 5 60123(a) of that chapter;

6 (E) by striking “sections 60107 and
 7 60114(b)” in subsections (a) and (b) of section
 8 60125 and inserting “section 60107” in each
 9 such subsection; and

10 (F) by striking subsection (d) of section
 11 60125, and redesignating subsections (e) and
 12 (f) of that section as subsections (d) and (e).

13 **TITLE V—MOTOR CARRIER** 14 **SAFETY**

15 **SEC. 501. STATEMENT OF PURPOSE.**

16 Chapter 311 is amended—

17 (1) by inserting before section 31101 the follow-
 18 ing:

19 **“§ 31100. Purpose**

20 “The purposes of this subchapter are—

21 “(1) to improve commercial motor vehicle and
 22 driver safety;

23 “(2) to facilitate efforts by the Secretary,
 24 States, and other political jurisdictions, working in

1 partnership, to focus their resources on strategic
 2 safety investments;

3 “(3) to increase administrative flexibility;

4 “(4) to strengthen enforcement activities;

5 “(5) to invest in activities related to areas of
 6 the greatest crash reduction;

7 “(6) to identify high risk carriers and drivers;

8 and

9 “(7) to improve information and analysis sys-
 10 tems.”; and

11 (2) by inserting before the item relating to sec-
 12 tion 31101 in the chapter analysis for chapter 311
 13 the following:

“§ 31100. Purposes.”.

14 **SEC. 502. GRANTS TO STATES.**

15 (a) PERFORMANCE-BASED GRANTS.—Section 31102
 16 is amended—

17 (1) by inserting “improving motor carrier safety
 18 and” in subsection (a) after “programs for”; and

19 (2) by striking “adopt and assume responsibil-
 20 ity for enforcing” in the first sentence of paragraph
 21 (b)(1) and inserting “assume responsibility for im-
 22 proving motor carrier safety and to adopt and en-
 23 force”.

24 (b) HAZARDOUS MATERIALS.—Section 31102 is
 25 amended—

1 (1) by inserting a comma and “hazardous mate-
 2 rials transportation safety,” after “commercial
 3 motor vehicle safety” in subsection (a); and

4 (2) by inserting a comma and “hazardous mate-
 5 rials transportation safety,” in the first sentence of
 6 subsection (b) after “commercial motor vehicle safe-
 7 ty”.

8 (c) CONTENTS OF STATE PLANS.—Section
 9 31102(b)(1) is amended—

10 (1) by redesignating subparagraphs (A) through
 11 (Q) as subparagraphs (B) through (R), respectively;

12 (2) by inserting before subparagraph (B), as re-
 13 designated, the following:

14 “(A) implements performance-based activi-
 15 ties by fiscal year 2000;”

16 (3) by inserting “(1)” in subparagraph (K), as
 17 redesignated, after “(c)”; and

18 (4) by striking subparagraphs (L) and (M), as
 19 redesignated, and inserting the following:

20 “(L) ensures consistent, effective, and rea-
 21 sonable sanctions;

22 “(M) ensures that the State agency will co-
 23 ordinate the plan, data collection, and informa-
 24 tion systems with the State highway safety pro-
 25 grams under title 23;”;

1 (5) by striking “activities—” in subparagraph
 2 (P), as redesignated, and inserting “activities in
 3 support of national priorities and performance goals
 4 including—”;

5 (6) by striking “to remove” in clause (i) of sub-
 6 paragraph (P), as redesignated, and inserting “ac-
 7 tivities aimed at removing”; and

8 (7) by striking “to provide” in clause (ii) of
 9 subparagraph (P), as redesignated, and inserting
 10 “activities aimed at providing”.

11 **SEC. 503. FEDERAL SHARE.**

12 Section 31103 is amended—

13 (1) by inserting before “The Secretary of
 14 Transportation” the following:

15 “(a) COMMERCIAL MOTOR VEHICLE SAFETY PRO-
 16 GRAMS AND ENFORCEMENT.—”;

17 (2) by inserting “improve commercial motor ve-
 18 hicle safety and” in the first sentence before “en-
 19 force”; and

20 (3) by adding at the end the following:

21 “(b) OTHER ACTIVITIES.—The Secretary may reim-
 22 burse State agencies, local governments, or other persons
 23 up to 100 percent for those activities identified in
 24 31104(f)(2).”.

1 **SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—Section 31104(a) is amended to
3 read as follows:

4 “(a) GENERAL.—Subject to section 9503(c)(1) of the
5 Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(1)),
6 there are available from the Highway Trust Fund (except
7 the Mass Transit Account) for the Secretary of Transpor-
8 tation to incur obligations to carry out section 31102 of
9 this title, not more than—

10 “(1) \$80,000,000 for the fiscal year ending
11 September 30, 1998;

12 “(2) \$82,000,000 for the fiscal year ending
13 September 30, 1999;

14 “(3) \$84,000,000 for the fiscal year ending
15 September 30, 2000;

16 “(4) \$86,000,000 for the fiscal year ending
17 September 30, 2001;

18 “(5) \$88,000,000 for the fiscal year ending
19 September 30, 2002; and

20 “(6) \$90,000,000 for the fiscal year ending
21 September 30, 2003.”.

22 (b) AVAILABILITY AND REALLOCATION.—Section
23 31104(b)(2) is amended to read as follows:

24 “(2) Amounts made available under section
25 4002(e)(1) and (2) of the Intermodal Surface Trans-
26 portation Efficiency Act of 1991 before October 1,

1 1996, that are not obligated on October 1, 1997, are
 2 available for obligation under paragraph (1) of this
 3 subsection.”.

4 (c) ALLOCATION CRITERIA.—Section 31104(f) is
 5 amended to read as follows:

6 “(f) ALLOCATION CRITERIA AND ELIGIBILITY.—

7 “(1) On October 1 of each fiscal year or as
 8 soon after that date as practicable, the Secretary,
 9 after making the deduction described in subsection
 10 (e) of this section, shall allocate, under criteria the
 11 Secretary prescribes through regulation, the
 12 amounts available for that fiscal year among the
 13 States with plans approved under section 31102 of
 14 this title.

15 “(2) The Secretary may designate—

16 “(A) no less than 5 percent of such
 17 amounts for activities and projects of national
 18 priority for the improvement of commercial
 19 motor vehicle safety; and

20 “(B) no less than 5 percent of such
 21 amounts to reimburse States for border com-
 22 mercial motor vehicle safety programs and en-
 23 forcement activities and projects. These
 24 amounts shall be allocated by the Secretary to
 25 State agencies and local governments that use

1 trained and qualified officers and employees in
 2 coordination with State motor vehicle safety
 3 agencies.”.

4 (d) OTHER AMENDMENTS.—

5 (1) Section 31104 is amended by striking sub-
 6 section (g) and redesignating subsection (h) as sub-
 7 section (g).

8 (2) Section 31104 is amended by striking sub-
 9 section (i) and redesignating subsection (j) as sub-
 10 section (h).

11 **SEC. 505. INFORMATION SYSTEMS AND STRATEGIC SAFETY**
 12 **INITIATIVES.**

13 Section 31106 is amended to read as follows:

14 **“§ 31106. Information Systems and Strategic Safety**
 15 **Initiatives**

16 “(a) INFORMATION SYSTEMS.—

17 “(1) IN GENERAL.—The Secretary is authorized
 18 to establish motor carrier information systems and
 19 data analysis programs to support motor carrier reg-
 20 ulatory and enforcement activities required under
 21 this title. In cooperation with the States, the infor-
 22 mation systems shall be coordinated into a network
 23 providing identification of motor carriers and driv-
 24 ers, registration and licensing tracking, and motor
 25 carrier and driver safety performance. The Secretary

1 shall develop and maintain data analysis capacity
2 and programs to provide the means to develop strat-
3 egies to address safety problems and to use data
4 analysis to measure the effectiveness of these strate-
5 gies and related programs; to determine the cost ef-
6 fectiveness of State and Federal safety compliance,
7 enforcement programs, and other countermeasures;
8 to evaluate the safety fitness of motor carriers and
9 drivers; to identify and collect necessary data; and to
10 adapt, improve, and incorporate other information
11 and information systems as deemed appropriate by
12 the Secretary.

13 “(2) PERFORMANCE AND REGISTRATION INFOR-
14 MATION SYSTEMS MANAGEMENT—

15 “(A) The Secretary shall include, as part
16 of the motor carrier safety information network
17 system of the Department of Transportation,
18 an information system, to be called the Per-
19 formance and Registration Information Systems
20 Management, to serve as a clearinghouse and
21 repository of information related to State reg-
22 istration and licensing of commercial motor ve-
23 hicles and the safety system of the commercial
24 motor vehicle registrants or the motor carriers
25 operating the vehicles. The Secretary may in-

1 clude in the system information on the safety
2 fitness of each of the motor carriers and reg-
3 istrants and other information the Secretary
4 considers appropriate, including information on
5 vehicle, driver, and motor carrier safety per-
6 formance.

7 “(B) The Secretary shall prescribe tech-
8 nical and operational standards to ensure—

9 “(i) uniform, timely and accurate in-
10 formation collection and reporting by the
11 States necessary to carry out this system;

12 “(ii) uniform State and Federal proce-
13 dures and policies necessary to operate the
14 Commercial Vehicle Information System;
15 and

16 “(iii) the availability and reliability of
17 the information to the States and the Sec-
18 retary from the information system.

19 “(C) The system shall link the Federal
20 motor carrier safety systems with State driver
21 and commercial vehicle registration and licens-
22 ing systems, and shall be designed—

23 “(i) to enable a State, when issuing li-
24 cense plates or throughout the registration
25 period for a commercial motor vehicle, to

1 determine, through the use of the informa-
2 tion system, the safety fitness of the reg-
3 istrant or motor carrier;

4 “(ii) to allow a State to decide, in co-
5 operation with the Secretary, the types of
6 sanctions that may be imposed on the reg-
7 istrant or motor carrier, or the types of
8 conditions or limitations that may be im-
9 posed on the operations of the registrant
10 or motor carrier that will ensure the safety
11 fitness of the registrant or motor carrier;

12 “(iii) to monitor the safety fitness of
13 the registrant or motor carrier during the
14 registration period; and

15 “(iv) to require the State, as a condi-
16 tion of participation in the system, to im-
17 plement uniform policies, procedures, and
18 standards, and to possess or seek authority
19 to impose commercial motor vehicle reg-
20 istration sanctions on the basis of a Fed-
21 eral safety fitness determination.

22 “(D) Of the amounts available for expendi-
23 ture under this section, up to 50 percent in
24 each of fiscal years 1998, 1999, 2000, 2001,
25 2002, and 2003 may be made available to carry

1 out paragraph (a)(2) of this section. The Sec-
 2 retary may authorize the operation of the infor-
 3 mation system by contract, through an agree-
 4 ment with one or more States, or by designat-
 5 ing, after consultation with the States, a third
 6 party that represents the interests of the
 7 States. Of the amounts made available to carry
 8 out subsection (a)(2) of this section, the Sec-
 9 retary is encouraged to direct no less than 80
 10 percent to States that have not previously re-
 11 ceived financial assistance to develop or imple-
 12 ment the Performance and Registration Infor-
 13 mation Systems Management system.

14 “(b) COMMERCIAL MOTOR VEHICLE DRIVER SAFETY
 15 PROGRAM.—The Secretary is authorized to establish a
 16 program focusing on improving commercial motor vehicle
 17 driver safety. The objectives of the program shall in-
 18 clude—

19 “(1) enhancing the exchange of driver licensing
 20 information among the States and among the
 21 States, the Federal Government, and foreign coun-
 22 tries;

23 “(2) providing information to the judicial sys-
 24 tem on the commercial motor vehicle driver licensing
 25 program; and

1 “(3) evaluating any aspect of driver perform-
 2 ance and safety as deemed appropriate by the Sec-
 3 retary.

4 “(c) COOPERATIVE AGREEMENTS, GRANTS, AND
 5 CONTRACTS.—The Secretary may carry out this section
 6 either independently or in cooperation with other Federal
 7 departments, agencies, and instrumentalities, or by mak-
 8 ing grants to and entering into contracts and cooperative
 9 agreements with States, localities, associations, institu-
 10 tions, corporations (profit or nonprofit) or other persons.”.

11 **SEC. 506. IMPROVED FLOW OF DRIVER HISTORY PILOT**
 12 **PROGRAM.**

13 The Secretary of Transportation shall carry out a
 14 pilot program in cooperation with one or more States to
 15 improve upon the timely exchange of pertinent driver per-
 16 formance and safety records data. The program shall—

- 17 (1) determine to what extent driver perform-
 18 ance records data, including relevant fines, penalties,
 19 and failures to appear for a hearing or trial, should
 20 be included as part of any information systems
 21 under the Department of Transportation’s oversight;
 22 (2) assess the feasibility, costs, safety impact,
 23 and benefits of record exchanges; and

1 (3) assess methods for the efficient exchange of
2 driver safety data available from existing State in-
3 formation systems and sources.

4 **SEC. 507. MOTOR CARRIER AND DRIVER SAFETY RE-**
5 **SEARCH.**

6 Of the funds made available to carry out programs
7 established by the amendments made by title II of the
8 Intermodal Surface Transportation Efficiency Act of
9 1997, no less than \$10,000,000 shall be made available
10 for each of fiscal years 1998, 1999, 2000, 2001, 2002,
11 and 2003 for activities designed to advance commercial
12 motor vehicle and driver safety. Any obligation, contract,
13 cooperative agreement, or support granted under this sec-
14 tion in excess of \$100,000 shall be awarded on a competi-
15 tive basis. The Secretary shall submit annually a report
16 to the Senate Committee on Commerce, Science, and
17 Transportation and the House Committee on Transpor-
18 tation and Infrastructure on the research activities carried
19 out under this section, including the amount, purpose, re-
20 cipient and nature of each contract, cooperative agreement
21 or award.”.

22 **SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

23 Section 31107 is amended to read as follows:

1 **“§ 31107. Authorization of appropriations for infor-**
 2 **mation systems and strategic safety ini-**
 3 **tiatives**

4 “There shall be available from the Highway Trust
 5 Fund (other than the Mass Transit Account) for the Sec-
 6 retary to incur obligations to carry out section 31106 of
 7 this title the sum of \$10,000,000 for each of the fiscal
 8 years 1998, 1999, 2000, 2001, 2002, and 2003. The
 9 amounts made available under this subsection shall re-
 10 main available until expended.”.

11 **SEC. 509. CONFORMING AMENDMENTS.**

12 The chapter analysis for chapter 311 is amended—
 13 (1) by striking the heading for subchapter I
 14 and inserting the following:

“SUBCHAPTER I—STATE GRANTS AND OTHER COM-
 MERCIAL MOTOR VEHICLE PROGRAMS”;

15 and

16 (2) by striking the items relating to sections
 17 31106 and 31107 and inserting the following:

“31106. Information systems and strategic safety initiatives.

“31107. Authorization of appropriations for information systems and strategic
 safety initiatives.”.

18 **SEC. 510. AUTOMOBILE TRANSPORTER DEFINED.**

19 Section 31111(a) is amended—

20 (1) by redesignating paragraphs (1) and (2) as
 21 paragraphs (2) and (3), respectively; and

1 (2) by inserting before paragraph (2), as redesi-
 2 gnated, the following:

3 “(1) ‘automobile transporter’ means any vehicle
 4 combination designed and used specifically for the
 5 transport of assembled highway vehicles, including
 6 truck camper units.”.

7 **SEC. 511. REPEAL OF REVIEW PANEL; REVIEW PROCEDURE.**

8 (a) REPEAL.—Subchapter III of chapter 311 is
 9 amended—

10 (1) by striking sections 31134 and 31140; and

11 (2) by striking the items relating to sections
 12 31134 and 31140 in the chapter analysis for that
 13 chapter.

14 (b) REVIEW PROCEDURE.—

15 (1) IN GENERAL.—Section 31141 is amended—

16 (A) by striking subsection (b) and redesignig-
 17 nating subsections (c), (d), (e), (f), (g), and (h)
 18 as subsections (b), (c), (d), (e), (f), and (g), re-
 19 spectively;

20 (B) by striking so much of subsection (b),
 21 as redesignated, as precedes paragraph (2) and
 22 inserting the following:

23 “(b) REVIEW AND DECISIONS BY THE SECRETARY.—

1 “(1) The Secretary shall review the laws and
2 regulations on commercial motor vehicle safety in ef-
3 fect in each State, and decide—

4 “(A) whether the State law or regulation—

5 “(i) has the same effect as a regula-
6 tion prescribed by the Secretary under sec-
7 tion 31136 of this title;

8 “(ii) is less stringent than that regula-
9 tion; or

10 “(iii) is additional to or more strin-
11 gent than that regulation; and

12 “(B) for each State law or regulation
13 which is additional to or more stringent than
14 the regulation prescribed by the Secretary,
15 whether—

16 “(i) the State law or regulation has no
17 safety benefit;

18 “(ii) the State law or regulation is in-
19 compatible with the regulation prescribed
20 by the Secretary under section 31136 of
21 this title; or

22 “(iii) enforcement of the State law or
23 regulation would cause an unreasonable
24 burden on interstate commerce.”;

1 (C) by striking paragraph (5) of subsection
 2 (b)(5), as redesignated, and inserting the fol-
 3 lowing:

4 “(5) In deciding under paragraph (4) of this
 5 subsection whether a State law or regulation will
 6 cause an unreasonable burden on interstate com-
 7 merce, the Secretary may consider the effect on
 8 interstate commerce of implementation of all similar
 9 laws and regulations of other States.”;

10 (D) by striking subsections (d) and (e), as
 11 redesignated, and inserting the following:

12 “(d) WRITTEN NOTICE OF DECISIONS.—The Sec-
 13 retary shall give written notice of the decision under sub-
 14 section (b) of this section to the State concerned.”; and

15 (E) by redesignating subsections (f) and
 16 (g), as redesignated, as subsections (e) and (f),
 17 respectively.

18 (2) CONFORMING CHANGES.—

19 (A) The caption of section 31141 of such
 20 title is amended to read as follows:

21 **“§ 31141. Preemption of State laws and regulations”.**

22 (B) The chapter analysis of chapter 311 of
 23 such title is amended by striking the item relat-
 24 ing to section 31141 and inserting the follow-
 25 ing:

“31141. Preemption of State laws and regulations.”.

1 (d) INSPECTION OF VEHICLES.—

2 (1) Section 31142 is amended—

3 (A) by striking “part 393 of title 49, Code
4 of Federal Regulations” in subsection (a) and
5 inserting “regulations issued pursuant to sec-
6 tion 31135 of this title”; and

7 (B) by striking subsection (c)(1)(C) and
8 inserting the following:

9 “(C) prevent a State from participating in
10 the activities of a voluntary group of States en-
11 forcing a program for inspection of commercial
12 motor vehicles; or”.

13 (2) Subchapter IV of chapter 311 is amended—

14 (A) by striking sections 31161 and 31162;
15 and

16 (B) by striking the items relating to sec-
17 tions 31161 and 31162 in the chapter analysis
18 for that chapter.

19 (3) Section 31102(b)(1) is amended—

20 (A) by striking “and” at the end of sub-
21 paragraph (P);

22 (B) by striking “thereunder.” in subpara-
23 graph (Q) and inserting “thereunder; and”; and

24 (C) by adding at the end thereof the fol-
25 lowing:

1 “(R) provides that the State will establish
 2 a program (i) to ensure the proper and timely
 3 correction of commercial motor vehicle safety
 4 violations noted during an inspection carried
 5 out with funds authorized under section 31104
 6 of this title; and (ii) to ensure that information
 7 is exchanged among the States in a timely man-
 8 ner.”.

9 (e) SAFETY FITNESS OF OWNERS AND OPERA-
 10 TORS.—Section 31144 is amended to read as follows:

11 **“§ 31142. Safety fitness of owners and operators**

12 “(a) PROCEDURE.—The Secretary of Transportation
 13 shall maintain in regulation a procedure for determining
 14 the safety fitness of owners and operators of commercial
 15 motor vehicles, including persons seeking new or addi-
 16 tional operating authority as motor carriers under section
 17 13902 of this title. The procedure shall include—

18 “(1) specific initial and continuing requirements
 19 to be met by the owners, operators, and other per-
 20 sons to demonstrate safety fitness;

21 “(2) a means of deciding whether the owners,
 22 operators, or other persons meet the safety require-
 23 ments under paragraph (1) of this subsection; and

24 “(3) specific time deadlines for action by the
 25 Secretary in making fitness decisions.

1 “(b) PROHIBITED TRANSPORTATION.—Except as
2 provided in sections 521(b)(5)(A) and 5113 of this title,
3 a motor carrier that fails to meet the safety fitness re-
4 quirements established under subsection (a) of this section
5 may not operate in interstate commerce beginning on the
6 61st day after the date of the determination by the Sec-
7 retary that the motor carrier fails to meet the safety fit-
8 ness requirements and until the motor carrier meets the
9 safety fitness requirements. The Secretary may, for good
10 cause shown, provide a carrier with up to an additional
11 60 days to meet the safety fitness requirements.

12 “(c) RATING REVIEW.—The Secretary shall review
13 the factors that resulted in a motor carrier failing to meet
14 the safety fitness requirements not later than 45 days
15 after the motor carrier requests a review.

16 “(d) GOVERNMENT USE PROHIBITED.—A depart-
17 ment, agency, or instrumentality of the United States
18 Government may not use a motor carrier that does not
19 meet the safety fitness requirements.

20 “(e) PUBLIC AVAILABILITY; UPDATING OF FITNESS
21 DETERMINATIONS.—The Secretary shall amend the motor
22 carrier safety regulations in subchapter B of chapter III
23 of title 49, Code of Federal Regulations, to establish a
24 system to make readily available to the public, and to up-

1 date periodically, the safety fitness determinations of
 2 motor carriers made by the Secretary.

3 “(f) PENALTIES.—The Secretary shall prescribe reg-
 4 ulations setting penalties for violations of this section con-
 5 sistent with section 521 of this title.”.

6 (f) SAFETY FITNESS OF PASSENGER AND HAZARD-
 7 OUS MATERIAL CARRIERS.—

8 (1) IN GENERAL.—Section 5113 is amended—

9 (A) by striking subsection (a) and insert-
 10 ing the following:

11 “(a) PROHIBITED TRANSPORTATION.—

12 “(1) A motor carrier that fails to meet the safe-
 13 ty fitness requirements established under subsection
 14 31144(a) of this title may not operate a commercial
 15 motor vehicle (as defined in section 31132 of this
 16 title)—

17 “(A) to transport hazardous material for
 18 which placarding of a motor vehicle is required
 19 under regulations prescribed under this chapter;
 20 or

21 “(B) to transport more than 15 individ-
 22 uals.

23 “(2) The prohibition in paragraph (1) of this
 24 subsection applies beginning on the 46th day after
 25 the date on which the Secretary determines that a

1 motor carrier fails to meet the safety fitness require-
 2 ments and applies until the motor carrier meets the
 3 safety fitness requirements.”;

4 (B) by striking “RATING” in the caption of
 5 subsection (b) and inserting “FITNESS”;

6 (C) by striking “receiving an unsatisfac-
 7 tory rating” in subsection (b) and inserting
 8 “failing to meet the safety fitness require-
 9 ments”;

10 (D) by striking “has an unsatisfactory rat-
 11 ing from the Secretary” in subsection (c) and
 12 inserting “failed to meet the safety fitness re-
 13 quirements”; and

14 (E) by striking “RATINGS” in the caption
 15 of subsection (d) and inserting “FITNESS DE-
 16 TERMINATIONS”;

17 (F) by striking “, in consultation with the
 18 Interstate Commerce Commission,” in sub-
 19 section (d); and

20 (G) by striking “ratings of motor carriers
 21 that have unsatisfactory ratings from” in sub-
 22 section (d) and inserting “fitness determina-
 23 tions of motor carriers made by”.

24 (2) CONFORMING AMENDMENTS.—

1 (A) The caption of section 5113 of such
 2 chapter is amended to read as follows:

3 **“§ 5113. Safety fitness of passenger and hazardous**
 4 **material carriers”.**

5 (B) The chapter analysis for such chapter
 6 is amended by striking the item relating to sec-
 7 tion 5113 and inserting the following:

“5113. Safety fitness of passenger and hazardous material carriers.”.

8 (g) DEFINITIONS.—

9 (1) Section 31101(1) is amended—

10 (A) by inserting “or gross vehicle weight,
 11 whichever is greater,” after “rating” in sub-
 12 paragraph (A);

13 (ii) by striking “10,000” and inserting
 14 “10,001”;

15 (B) by striking subparagraph (B) and in-
 16 serting the following:

17 “(B) is designed or used to transport pas-
 18 sengers for compensation, but does not include
 19 a vehicle providing taxicab service and having a
 20 capacity of not more than 6 passengers and not
 21 operated on a regular route or between specified
 22 places;”;

23 (C) by inserting “and transported in a
 24 quantity requiring placarding under regulations

1 prescribed by the Secretary under section
2 5103” after “title” in subparagraph (C).

3 (2) Section 31132 is amended—

4 (A) by inserting “or gross vehicle weight,
5 whichever is greater,” after “rating” in para-
6 graph (1)(A); and

7 (B) by adding at the end of paragraph (3)
8 the following:

9 “For purposes of this paragraph, the term ‘business
10 affecting interstate commerce’ means a business em-
11 ploying a commercial motor vehicle in interstate
12 commerce and includes all operations of the business
13 in intrastate commerce which use vehicles otherwise
14 defined as commercial motor vehicles under para-
15 graph (1) of this section.”.

16 (h) EMPLOYEE PROTECTIONS.—Not later than 2
17 years after the date of enactment of this Act, the Sec-
18 retary of Transportation, in conjunction with the Sec-
19 retary of Labor, shall report to the United States Senate
20 Committee on Commerce, Science, and Transportation
21 and the United States House of Representatives Commit-
22 tee on Transportation and Infrastructure on the effective-
23 ness of existing statutory employee protections provided
24 for under section 31105 of title 49, United States Code.
25 The report shall include recommendations to address any

1 statutory changes as may be necessary to strengthen the
2 enforcement of such employee protection provisions.

3 (i) INSPECTIONS AND REPORTS.—

4 (1) GENERAL POWERS OF THE SECRETARY.—

5 Section 31133(a)(1) is amended by inserting “and
6 make contracts for” after “conduct”.

7 (2) REPORTS AND RECORDS.—Section 504(c) is
8 amended by inserting “(and, in the case of a motor
9 carrier, a contractor)” before the second comma.

10 **SEC. 512. COMMERCIAL MOTOR VEHICLE OPERATORS.**

11 (a) REPEAL OF OBSOLETE GRANT PROGRAMS.—

12 Chapter 313 is amended—

13 (1) by striking sections 31312 and 31313; and

14 (2) by striking the items relating to sections
15 31312 and 31313 in the chapter analysis for that
16 chapter.

17 (b) COMMERCIAL DRIVER’S LICENSE REQUIRE-
18 MENT.—

19 (1) IN GENERAL.—Section 31302 is amended
20 to read as follows:

21 **“§ 31302. Commercial driver’s license requirement**

22 “No individual shall operate a commercial motor ve-
23 hicle without a commercial driver’s license issued accord-
24 ing to section 31308 of this title.”.

25 (2) CONFORMING AMENDMENTS.—

1 (A) The chapter analysis for that chapter
 2 is amended by striking the item relating to sec-
 3 tion 31302 and inserting the following:

“31302. Commercial driver’s license requirement.”.

4 (B) Section 31305(a) is amended by redes-
 5 ignating paragraphs (2) through (8) as para-
 6 graphs (3) through (9), respectively, and by in-
 7 serting after paragraph (1) the following:

8 “(2) may establish performance based testing
 9 and licensing standards that more accurately meas-
 10 ure and reflect an individual’s knowledge and skills
 11 as an operator;”.

12 (c) COMMERCIAL DRIVER’S LICENSE INFORMATION
 13 SYSTEM.—Section 31309 is amended—

14 (1) by striking “make an agreement under sub-
 15 section (b) of this section for the operation of, or es-
 16 tablish under subsection (c) of this section,” in sub-
 17 section (a) and inserting “maintain”;

18 (2) by striking subsections (b) and (c) and re-
 19 designating subsections (d), (e), and (f) as sub-
 20 sections (b), (c), and (d) respectively;

21 (3) by striking “Not later than December 31,
 22 1990, the” in paragraph (2) of subsection (b), as re-
 23 designated, and inserting “The”; and

24 (4) by inserting after the caption of subsection
 25 (c), as redesignated, the following: “Information

1 about a driver in the information system may be
 2 made available under the following circumstances:”;
 3 and

4 (5) by starting a new paragraph with “(1) On
 5 request” and indenting the paragraph 2 ems from
 6 the lefthand margin.

7 (d) REQUIREMENTS FOR STATE PARTICIPATION.—
 8 Section 31311(a) is amended—

9 (1) by striking “31310b(b)–(e)” in paragraph
 10 (15) and inserting “31310 (b)–(e), and (g)(1)(A)
 11 and (2)”;

12 (2) by striking paragraph (17); and

13 (3) by redesignating paragraph (18) as para-
 14 graph (17).

15 (e) WITHHOLDING AMOUNTS FOR STATE NON-
 16 COMPLIANCE.—Section 31314 is amended—

17 (1) by striking “, (2), (5), and (6)” and insert-
 18 ing “(3), and (5)”;

19 (2) by striking “1992” in subsections (a) and
 20 (b) and inserting “1995”;

21 (3) by striking paragraph (1) of subsection (c);

22 (4) by striking “(2)” in subsection (c)(2);

23 (5) by striking subsection (d); and

24 (6) by redesignating subsection (e) as sub-
 25 section (d).

1 (f) COMMERCIAL MOTOR VEHICLE DEFINED.—Sec-
 2 tion 31301 is amended—

3 (1) by inserting “or gross vehicle weight, which-
 4 ever is greater,” after “rating” each place it appears
 5 in paragraph (4)(A); and

6 (2) by inserting “is” in paragraph (4)(C)(ii) be-
 7 fore “transporting” each place it appears and before
 8 “not otherwise”.

9 (g) SAFETY PERFORMANCE HISTORY OF NEW DRIV-
 10 ERS; LIMITATION ON LIABILITY.—

11 (1) IN GENERAL.—Chapter 5 is amended by
 12 adding at the end thereof the following:

13 **“§ 508. Safety performance history of new drivers;**
 14 **limitation on liability**

15 “(a) LIMITATION ON LIABILITY.—No action or pro-
 16 ceeding for defamation, invasion of privacy, or interference
 17 with a contract that is based on the furnishing or use of
 18 safety performance records in accordance with regulations
 19 issued by the Secretary may be brought against—

20 “(1) a motor carrier requesting the safety per-
 21 formance records of an individual under consider-
 22 ation for employment as a commercial motor vehicle
 23 driver as required by and in accordance with regula-
 24 tions issued by the Secretary;

1 “(2) a person who has complied with such a re-
2 quest; or

3 “(3) the agents or insurers of a person de-
4 scribed in paragraph (1) or (2) of this subsection.

5 “(b) RESTRICTIONS.—

6 “(1) Subsection (a) does not apply unless—

7 “(A) the motor carrier requesting the safe-
8 ty performance records at issue, the person
9 complying with such a request, and their agents
10 have taken all precautions reasonably necessary
11 to ensure the accuracy of the records and have
12 fully complied with the regulations issued by
13 the Secretary in using and furnishing the
14 records, including the requirement that the in-
15 dividual who is the subject of the records be af-
16 forded a reasonable opportunity to review and
17 comment on the records;

18 “(B) the motor carrier requesting the safe-
19 ty performance records, the person complying
20 with such a request, their agents, and their in-
21 surers, have taken all precautions reasonably
22 necessary to protect the records from disclosure
23 to any person, except for their insurers, not di-
24 rectly involved in forwarding the records or de-
25 ciding whether to hire that individual; and

1 “(C) the motor carrier requesting the safe-
 2 ty performance records has used those records
 3 only to assess the safety performance of the in-
 4 dividual who is the subject of those records in
 5 deciding whether to hire that individual.

6 “(2) Subsection (a) does not apply to persons
 7 who knowingly furnish false information.

8 “(c) PREEMPTION OF STATE AND LOCAL LAW.—No
 9 State or political subdivision thereof may enact, prescribe,
 10 issue, continue in effect, or enforce any law (including any
 11 regulation, standard, or other provision having the force
 12 and effect of law) that prohibits, penalizes, or imposes li-
 13 ability for furnishing or using safety performance records
 14 in accordance with regulations issued by the Secretary.
 15 Notwithstanding any provision of law, written authoriza-
 16 tion shall not be required to obtain information on the
 17 motor vehicle driving record of an individual under consid-
 18 eration for employment with a motor carrier.”.

19 (2) CONFORMING AMENDMENT.—The chapter
 20 analysis for that chapter is amended by inserting
 21 after the item relating to section 507 the following:

“508. Safety performance history of new drivers; limitation on liability.”.

22 **SEC. 515. PENALTIES.**

23 (a) NOTIFICATION OF VIOLATIONS AND ENFORCE-
 24 MENT PROCEDURES.—Section 521(b)(1) is amended—

1 (1) by inserting: “with the exception of report-
 2 ing and recordkeeping violations,” in the first sen-
 3 tence of subparagraph (A) after “under any of those
 4 provisions,”;

5 (2) by striking “fix a reasonable time for abate-
 6 ment of the violation,” in the third sentence of sub-
 7 paragraph (A);

8 (3) by striking “(A)” in subparagraph (A); and

9 (4) by striking subparagraph (B).

10 (b) CIVIL PENALTIES.—Section 521(b)(2) is amend-
 11 ed—

12 (1) by striking subparagraph (A) and inserting
 13 the following:

14 “(A) IN GENERAL.—Except as otherwise
 15 provided in this subsection, any person who is
 16 determined by the Secretary, after notice and
 17 opportunity for a hearing, to have committed
 18 an act which is a violation of regulations issued
 19 by the Secretary under subchapter III of chap-
 20 ter 311 (except sections 31137 and 31138) or
 21 section 31502 of this title shall be liable to the
 22 United States for a civil penalty in an amount
 23 not to exceed \$10,000 for each offense. Not-
 24 withstanding any other provision of this section
 25 (except subparagraph (C)), no civil penalty

1 shall be assessed under this section against an
 2 employee for a violation in an amount exceeding
 3 \$2,500.”;

4 (2) by redesignating subparagraphs (B) and
 5 (C) as subparagraphs (C) and (D), respectively; and

6 (3) by inserting after subparagraph (A) the fol-
 7 lowing:

8 “(B) RECORDKEEPING AND REPORTING
 9 VIOLATIONS.—

10 “(i) A person required to make a re-
 11 port to the Secretary, answer a question,
 12 or make, prepare, or preserve a record
 13 under section 504 of this title or under any
 14 regulation issued by the Secretary pursu-
 15 ant to subchapter III of chapter 311 (ex-
 16 cept sections 31137 and 31138) or section
 17 31502 of this title about transportation by
 18 motor carrier, motor carrier of migrant
 19 workers, or motor private carrier, or an of-
 20 ficer, agent, or employee of that person,
 21 who—

22 “(I) does not make that report;

23 “(II) does not specifically, com-
 24 pletely, and truthfully answer that
 25 question in 30 days from the date the

1 Secretary requires the question to be
2 answered; or

3 “(III) does not make, prepare, or
4 preserve that record in the form and
5 manner prescribed by the Secretary,
6 shall be liable to the United States for a
7 civil penalty in an amount not to exceed
8 \$500 for each offense, and each day of the
9 violation shall constitute a separate of-
10 fense, except that the total of all civil pen-
11 alties assessed against any violator for all
12 offenses related to any single violation
13 shall not exceed \$5,000.

14 “(ii) Any such person, or an officer,
15 agent, or employee of that person, who—

16 “(I) knowingly falsifies, destroys,
17 mutilates, or changes a required re-
18 port or record;

19 “(II) knowingly files a false re-
20 port with the Secretary;

21 “(III) knowingly makes or causes
22 or permits to be made a false or in-
23 complete entry in that record about
24 an operation or business fact or trans-
25 action; or

1 “(IV) knowingly makes, prepares,
2 or preserves a record in violation of a
3 regulation or order of the Secretary,
4 shall be liable to the United States for a
5 civil penalty in an amount not to exceed
6 \$5,000 for each violation, provided that
7 any such action can be shown to have mis-
8 represented a fact that constitutes a viola-
9 tion other than a reporting or record-
10 keeping violation.”.

11 **SEC. 514. INTERNATIONAL REGISTRATION PLAN AND**
12 **INTERNATIONAL FUEL TAX AGREEMENT.**

13 Chapter 317 is amended—

14 (1) by striking sections 31702, 31703, and
15 31708; and

16 (2) by striking the items relating to sections
17 31702, 31703, and 31708 in the chapter analysis
18 for that chapter.

19 **SEC. 515. STUDY OF ADEQUACY OF PARKING FACILITIES.**

20 The Secretary shall conduct studies to determine the
21 location and quantity of parking facilities at commercial
22 truck stops and travel plazas and public rest areas that
23 could be used by motor carriers to comply with Federal
24 hours-of-service rules. Each study shall include an inven-
25 tory of current facilities serving corridors of the National

1 Highway System, analyze where specific shortages exist
 2 or are projected to exist, and propose a specific plan to
 3 reduce the shortages. The studies may be carried out in
 4 cooperation with research entities representing the motor
 5 carrier and travel plaza industry.

6 **SEC. 516. NATIONAL MINIMUM DRINKING AGE—TECHNICAL**
 7 **CORRECTIONS.**

8 Section 158 of title 23, United States Code, is
 9 amended—

10 (1) by striking “104(b)(2), 104(b)(5), and
 11 104(b)(6)” each place it appears in subsection (a)
 12 and inserting “104(b)(3), and 104(b)(5)(B)”; and

13 (2) by striking subsection (b) and inserting the
 14 following:

15 “(b) AVAILABILITY OF WITHHELD FUNDS.—No
 16 funds withheld under this section from apportionment to
 17 any State after September 31, 1988, shall be available for
 18 apportionment to such State.”.

19 **SEC. 517. APPLICATION OF REGULATIONS.**

20 (a) APPLICATION OF REGULATIONS TO CERTAIN
 21 COMMERCIAL MOTOR VEHICLES.—Section 31135 as re-
 22 designated, is amended by adding at the end thereof the
 23 following:

24 “(g) APPLICATION TO CERTAIN VEHICLES.—Effec-
 25 tive 6 months after the date of enactment of the Inter-

1 modal Transportation Safety Act of 1997, regulations pre-
 2 scribed under this section shall apply to operators of com-
 3 mercial motor vehicles described in section 31132(1)(B)
 4 to the extent that those regulations did not apply to those
 5 operators before the day that is 6 months after such date
 6 of enactment.”.

7 (b) DEFINITION.—Section 31301(4)(B) is amended
 8 to read as follows:

9 “(B) is designed or used to transport—

10 “(i) passengers for compensation, but
 11 does not include a vehicle providing taxicab
 12 service and having a capacity of not more
 13 than 6 passengers and not operated on a
 14 regular route or between specified places;
 15 or

16 “(ii) more than 15 passengers, includ-
 17 ing the driver, and not used to transport
 18 passengers for compensation; or”.

19 (c) APPLICATION OF REGULATIONS TO CERTAIN OP-
 20 ERATORS.—

21 (1) Chapter 313 is amended by adding at the
 22 end thereof the following:

1 **“§ 31318. Application of regulations to certain opera-**
 2 **tors**

3 “Effective 1 year after the date of enactment of the
 4 Intermodal Transportation Safety Act of 1997, regula-
 5 tions prescribed under this chapter shall apply to opera-
 6 tors of commercial motor vehicles described in section
 7 31301(4)(B) to the extent that those regulations did not
 8 apply to those operators before the day that is 1 year after
 9 such date of enactment.”.

10 **SEC. 518. AUTHORITY OVER CHARTER BUS TRANSPOR-**
 11 **TATION.**

12 Section 14501(a) is amended—

13 (1) by striking “route or relating” and inserting
 14 “route;”; and

15 (2) by striking “required.” and inserting “re-
 16 quired; or to the authority to provide intrastate or
 17 interstate charter bus transportation.”.

18 **SEC. 519. FEDERAL MOTOR CARRIER SAFETY INVESTIGA-**
 19 **TIONS.**

20 The Department of Transportation shall maintain
 21 the level of Federal motor carrier safety investigators as
 22 in effect on September 30, 1997, or provide for alternative
 23 resources and mechanisms to ensure an equivalent level
 24 of commercial motor vehicle safety inspections. Such funds
 25 as are necessary to carry out this section shall be made

1 available within the limitation on general operating ex-
2 penses of the Department of Transportation.

3 **SEC. 520. FOREIGN MOTOR CARRIER SAFETY FITNESS.**

4 (a) IN GENERAL.—No later than 90 days after enact-
5 ment of this Act, the Secretary of Transportation shall
6 make a determination regarding the willingness and ability
7 of any foreign motor carrier that applied to operate in the
8 United States prior to January 1, 1996, to meet the safety
9 fitness and other regulatory requirements under this title.
10 The Secretary shall notify each carrier of the determina-
11 tion.

12 (b) REPORT.—One year after the date of enactment
13 this Act, the Secretary of Transportation shall submit a
14 report to the Senate Commerce, Science, and Transpor-
15 tation Committee and the House Transportation and In-
16 frastructure Committee on the application of section
17 13902(c)(9) of title 49, United States Code. The report
18 shall include—

19 (1) information on which carriers have applied
20 to the Department of Transportation under that sec-
21 tion;

22 (2) a description of the process utilized to re-
23 spond to such applications and to certify the safety
24 fitness of those carriers; and

1 (3) a description of performance-based meas-
 2 urements that have been used, or are proposed, to
 3 ensure the prompt and accurate registration of such
 4 foreign motor carriers.

5 **SEC. 521. COMMERCIAL MOTOR VEHICLE SAFETY ADVI-**
 6 **SORY COMMITTEE.**

7 (a) ESTABLISHMENT.—The Secretary of Transpor-
 8 tation may establish a Commercial Motor Vehicle Safety
 9 Advisory Committee to provide advice and recommenda-
 10 tions on a range of regulatory issues. The members of the
 11 advisory committee shall be appointed by the Secretary
 12 from among individuals affected by rulemakings under
 13 consideration by the Department of Transportation.

14 (b) FUNCTION.—The Advisory Committee estab-
 15 lished under subsection (a) shall provide advice to the Sec-
 16 retary on commercial motor vehicle safety regulations and
 17 assist the Secretary in timely completion of ongoing
 18 rulemakings by utilizing negotiated rulemaking proce-
 19 dures.

20 **SEC. 522. WAIVERS AND PILOT PROGRAMS.**

21 Section 31315 is amended—

22 (1) by inserting “(a) IN GENERAL.—” before
 23 “After notice”; and

24 (2) by adding at the end thereof the following:

25 “(b) PILOT PROGRAMS.—

1 “(1) IN GENERAL.—In carrying out this sec-
2 tion, the Secretary is authorized to carry out pilot
3 programs to examine innovative approaches or alter-
4 natives to regulations issued under this title.

5 “(2) REQUIREMENT FOR APPROVAL.—In carry-
6 ing out a pilot project under this subsection, the
7 Secretary shall require, as a condition of approval of
8 the project, that the safety measures in the project
9 are designed to achieve a level of safety that is
10 equivalent to, or greater than, the level of safety
11 that would otherwise be achieved through compliance
12 with the standards prescribed under this title.

13 “(3) EXEMPTIONS.—A pilot project under this
14 subsection—

15 “(A) may exempt a motor carrier under
16 the project from any requirement (or portion
17 thereof) imposed under this subtitle; and

18 “(B) shall preempt any State or local regu-
19 lation that conflicts with the pilot project dur-
20 ing the time the pilot project is in effect.

21 “(4) REVOCATION OF EXEMPTION.—The Sec-
22 retary shall revoke an exemption granted under
23 paragraph (3) if—

1 “(A) the motor carrier to which it applies
 2 fails to comply with the terms and conditions of
 3 the exemption; or

4 “(B) the Secretary determines that the ex-
 5 emption has resulted in a lower level of safety
 6 than was maintained before the exemption was
 7 granted.

8 **TITLE VI—RAIL AND MASS**
 9 **TRANSPORTATION ANTI-TER-**
 10 **RORISM; SAFETY**

11 **SEC. 601. PURPOSE.**

12 The purpose of this title is to protect the passengers
 13 and employees of railroad carriers and mass transpor-
 14 tation systems and the movement of freight by railroad
 15 from terrorist attacks.

16 **SEC. 602. AMENDMENTS TO THE “WRECKING TRAINS”**
 17 **STATUTE.**

18 (a) Section 1992 of title 18, United States Code, is
 19 amended to read as follows:

20 **“§ 1992. Terrorist attacks against railroads**

21 “(a) GENERAL PROHIBITIONS.—Whoever willfully—

22 “(1) wrecks, derails, sets fire to, or disables any
 23 train, locomotive, motor unit, or freight or passenger
 24 car used, operated, or employed by a railroad car-
 25 rier;

1 “(2) brings, carries, possesses, places or causes
2 to be placed any destructive substance, or destruc-
3 tive device in, upon, or near any train, locomotive,
4 motor unit, or freight or passenger car used, oper-
5 ated, or employed by a railroad carrier, without pre-
6 viously obtaining the permission of the carrier, and
7 with intent to endanger the safety of any passenger
8 or employee of the carrier, or with a reckless dis-
9 regard for the safety of human life;

10 “(3) sets fire to, or places any destructive sub-
11 stance, or destructive device in, upon or near, or un-
12 dermines any tunnel, bridge, viaduct, trestle, track,
13 signal, station, depot, warehouse, terminal, or any
14 other way, structure, property, or appurtenance used
15 in the operation of, or in support of the operation
16 of, a railroad carrier, or otherwise makes any such
17 tunnel, bridge, viaduct, trestle, track, station, depot,
18 warehouse, terminal, or any other way, structure,
19 property, or appurtenance unworkable or unusable
20 or hazardous to work or use, knowing or having rea-
21 son to know such activity would likely derail, disable,
22 or wreck a train, locomotive, motor unit, or freight
23 or passenger car used, operated, or employed by a
24 railroad carrier;

1 “(4) removes appurtenances from, damages, or
2 otherwise impairs the operation of any railroad sig-
3 nal system, including a train control system, central-
4 ized dispatching system, or highway-railroad grade
5 crossing warning signal on a railroad line used, op-
6 erated, or employed by a railroad carrier;

7 “(5) interferes with, disables or incapacitates
8 any locomotive engineer, conductor, or other person
9 while they are operating or maintaining a train, lo-
10 comotive, motor unit, or freight or passenger car
11 used, operated, or employed by a railroad carrier,
12 with intent to endanger the safety of any passenger
13 or employee of the carrier, or with a reckless dis-
14 regard for the safety of human life;

15 “(6) commits an act intended to cause death or
16 serious bodily injury to an employee or passenger of
17 a railroad carrier while on the property of the car-
18 rier;

19 “(7) causes the release of a hazardous material
20 being transported by a rail freight car, with the in-
21 tent to endanger the safety of any person, or with
22 a reckless disregard for the safety of human life;

23 “(8) conveys or causes to be conveyed false in-
24 formation, knowing the information to be false, con-
25 cerning an attempt or alleged attempt being made or

1 to be made, to do any act which would be a crime
2 prohibited by this subsection; or

3 “(9) attempts, threatens, or conspires to do any
4 of the aforesaid acts,

5 shall be fined under this title or imprisoned not more than
6 twenty years, or both, if such act is committed, or in the
7 case of a threat or conspiracy such act would be commit-
8 ted, within the United States on, against, or affecting a
9 railroad carrier engaged in or affecting interstate or for-
10 eign commerce, or if in the course of committing such acts,
11 that person travels or communicates across a State line
12 in order to commit such acts, or transports materials
13 across a State line in aid of the commission of such acts;
14 Provided however, that whoever is convicted of any crime
15 prohibited by this subsection shall be:

16 “(A) imprisoned for not less than thirty
17 years or for life if the railroad train involved
18 carried high-level radioactive waste or spent nu-
19 clear fuel at the time of the offense;

20 “(B) imprisoned for life if the railroad
21 train involved was carrying passengers at the
22 time of the offense; and

23 “(C) imprisoned for life or sentenced to
24 death if the offense has resulted in the death of
25 any person.

1 “(b) PROHIBITIONS ON THE USE OF FIREARMS AND
2 DANGEROUS WEAPONS.—

3 “(1) Except as provided in paragraph (4), who-
4 ever knowingly possesses or causes to be present any
5 firearm or other dangerous weapon on board a pas-
6 senger train of a railroad carrier, or attempts to do
7 so, shall be fined under this title or imprisoned not
8 more than one year, or both, if such act is commit-
9 ted on a railroad carrier that is engaged in or affect-
10 ing interstate or foreign commerce, or if in the
11 course of committing such act, that person travels or
12 communicates across a State line in order to commit
13 such act, or transports materials across a State line
14 in aid of the commission of such act.

15 “(2) Whoever, with intent that a firearm or
16 other dangerous weapon be used in the commission
17 of a crime, knowingly possesses or causes to be
18 present such firearm or dangerous weapon on board
19 a passenger train or in a passenger terminal facility
20 of a railroad carrier, or attempts to do so, shall be
21 fined under this title or imprisoned not more than
22 5 years, or both, if such act is committed on a rail-
23 road carrier that is engaged in or affecting inter-
24 state or foreign commerce, or if in the course of
25 committing such act, that person travels or commu-

1 nicates across a State line in order to commit such
2 act, or transports materials across a State line in
3 aid of the commission of such act.

4 “(3) A person who kills or attempts to kill a
5 person in the course of a violation of paragraphs (1)
6 or (2), or in the course of an attack on a passenger
7 train or a passenger terminal facility of a railroad
8 carrier involving the use of a firearm or other dan-
9 gerous weapon, shall be punished as provided in sec-
10 tions 1111, 1112, and 1113 of this title.

11 “(4) Paragraph (1) shall not apply to:

12 “(A) the possession of a firearm or other
13 dangerous weapon by an officer, agent, or em-
14 ployee of the United States, a State, or a politi-
15 cal subdivision thereof, while engaged in the
16 lawful performance of official duties, who is au-
17 thorized by law to engage in the transportation
18 of people accused or convicted of crimes, or su-
19 pervise the prevention, detection, investigation,
20 or prosecution of any violation of law;

21 “(B) the possession of a firearm or other
22 dangerous weapon by an officer, agent, or em-
23 ployee of the United States, a State, or a politi-
24 cal subdivision thereof, while off duty, if such
25 possession is authorized by law;

1 “(C) the possession of a firearm or other
 2 dangerous weapon by a Federal official or a
 3 member of the Armed Forces if such possession
 4 is authorized by law; or

5 “(D) an individual transporting a firearm
 6 on board a railroad passenger train (except a
 7 loaded firearm) in baggage not accessible to any
 8 passenger on board the train, if the railroad
 9 carrier was informed of the presence of the
 10 weapon prior to the firearm being placed on
 11 board the train.

12 “(c) PROHIBITION AGAINST PROPELLING OB-
 13 JECTS.—Whoever willfully or recklessly throws, shoots, or
 14 propels a rock, stone, brick, or piece of iron, steel, or other
 15 metal or any deadly or dangerous object or destructive
 16 substance at any locomotive or car of a train, knowing
 17 or having reason to know such activity would likely cause
 18 personal injury, shall be fined under this title or impris-
 19 oned for not more than 5 years, or both, if such act is
 20 committed on or against a railroad carrier engaged in or
 21 affecting interstate or foreign commerce, or if in the
 22 course of committing such act, that person travels or com-
 23 municates across a State line in order to commit such act,
 24 or transports materials across a State line in aid of the
 25 commission of such act. Whoever is convicted of any crime

1 prohibited by this subsection shall also be subject to im-
2 prisonment for not more than twenty years if the offense
3 has resulted in the death of any person.

4 “(d) DEFINITIONS.—In this section—

5 “(1) ‘dangerous device’ has the meaning given
6 to that term in section 921(a)(4) of this title;

7 “(2) ‘dangerous weapon’ has the meaning given
8 to that term in section 930 of this title;

9 “(3) ‘destructive substance’ has the meaning
10 given to that term in section 31 of this title, except
11 that (A) the term ‘radioactive device’ does not in-
12 clude any radioactive device or material used solely
13 for medical, industrial, research, or other peaceful
14 purposes, and (B) ‘destructive substance’ includes
15 any radioactive device or material that can be used
16 to cause a harm listed in subsection (a) and that is
17 not in use solely for medical, industrial, research, or
18 other peaceful purposes;

19 “(4) ‘firearm’ has the meaning given to that
20 term in section 921 of this title;

21 “(5) ‘hazardous material’ has the meaning
22 given to that term in section 5102(2) of title 49,
23 United States Code;

1 “(6) ‘high-level radioactive waste’ has the
2 meaning given to that term in section 10101(12) of
3 title 42, United States Code;

4 “(7) ‘railroad’ has the meaning given to that
5 term in section 20102(1) of title 49, United States
6 Code;

7 “(8) ‘railroad carrier’ has the meaning given to
8 that term in section 20102(2) of title 49, United
9 States Code;

10 “(9) ‘serious bodily injury’ has the meaning
11 given to that term in section 1365 of this title;

12 “(10) ‘spent nuclear fuel’ has the meaning
13 given to that term in section 10101(23) of title 42,
14 United States Code; and

15 “(11) ‘State’ has the meaning given to that
16 term in section 2266 of this title.”.

17 (b) In the analysis of chapter 97 of title 18, United
18 States Code, item “1992” is amended to read:

“1992. Terrorist attacks against railroads.”.

19 **SEC. 603. TERRORIST ATTACKS AGAINST MASS TRANSPOR-**
20 **TATION.**

21 (a) Chapter 97 of title 18, United States Code, is
22 amended by adding at the end thereof the following new
23 section:

24 **“§ 1994. Terrorist attacks against mass transportation**

25 **“(a) GENERAL PROHIBITIONS.—Whoever willfully—**

1 “(1) wrecks, derails, sets fire to, or disables a
2 mass transportation vehicle or vessel;

3 “(2) places or causes to be placed any destruc-
4 tive substance in, upon, or near a mass transpor-
5 tation vehicle or vessel, without previously obtaining
6 the permission of the mass transportation provider,
7 and with intent to endanger the safety of any pas-
8 senger or employee of the mass transportation pro-
9 vider, or with a reckless disregard for the safety of
10 human life;

11 “(3) sets fire to, or places any destructive sub-
12 stance in, upon, or near any garage, terminal, struc-
13 ture, supply, or facility used in the operation of, or
14 in support of the operation of, a mass transportation
15 vehicle, knowing or having reason to know such ac-
16 tivity would likely derail, disable, or wreck a mass
17 transportation vehicle used, operated, or employed
18 by a mass transportation provider;

19 “(4) removes appurtenances from, damages, or
20 otherwise impairs the operation of a mass transpor-
21 tation signal system, including a train control sys-
22 tem, centralized dispatching system, or rail grade
23 crossing warning signal;

24 “(5) interferes with, disables or incapacitates
25 any driver or person while they are employed in op-

1 erating or maintaining a mass transportation vehicle
2 or vessel, with intent to endanger the safety of any
3 passenger or employee of the mass transportation
4 provider, or with a reckless disregard for the safety
5 of human life;

6 “(6) commits an act intended to cause death or
7 serious bodily injury to an employee or passenger of
8 a mass transportation provider on the property of a
9 mass transportation provider;

10 “(7) conveys or causes to be conveyed false in-
11 formation, knowing the information to be false, con-
12 cerning an attempt or alleged attempt being made or
13 to be made, to do any act which would be a crime
14 prohibited by this subsection; or

15 “(8) attempts, threatens, or conspires to do any
16 of the aforesaid acts—shall be fined under this title
17 or imprisoned not more than twenty years, or both,
18 if such act is committed, or in the case of a threat
19 or conspiracy such act would be committed, within
20 the United States on, against, or affecting a mass
21 transportation provider engaged in or affecting
22 interstate or foreign commerce, or if in the course
23 of committing such act, that person travels or com-
24 municates across a State line in order to commit
25 such act, or transports materials across a State line

1 in aid of the commission of such act. Whoever is
2 convicted of a crime prohibited by this section shall
3 also be subject to imprisonment for life if the mass
4 transportation vehicle or vessel was carrying a pas-
5 senger at the time of the offense, and imprisonment
6 for life or sentenced to death if the offense has re-
7 sulted in the death of any person.

8 “(b) PROHIBITIONS ON THE USE OF FIREARMS AND
9 DANGEROUS WEAPONS.—

10 “(1) Except as provided in paragraph (4), who-
11 ever knowingly possesses or causes to be present any
12 firearm or other dangerous weapon on board a mass
13 transportation vehicle or vessel, or attempts to do
14 so, shall be fined under this title or imprisoned not
15 more than one year, or both, if such act is commit-
16 ted on a mass transportation provider engaged in or
17 affecting interstate or foreign commerce, or if in the
18 course of committing such act, that person travels or
19 communicates across a State line in order to commit
20 such act, or transports materials across a State line
21 in aid of the commission of such act.

22 “(2) Whoever, with intent that a firearm or
23 other dangerous weapon be used in the commission
24 of a crime, knowingly possesses or causes to be
25 present such firearm or dangerous weapon on board

1 a mass transportation vehicle or vessel, or in a mass
2 transportation passenger terminal facility, or at-
3 tempts to do so, shall be fined under this title, or
4 imprisoned not more than 5 years, or both, if such
5 act is committed on a mass transportation provider
6 engaged in or affecting interstate or foreign com-
7 merce, or if in the course of committing such act,
8 that person travels or communicates across a State
9 line in order to commit such act, or transports mate-
10 rials across a State line in aid of the commission of
11 such act.

12 “(3) A person who kills or attempts to kill a
13 person in the course of a violation of paragraphs (1)
14 or (2), or in the course of an attack on a mass
15 transportation vehicle or vessel, or a mass transpor-
16 tation passenger terminal facility involving the use
17 of a firearm or other dangerous weapon, shall be
18 punished as provided in sections 1111, 1112, and
19 1113 of this title.

20 “(4) Paragraph (1) shall not apply to:

21 “(A) the possession of a firearm or other
22 dangerous weapon by an officer, agent, or em-
23 ployee of the United States, a State, or a politi-
24 cal subdivision thereof, while engaged in the
25 lawful performance of official duties, who is au-

1 thorized by law to engage in the transportation
2 of people accused or convicted of crimes, or su-
3 pervise the prevention, detection, investigation,
4 or prosecution of any violation of law;

5 “(B) the possession of a firearm or other
6 dangerous weapon by an officer, agent, or em-
7 ployee of the United States, a State, or a politi-
8 cal subdivision thereof, while off duty, if such
9 possession is authorized by law;

10 “(C) the possession of a firearm or other
11 dangerous weapon by a Federal official or a
12 member of the Armed Forces if such possession
13 is authorized by law; or

14 “(D) an individual transporting a firearm
15 on board a mass transportation vehicle or vessel
16 (except a loaded firearm) in baggage not acces-
17 sible to any passenger on board the vehicle or
18 vessel, if the mass transportation provider was
19 informed of the presence of the weapon prior to
20 the firearm being placed on board the vehicle or
21 vessel.

22 “(c) PROHIBITION AGAINST PROPELLING OB-
23 JECTS.—Whoever willfully or recklessly throws, shoots, or
24 propels a rock, stone, brick, or piece of iron, steel, or other
25 metal or any deadly or dangerous object or destructive

1 substance at any mass transportation vehicle or vessel,
2 knowing or having reason to know such activity would like-
3 ly cause personal injury, shall be fined under this title or
4 imprisoned for not more than 5 years, or both, if such
5 act is committed on or against a mass transportation pro-
6 vider engaged in or substantially affecting interstate or
7 foreign commerce, or if in the course of committing such
8 acts, that person travels or communicates across a State
9 line in order to commit such acts, or transports materials
10 across a State line in aid of the commission of such acts.
11 Whoever is convicted of any crime prohibited by this sub-
12 section shall also be subject to imprisonment for not more
13 than twenty years if the offense has resulted in the death
14 of any person.

15 “(d) DEFINITIONS.—In this section—

16 “(1) ‘dangerous device’ has the meaning given
17 to that term in section 921(a)(4) of this title;

18 “(2) ‘dangerous weapon’ has the meaning given
19 to that term in section 930 of this title;

20 “(3) ‘destructive substance’ has the meaning
21 given to that term in section 31 of this title, except
22 that (A) the term ‘radioactive device’ does not in-
23 clude any radioactive device or material used solely
24 for medical, industrial, research, or other peaceful
25 purposes, and (B) ‘destructive substance’ includes

1 any radioactive device or material that can be used
 2 to cause a harm listed in subsection (a) and that is
 3 not in use solely for medical, industrial, research, or
 4 other peaceful purposes;

5 “(4) ‘firearm’ has the meaning given to that
 6 term in section 921 of this title;

7 “(5) ‘mass transportation’ has the meaning
 8 given to that term in section 5302(a)(7) of title 49,
 9 United States Code, except that the term shall in-
 10 clude schoolbus, charter, and sightseeing transpor-
 11 tation;

12 “(6) ‘serious bodily injury’ has the meaning
 13 given to that term in section 1365 of this title; and

14 “(7) ‘State’ has the meaning given to that term
 15 in section 2266 of this title.”.

16 (b) The analysis of chapter 97 of title 18, United
 17 States Code, is amended by adding at the end thereof:

“1994. Terrorist attacks against mass transportation.”.

18 **SEC. 604. INVESTIGATIVE JURISDICTION.**

19 The Federal Bureau of Investigation shall lead the
 20 investigation of all offenses under sections 1192 and 1994
 21 of title 18, United States Code. The Federal Bureau of
 22 Investigation shall cooperate with the National Transpor-
 23 tation Safety Board and with the Department of Trans-
 24 portation in safety investigations by these agencies, and
 25 with the Treasury Department’s Bureau of Alcohol, To-

1 bacco and Firearms concerning an investigation regarding
 2 the possession of firearms and explosives.

3 **SEC. 605. SAFETY CONSIDERATIONS IN GRANTS OR LOANS**
 4 **TO COMMUTER RAILROADS.**

5 Section 5329 is amended by adding at the end the
 6 following:

7 “(c) COMMUTER RAILROAD SAFETY CONSIDER-
 8 ATIONS.—In making a grant or loan under this chapter
 9 that concerns a railroad subject to the Secretary’s railroad
 10 safety jurisdiction under section 20102 of this title, the
 11 Federal Transit Administrator shall consult with the Fed-
 12 eral Railroad Administrator concerning relevant safety is-
 13 sues. The Secretary may use appropriate authority under
 14 this chapter, including the authority to prescribe particu-
 15 lar terms or covenants under section 5334 of this title,
 16 to address any safety issues identified in the project sup-
 17 ported by the loan or grant.”.

18 **SEC. 606. RAILROAD ACCIDENT AND INCIDENT REPORTING.**

19 Section 20901(a) is amended to read as follows:

20 “(a) GENERAL REQUIREMENTS.—On a periodic basis
 21 as specified by the Secretary of Transportation, a railroad
 22 carrier shall file a report with the Secretary on all acci-
 23 dents and incidents resulting in injury or death to an indi-
 24 vidual or damage to equipment or a roadbed arising from
 25 the carrier’s operations during that period. The report

1 shall state the nature, cause, and circumstances of each
2 reported accident or incident. If a railroad carrier assigns
3 human error as a cause, the report shall include, at the
4 option of each employee whose error is alleged, a state-
5 ment by the employee explaining any factors the employee
6 alleges contributed to the accident or incident.”.

7 **SEC. 607. VEHICLE WEIGHT LIMITATIONS—MASS TRANS-**
8 **PORTATION BUSES.**

9 Section 1023(h)(1) of the Intermodal Surface Trans-
10 portation Efficiency Act of 1991, as amended (23 U.S.C.
11 127 note), is amended by striking “the date on which”
12 and all that follows through “1995” and inserting “Janu-
13 ary 1, 2003”.

○